

***Dedicated to the innocent victims of the Nagorno-Karabakh war***

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# The Nagorno-Karabakh Conflict between Armenia and Azerbaijan

A Brief Historical Outline

Johannes Rau

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## 1. Introduction

The end of the Soviet Union was associated with the outbreak of various armed conflicts on its former territory. The former union's southern Caucasian republics of Armenia, Azerbaijan and Georgia remain critically affected by these conflicts up to the present day. In the light of the history of the Soviet empire and its Russian predecessor, these trends are hardly surprising, given that this empire had resulted from centuries of conquest and been held together through a considerable degree of force and indeed, in some cases, brutality.

While territorial conflicts in the southern Caucasus in the late 1980s and early 1990s were mainly politico-ethnic in character, at the same time the deep historical "rootedness" of these conflicts was immense. This is especially true of the Nagorno-Karabakh conflict. The difficulties in resolving this conflict also lie in the fact that – unlike a small number of specialists – the larger world public is for the most part unaware of its historical background. The present publication aims to make up for this lack of information. A large number of historical facts are presented here to a broad international readership for the first time.

This publication expressly argues in favour of a political and peaceful resolution of the conflict. A continuation of the Nagorno-Karabakh conflict is liable to destabilise not only Armenia and Azerbaijan but also the entire region and to cause renewed armed hostilities. The author is convinced that there are several peaceful means of solving the conflict, with particularly critical roles being played by international organisations. Several possible scenarios are suggested to the reader.

Through the research presented here, the author wishes to help to bring to a German and international public an awareness of the historical context of the Nagorno-Karabakh conflict.

It is for the reader to decide whether the author has been successful in this aim. The author hopes that his readers will enjoy reading this book and also discover a few surprises along the way, as the author himself did while carrying out his research.

## 2. History of Karabakh: From Antiquity to the Late 17<sup>th</sup> and Early 18<sup>th</sup> Century

In the first century AD, the region nowadays referred to as Nagorno-Karabakh formed part of the province of Arsakh or Karabakh, which was a part of Caucasian Albania.<sup>1</sup> The earliest mention of the Albanian word "Arsakh" is in the Avesta, where it means "Land of the Winds".

Caucasian Albania – which is not to be confused with the present-day European country of Albania – was the earliest state in northern Azerbaijan. The Albanians' language formed part of the north-eastern group of Caucasian languages.<sup>2</sup> The Albanians had their own alphabet and culture. Albanian Christian monuments are distinct from those of the Armenians.<sup>3</sup> These Albanians are considered one of the ancestors of the modern Azerbaijani people.<sup>4</sup>

The historical region of Karabakh or Arsakh was one of the most important provinces in Caucasian Albania. Farida Mamedova's many years of research into the history and etymology of Arsakh/Karabakh have provided rich fruits.<sup>5</sup>

Karabakh/Arsakh was subjugated by the Albanian rulers of the Arsakid dynasty and then, in the 6<sup>th</sup> and 8<sup>th</sup> centuries, by the Albanian grand dukes of the Mikhranid dynasty. Arsakh formed part of the present-day Nagorno-Karabakh and was also part of the *Mil steppe*. It was known under a variety of names in various historical sources: as Orkhistena by ancient authors in the first century BC, as Arsakh in Albanian and

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<sup>1</sup> Cf. Shnirelman, B.: *Byt Alanami: intellektualy i politika na Severnom Kavkaze v XX veke* (Being an Alan: Northern Caucasian Intellectuals and Politics in the 20<sup>th</sup> Century), Moscow 2006.

<sup>2</sup> Several of the 26 tribes which made up the inhabitants of Caucasus Albania at that time were of Turkic origin.

<sup>3</sup> Albanian culture, documents and monuments were gradually "Armenianised" with the decline of Caucasus Albania.

<sup>4</sup> The Udins were one of the Albanian tribes. The Udins, who were already mentioned in the works of ancient Greek authors and who were practising Christians, continue to live in present times in the village of Nij close to the town of Gabala in northern Azerbaijan. Their current population is in excess of 6000.

<sup>5</sup> Mamedova, F.: *Ursachen und Folgen des Karabach-Problems. Eine historische Untersuchung*. In: *Krisenherd Kaukasus* (Uwe Halbach/Andreas Kappeler – ed.), Baden-Baden, Nomos Verl.-Ges., 1995, p. 110 ff.

Armenian sources between the 5<sup>th</sup> and 18<sup>th</sup> centuries and as Karabakh in Georgian and Persian sources in particular.<sup>6</sup>

The works of the mediaeval Arab authors and travellers such as Yakubi, al-Kufi, al-Masudi, al-Istakhri, Mukaddasi and Yakut al-Khamavi confirm that inhabitants of Azerbaijan, including Karabakh, spoke “Aranian”, one of the Albanian languages of that time. According to the Albanian historian Moses Kalankaytuk, the region between the Kura and Arax rivers was called “Aran”.<sup>7</sup> The Albanian word “Aran” was replaced by the Turkic word “Karabakh” in the 12<sup>th</sup> century.

In the year 313 Albania adopted Christianity as its state religion and Christianity (the Gregorian church) began to spread in Caucasian Albania in the 4<sup>th</sup> to 5<sup>th</sup> centuries. At the start of the 8<sup>th</sup> century, Arsakh and all of Caucasian Albania were conquered by Arabs and Islam gradually replaced Christianity among large sections of the population. “The Armenian Catholicos Ilya exploited this situation – the expansion of Islam – and notified the Arabian caliph Abd al-Malik that Christian Albanians were preparing a rebellion against the Arabs. The caliph did not look into the details of this, and ordered that the Albanian Christians be integrated into the Armenian church.”<sup>8</sup>

This was the start of the so-called de-ethnicisation of the Albanians of Nagorno-Karabakh, who in time came to lose their own identity. In 1836 the Albanian patriarchate was dissolved by the Russian tsarist empire and its property transferred to the Armenian church. In 1909-1910 the religious-political destruction of the Albanian church had been completed. The Russian Holy Religious Synod authorised the Armenian synod of Echmiadzin to destroy old archive materials of the subordinate eparchies. A large number of historians and researchers are convinced that this

<sup>6</sup> The Turkic word Karabakh means “black garden/vineyard” or “large garden”. “Kara” means “black” or “large” in Turkish, “bag” means “garden”.

<sup>7</sup>Cf. Gadiev, G.: Karabakh v srednevekov'e (Mediaeval Karabakh), in: IRS, Moscow, nos. 2-3 (14-15), p. 20.

<sup>8</sup> Velichko, V.L.: Kavkaz (Caucasus), St-Petersburg 1904, p. 65f.; Bunyatov, Z.M.: Azerbaydzhan v VII-IX vekax (Azerbaijan in the 7<sup>th</sup>-9<sup>th</sup> Centuries), Baku, 1999, chap. 2.

destruction included the archive materials of the Albanian church which were then still extant.<sup>9</sup>

From the 4<sup>th</sup> century BC to the 8<sup>th</sup> century AD, Karabakh formed part of Caucasian Albania for a period of roughly 1,200 years. Following the collapse of the independent Albanian state, as part of the geographical and political Azerbaijan Karabakh belonged to the Azerbaijani states of the Sajids in the 9-10<sup>th</sup> century, the Salarids in the 10<sup>th</sup> centuries and the Shaddadids in the 10-11<sup>th</sup> century.<sup>10</sup> In the mid-11<sup>th</sup> century the Albanian tsardom experienced an invasion by the Seljuq Turks<sup>11</sup> which lasted for more than a century. In the first quarter of the 12<sup>th</sup> century, Karabakh formed part of the Azerbaijani Atabey-Ildenizid state. In the year 1136 the Seljuq sultan Masud Atabey made Shamsaddin Eldeniz prince of Aran/Karabakh. In the 12<sup>th</sup> and 13<sup>th</sup> centuries the principality of Khachen rose and prospered in Arsakh, which according to I.A. Orbeli was “part of ancient Albania”.<sup>12</sup> In the 1230s the historical territory of Caucasian Albania, including Karabakh, was conquered by Mongols.

From the 15<sup>th</sup> century onwards, the Karabakh khans bore the title of *melik*.<sup>13</sup> It is notable that melik rule was originally confined to Karabakh-Arsakh and subsequently spread to the Azerbaijani khanate of Sheki,<sup>14</sup> mainly through adherents of melik rule in Karabakh. In their letters to the Russian tsar, the meliks of Karabakh call themselves “heirs of the Albanian [not Armenian - J.R.] Arshakids”. The Albanian princes bore the title “melik”, unlike the Armenian titles “Ter”, “Nacharar” etc. None of the Albanian melik surnames derives from Armenian dynasties.

<sup>9</sup> Dzhamal, S.: Karabakh v administrativno-politicheskoy sisteme Rossiyskoy imperii v XIX – nachale XX vv. (Karabakh in the Politico-Administrative System of the Russian Empire in the 19<sup>th</sup> and Early 20<sup>th</sup> Centuries), in IRS, Moscow, nos. 2-3 (14-15) 2005.

<sup>10</sup> See the maps in the Appendix.

<sup>11</sup> The Seljuqs – one of whose leaders, Seljuq, founded a dynasty (11<sup>th</sup> century) – are a branch of the Turkic Turk-Ogus tribe. In the 11<sup>th</sup> century they conquered not only the Albanian tsardom but also part of Central Asia and almost all of present-day Iran, Iraq, Armenia, Asia Minor, Georgia and other territories. The Seljuqs’ power peaked in terms of territorial expansion under Malik-Shah (1073-1092).

<sup>12</sup> Cf. Orbeli, I.: A. Gasan Dzhamal – knyaz’ Chachenskiy. V: Izbrannye trudy (Gasan Dzhamal – The Prince of Khachen. In: Selected Works.), Erivan 1963, p. 146.

<sup>13</sup> Melikdoms were small autonomous principalities. The title “Melik” was added to the surnames of the rulers.

<sup>14</sup> Sheki is nowadays a town in the north of the Republic of Azerbaijan.

Likewise, from the 16<sup>th</sup> to the 20<sup>th</sup> centuries, Karabakh, Erivan, Ganja and Zangezur<sup>15</sup> were exclusively considered Azerbaijani regions. This is also evidenced by the ruling dynasty founded by the Armenian sacrificial priest Oganesh Shakhkhatun, to which recurrent reference was made even in the Armenian sources in the Soviet period. Amongst the rulers who held power from 1410 to 1827 in areas including the territory of the modern-day republic of Armenia there was not a single Armenian ruler (cf. the list of rulers of the Yerevan/Irevan khanate in the Appendix).<sup>16</sup>

In the 17<sup>th</sup> century and the first half of the 18<sup>th</sup> century, Karabakh became a battlefield in the struggle between the Persian and Ottoman empires. With the goal of liberating the population (mainly Caucasian Albanians) of the melikdoms of Karabakh from Ottoman and Persian rule, Israel Ori (1691-1711) – the son of a Karabakh melik – visited German and Italian principalities as well as France and Russia and attempted to gain the support of the European powers for his plan. However, Ori's plan was frustrated by his early death.<sup>17</sup>

The issue of the fate of Karabakh became acute in the 18<sup>th</sup> century under Catherine II. A project of Potemkin states: "Exploiting the Persian turmoil, occupy Baku, Derbent and other regions, annex Gilan and under the name of Albania declare the conquered territory to be the future inheritance of the grand duke Constantine Pavlovich".<sup>18</sup> The Russian government intended to establish an Albanian tsardom in keeping with the historical facts. The Russian general A. V. Suvorov – who was related to the meliks of Karabakh – was to lead a major campaign of liberation for Karabakh. As confirmed by Armenian sources, Suvorov's plans were also concerned with Albanian territories and the area surrounding Erivan, which belonged to the Azerbaijani Erivan khanate.<sup>19</sup>

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<sup>15</sup> Zangezur was the southern part of the Azerbaijani province of Elisavetpol. This region was transferred to Armenia by the Bolshevik government in Azerbaijan in 1920.

<sup>16</sup> Cf. *Armyanskaya Sovetskaya Entsiklopediya* (Armenian Soviet Encyclopaedia), vol. 3, Erivan 1977, p. 571.

<sup>17</sup> Cf. *Istoriya armyanskogo naroda* (History of the Armenian People), Erivan 1980, p. 163-170.

<sup>18</sup> Cf. Khranovskiy, A.P. V.: *Chteniya v imperatorskom obshchestve drevnostey rossiyskikh pri Moskovskom Universitete* (Readings in the Imperial Society at Moscow University), vol. 2, Moscow 1872, p. 37.

<sup>19</sup> Cf. *Istoriya armyanskogo naroda* (History of the Armenian People), Erivan 1951, p. 266; *Istoriya armyanskogo naroda* (History of the Armenian People), Erivan 1980, p. 171 ff.

In the mid-18<sup>th</sup> century, the Azerbaijani khan Panakh Ali founded the Karabakh khanate and the fortress of Panakhabad, which was later renamed Shusha (the name of one of the nearby settlements) and became the khanate's administrative centre.<sup>20</sup> In 1795 the Karabakhians offered stubborn resistance to their Iranian conquerors. As early as the 18<sup>th</sup> century friendly relations developed between the Karabakh khanate and tsarist Russia. The Azerbaijani writer and statesman Molla Panakh Vagif (ca. 1717-1797) played a major role in this.

An analysis of the historical facts shows that Karabakh-Arsakh was an integral part of the states located on the territory of historical Azerbaijan. Nagorno-Karabakh has therefore been a historical province of Azerbaijan since time immemorial.<sup>21</sup>

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<sup>20</sup> In historical terms, Shusha was an Azerbaijani town. As a large number of well-known musicians, composers and poets lived in Shusha, the town is known as an "Azerbaijani musical conservatory". The founder of the first opera house in history of the Muslim Orient, the Azerbaijani composer Uzeyir Hadjibeyov, also came from Shusha.

<sup>21</sup> Cf. Mamedova, F.: *Ursachen und Folgen des Karabach-Problems. Eine historische Untersuchung*. In: *Krisenherd Kaukasus* (Uwe Halbach/Andreas Kappeler – ed.), Baden-Baden, Nomos Verl.-Ges., 1995, p. 110 ff.

### 3. The Russo-Persian Wars over the Southern Caucasus and the Role of the Karabakh Khanate in the Development of the Azerbaijani State

During the Safavid dynasty (1501-1736), the Azerbaijani territories were divided up into four different *beyliks*.<sup>22</sup> Shirvan, Karabakh (or Ganja), Chukhursaad (or Erivan) and Azerbaijan (or Tebris).<sup>23</sup> The beyliks were administered by governors of the Persian shah.

The Shahverdi dynasty held the post of *beylerbey* with the title “khan” until 1736. Following the violent death (1747) of the Persian Shah Nadir and the weakening of central Persian power, 20 khanates (principalities) developed on the Azerbaijani territories.

The Karabakh beylik included the large region between the Kura and Arax rivers in which Kasakh, Shamshadin, Lori and Pambak were located.<sup>24</sup> Karabakh’s first beylerbey was a Shahverdi sultan of the Ziyadoglu dynasty of Azerbaijani tribes. He was appointed by the Persian shah Tahmasb I in the 1540s.<sup>25</sup>

The Karabakh khanate was one of the politically most important and largest Azerbaijani khanates. The founder of this khanate was Panakh Ali-Bek Javanshir (1747-1763), one of the key Azerbaijani statesman of the 18<sup>th</sup> century.<sup>26</sup> Most of the population was made up of Azerbaijani tribes such as the Otuziki, Javanshir and Kebirli.

In the mountainous areas of Karabakh the 5 melikdoms of Khachen, Varanda, Talysh (or Gulistan), Dizak and Jeraberd came into being; they were led by meliks<sup>27</sup> of Albanian provenance.<sup>28</sup> These meliks were completely dependent on the Karabakh khan and had no policy of their own. A number of melik vassals continuously strove for independence, and Panakh Khan was compelled to organise a large number of campaigns against these meliks, in which he was successful.

In the battle to strengthen the khan’s power, the choice of his main residence and capital were of particular significance. In the case of Panakh Khan, the newly constructed (1748) fortress of Bayat initially became his main residence. This role was subsequently given over to the fortresses of Askeran and Shahbulag and finally the new fortress (constructed in 1751) of Panakhabad (nowadays Shusha, Shusha Galasi). Following the construction of the new capital of Shusha, Panakh Khan began to unite other Azerbaijani khanates around his own.

This was in no way acceptable to Persia’s regional policy, and as early as 1752 the heir to the shahdom and army commander Mohammed Hasan Khan Qajar mounted an attack on the Karabakh khanate. His campaign was unsuccessful and he retreated to Persia, where the battle for the throne intensified.<sup>29</sup> However, the peace was short-lived and in 1759 a Persian army of 30,000 men led by Fatali Khan Afshar (one of Nadir Shah’s best-known generals) attacked the khanate. Afshar was able to occupy all the southern regions of Azerbaijan and several administrative districts (*rayons*) of the Karabakh khanate. However, in the decisive battle in the Shusha region Panakh Khan’s army was triumphant. This defeat and the approach of winter meant that Fatali Khan was compelled to conclude an armistice with Panakh Khan.<sup>30</sup>

Subsequently, Panakh Khan was even able to defeat his enemy Fatali Khan in an alliance with the new ruler of Persia, Karim Khan Zand. However, due to the shah’s treachery Panakh Khan ended his days as a

<sup>27</sup> “Melik” meant “tsar” in old Arabic.

<sup>28</sup> Cf. Yoannisyanyan, A. R.: *Rossiia i armyanskoe osvoboditelnoe dvizhenie v 80-kh godakh XVIII stoletiya* (Russia and the Armenian Liberation Movement in the 1780s), Erivan 1947, p. 16.

<sup>29</sup> Cf. Mirsa Adigesal-Bek. *Karabakhname*, Baku 1950, p. 64.

<sup>30</sup> Cf. Mirsa Adigesal-Bek. *Karabakhname*, Baku 1950, p. 70.

<sup>22</sup> *Beylik* – autonomous state led by a beg/prince.

<sup>23</sup> Cf. Rakhmani, A. A.: *Azerbaydzhan v kontse XVI i v XVII veke (1590-1700 godi)* (Azerbaijan in the Late 16<sup>th</sup> and 17<sup>th</sup> Century (1590-1700)), Baku 1981, p. 87ff.

<sup>24</sup> Cf. *Istoricheskaya geografiya Azerbaydzhana* (Historical Geography of Azerbaijan), Baku 1987, p. 114-116; Rakhjani, A.: *Azerbaydzhan: granitsy i administrativnoye delenie v XVI-XVII vekakh. V: Istoricheskaya geografiya Azerbaydzhana* (Azerbaijan: Borders and Administrative Division in the 16<sup>th</sup>-17<sup>th</sup> Century. In: *Historical Geography of Azerbaijan*), p. 123; *Istoriya armyanskogo naroda* (History of the Armenian People), Erivan 1980, p. 189.

<sup>25</sup> Cf. *Sbornik statey po istorii Azerbaydzhana* (Collection of Articles on the History of Azerbaijan), Issue no. 1, Baku 1949, p. 250.

<sup>26</sup> Cf. Petrushevskiy, I. P.: *Khanstva Azerbaydzhana i vosniknovenie russkoj orientatsii. Ivestiya AN Azerb. SSR. (The Khanates of Azerbaijan and the Origins of the Russian Orientation. Reports of the Academy of Sciences of Azerbaijan)*, Issue no. 2, Baku 1946, N5, p. 100.

hostage in Persia's Shiraz.<sup>31</sup> He was buried in Agdam in the locality of Imaret. Nonetheless, the Karabakh khanate remained sovereign and independent, and under Ibrahim Khalil Khan (1763-1806, the son of Panakh Khan) it advanced to the position of being one of the most powerful khanates in Azerbaijan.<sup>32</sup> The Azerbaijani writer Molla Panakh Vagif – who was also the chief vizier of Ibrahim Khalil Khan from 1769 – made a considerable contribution to the development of the Karabakh khanate's power.

Up to the end of 1794 the power of the Persian shah Aga Mohammed Khan Qajar grew rapidly, and the peril from the south increased accordingly for the khanates of Azerbaijan. At the initiative of Ibrahim Khalil Khan, an anti-Qajar coalition of Azerbaijani khanates (Karabakh, Erivan, Talysh) and external actors came into being. Due to the positive relations with the Georgian tsar Irakli II, Ibrahim Khalil Khan was able to gain him as an ally against the threat posed by Qajar. Molla Panakh Vagif was dispatched to Tbilisi as a special envoy in this matter.<sup>33</sup>

The other part of the Karabakh khanate's security strategy looked northwards. Contacts were forged with the Russian army in the northern Caucasus and suggestions were made of an alliance. These activities of the Karabakh khan and other khans of northern Azerbaijan led the Persian ruler Aga Mohammed Khan to issue fresh threats against the Azerbaijani khanates. The khans all submitted and the Karabakh khanate alone was prepared to defend its sovereignty and independence by military means.<sup>34</sup>

The shah was unable to brook such "disobedience" and commenced military "subjugation measures". The Karabakh khan repelled the initial Persian attack in 1794 in an alliance with the Georgian tsar Irakli II.<sup>35</sup> One year later Aga Mohammed Khan began a second attempt. With an 85,000-strong army led by French officers the shah moved on Karabakh. Shusha –

<sup>31</sup> Ibid, p. 72.

<sup>32</sup> Cf. Petrushevskiy, I. P.: *Ocherki po istorii feodalnikh odnoscheniy v Azerbaydzhanе i Armenii v XVI-XIX vv. (Outlines of the History of Feudal Relations in Azerbaijan and Armenia in the 16<sup>th</sup>-19<sup>th</sup> Centuries)*, Leningrad 1949, p. 137.

<sup>33</sup> Cf. Mustafaeв, D. M.: *Severnye khanstva Azerbaydzhana i Rossiya (konets XVIII – nachalo XIX vv.) (Northern Khanates of Azerbaijan and Russia (Late 18<sup>th</sup> – Early 19<sup>th</sup> Centuries)*, Baku 1989, p. 73.

<sup>34</sup> Cf. Potto, V. A.: *Kavkazskaya voyna (The Caucasian War)*, vol. 1, Stavropol 1994, p. 259.

<sup>35</sup> The Georgian units were led into battle by Alexander, the son of the tsar Irakli II.

which was defended by 15,000 Karabakhians – was besieged but proved able to withstand a 33-day battle.<sup>36</sup> Finally, the shah sent offers of negotiations to Ibrahim Khalil Khan, who was not about to abandon his resistance. In February 1796 Aga Mohammed Khan was then forced to beat a rapid retreat: Fresh disturbances had flared up in Iran and Russia was moving increasing numbers of military personnel to her border with the Azerbaijani territories.

In the spring of 1796, the Russian army led by General B. A. Zubov then launched a major campaign against Azerbaijan. The major Azerbaijani towns (Derbent, Baku, Kuba, Shemakha and Ganja) were occupied. To prevent an attack on his khanate, Ibrahim Khalil Khan sent the Russians a large number of gifts and promised his loyalty to the Russian tsarina Catherine II. However, on this occasion the Russians did not remain long in Azerbaijan. In 1796 the tsarina Catherine II died and her successor Paul I ordered the Russian army to leave Azerbaijan.

Aga Mohammed Shah took these events to be a gift of fate and in 1797 he once again besieged the capital, Shusha, before entering it through a cunning ruse following protracted fighting. Those killed in the massacre subsequently ordered by the shah in Shusha included the writer and vizier Molla Panakh Vagif. Shah Aga Mohammed Khan was himself murdered in Shusha by rival compatriots.<sup>37</sup> During the siege of Shusha Ibrahim Khalil Khan managed a sally in the course of which the enemy's artillery was destroyed. However, the khan's route back to the fortress was cut off by the Persians. With considerable effort, the khan and his troops were able to fight their way through in the direction of Dzharo and Tali. The khan did not return to the fortress of Shusha – which had been ransacked by the Persians – for three months. Persia's Fatali Shah now attempted to reach an understanding with Ibrahim Khalil Khan through marital diplomacy, in which aim he was successful.<sup>38</sup>

At the beginning of the 19<sup>th</sup> century Russian Caucasian policy once again led to brisk activities, initially in relation to Georgia and

<sup>36</sup> Potto, V. A.: *Utverzhdenie russkogo vladychestva na Kavkaze (The Consolidation of Russian Rule in the Caucasus)*, vol. 1, Tbilisi 1904, p. 241.

<sup>37</sup> Potto, V. A.: *Utverzhdenie russkogo vladychestva na Kavkaze (The Consolidation of Russian Rule in the Caucasus)*, vol. 1, Tbilisi 1904, p. 270.

<sup>38</sup> Cf. Bershche, A.: *Fatali-Shah i ego deti (Fatali Shah and his Children)*, vol. 50, 1886, p. 553.



subsequently Azerbaijan. In 1803 General Tsitsianov – since 1802 the supreme commander of the Russian army in Georgia – attacked the Dzharo-Belokan region and in 1804 the Ganja khanate.<sup>39</sup> It was clear that the Karabakh khanate did not enjoy any protection against Russian attack either, and Ibrahim Khalil Khan's efforts to aid Javad Khan in Ganja were not enough to save him. All he could do was to hide Javad Khan's two sons in Shusha.

The strategically important location of Karabakh and its natural resources led General Tsitsianov to launch a campaign of diplomacy in relation to Ibrahim Khalil Khan which consisted of a mixture of threats and propositions. It was brusquely suggested to the khan that he accept Russian nationality.<sup>40</sup> In view of a fresh invasion by Persians in the south of Karabakh and the start of the Russo-Persian War in 1804, the Karabakh khan was faced with a dilemma. The neighbouring powers, Persia and Russia, both wished to annex the Karabakh khanate.

As a wise politician Ibrahim Khalil Khan – who had already governed the independent Karabakh khanate for a period of 43 years – took what was the correct decision at the time. Bearing in mind the contemporary geopolitical situation, he selected the lesser of the two evils.<sup>41</sup> Under the treaty of May 14, 1805, the Karabakh khanate under Ibrahim Khan was the first of the Azerbaijani khanates to become part of tsarist Russia.<sup>42</sup> On September 10, 1806, the treaty was confirmed by an ukase issued by the Russian tsar Alexander I and in 1813 it was internationally recognized under the "Treaty of Eternal Peace and Friendship" between Russia and Persia. This did at least enable the Karabakh khanate to retain its autonomy as an Azerbaijani khanate for 17 years (until 1822). In 1822, Karabakh's khanate status was then abolished and it was transformed into a militarily administered province of the Russian tsarist empire.

Since the treaty was signed on the banks of the river Kurak in Karabakh, it went down in history as the Kurakchay treaty. The treaty was

<sup>39</sup> Cf. the archive collection "Akti Kavkasskoy archeograficheskoy komissii" (AKAK), (Files of the Archeographical Commission), vol. 2, Tbilisi 1868, document 1387, p. 685.

<sup>40</sup> AKAK, vol. 2, document 1387, p. 703.

<sup>41</sup> Cf. Segal I.: *Elisavetpolskaya guberniya* (Elisavetpol Province), in: *Kavkazskiy vestnik* (Caucasus Messenger), N3, 1902.

<sup>42</sup> Cf. Appendix. Treaty between the Karabakh khan and the Russian empire regarding the Karabakh khanate's subjection to Russian rule, dated May 14, 1805.

signed on the Russian side by General Pavel Tsitsianov and on the Karabakh side by Ibrahim Khan. It is of topical relevance that in this treaty Ibrahim Khan is mentioned as the khan of Karabakh and Shusha. Since the parties to the current conflict violently disagree on this aspect of history, a copy of the treaty and an unofficial English-language translation of the treaty have been appended to this study.

In the spring of 1806 a 20,000-strong Iranian army once again entered Karabakh. Ibrahim Khalil Khan deployed a 1,000-strong cavalry and fought on the side of the Russians against the Persian army. At this time he was the sole Azerbaijani khan to continue to offer military resistance to the Persians.<sup>43</sup> Nonetheless, the last days of Ibrahim Khalil Khan were tragic and were characterised by strokes of fate. When the Persian army approached Shusha in 1806, Ibrahim Khalil Khan and his family were executed by the Russian major Lisanevich on grounds of alleged treason. The sole survivor was the khan's son, Mehdigulu aga.<sup>44</sup> This mistaken execution did not change the status of the Karabakh khanate for the time being. The above-mentioned ukase of emperor Alexander I of September 10, 1806 confirmed the Russian major general Mehdigulu aga as the successor to Ibrahim Khalil Khan and the new Karabakh khan. The execution of Ibrahim Khalil Khan and his family was referred to as "a sad event" in emperor Alexander I's ukase.<sup>45</sup> Sixteen years later, in 1822, the Karabakh khanate was dissolved and the province of Karabakh established. However, the Azerbaijani Karabakh elite maintained its autonomy in internal matters, albeit in substantially weakened form. In the Russo-Iranian war (1826-1828) the Karabakh cavalry made a substantial contribution to Russia's victory. This was confirmed by the Russian general Ermolov.<sup>46</sup>

<sup>43</sup> Potto, V. A.: *Utverzhdenie russkogo vladychestva na Kavkaze* (The Consolidation of Russian Rule in the Caucasus), vol. 1-4, Tbilisi 1901-1908, vol 2, p. 6; magazine "Otechestvennye zapiski" ("Notes of the Fatherland"), 1828, no. 93.

<sup>44</sup> Cf. Dschamal, S.: *Karabach in dem administrativ-politischen System des Russischen Imperiums im 19. bis Anfang des 20. Jahrhunderts*, in: *IRS*, nos. 2-3, Moscow, 2005, p. 41.

<sup>45</sup> Cf. *Dvukhsotletie Karabakhskoy tragedii, ili posledstviya dogovora u reki Kurekchai* (200 Years of the Karabakh Tragedy, or the Consequences of the Treaty by the River Kurakchay), in: "Zerkalo", Baku, February 15, 2005; "Azerbaijan", Baku, November 8, 1989.

<sup>46</sup> Cf. Ibrahim Khalilbeyli, H. M.: *Rossiya i Azerbaydzhan v pervoy treti XIX v. (iz voenno-politicheskoy istorii)*, (Russia and Azerbaijan in the First Third of the 19<sup>th</sup> Century (Military-Political History)), Moscow 1969, p. 106.

The history of the independence struggles of the Karabakh beylik and the Karabakh khanate is of key significance in the development of Azerbaijan as an independent state. To date, in European countries too little attention and consideration has been given to this history and its contemporary political significance.

#### **4. An Epoch in Russian History and the Transfer of Armenians to the Southern Caucasus in the 19<sup>th</sup> Century**

In the late 18<sup>th</sup> and early 19<sup>th</sup> centuries the major powers of the age – Russia, Persia and the Ottoman Empire – became visibly entangled in struggles over the territories of the Caucasus and their influence there. The power and spread of the Ottoman Empire and of Persia collapsed, and the age of Russia's great conquests in the southern Caucasus commenced. This was the period leading up to Russia's Great North Caucasus War (1817-1864).<sup>47</sup>

Towards the end of the 18<sup>th</sup> century, on the territory of what is now Azerbaijan 20 different states came into being: khanates, sultanates and melikdoms (*melikler*). The largest of these were the Sheki, Karabakh and Kuba khanates. The territory's powerful neighbours, Persia, the Russian tsarist empire and the Ottoman Empire, skilfully exploited its division for the sake of their own power interests. The divided states had to steer a course between these interests.

Under tsar Alexander I (1801-1825) Russia fought successful wars on various fronts, including against Persia (1804-1813), the Ottoman Empire (1806-1812), Sweden (1808-1809) and France (1812-1814). Under Alexander I, Russia annexed eastern Georgia (1801), Finland (1809), Bessarabia (1812), a series of Azerbaijani khanates (1803-1813) and the Grand Duchy of Warsaw. For his achievements on behalf of Russia, Alexander I received the epithet "the Blessed".

In 1804 Persia made Russia an ultimatum to withdraw the Russian army from the southern Caucasus. Russia refused, triggering the Russo-Persian War (1804-1813) which ended in Persia's defeat. The Ottoman Empire also attempted to regain the territories it had lost to Russia in the Black Sea region and in the Caucasus and thereby limit Russia's growing influence in the Balkans. The war launched by the Ottoman Empire (1806-1812) ended in a defeat. This was sealed through the Peace of Bucharest in 1812.

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<sup>47</sup> On Russian expansion in the southern Caucasus see: M. Atkin: Russia and Iran 1780-1828. Minneapolis 1980; E. Kazemzadeh: Russian Penetration of the Caucasus, in: T. Hineczak (ed.): Russian Imperialism from Ivan the Great to the Revolution. New Brunswick 1974, p. 239-283.

In this period a large number of khanates and other states in the southern Caucasus were annexed by Russia. In 1801 the Kartli-Kakhetia tsardom<sup>48</sup> in eastern Georgia was annexed by Russia. In 1803 the Avar khanate<sup>49</sup> was incorporated into Russia and dissolved in 1864 (the end of the Great North Caucasus War). In 1803-1804 Mingrelia and Imeretia were united with Russia as part of Georgia.<sup>50</sup> In 1805 the Azerbaijani Shirvan khanate under Khan Mustafa<sup>51</sup> joined Russia. In 1806-1813 the Azerbaijani khanates of Baku and Ganja were conquered through campaigns led by the Russian generals Tsitsianov, Gudovich<sup>52</sup> and Kotlyarevskiy.<sup>53</sup> In 1805 the Sheki khanate under Khan Selim became part of Russia. In 1819 the khan lost his power in Sheki. In 1805-1806 the Azerbaijani Karabakh (under Ibrahim-Khalil-Khan) and Kuba khanates (under Khan Shah-Ali) joined Russia. In 1811 the principality of Guria<sup>54</sup> was incorporated into Russia, it enjoyed autonomy in its internal affairs until 1828. Following the Russo-Persian War of 1804-1813, in 1813 the Derbent khanate – which the Russia army had already occupied in 1796 – centred on the city of Derbent and the Talish khanate in the south of what

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<sup>48</sup> The Kartli tsardom merged with Kakhetia in 1762 and was annexed by Russia in 1801 as the Kartli-Kakhetia tsardom. As early as 1783 Russia and the Kartli-Kakhetia tsardom concluded a protection agreement (treaty). The Georgievskiy Treaty, which was concluded at the request of the Georgian tsar Irakli II (1720-1798), guaranteed Kartli-Kakhetia autonomy in its internal affairs and protection in the event of war. His son Georgy XII (1748-1800) requested that the Russian tsar Paul I (1754-1801) include all of the then-existing Georgia.

<sup>49</sup> The Avar khanate existed for around 700 years (12<sup>th</sup>-19<sup>th</sup> centuries). From 1843-1859 the khanate belonged to Shamil's *imamat* in the northern Caucasus.

<sup>50</sup> Under Javad Khan the Ganja khanate resisted unification with tsarist Russia through an armed rebellion. The Azerbaijani khanate centred on Ganja in the Kura valley had suffered repeated Persian attacks since 1795.

<sup>51</sup> Since the 10<sup>th</sup> century the Shirvan state with its capital of Shemakha had been the strongest on the territory of what is now Azerbaijan. Shirvan regained its independence in 1748. Shirvan was previously under the influence of the Azerbaijani Safavid empire (1501-1736).

<sup>52</sup> Ivan Vasilevich Gudovich (1741-1820), count (1797), field marshal (1807), 1806-1812 supreme commander of the Russian army in the Caucasus. On June 18, 1807 he defeated the Turkish army by the river Arpachay. In 1810 he became a member of the Russian state council.

<sup>53</sup> Pyotr Stepanovich Kotlyarevskiy (1782-1851), infantry general (1826), defeated the Persians by the Arax river (1810), at the Aslandus ford over the Arax river (1812) and took Lenkoran (1813) by storm.

<sup>54</sup> Guria – a region in western Georgia which today comprises three administrative districts (Ozurgeti, Chokhatauri and Lanchkhuti). Ajaria also belonged to the principality for a time.

is now Azerbaijan<sup>55</sup> were merged with Russia under the Gülistan peace treaty.

By the mid-19<sup>th</sup> century, the Russian empire had annexed all of northern Azerbaijan. Russia's Shemakhy and Elisavetpol provinces had been established here. Part of the territory of the modern-day republic of Azerbaijan was incorporated into the Russian empire's newly created Erivan province.

The second Russo-Persian war over territorial expansion and spheres of influence in the southern Caucasus ended on February 10, 1828<sup>56</sup> with the conclusion of the Turkmenchay peace treaty. Under the terms of this treaty, the Nakhichevan and Irevan khanates (referred to in some sources as Erivan or Yerevan) which had majority-Azerbaijani populations came under Russian rule.

The Turkmenchay treaty marked not only the end of military acts between Russia and Persia but also the beginning of a consistent geopolitical, administrative, cultural and economic integration of the northern Azerbaijani khanates into the Russian empire. A key element of this integration policy was the Christianisation of Azerbaijan. The Turkmenchay treaty included special articles providing for a transfer of Armenians from Persia and the Ottoman Empire into the Caucasus, to Georgia and Azerbaijan. In this context began the transfer of several tens of thousands of Armenians to Karabakh, which was planned and comprehensively supported by the Russian government.

Subsequently, increasing numbers of Armenian resettlers migrated from the Ottoman Empire and Persia to Karabakh and Zangezur. As early as the 1830s, at least 18,000 Armenians had been resettled in the former Karabakh khanate. In total, between 1828 and 1830 approx. 130,000 Armenians moved into the southern Caucasus. A special commission was set up to deal with the resettlement issues. For resettlers, new villages such as Maragali, Janyatag, Yukhari Chayli, Ashagi Chayli etc. were created in Karabakh with government money.<sup>57</sup>

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<sup>55</sup> This khanate was situated on the south-western shore of the Caspian Sea and had as its capital Lenkoran, a port city. The khanate was independent from the mid-18<sup>th</sup> century.

<sup>56</sup> On February 22, 1828 according to the old calendar.

<sup>57</sup> Cf. Zelinskiy, S. P.: *Ekonomicheskiy bit gosudarstvennikh krestyan Zangezurskogo uezda Elisavetpolskoy gubernii* (The Economic Environment of State Peasants in the Zangezur

This was the beginning of an enormous transfer of Armenians into the southern Caucasus. On the one hand, this mass transfer offered the Armenians good prospects of survival, but on the other it led to growing difficulties in relations between the new settlers and the native population. Thus on March 21, 1828, a ukase of tsar Nicholas I dissolved the Azerbaijani khanates of Nakhichevan and Erivan. In 1828, a decree by the tsar created a previously non-existent political structure “Armyanskaya oblast” (“Armenian region”) out of the Azerbaijani areas (*uezdy*) of Erivan and Nakhchevan around Ordubad district (*okrug*).

Since 1840 the territory of Karabakh had been part of the Kaspiyskiy region and since 1846 of the Shemakhanskaya (later Bakinskaya) province. When the Azerbaijani Elisavetpol province was created, Karabakh was incorporated into the *uezdy* (administrative districts) of Shusha and Zangezur. In 1840 the only recently created *Armyanskaya oblast* was dissolved. It was replaced by the provinces of Erivan, Nakhichevan and Ordubad district. However, the inhabitants of these territories were predominantly Muslims, i.e. Azerbaijanis. It is also notable that as early as 1827 a “Provisional Regional Management” was created for these territories which also included the Armenian bishop Nerses Ashtarakiy.<sup>58</sup> Not just Karabakh but also all of the former Albanian meliks too were deliberately “Christianised” and “Armenianised” by the tsarist empire.

The Armenian population of Nagorno-Karabakh commemorated this transfer in 1978 with the construction and dedication of a monument in Aghdara (formerly Mardakert) in Nagorno-Karabakh in memory of the 150<sup>th</sup> anniversary of the transfer. Following the start of the Karabakh conflict, this monument was destroyed by Armenian nationalists in the late 1980s (cf. photos in the Appendix).<sup>59</sup>

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Area of Elisavetpol Province), Tiflis 1886, p. 10; Glinka S. N.: *Opisanie pereseleniya arмян Adderbidzhanskikh v predeli Rossii* (Description of the Transfer of Azerbaijani Armenians within Russia), Moscow 1831.

<sup>58</sup> Cf. Griboedov, A. S.: *Polnoe sobranie sochineniy* (Collected Works), vol. 2, Moscow 1971, p. 94; Glinka S. N.: p. 110.

<sup>59</sup> Cf. the series of “The true facts about Garabagh”. Brief Information of the history of Garabagh. Baku, 2005, p. 9.

The transfer of the Armenians from Persia and the Ottoman Empire to Karabakh was also confirmed in the statement issued by the US State Department in April 2001, prior to the start of negotiations between Armenia and Azerbaijan in Key West, Florida.

Through these territorial shifts tsarist Russia pursued an important geopolitical goal. The aim was to establish a strategic bridgehead on the periphery of the Middle East with a large Christian population, as a mainstay of colonial rule in the southern Caucasus.<sup>60</sup> As Russia did not consider the Georgians – the strongest Christian group – to be reliable, it fell back on promoting immigration by Armenians from Iran and the Ottoman Empire so as to increase the number of Christians/Armenian inhabitants in the southern Caucasus.

Research conducted by well-known historians (G. Bournoutian and others) into the demographic changes in the southern Caucasus region bears this out: “Prior to the Russian conquests the Armenians accounted for roughly 20 % of the overall population (in the region – J.R.) and the Muslims for approx. 80 %; following the Russian annexation approx. 57,000 Armenians immigrated from Persia and the Ottoman Empire (mainly into modern-day Nagorno-Karabakh – J. R.). As early as 1828 the Armenians accounted for almost half the population (in Karabakh – J.R.).”<sup>61</sup>

Potential ethnic tensions were associated with the influx of Armenians, who frequently bought up the Muslims’ land with the support of the government, thus driving them out. For many decades these merely remained potential tensions: Unlike the Russian and also German peasants whose immigration was also promoted by Russia, the Christian Armenians were seen not as European settlers but instead as new arrivals from the familiar environment of the Middle East. However, up to the end of the 19<sup>th</sup>-century Muslim-Armenian relations gradually developed into a complex antagonism, which was partly cultural/religious in nature.

“The influx of Armenians into the southern Caucasus increased in the 19<sup>th</sup> century after every Russian war with the Ottoman Empire, with the

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<sup>60</sup> Cf. Swietochowski, T.: *Der Streit um Berg-Karabach. Geografie, ethnische Gliederung und Kolonialismus*. In: *Krisenherd Kaukasus* (Uwe Halbach/Andreas Kappeler – ed.), Baden-Baden, Nomos Verl.-Ges., 1995, p. 161.

<sup>61</sup> Cf. Bournoutian, G. A.: *The Ethnic Composition and the Socio-Economic Condition of Eastern Armenia in the First Half of the Nineteenth Century*, in: R. G. Suny (ed.): *Transcaucasia. Nationalism and Social change*, Ann Arbor 1983, p. 79; Bournoutian, G. A.: *Eastern Armenia in the Last Decades of Persian Rule, 1807-1828. A Political and Socio-Economic Study of the Khanate of Erivan on the Eve of Russian Conquest*, Malibu, Calif, 1982; Glinka, S.: *Opisanie pereseleniya arмян Adderbidzhanskikh v predeli Rossii* (Description of the Transfer of Azerbaijani Armenians within Russia), Moscow 1831.

Crimean War of 1853-1856, with the war of 1876-1878 and after the pogroms of Armenians conducted by Kurdish tribes under Sultan Abdul-Hamid II in the Ottoman empire in the mid-1890s. Scholarly research shows that at this time there were already 900,000 Armenians in the southern Caucasus.”<sup>62</sup>

Like other Christian minorities in the Middle East, the Armenians had a special relationship to a major European power with expansionist goals, in this case Russia. The Armenians’ association with Russia proved to be one of the most fateful alliances in the history of the southern Caucasus: In general there was no lack of goodwill and generosity forthcoming from the Russian empire towards Armenians: Armenians clearly enjoyed preferential treatment amongst the peoples of the southern Caucasus.<sup>63</sup>

From a scholarly point of view, it is a clear fact that in the modern era the territory of Karabakh was always inhabited and controlled by Azerbaijani tribes, even though it temporarily came under the influence of Mongols, Ottomans and Persians and though members of other peoples and tribes settled here.

## 5. The History of Karabakh between the Collapse of the Tsarist Empire and 1923

Large-scale outbreaks of violence – which also had strong ethnic elements – began with the Russian Revolution of 1905 and recurred whenever the Russian or Soviet state entered a period of crisis or underwent reforms, e.g. during the 1918-1922 civil war or during the *perestroika* period in 1988 etc. In the 1905 revolution, the town of Shusha<sup>64</sup> was a particular centre of fighting between Armenians and Azerbaijanis in Nagorno-Karabakh. The tsarist regime’s final collapse in 1917 led to renewed ethnic conflict, and in many cases local power struggles were played out in Nagorno-Karabakh.

The Armenian nationalists did not spare any of the other ethnic population groups in Azerbaijan. Under the leadership of Shaumyan, Amasapun and Lalayan, armed Armenian troops attacked the villages in Kuba in north-eastern Azerbaijan where there were Jewish majorities and massacred the peaceful population.<sup>65</sup> They also terrorised groups such as German immigrants in Helenendorf (nowadays Khanlar) in western Azerbaijan.<sup>66</sup>

In May 1918, when the Transcaucasian Sejm collapsed, the three independent republics of Azerbaijan, Georgia and Armenia were proclaimed in Tbilisi. However, the Republic of Armenia had neither state territory nor a capital city. On May 29, 1918 the Azerbaijani Democratic Republic ceded the city of Erivan to the Armenian Republic which now existed *de jure*. Erivan subsequently became its capital.<sup>67</sup> The territory of the Armenian Republic was limited to the districts of Erivan and Echmiadzin with 400,000 inhabitants.

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<sup>64</sup> Cf. Villari, L.: *The Fire and Sword in the Caucasus*, London 1906; Henry J. D.: *Baku: An Eventful History*, London 1905; Ordubadi M. S.: *Qanlı illər (Bloody Years)*, Baku 1991.

<sup>65</sup> Cf. Orxan, V.: *The Previously Undiscovered Traces of Armenian Terror*, in: 525-ci qezet, Baku, September 16, 2006, <http://www.525ci.com/aze/2006/09/16/read=28>.

<sup>66</sup> Cf. Bayandurlu, I.: *Armyanskiy terror protiv “malenkoy Germanii” (Armenian Terror vs. “Little Germany”)*, in: “Zerkalo”, Baku, September 8, 2006, p. 1.

<sup>67</sup> Cf. letter from the chairman of the council of ministers of the Republic of Azerbaijan Fatali Khan Khoyskiy to the minister of the interior M. G. Gadzhinskiy of May 29, 1918. In: *Central State Archive of the Azerbaijani Soviet Republic*, Fund 970, Inventory List 1, File 4, p. 1 f.

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<sup>62</sup> Cf. Isarov, N. I.: *Novaya ugroza russkomu delu v Zakavkaze (The New Danger for the Russian Interest in the Southern Caucasus)*, St Petersburg 1911, p. 59-61.

<sup>63</sup> Cf. Swietochowski, T.: p. 163.

Under the treaty of Batumi of June 4, 1918 between Armenia and Turkey, Armenia's territory was limited to the areas around the Ararat valley and the Sevan basin (Göyce). Karabakh did not form part of Armenia under this treaty.<sup>68</sup> Following the end of the First World War, the Entente transferred the province of Kars and the districts of Erivan province to the Armenian Republic. The population of Armenia now consisted of 1.5 million people, including 795,000 Armenians, 575,000 Muslims – i.e. Azerbaijanis – and 140,000 members of other nationalities. The Dashnaktsutiu Party<sup>69</sup> was not satisfied with this and asserted claims to the territories of Akhalkalaki and Borchaly which formed part of the Republic of Georgia and to the regions of Karabakh, Nakhichevan and Zangezur (the southern part of the Azerbaijani Elisavetpol province) which belonged to Azerbaijan. These claims provoked a war with Georgia and a long and bloody struggle with Azerbaijan.

In the summer of 1918 the Armenian field commander Andranik invaded Zangezur and made the Azerbaijani population an ultimatum either to submit to his power or to leave the areas they lived in. According to the findings of an investigative commission headed by Mikhailov, in the summer of 1918 alone in Zangezur 115 Azerbaijani settlements were destroyed and over 7,000 Azerbaijanis killed. 50,000 Azerbaijanis had to leave Zangezur.<sup>70</sup> Following exceptionally brutal fighting, the Armenian troops brought Zangezur under their control. They retreated that same summer when the Ottoman Empire invaded the southern Caucasus.

Following the conclusion of the treaty of Mudross on October 30, 1918, as a result of its defeat in the war Ottoman Empire had to withdraw its troops and Armenian troops led by field commander Andranik once again entered Nagorno-Karabakh. In November 1918, when the southern Caucasus came under British occupation, the British commander General L. Thomson demanded the immediate withdrawal of Andranik's troops from Nagorno-Karabakh and its submission to Azerbaijani administration.

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<sup>68</sup> Cf. Avalov, Z.: *Nezavisimost Gruzii v mezhdunarodnoy politike (Georgia's Independence in International Politics)*, Paris 1924, p. 95-96.

<sup>69</sup> The Armenian Revolutionary Federation – in brief, the Dashnaktsutiu Party – was formed in 1890 in Tbilisi through the merger of various Armenian political groupings. The Revolutionary Federation is a member of the Socialist International. However, its principles and activities are nationalist in character.

<sup>70</sup> Cf. Balaev, A.: *Azerbaydzhanskaya Demokraticeskaya Respublika (The Azerbaijani Democratic Republic)*, Baku 1991, p. 17 ff.

As a military governor Thomson was guided by practical considerations: in terms of its geography, economy and transport network Nagorno-Karabakh was more naturally linked with Azerbaijan than with Armenia beyond the mountains.<sup>71</sup>

On January 13, 1919 the Azerbaijani government decided to create a Karabakh general province comprising the areas of Javanshir, Shusha, Jabrayil and Zangezur. On January 13, 1919 the Azerbaijani Khosrov Sultanov was appointed governor general of Karabakh. Under Sultanov – who took up his office in Shusha at the end of February 1919 – social peace had been re-established in Nagorno-Karabakh within a few months. According to the plans of the Azerbaijani government, the region was to retain its administrative and cultural autonomy. Conditions were imposed which restricted the Azerbaijani garrisons' levels during peacetime.

On January 22, 1919, the supreme commander of the Allied troops in the southern Caucasus, General J. Milton, recognized "the government of Azerbaijan as the sole legal power on the territory of Azerbaijan."<sup>72</sup>

On April 3, 1919, the Allies' representative, Colonel Schatelwort, submitted a declaration that until the final resolution of the Karabakh question at the Paris peace conference, the Karabakh region would remain part of Azerbaijan. The Allied Commander also recognized the administration of Kh. Sultanov as the sole legal power in Karabakh.<sup>73</sup>

In the Azerbaijani Democratic Republic's parliament all the ethnic population groups of Azerbaijan were represented. This was laid down in a law establishing the parliament on November 19, 1918. 21 of a total of 120 seats were held by Armenian deputies.

In the spring of 1920 there were new clashes with Dashnak supporters in the Azerbaijani regions of Nakhichevan, Ordubad and Shusha. There

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<sup>71</sup> Cf. Altstadt, A.: *The Azerbaijani Turks. Power and Identity under Russian Rule*. Stanford 1992, p. 100 ff.; Hovannisian, R. G.: *The Republic of Armenia*. Berkeley 1982, vol. II, p. 195 and 211.

<sup>72</sup> The Azerbaijani State Archive, F. 894, op.3, ed.xp.5, L.13. Quoted after Balaev, A.: *Karabakh ot perioda nezavisimosti ADR k sovetskoy avtonomii. (Karabakh in the Period from the Independence of the ADR to Soviet Autonomy)*, in: *IRS, Moscow*. No. 2-3(14-15), 2005, p. 60.

<sup>73</sup> Cf. Hovannisian, R.: *The Republic of Armenia*, Berkeley/Los Angeles/London, 1971, p. 143.

was also fighting in Khankendi, Terter, Askeran and Zangezur and in the districts of Jebrail and Ganja and dozens of Azerbaijani settlements were destroyed.

In March 1920, on the eve of the Red Army's invasion of Azerbaijan, growing tensions developed into a large-scale Armenian rebellion in Nagorno-Karabakh. The Azerbaijani supreme command was forced to weaken the border to Russia and dispatched a large proportion of its army to Karabakh to deal with the rebellion. The outcome was a virtual bloodless invasion by the Bolshevik army and the end of the independent Azerbaijani Republic on April 28, 1920.

In summary, during the Azerbaijani Democratic Republic's existence in the period between 1918-1920 Karabakh was part of this republic. At this time the area of the Azerbaijani Democratic Republic was approx. 114,000 km<sup>2</sup>.<sup>74</sup>

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<sup>74</sup> For the purpose of comparison, the area of the present-day Republic of Azerbaijan is 86,600 km<sup>2</sup>.

## 6. The Establishment of the Autonomous Region of Nagorno-Karabakh

Armenian nationalists attempted to exploit for their own expansionist ends the political chaos which resulted in the southern Caucasus due to the February and October revolutions of 1917. In October 1917 the Armenian National Congress met in Tbilisi and asserted the claim on behalf of the entire Armenian people to award to Armenia the regions of modern-day eastern Turkey which were occupied by Russian troops during the war. The idea of creating a western Armenia was also supported by Lenin in his decree of October 28, 1917, in which Soviet Russia acknowledged the right of so-called western Armenia to full self-determination.<sup>75</sup>

The start of Soviet rule intensified the territorial dispute between Armenia and Azerbaijan, despite the efforts of communists on both sides to reach a solution. The Azerbaijan Revolutionary Committee (Azrevkom) sought recognition as a representative of national interests. In May 1920 Azrevkom submitted an ultimatum demanding the withdrawal of the Armenian troops from Nagorno-Karabakh and Zangezur. The Dashnak government in Erivan complied with this demand.

In July 1920 Armenian attacks supported by the Dashnak government in Erivan took place in Karabakh, Nakhichevan and Zangezur. With arms provided by Great Britain and Italy, the Dashnak supporters attacked the Muslim – i.e. Azerbaijani – population in the provinces of Kars and Erivan. In October 1920 the Eastern Turkish Army led by Karabekir and Khalil-Pasha defeated the troops of the Erivan government, took Kars and Alexandropol and forced the Armenians to sign a “harsh peace treaty”.<sup>76</sup> On this occasion, no foreign assistance was forthcoming for the Dashnak government. In November 1920 the Dashnak government was toppled by the Bolsheviks.

On December 2, 1920, the local communists assumed power in Armenia although their position in the country was still very weak. Probably inspired by communist “solidarity”, on December 1, 1920 the

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<sup>75</sup> Cf. Balaev, A.: *Azerbaydzhanskaya Demokraticeskaya Respublika* (The Azerbaijani Democratic Republic), Baku 1991, p. 17 ff.

<sup>76</sup> Cf. *Bolshaya Sovetskaya Entsiklopediya* (Major Soviet Encyclopaedia), Moscow 1926, vol. 3, p. 437 f.

Secretary of the Bolshevik Party of Soviet Azerbaijan, Nariman Narimanov, proclaimed: “The working peasantry of Nagorno-Karabakh is hereby given the full right of self-determination.”<sup>77</sup>

Opinions were divided on this in Moscow. While the nationalities commissioner Stalin ultimately decided in favour of autonomy as part of Azerbaijan, the foreign minister Chicherin<sup>78</sup> argued in favour of a different solution. On June 19, 1920 he wrote: “Karabakh, Zangezur, Nakhichevan, Julfa may not be annexed by either Armenia or Azerbaijan and must be subject to the authority of the Russian troops in agreement with the local soviets.”<sup>79</sup>

Geographical, historical and also economic factors supported Nagorno-Karabakh’s belonging to Azerbaijan. Its Armenian-majority population was a factor in favour of its being part of Armenia. As a compromise solution, the creation of an autonomous administrative unit within Soviet Azerbaijan was proposed. The highest regional communist authority, the Caucasian Office, decided on this path on July 5, 1921. With a view to the “indispensability of economic links between Nagorno and Lower Karabakh and its continuous links with Azerbaijan, Nagorno-Karabakh is to remain within the borders of the Azerbaijani Socialist Soviet Republic, provided with broad regional autonomy, with the town of Shusha as the autonomous region’s administrative centre.”<sup>80</sup> The minutes of this meeting state that four out of seven members of the Caucasus Office voted in favour of this and three abstained. There was no dissenting vote.<sup>81</sup>

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<sup>77</sup> Cf. *Kommunisticheskaya partiya Azerbaydzhana, Institut Istorii Partii: K istorii obrasovaniya Nagorno-Karabakhskoy Avtonomnoy oblasti Az. SSR, 1918-1925. Dokumenty i materialy* (Communist Party of Azerbaijan, Institute for Party History: The History of the Autonomous Region of Nagorno-Karabakh of the Azerbaijani SSR, 1918-1925. Documents and Materials), Baku 1989, p. 41.

<sup>78</sup> Georgy Vasilevich Chicherin (1872-1936). From 1918 to 1930 he was foreign minister of the Russian Federation and the Soviet Union.

<sup>79</sup> Cf. Mamedova, F.: *Ursachen und Folgen des Karabach-Problems. Eine historische Untersuchung*. In: *Krisenherd Kaukasus* (Uwe Halbach/Andreas Kappeler – ed.), Baden-Baden, Nomos Verl.-Ges., 1995, p. 125f.

<sup>80</sup> *Op. cit.*, p. 92.

<sup>81</sup> Cf. Balaev, A.: *Karabakh ot perioda nezavisimosti ADR k sovetskoy avtonomii*. (Karabakh in the Period from the Independence of the ADR to Soviet Autonomy), in: *IRS*, Moscow. No. 2-3(14-15), 2005, p. 62.

On July 7, 1923, a decree by the Azerbaijani Executive Committee of the soviets from the mountainous part of Karabakh – which belonged to the former Azerbaijani Elisavetpol province – established the Autonomous Region of Nagorno-Karabakh as part of the Azerbaijani Socialist Soviet Republic. On the basis of the historical, geographical and continuous links between Azerbaijan and Nagorno-Karabakh, a resolution was passed on “*Nagorno-Karabakh remaining within Azerbaijan*”. The new unit comprised 4,400 square kilometres, or 5.1 per cent of the territory of the Azerbaijani SSR. Its capital was Khankendi<sup>82</sup>, which in September 1923 was subsequently renamed Stepanakert after the Armenian Bolshevik Stepan Schaumjan.

From 1923 to shortly before the collapse of the Soviet Union, Nagorno-Karabakh enjoyed an autonomous status within the Soviet Republic of Azerbaijan. This autonomous status enabled the Armenians of Nagorno-Karabakh to develop their own culture, language literature etc. Armenian-nationality deputies from Nagorno-Karabakh were represented in the Supreme Soviet, the parliament of Azerbaijan, and a representative constantly held the position of deputy chairman of the Supreme Soviet of Azerbaijan. The autonomous status of Nagorno-Karabakh was cancelled by the parliament of the Republic of Azerbaijan shortly before the dissolution of the Soviet Union in November 1991. This step was taken in reaction to separatist initiatives and Nagorno-Karabakh’s declaration of independence.

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<sup>82</sup> Khankendi means “king’s village” in Azerbaijani: “khan” (king) and “kend” (village).



## 7. The Outbreak of the Karabakh Conflict during the *Perestroika* Policy of the Communist Party of the Soviet Union

In 1948 Moscow decided to deport around 100,000 Azerbaijani inhabitants of Armenia from various districts of Armenia and to resettle them in the Mugan Steppe in Azerbaijan, whose climate and infrastructure were hardly suitable for this. A timetable was put forward for the resettlement of the Azerbaijanis: 10,000 in 1948, 40,000 in 1949, 50,000 in 1950. The justification for this was the need for space for the expected influx of Armenians from abroad. However, this influx was much lower than expected and only around 50,000 Armenians were resettled.

In the Soviet period, increasing numbers of Armenians emigrated to Baku. They now accounted for a considerable portion of the city's population (around 200,000 people) and formed part of the "cosmopolitan", i.e. Russian-speaking population.

The post-Khrushchev era saw the start of public discussion of the *status quo* in Nagorno-Karabakh. On April 24, 1965, the "50<sup>th</sup> anniversary of the deportations of the Armenians by the Ottomans", tens of thousands marched in Erivan to demand the "re-establishment of the territories".<sup>83</sup> A further form of action were petitions for the transfer of the Autonomous Region to the Armenian SSR. In 1966 an appeal was presented in Moscow with 45,000 signatures and a letter with tens of thousands of signatures was sent to the 27<sup>th</sup> party congress of the CPSU. The party's answers were always negative and dismissive, but this irredentist agitation paved the way for the Armenian dissident movement, one of the first of its kind in the Soviet Union.

The Soviet party secretary Mikhail Gorbachev's declaration of his *glasnost* and *perestroika* policy caused old separatisms to flare up in various parts of the Soviet empire. On February 20, 1988 the regional soviet of the Autonomous Region of Nagorno-Karabakh submitted an application to the supreme soviets of Armenia, Azerbaijan and the USSR for the transfer of autonomy from the Azerbaijani SSR to the Armenian

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<sup>83</sup> The term "territories" referred to both the eastern provinces of Turkey and to Nagorno-Karabakh and Nakhichevan. Cf. Nahaylo, B., Svoboda V.: Soviet Disunion. A History of the Nationality Problem in the USSR. New York 1990, p. 147f.

SSR. The Armenian deputies agreed to the application, but the deputies in Baku and Moscow rejected it four months later, in June and July 1988.

On July 12, 1988, in the absence of the Azerbaijani deputies the Armenian majority in the regional soviet declared the withdrawal of the Autonomous Region of Nagorno-Karabakh from the Azerbaijani SSR, and this issue was discussed by the Supreme Soviet of the USSR at its July congress. At this congress the withdrawal was rejected in accordance with article 78 of the constitution of the USSR, under which the administrative border of a union republic could not be changed without its consent.

To reduce tensions Moscow took various extraordinary measures, but these did not prove successful in the long term. An economic aid package was arranged for Nagorno-Karabakh, several high-ranking officials (the First Party Secretary Kamran Bagirov in Azerbaijan and the First Party Secretary Karen Demirchyan in Armenia) were fired. Soviet troops were moved into the region and it was made subject to the *de facto* direct sovereignty of the central government in Moscow through a special committee led by Arkady Volskiy.

The Armenians accused Azerbaijan of having pursued the wrong social policy in Nagorno-Karabakh. This is emphasised by the Armenians as one of the urgent factors justifying their territorial claims against Azerbaijan. Counterarguments are provided by an analysis of the statistics at the time regarding social development in Azerbaijan, the Autonomous Region of Nagorno-Karabakh, Armenia and the USSR as a whole (see table below). In many social areas, development in Nagorno-Karabakh was actually better than in Armenia, Azerbaijan and the USSR.

It was a fact the communist leadership of the central government in Moscow was responsible for social policy in the Soviet Union, including in Azerbaijan – together with the Autonomous Region of Nagorno-Karabakh – and in Armenia. In these matters the leaderships of the union republics had no effective influence over orders from the Kremlin.

	Nagorno-Karabakh	Azerbaijan	Armenia	USSR
Hospital beds (per 10,000 inhabitants)	101.7	97.7	86.2	130.1
Doctors (all fields) (per 10,000 inhabitants)	29.1	38.4	38.6	42.7
Doctors with average training (per 10,000 inhabitants)	122.7	93.5	93.5	114.7
Public libraries (per 10,000 inhabitants)	13	6	4.1	4.1
Public clubs (per 10,000 inhabitants)	15	5	3.8	4.8
Cinemas (per 10,000 inhabitants)	11.2	3	2.9	5.4
Apartments, m <sup>2</sup> per inhabitant in urban areas	14.6	10.9	13.7	14.9
in villages	14.6	12.2	13.1	14.3
	14.6	9.2	15.0	16.1

Source: Ismayilov, M. A. (ed.), *Sobytiya vokrug NKAO v krivotom zerkale falsifikatorov (Events Concerning Nagorno-Karabakh as Reflected in the Lies of the Falsifiers)*, Baku, Elm 1989, p. 12.

Amongst the Azerbaijanis, the revival of the ethnic conflict caused a political awakening comparable to the effects of the “Muslim (Azerbaijani – J.R.)-Armenian war” of 1905-1907. The Armenians’ action was seen as the opening move in a drive for a greater Armenia.<sup>84</sup> As the ethnic violence spread, Baku was overwhelmed by waves of refugees: Azerbaijanis from Armenia, Nagorno-Karabakh and the border regions of both republics, where warlike conditions became the norm. In late 1988, the number of persons expelled from Armenia reached around 210,000. As early as September 1989, the republic’s Supreme Soviet accepted the law on sovereignty, subject to pressure from the Popular Front of Azerbaijan

<sup>84</sup> Cf. Swietochowski, T.: *Der Streit um Berg-Karabach. Geografie, ethnische Gliederung und Kolonialismus*, in: *Krisenherd Kaukasus* (Uwe Halbach/Andreas Kappeler (ed.). 1<sup>st</sup> edn. Baden-Baden: Nomos Verl.-Ges., 1995, p. 171; Junusova, L.: *End of the Ice Age. Azerbaijan: August-September 1989*, in: *The Chronicle of Central Asia and the Caucasus VIII* (1989), no. 6, p. 12; Ibragimov, M.: *Zavtra budet pozдно (Tomorrow It Will Be Too Late)*, in: *Vyshka*, February 9, 1989.

(PFA).<sup>85</sup> This law confirmed Azerbaijani sovereignty over Nagorno-Karabakh and Nakhichevan and stated that the borders of the Azerbaijani Republic could not be changed without the consent of the Azerbaijani nation. The law also included a provision regarding the right of secession from the USSR in a referendum participated in by the entire population of the republic. Moscow reacted angrily to this law.<sup>86</sup>

On December 1, 1989, the Supreme Soviet of Armenia passed a resolution in violation of international law regarding the annexation of Nagorno-Karabakh by Armenia. Reports that the Autonomous Region had been included in Armenia’s budgetary plan and that its population had been awarded voting rights for the elections in Armenia triggered riots in Baku in January 1990.<sup>87</sup> These events served as a pretext for the Soviet military intervention in the aftermath of the riots, which led to 131 fatalities of various nationalities, mainly Azerbaijanis.<sup>88</sup> In February 1990 direct discussions commenced between delegates of the Popular Front of Azerbaijan and the Armenian National Movement in the Latvian capital, Riga, but these ended without a result.

Following the Moscow putsch in August 1991, on August 30, 1991 the Azerbaijani parliament passed a declaration on the state’s independence. Since April 1991, together with Soviet armed forces special units of the Azerbaijani militias had pursued the armed Armenian units in Karabakh. Following the August putsch of 1991 against Mikhail Gorbachev’s government in Moscow – which was supported by the then president of the Azerbaijani SSR, A. Mutalibov – Moscow declared that

<sup>85</sup> The Popular Front was an independence movement in Azerbaijan in the late 1980s and early 1990s. A number of political parties subsequently developed out of the Popular Front.

<sup>86</sup> Cf. Fuller, E.: *Moscow Rejects Azerbaijani Law on Sovereignty. A Moral Victory for Armenia?*, RFE, RL Research Institute: Report on the USSR, December 1, 1989, p. 16 ff.

<sup>87</sup> On the unrest in Baku and Sumgait cf. Rau, J.: *Der Nagorny-Karabach Konflikt – 1988-2002*. Ein Handbuch, Berlin 2003, p. 43 ff. and 130 f. The largest provocation occurred during the period of the Soviet republic in February 1988 in Sumgait. According to the investigative commission which was appointed, 38 people died as a result of this provocation, 32 of whom were Armenians. Those killed also included Azerbaijanis. To this day, the real origin of this provocation has not yet been fully clarified.

<sup>88</sup> On the January days in Baku in 1990 see: *Azerbaydzhanskaya SSR, Verkhovniy Sovet: Zayavlenie Komissii po rassledovaniyu sobitii, imevshikh mesto v gorode Baku 19-20 Yanvarya 1990 (Azerbaijani Soviet Republic, Supreme Soviet: Declaration on the Investigation into the Events in the City of Baku on January 19-20, 1990)*, Baku 1990); Helsinki Watch: *Conflict in the Soviet Union: Black January in Azerbaijan*, Memorial Report, May 1991.

the Kremlin would no longer support Azerbaijan's military actions in Nagorno-Karabakh. The Armenian nationalists in Nagorno-Karabakh were therefore given a free hand to expel the Azerbaijani population of Nagorno-Karabakh once and for all. On September 2, 1991, the Armenian representatives of the regional soviet declared the Autonomous Region of Nagorno-Karabakh an independent republic.<sup>89</sup> In November 1991, the shooting-down over a village in Nagorno-Karabakh of a helicopter transporting high-ranking Azerbaijani statesmen (including the state secretary, the senior public prosecutor and the presidential advisor etc.) and Russian and Kazakh military personnel who were acting as mediators between Azerbaijan and Armenia triggered a fresh political crisis in Baku. In late November 1991 the Azerbaijani parliament revoked Nagorno-Karabakh's autonomous status.

On December 10 the region's Armenians voted in favour of the "independence of Nagorno-Karabakh" in a referendum. This referendum is considered illegal as the Azerbaijani population was unable to participate in it following their violent expulsion.<sup>90</sup> On January 6, 1992 the region's "newly elected legislative" proclaimed the "independence of the Republic of Nagorno-Karabakh".<sup>91</sup> To date, no state has recognized this independence.

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<sup>89</sup> Cf. News from the USIA Washington File in Russian, p.1., April 26, 2001.

<sup>90</sup> Shortly before the start of the conflict, the Autonomous Region of Nagorno-Karabakh had 189,000 inhabitants, of whom roughly 48,000 were Azerbaijanis.

<sup>91</sup> Cf. Helsinki Watch: Bloodshed in the Caucasus. Escalation of the Armed Conflict in Nagorno-Karabakh, September 1992, p.6; Transcaucasus: A Chronology. A Publication of the Armenian National Committee of America, I (1992), August 1, no. 88.

## **8. The Escalation of the Nagorno-Karabakh Conflict into a War between Armenia and Azerbaijan Following the Collapse of the Soviet Union**

Prior to the collapse of the Soviet Union, the Nagorno-Karabakh conflict was viewed as an internal matter in the USSR. Following the collapse of the Soviet Union, the conflict was internationalised into a war between two actors recognized by international law, Armenia and Azerbaijan. In January 1992, both states were accepted with their Soviet-era borders as members of the OSCE (Organization for Security and Cooperation in Europe) – at that time known as the CSCE (Conference on Security and Cooperation in Europe) – and in March 1992 as members of the UN.

While at the beginning of 1992 the situation in Nagorno-Karabakh was deteriorating continuously, the Azerbaijani president Mutalibov was extremely hesitant in establishing a national army. In the meantime, the Azerbaijanis were suffering ever more painful setbacks in Nagorno-Karabakh. In May 1992 Armenia captured two strategically important Azerbaijani towns: Shusha and Lachin. This success provided Armenians with a strategically important road connection to Armenia across the barrier of the mountains.

Three months prior to the occupation of the strategically important Azerbaijani districts of Lachin and Shusha, with the direct participation of units of the Soviet army's 366<sup>th</sup> Motorised Rifle Regiment which were stationed in the town of Khankendi<sup>92</sup> at the time, in the night of February 25-26, 1992 Armenia's armed forces carried out a terrible massacre of the Azerbaijani population of the town of Khojali. The town was largely destroyed in the attack. At the time of the attack only around 3,000 of the 7,000 town's inhabitants were left in the town.<sup>93</sup> By this point Khojali – where there were a large number of sick and injured, older people, women and children – had already been surrounded by Armenian troops for four months. Azerbaijani sources initially spoke of 1,000 deaths as a result of

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<sup>92</sup> Stepanakert was given back its historical name in 1991 through a resolution passed by the Azerbaijan parliament.

<sup>93</sup> Frankfurter Rundschau, report by Stephane Bentura, March 2, 1992.

the attack on Khojali.<sup>94</sup> The nearly 700 deaths were officially announced by the news service of the defence ministry of the Republic of Azerbaijan.<sup>95</sup> Prisoners of war were scalped and the dead had their eyes gouged out. The dead included 106 women and 83 children. 6 families were entirely liquidated. 25 children lost both parents, 130 children one parent. 1275 civilians were taken prisoner and serious injuries and mutilations were inflicted on 487 people.

The Khojali massacre remains a symbol of brutal ethnic cleansing. Through this brutal military action the Armenian military units pursued a goal of creating huge fear on the Azerbaijani side, particularly amongst the civilian population, so as to achieve a psychologically desired advantage for the successful continuation of their attacks. The international human rights organisation Human Rights Watch called the Khojali tragedy “the conflict’s largest massacre”. Azerbaijani politicians and the Azerbaijani public spoke of a genocide.

How should the Khojali tragedy of February 1992 be characterised? Was it a massacre, a genocide, a crime against humanity, a war crime or all of these?

On December 9, 1948 the UN declared genocide to be an internationally outlawed crime.<sup>96</sup> Genocide is one of the international crimes which violate the basic legal norms of international coexistence. Under international law these include war crimes and crimes against humanity.<sup>97</sup>

The perpetrators of the Khojali tragedy should not remain unpunished. International law provides the Republic of Azerbaijan with a wide range of legal possibilities which to date remain largely unexhausted.

<sup>94</sup> Lieven, A.: *Corpses Litter Hills in Karabakh*, The Times, March 2, 1992; Erzeren, Ö.: *Ein ganzes Dorf in Berg-Karabach ermordet*, Tageszeitung, March 7, 1992.

<sup>95</sup> The Independent, London, June 12, 1992.

<sup>96</sup> In Germany, genocide has been punishable by life imprisonment (§ 220 a of the German Penal Code) since 2002 and is not subject to the statute of limitations.

<sup>97</sup> War crimes means crimes committed by organisations or individual persons against the conventions of war. War crimes include e.g. mistreatment of prisoners of war, kidnapping of civilians etc. The London Treaty of August 8, 1945 precisely defines serious war crimes. War crimes are closely linked with crimes against humanity: non-observance of the human dignity of civilians or surrendered combatants; criminal acts versus a person’s life, limb, property and dignity.

The hundreds of massacred Azerbaijanis, including a large number of women and children, were so shocking to the general public that the Mutalibov regime was unable to remain in power and resigned in March 1992.<sup>98</sup> One year after his election the president elected in June 1992, Abulfas Elchibey, was faced with the same situation as his predecessor: further grave defeats meant that by spring 1993 Armenia had captured the remaining villages in the Lachin corridor and the Kelbajar region. Between July and October further Azerbaijani regions such as Aghdara (July 7, 1993), Aghdam (July 23, 1993), Jabrayil (August 23, 1993), Fizuli (August 23, 1993), Gubadly (August 31, 1993) and Zangilan (October 23, 1993) were occupied by Armenia. In this way, outside the territory of Nagorno-Karabakh Armenia brought a further large area of south-western Azerbaijan under its control. Since this time, around 20 per cent (16,000 km<sup>2</sup>) of the territory of the Republic of Azerbaijan has been occupied by the Republic of Armenia.

The UN Security Council passed the following four resolutions regarding the expansion of the occupation of the Azerbaijani territories in 1993 (*res. no. 822 of April 30, 1993, res. no. 853 of July 29, 1993, res. no. 874 of October 14, 1993, res. no. 884 of November 12, 1993*) and condemned the occupation. In summary, the adopted resolutions include the following core statements:

- The occupied regions of Azerbaijan must be liberated and the acts of war must cease immediately.
- The territorial integrity of Azerbaijan and Armenia and the inviolability of the region’s international borders are emphasised.
- The use of violence to acquire territory was condemned.
- Armenia was ordered to discontinue its arms shipments to Karabakh Armenians and to bring to bear its influence so that the UN resolutions are fulfilled.

Neither party to the conflict was satisfied with the contents of these resolutions. They did not contain the Baku authorities’ key political demand: that following the occupation of one-fifth of Azerbaijan’s state territory Armenia was to be viewed as a direct aggressor at the level of the

<sup>98</sup> Cf. Junusov, A.: *Karabagh War. Another Year Passed. What Next?* in: Express-Chronicle, N14, March 29, 1993; *The Khojali Genocide*, Baku 2005.

UN. The Armenian side maintained that that these resolutions did not sufficiently guarantee the security of the Karabakh Armenians.

The political consequences of the occupation's expansion proved to be devastating, particularly after the occupation of Kelbajar outside the Nagorno-Karabakh region. In Ganja Suret Husseinov, a colonel in the Azerbaijani armed forces, provoked an uprising and marched his units on Baku.<sup>99</sup> The government attempted to negotiate with colonel Husseinov and summoned from Nakhichevan the assistance of the former party chief of Azerbaijan, Heydar Aliyev. On June 18, 1993 President Elchibey left the capital "to avoid fratricidal bloodletting", and Heydar Aliyev assumed power in Baku. In October 1993 he was elected president of the republic and in 1998 confirmed in his office for a further five years. The long-standing politician and statesman Heydar Aliyev, who had already gained experience as a politburo member in the Soviet period, was able to bring peace to the civil war-like situation in the republic.

The military acts between Armenia and Azerbaijan ended in mid-1994 with a ceasefire mediated by Russia in accordance with the Bishkek Protocol of May 1994. The war had been fought exclusively on Azerbaijani territory and cost around 30,000 people their lives. The Azerbaijani foreign ministry estimates the war damage for Azerbaijan to be USD 60 billion. A large number of cultural monuments were brutally plundered and destroyed in the course of the military acts.<sup>100</sup> The military acts led to 1.3 million refugees and internally displaced persons. Most of these (more than 1,000,000) are Azerbaijanis.<sup>101</sup>

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<sup>99</sup> Cf. Yunusov A.: Gyandzhinskiy tayfun (The Ganja Typhoon), in: Express-Chronik, June 25, 1993.

<sup>100</sup> According to the Azerbaijani Foreign Ministry, 20 museums – including the unique Historical Museums in Kelbajar and Shusha – 969 libraries, 85 children's music schools, 4 theatres, 4 art galleries, 2 concert halls, an ancient Bronze Age monument in Khojali, a large number of cemeteries, mausoleums and mosques in Kelbajar, Lachin, Gubadli, Sengilan, Aghdam and Shusha were destroyed. A large number of Azerbaijani mosques and cemeteries in Armenia were either destroyed or converted into storehouses, e.g. the Shah Ismail Mosque (16<sup>th</sup> century), the Shah Abbas Mosque (17<sup>th</sup> century), the Blue Mosque etc. The Agha Dede Cemetery in Masis and the Tokhmag Cemetery in Erivan on the territory of present-day Armenia were destroyed.

<sup>101</sup> Cf. The Beginning of the Garabagh Conflict. Baku, 2005, p. 2; several international sources state that there are more than 700,000 internally displaced persons in Azerbaijan.

*On the question of whether a war occurred between Azerbaijan and Armenia and whether the conventions of war were violated.* War is an organised armed dispute between states, peoples or tribes. War is understood to be the violent prosecution of a dispute, such as a conflict fought by force of arms between states or between various groups within a state (civil war). The conventions of war refer to all the rules and regulations under international law for warring parties in relation to hostile and neutral states and the civilian population. These rules and regulations also apply for individual persons, their rights and obligations. State treaties regarding the conventions of war have been in force since 1899.<sup>102</sup>

Although Armenia denies occupying the territory of Azerbaijan and attempts to portray the conflict as a dispute between Azerbaijan and Nagorno-Karabakh, the facts which have come to light so far contradict this and confirm the aggression against Azerbaijan resulting from territorial claims on the part of Armenia. The annexation resolution passed by the Supreme Soviet of Armenia on December 1, 1989 was not cancelled by the Republic of Armenia following the break-up of the Soviet Union. By virtue of this resolution, the Nagorno-Karabakhian Robert Kocharyan was as a citizen of Armenia elected president of the country in 2003.<sup>103</sup> From 1992 to 1997 Kocharyan was "President of the Republic of Nagorno-Karabakh" and in 1997 he was appointed prime minister of the Republic of Armenia by the then Armenian president Ter-Petrosyan.

In 2003, an Armenian court in Erivan even expressly confirmed the annexation resolution in the statements of grounds for its ruling dismissing an action brought by leading Armenian opposition parties calling into question the legitimacy of Robert Kocharyan's Armenian citizenship. Kocharyan is from Azerbaijani Nagorno-Karabakh and following the break-up of the USSR he was automatically a citizen of the Republic of Azerbaijan. However, the Yerevan court provided the following justification for its ruling: "The declaration in the resolution of December 1, 1989 by the parliament of the Republic of Nagorno-Karabakh and

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<sup>102</sup> The Hague Conventions of 1899 and 1907 and the Geneva Conventions (August 12, 1948) established important cornerstones of international conventions of war. Under the 3<sup>rd</sup> Hague Convention of 1907, a war between states is to be declared by the state going to war.

<sup>103</sup> Under the penal law of the Republic of Azerbaijan, as a citizen of Azerbaijan Robert Kocharyan could be brought before court for at least 35 violations of the law. Cf. Newspaper ECHO/Internet Edition, February 15, 2003, N30/522/, <http://www2.echo-az.com/facts.shtml>.

Armenia regarding reunification includes not only the territorial factor but also the factor of citizenship”.<sup>104</sup>

Thus in addition to Armenia’s legislative and executive, its judiciary too has documented Armenia’s claim to Nagorno-Karabakh in this way. This ruling, which remains in force today, provided patent confirmation of Armenia’s military, political and legal involvement in the Nagorno-Karabakh conflict.

## 9. International Law: Territorial Integrity versus the Principle of Self-Determination

An important factor in conflict resolution is the legal complication resulting from the various types of arguments put forward by the conflict parties.<sup>105</sup> Armenia and the Armenian community of Nagorno-Karabakh cite a people’s right of self-determination. In contrast, the Azerbaijani side favours generally recognized principles of international law such as the territorial integrity of a state and the inviolability of internationally recognized borders.

At the founding of the United Nations in 1945, the principle of self-determination was not recognized as a basic right in the UN Charter.<sup>106</sup> In contrast, the principle of territorial integrity was included in the UN Charter as one of its fundamental principles. The 1948 Universal Declaration of Human Rights does not mention the principle of self-determination at all. It refers instead to the protection of rights of individuals.

One cannot infer from the UN Charter that self-determination means the right to independence.<sup>107</sup> This refers instead to administrative self-government within the framework of autonomy.

In 1960 the UN General Assembly passed resolution no. 1514 regarding the decolonisation of countries and peoples. In this resolution the principle of self-determination was used as an instrument of international law during decolonisation. At the same time, the resolution emphasised that “any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

In 1966 the UN General Assembly approved two different documents: the “International Covenant on Civil and Political Rights” and the

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<sup>105</sup> Cf. Nabijew, R.: Nagorny Karabach – Vermittlungsmission und externe Akteure, in: Wostok. Länderspezial Aserbaidschan. 2003.

<sup>106</sup> Cf. Hannum, H.: *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflict Rights*, University of Pennsylvania Press Philadelphia 1990

<sup>107</sup> Cf. Appendix. Provisions of the UN Charter dealing with resolutions of disputes and measures in case of acts of aggression.

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<sup>104</sup> Op. cit.

“International Covenant on Economic, Social and Cultural Rights”. In both documents, article 1 states that all peoples have a right to self-determination and may freely determine their political status. Here too, however, violations of the territorial integrity of a state are clearly prohibited.

A study commissioned by the UN reached the following conclusion: “The right of peoples to self-determination, as it emerges from the United Nations, exists for peoples under colonial and alien domination, that is to say, who are not living under the legal form of a State.”<sup>108</sup>

In 1970 the UN passed its Declaration on the Principles of International Law. However, this declaration also failed to establish full clarity regarding the principle of self-determination in non-colonial situations.

In 1984 the UN Committee on Human Rights accepted a commentary on article 1 of the two documents approved by the UN General Assembly in 1966 regarding the meaning of the term “self-determination”. However, no consensus was reached between the members of the committee, and this commentary did not appear in the UN’s documentation.<sup>109</sup>

A. Smith maintains that “[m]ost new states were created through the process of decolonization, not secession. The exceptions – Bangladesh and Singapore – were the products of exceptional circumstances.”<sup>110</sup>

A number of scholars hold the view that, in the course of its realisation, the political norm of decolonialisation increasingly developed into a synonym for the right to self-determination.<sup>111</sup>

Prior to the break-up of the Soviet Union, the Nagorno-Karabakh conflict was not an international conflict and was an internal matter in the

<sup>108</sup> Gros-Espiell, H.: *The Right to Self-Determination: Implementation of United Nations Resolutions*, U.N. Doc. E/CN.4/SUB.2/405/Rev.1., p.13 f.

<sup>109</sup> Cf. Hannum, H.: *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflict Rights*, University of Pennsylvania Press Philadelphia 1990, p. 44.

<sup>110</sup> Cf. Smith, A.: *National Identity*, University of Nevada Press, Reno, Nevada.1991, pp. 135-6; Hannum, H.: *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflict Rights*, University of Pennsylvania Press Philadelphia 1990, p. 49.

<sup>111</sup> Cf. Eisner, M.: *A Procedural Model for the Resolution of Secessionist Disputes* *Harvard International Law Journal*, volume 33, number 2, Spring 1992, p. 408.

USSR. However, even then the Armenian side was making intensive use of the term “self-determination”. It was concerned not with the international right to self-determination, but also with the “Leninist principle of self-determination” which had been formulated by the founder of the Soviet Union, V. I. Lenin. However, Leninist self-determination has little in common with modern international law.

In practice, as a rule preference is given to the principle of the territorial integrity of states. Thus in all resolutions passed by the UN Security Council on the Nagorno-Karabakh conflict (822, 853, 874 and 884 in 1993), in the appendix to the final document produced by the OSCE summit of state and government leaders in Lisbon in 1996, in the resolution passed by the Parliamentary Assembly of the Council of Europe in January 2005 and most recently in a declaration by the NATO summit of state and government leaders in Riga in December 2006, the territorial integrity of Azerbaijan has been clearly confirmed. The OSCE documentation repeatedly refers to the Nagorno-Karabakh Armenians’ self-determination within Azerbaijan.

From the point of view of international law, Nagorno-Karabakh is undisputedly an integral part of Azerbaijan. No state has recognized the separation of Nagorno-Karabakh from Azerbaijan or its unification with Armenia. Nor is the “Republic of Nagorno-Karabakh”, which was proclaimed in 1992, recognized by any state, not even by the Republic of Armenia.

During the 1990s and since then, “parliamentary and presidential elections” have been held in Nagorno-Karabakh whose legitimacy has been called into question and denied recognition by international organisations such as the OSCE, the EU and the Council of Europe. Such efforts on the part of the Nagorno-Karabakh Armenians are “separatist”, as stated in the resolution passed by the Council of Europe’s Parliamentary Assembly in January 2006. For the same reason, the referendum to adopt Nagorno-Karabakh’s first constitution was condemned by the international community in December 2006. The European Union does not recognize the outcome of the referendum and considers it to be “counterproductive in the negotiations”. The Council of Europe and the OSCE have issued similar declarations. The Azerbaijani Foreign Minister Elmar

Mammadyarov called the referendum a waste of time, money and nerves.<sup>112</sup>

Until Azerbaijani inhabitants of Nagorno-Karabakh have returned to their former places of residence, all forms of elections or referenda are unlawful and the world community will continue to deny them its recognition.

In summary, the Armenian community in Nagorno-Karabakh has no right to self-determination under valid international law. The Armenians in Nagorno-Karabakh are not a nation, they are merely one of many ethnic minorities in Azerbaijan. The Armenians have as a nation already exercised their right of self-determination through the act of establishing the Republic of Armenia.

## 10. Ways Out of the Impasse

The analysis so far presents the Nagorno-Karabakh conflict as a political, international and ethno-territorial conflict. This conflict is primarily concerned with Armenia's political ambitions and territorial claims to Nagorno-Karabakh, which are vehemently rejected by the Azerbaijani side and viewed as separatism and as an attack on its territorial sovereignty. The US State Department's official statement which was submitted prior to the Key West summit between the state presidents of Azerbaijan and Armenia in April 2001 condemns the occupation of Azerbaijan and refers to the Armenian military units of Nagorno-Karabakh as separatist.<sup>113</sup>

The Council of Europe's Parliamentary Assembly also found in its resolution no. 1416 of January 25, 2005<sup>114</sup> that significant parts of Azerbaijani territory remain occupied by Armenian troops. Nagorno-Karabakh remains subject to the control of separatist forces.

The territorial integrity of Azerbaijan and Armenia was also upheld in the 1993 UN resolutions regarding the Nagorno-Karabakh conflict: "Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region, reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory," the UN Security Council criticised the capture of the Azerbaijani regions by Armenian troops and requested the government of the Republic of Armenia to continue to exert its influence in order to achieve compliance by the Armenians of the Nagorno-Karabakh region of the Republic of Azerbaijan with its resolution and to accept the proposals of the Minsk Group of the OSCE.

A three-layered distinction is customarily made regarding the resolution of ethno-territorial conflicts: demilitarisation, economic rehabilitation, and the determination of political status. The first level has

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<sup>112</sup> BBC Radio, [www.bbc.co.uk](http://www.bbc.co.uk). December 11, 2006.

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<sup>113</sup> Cf. Yuzhniy Kavkaz – zona interesov Soedinennykh Shtatov Ameriki (The Southern Caucasus – a Zone of Interest of the USA), in: *Nezavisimaya gazeta* of July 20, 2001, no. 113, p. 4; <http://www.caapr.kz/show.php?rua2606-02.htm>.

<sup>114</sup> "Considerable parts of the territory of Azerbaijan are still occupied by Armenian forces, and separatist forces are still in control of the Nagorno-Karabakh region". Cf. Parliamentary Assembly. The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference. Resolution 1416 (2004) /1/, article 1.



failed completely in the Nagorno-Karabakh conflict: Both sides are arming themselves militarily and the situation has actually deteriorated. At the second level there have been moderate successes, particularly in Azerbaijan.<sup>115</sup> At the third level, the situation is frozen and nothing has changed.

All conflicts are individual in nature, including inter-ethnic and territorial conflicts. Accordingly, general rules can only provide partial and incomplete explanations as to the logic of the origins of a conflict and its starting-point. The conflict parties' route to peace is also always an individual one.

In a specific phase of the resolution process, there will also be an urgent need for direct contacts between Khankendi and Baku. Not only between those with political responsibility on both sides, but also between representatives of the general public, journalists, academics, religious leaders etc. A readiness to support "popular diplomacy" might help both sides' political elites to promote a peaceful resolution of the problem.

Where a conflict is not resolved for a long period, it "widens" and creates a large number of new negative factors. It becomes more complicated and continuously acquires new levels. The outcome is that, as time goes by, it becomes increasingly difficult to solve the conflict subject to the reciprocal agreement of the two conflict parties. One side may be interested in drawing out a solution of the conflict so that it "solves" itself "on its own", if possible for the benefit of this side. The other side, which has an objective interest in the conflict's rapid resolution, may not act decisively and consistently enough. The conflict parties should distance themselves as clearly as possible from external forces which attempt to permanently "freeze" the conflict. Ultimately, "frozen" conflicts force the conflict parties to recognize the *status quo*. Neither Azerbaijan nor Armenia should permit this to happen.

Conflict parties may also sometimes be satisfied with the partial resolution of their demands. For this reason, the agenda for negotiations should feature a large number of partial demands. The larger the number of such minimal or partial demands which are met, the more stable the

<sup>115</sup> International financial institutions such as the International Monetary Fund predict economic growth at a rate of 26 % for Azerbaijan in 2006. For the following year annual GDP growth of 35 % is predicted.

potential final outcome. It would be useful for Azerbaijan, Armenia and also for the Azerbaijani and Armenian communities of Nagorno-Karabakh to produce a differentiated list of minimal and partial demands and to present these to a wide public. The gradual re-establishment of trust between the conflict parties would be of key importance for a peaceful resolution of the conflict and might be stimulated by meeting partial demands. Successful joint economic projects initiated by Azerbaijan might make a considerable contribution to the re-establishment of trust. The relaunch and ongoing development of economic cooperation should have long ago been placed on the official agenda.

The following classification of confidence-building measures is possible:

1. Guarantee of a stable ceasefire supported by international law and secured by peacekeeping troops.

2. Mutual amnesty: An amnesty agreement could be made for all war participants who have not committed crimes against humanity and the civilian populations. The exchange of prisoners and hostages and the upkeep of graves of fallen enemies could have a positive effect on further negotiations. Also highly important would be cooperation between the legal establishments of Azerbaijan and Armenia, particularly in the joint struggle against cross-border crime. Cooperation of this sort might also be highly useful in combating legal violations.

3. The negotiation process should not be interrupted. Any such interruptions make it more difficult to continue with negotiations and ultimately drag out the conflict's resolution.

4. The rapid and large-scale return of internally displaced persons and refugees to their former places of residence is also highly important.

5. The territories of Azerbaijan occupied by Armenia outside Nagorno-Karabakh should be returned beforehand and mutual channels of communication established.

As a rule, rival parties cease hostile actions once they have reached an impasse and where they are convinced that the use of force will not promote their unilateral interests or where they realise that the costs of permanent confrontation are much higher than the possible costs and benefits of attempts at a peaceful solution. Azerbaijan should avoid impasses in the negotiations: The more such impasses occur and the more frequently they do so, the more "frozen" the conflict situation will remain.

Armenia should show more readiness to compromise so that the negotiations can lead to real results.

Force is nowadays seldom part of a settlement strategy. The use of force to bring about a solution is normally an expensive and risky undertaking which often leads to further, and even widened, disputes and to unstable outcomes. The areas of Azerbaijan occupied by force in the 1991-1994 war are one example of this.

If one side sees itself as the winner in advance and the other as the loser, the basis for further conflicts has already been established and the basis for negotiations lost. Armenia and Azerbaijan should therefore show a mutual readiness to compromise in their negotiations.

It is also important not to impose any official time framework for the negotiations. Negotiations should take place without time pressure. The alternative would be war or both sides' complete isolation and alienation from one another. However, international experience shows that frozen conflicts sooner or later lead to fresh bloodletting and fresh armed confrontation.

Negotiators are required who are legitimate representatives of the opposing parties: If the "president of Nagorno-Karabakh" cannot be recognized as such, he might be recognised as, for instance, the "leader of the rebel forces of Nagorno-Karabakh" or the "chief negotiator of the Armenian community of Nagorno-Karabakh".

A new level of dialogue might be reached for all parties to the dispute through mutual apologies for the permitted injustices and violations of the law. A bilateral nonaggression pact between Armenia and Azerbaijan might be a further step. This would significantly reduce Nagorno-Karabakh Armenians' fear of military action by Baku. Nagorno-Karabakh should be persuaded that Baku is consistently working towards a peaceful resolution of the problem. This persuasion could improve the ongoing dialogue's chances of success.

There are theoretically three main paths for conflict resolution:

1. An external power imposes a solution on the conflict parties.
2. The conflict may be resolved through the actions of one of the conflict parties.

### 3. The conflict parties solve the conflict jointly and peacefully.

The third path of conflict resolution is the most promising, and the results achieved in this way are more stable than for results achieved by other means. However, the adoption of this path means that Azerbaijan will have to negotiate with Nagorno-Karabakh directly in addition to Armenia. Before direct negotiations begin between Nagorno-Karabakh and Azerbaijan, several legacies of the war in particular should be dealt with. As an important first step, the Azerbaijani territories occupied by Armenia outside Nagorno-Karabakh might be returned. This step might establish a basis for trust.

When a ceasefire is reached, a secure and stable environment should be rapidly established along the dividing line. This requires external forces: rapid provision of security forces to keep the warring parties apart from one another and to promote and supervise disarmament agreements. These measures have not been enacted in the Nagorno-Karabakh conflict between Azerbaijan and Armenia.

Preventative measures are essential to prevent a new flaring-up of the conflict. Prevention requires continuous and consistent action which means costs, and costs require compensation. However, the costs of prevention are tiny compared with the costs of a new conflict, reconstruction and healing of the resulting mental wounds. Azerbaijan should not be deterred by the prevention costs.

The social aspects of conflict settlement are important. How do the societies of "hostile" countries view one another?

Armenia is now the only mono-ethnic state in the southern Caucasus. Almost 98 % of its population consists of Armenians, although representatives of other nations have also lived here historically.

In Azerbaijan more than 20 ethnic minorities live in compact settlements.<sup>116</sup> Religious tolerance in Azerbaijan – whose history is based

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<sup>116</sup> In addition to Armenians, these include the Udins (6,000 people), Kryzes (1,000), Khinalugs (2,000), Budukh (1,000), Inghiloyts (8,000), Lezgins (178,000), Greeks (700), Germans (1,700), Jews (30,000), Russians (141,000), Kurds (28,000), Georgians (14,000). See in detail N. Gulieva, *Etnicheskie men'shinstva: realnost i perspektivy* (Ethnic Minorities: Reality and Perspectives), in: IRS, no. 5 (23), 2006, p. 4-8.

on a centuries-old tradition – is held in high regard by a large number of independent European experts. The article on religious freedom embodied in the republic's 1995 constitution has long been put into practice. Mosques, churches and synagogues exist alongside one another in Baku. 30,000 Armenians currently live peacefully in Baku alone, mainly women from mixed marriages.

The active inclusion of a society's viewpoint in the debate regarding the conditions for a just conflict resolution is an essential precondition for achievement of a viable political solution in the Caucasus region. The adoption of a compromise which is at odds with popular opinion is dangerous for any government in the Caucasus. An apparently excessive readiness to compromise is almost always depicted as a betrayal of national interests by the political opposition. A prime example of this is the bloodbath in the Armenian parliament in October 1999, when the USA was actively mediating between Baku and Yerevan in advance of the OSCE summit in Istanbul. At that time, it appeared that a framework had been found for a convergence of the conflict parties' positions. However, five terrorists stormed Armenia's parliament building in the middle of a plenary session and shot dead seven politicians, including the parliament's president and the prime minister. This reality – which the state leaderships of Azerbaijan and Armenia always have in mind – is a serious obstacle in the quest for a resolution of the conflict.

A resolution of the conflict is also hindered by the following factors: a lack of recognition of reciprocal dependencies; an inability to recognize the opposing side's core position and act in accordance with this knowledge; a lack of political formulae which would be provisionally acceptable for both sides and which would signal a possible way out of the conflict; strong interference by external powers; an insufficient desire on the part of one or both sides to resolve the conflict.

The larger the number of powerful external forces involved in the conflict, the larger the risk of the conflict parties seeking the protection of regional and global actors. The contradictory interests of a large number of external actors in the region – including the USA, the EU, Russia and Iran – are a significant obstacle to such a peaceful solution.

It cannot be denied that certain political and military forces in Russia continued to play a catalyst role in these events even after the break-up of

the Soviet Union. In the period between 1992-1994 and also later, a billion US dollars' worth of arms and ammunition were shipped from Russia to Armenia free-of-charge. Once these facts became known, this triggered large protests in Azerbaijan, as Armenia, Russia and Azerbaijan are all members of a defensive alliance as part of the Commonwealth of Independent States. The secret arms shipments from Russia to Armenia were discussed in the Russian state *duma* and were strongly criticised by the state *duma* deputy General Lev Rokhlin, who was subsequently murdered.

In military-political terms, Russia is active in all three southern Caucasus republics. Russia maintains military bases in Armenia. In 1997 Russia and Armenia concluded a mutual assistance pact. In northern Azerbaijan the Gabala radar station has been leased to Russia until 2015. Russia continues to drag out the closure of its military bases in Georgia. Without Russia – or with the resistance of Russia – and without the United States – or with the resistance of the United States – there will be no peace between Azerbaijan and Armenia or indeed in the southern Caucasus as a whole. These two global political actors should be more actively involved in cooperation in attempts to resolve the Nagorno-Karabakh conflict.

To date Azerbaijan cannot afford a military solution, even though the country's occupied territories are seen as a glaring injustice and are a clear violation of international law. In time, the gap between Armenia and Azerbaijan's political, economic/financial and demographic/social resources will become ever larger due to Azerbaijan's dynamic development. The significance of the attempts to achieve political and social stability in Azerbaijan and Armenia for a peaceful resolution of the Karabakh problem should not be underestimated.<sup>117</sup>

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<sup>117</sup> Cf. Rupel, D.: in: [www.day.az/news/politics/34772.html](http://www.day.az/news/politics/34772.html): Yuzhniy Kavkaz – zona interesov Soedinennykh Shtatov Ameriki (The Southern Caucasus – a Zone of Interest of the USA), in: *Nezavisimaya gazeta* of July 2, 2001, no. 113, p. 4; <http://www.caapr.kz/show.php?rua2606-02.htm>

## **11. Final Observations on Possible Compromises in the Nagorno-Karabakh Negotiations between Azerbaijan and Armenia**

An analysis of large numbers of sources in a variety of languages permits the conclusion that the territory of Karabakh belongs historically, legally and politically to Azerbaijan, even if Azerbaijanis do not make up the current majority population. Armenia is manipulating the separatists in Nagorno-Karabakh and is undermining and rejecting recognition of this majority as citizens of today's Azerbaijan. This was apparent in the acts of war with Azerbaijan in the period from 1991-1994 and in Armenia's statements and behaviour in relation to the efforts by Azerbaijan and international organisations to achieve a peaceful resolution of the problem. All these efforts failed not least due to the tough stance adopted by the Armenian government.

In legal terms, too, there is no doubt as to the territorial integrity of the Republic of Azerbaijan with Nagorno-Karabakh as part of this republic.

Nonetheless, the following compromises might be proposed for negotiation between Azerbaijan and Armenia and the Armenian community of Nagorno-Karabakh.

### **On the part of Azerbaijan**

Nagorno-Karabakh is granted the highest possible autonomous status with vertical relations with Baku subject to international guarantee and control. However, consideration should also be given to a special status for Nagorno-Karabakh as part of Azerbaijan.

Azerbaijan will not submit any demands for contributions from Armenia.

Azerbaijan should be prepared to tolerate international peacekeeping forces under the auspices of the UN in Nagorno-Karabakh.

Azerbaijan should be prepared to establish its relations on a legal basis and subject to international guarantee and control, granting the highest possible autonomy for Nagorno-Karabakh. The territorial integrity and permanency of its national borders could also be made compatible with the

highest possible autonomous status within the framework of a unitary state.

An open communication channel and free cultural and information exchange between Nagorno-Karabakh and Armenia could be guaranteed.

The Azerbaijani community led by Nizami Bahmanov – who is also resident in Sumgait as the executive chief of the town of Shusha – should support the Azerbaijani government in its compromise efforts.

### *On the part of the Armenian community of Nagorno-Karabakh*

To recognize the autonomous status with vertical relations with Baku subject to international guarantee and control or to accept a special status within the Republic of Azerbaijan. To accept that an ethnic minority's right of self-determination may also be maintained in these ways.

To disarm the inhabitants, to demilitarise the areas of settlement, to make radical reductions in its own armed troops and to convert them into police forces.

To permit the return of the Azerbaijani refugees and displaced persons subject to international guarantee and control and to guarantee their peaceful coexistence.

### **On the part of Armenia**

To withdraw Armenian forces from the occupied territories and from Nagorno-Karabakh.

Not to make any territorial demands of Azerbaijan.

To recognize Nagorno-Karabakh as an autonomous structure with vertical relations with Baku within the internationally recognized borders of Azerbaijan. To accept the unitary state, Nagorno-Karabakh within Azerbaijan.

As already mentioned above, more than 20 ethnic minorities live in compact settlements in Azerbaijan. The Armenians are one of these minorities. In actual fact, the entire Caucasus is an ethnic patchwork rug. If one ethnic minority is granted independence in line with demands for

separatism, this would destabilise the region's entire geopolitical situation. A solution to the Nagorno-Karabakh conflict should therefore proceed from the principle of the territorial integrity of Azerbaijan and Armenia and the inviolability of the internationally recognized borders.

Azerbaijan is experiencing dynamic political and economic growth. The republic's geopolitical importance is on the rise due to its important geographical position and its natural resources. Major projects are being realised in the energy and transport sectors which are gradually bringing Azerbaijan towards the European Union. In December 2006 Azerbaijan and the European Union approved in Brussels a memorandum on a strategic energy partnership. Projects worth billions – such as the “deal-of-the-century” oil contract, the Baku-Tbilisi-Ceyhan oil pipeline, the Baku-Tbilisi-Erzurum gas pipeline, the railway line from Kars through Achalkalaki to Baku – are helping to deepen regional integration between Azerbaijan, Georgia and Turkey. Armenia alone is excluded from these important regional projects due to its occupation of the Azerbaijani territories.

The growth of separatism in the former Soviet Union started with the Nagorno-Karabakh conflict. A resolution of this conflict might now play a key role in resolving other territorial conflicts unfolding on the territory of the former Soviet Union.

The path to peace is stony. Compromises are painful and the general public is not always prepared to accept these compromises immediately. But the question is, what is the alternative?

The only possible alternatives to a peaceful resolution of the conflict would be a further militarisation of the region, a deepening of the humanitarian crises in Armenia, Azerbaijan and Nagorno-Karabakh, a permanent blockade of the entire region's economic development, southern Caucasian republics' increasing dependency on foreign actors and military intervention (by Azerbaijan or the international community or an interest group). Who seriously desires alternatives of this kind?

## Appendix

### 1. Treaty between the Khan of Karabakh and the Russian Empire on the Transfer of Power Over the Khanate to Russia of 14 May 1805

- Unofficial translation –

In the Name of God Almighty

We, i.e., Ibrahim-khan Shushinsky (of the city of Shusha<sup>118</sup>) and Karabaksky (of the khanate of Karabakh) and General of infantry of All Russia's troops Caucasian inspection on infantry and others Prince (knyaz) Pavel Tsitsianov<sup>119</sup> with the full power given to me by his Emperor's Highness the dearest and greatest Sir Emperor Alexander Pavlovich took up with the help of God the matter of granting everlasting citizenship of All Russian Empire to Ibrahim khan Shushinsky and Karabakhsy with all family, posterity and possessions of his. The Treaty was concluded, confirmed and signed with the following articles.

#### Article 1

Ibrahim Khan Shushinsky on my behalf, on behalf of my heirs, successor abdicate<sup>120</sup> any vassalage and whichever title it might be any dependence from Persia or any other state and in this way I declare the fact to the whole world that I don't consider myself and the successors of mine of having any power. The only power we recognize is the Supreme Power

<sup>118</sup> The fortress of Shusha was founded in 1752 and formed the administrative centre of the Karabakh khanate which joined Russia in 1805 and remained part of the Russian empire until 1917. Since 1840 Shusha has been known as a historic architectural city, spa destination and carpet-manufacturing centre.

<sup>119</sup> Tsitsianov Pavel Dmitrievich (1754-1806), infantry general from 1804 onward. From 1802 supreme commander of the Russian army in Georgia, made the Ganja, Karabakh, Sheki and Shirvan khanates and the Shuragel sultanate part of Russia. In 1806 he was murdered during negotiations with the Baku khan.

<sup>120</sup> Instead of “abdicate” (Russian: “otkazivayus”), the Russian text features the antiquated word “otritsayus”, which roughly means “negate”.

of His Emperor's Highness All Russia's great Emperor and his greatest heirs and successors of All Russia's Emperor Throne. I promise to keep faithfulness to the throne like faithful slave and to which I have to swear on Koran in accordance with the custom.

## Article 2

His Emperor's Highness on behalf of his openhearted promise he gives his word of honour and reassures with his Emperor's word of honour for himself and for his successors that favour and care towards Ibrahim Khan Shushinsky and Karabakhsky and will never cease to exist. To prove this fact His Emperor's Highness gives the guarantee to keep the whole possessions and successors intact.

## Article 3

To repay<sup>121</sup> the openheartedness of Ibrahim-khan Shushinsky and Karabakhsky to recognize the supreme and sole power of All Russia's Emperor over himself and his successors this article states that he, the Khan and later his elder son and each elder successor when accepting the khanate has the right to receive Emperor's confirmation on the khanate from the Governor of Georgia. It consist of the deed (official document), official state seal. While receiving it the new Khan is to take the oath to be faithful to Russian Empire and to recognize the supreme and sole power of Russian Emperor over himself and his successors. The form of the oath is enclosed in this Treaty. The present Ibrahim-khan Shushinsky and Karabakhsky took the oath in presence of Governor of Georgia and general of infantry prince Tsitsianov.

## Article 4

I, i.e. Ibrahim-khan Shushinsky and Karabakhsky to prove that my intentions towards my and my successors' faithfulness to All Russia's

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<sup>121</sup> Instead of "repay" (Russian "voznagrazhdenie"), the Russian text features the antiquated word "mzda".

Empire and recognition of the Supreme and sole power of the highest possessors of the Empire promise not to have any relations with neighbouring possessors without preliminary consent of Governor of Georgia. And when the envoys from them come or the letters are sent I promise to send the most important ones to the Governor and demand the solving of the questions from him and the ones with less importance to be reported and discussed with the person representing the Governor at my place.

## Article 5

His Emperor's Highness accepts the recognition of his supreme and sole power over the possessions of Ibrahim-khan Shushinsky and Karabakhsky with good will and promises: 1) to treat the peoples of these possessions with the same honour as his own faithful citizens, without sorting them out from those inhabiting the vast Russian Empire. 2) To preserve continuously the honour of Ibrahim-khan, his house, heirs and posterity in the area of Shusha khanate. 3) To give all the power of internal governing, court and persecution, income and its possession to Ibrahim-khan. 4) In order to guard Ibrahim-khan, his house and his possessions I promise to send troops (500 persons) with cannons, headquarters and officers and in case of greater defence the Governor of Georgia will have to increase the number of troops due to circumstances to defend militarily the possessions of All Russia's Empire.

## Article 6

I, i.e. Ibrahim-khan Shushinsky and Karabakhsky in response of my faithful diligence make commitment: 1) At the beginning and later on to store up the necessary quantity of wheat and corn by reasonable price determined by the Chief Governor because its supply from Elisavetpol<sup>122</sup> is rather difficult or even must be stated as impossible. 2) The above mentioned troops should be provided with houses to stay in Shusha Fortress. They should be selected by the will of the Commander. They

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<sup>122</sup> The former settlement of Elisavetpol is now the town of Ganja in present-day Azerbaidzhan.

should be supplied with reasonable quantity of firewoods. 3) To make the Elisavetpol bound entrance into Shusha fortress comfortable and to build the road suitable for arba passing. 4) It would be convenient for the government to build up a road from Shusha Fortress In the direction of Djevad. The workmen must be paid the salary determined by the government.

#### **Article 7**

His Emperor's Highness showing his goodwill and kindness to his majesty Ibrahim-khan kindly presents his banner with the state Emblem of Russian Empire which is to be kept with him a symbol of khanate and power. Nobody except the khan has the right to carry it to war as it was presented by his Emperor's Highness.

#### **Article 8**

I, i.e. Ibrahim-khan Shushinsky and Karabakhsky having His Emperor's Highness permission to spend my usual income make the commitment to pay contribution into the exchequer treasury of His Emperor's Highness in Tifliss 8.000 chervonets (gold piece coin) a year, to pay it in two halves. 1st half on February 1st and the second half on September 1st beginning with the 1st payment of 4.000 chervonets. Confirming the concluding this treaty by his Emperor's Highness and according to Asian tradition, besides the oath to faithfulness I pawn my elder son's Mammad-Hassan-Aga's son of the second Shukur-Ullah to stay forever in Tifliss.

#### **Article 9**

His Emperor's Highness kindly expressing his mercy as a taken of faithfulness guarantees his Majesty khan's grandson 10 roubles of Russian money a day.

#### **Article 10**

This Treaty is concluded for ever and is not to be subjected to any changes from now to forever.

#### **Article 11**

The confirmation of this Treaty by His Emperor's Highness with the state sealed deed (official document) must be presented within 6 months after its signing or sooner if possible. In confirmation of that the undersigned parties signed these articles in the camp of Elisavetpol region near r. Kura in summer of 1805 A.D. (Muhammaddan 1220) on 14 May.





императорской Высшей, Которой милостиво благоволил  
Ее Императорское Высочество Императрица Канон  
Шушинский и Карабалакский императорской Высшей  
Ахи отъ Которых поданных Высшей Которых Которых  
отъ милости Императорской Которой Которой  
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## 2. Statement by the presiding chairman of the OSCE at the OSCE summit of heads of state or government, Lisbon, December 1996<sup>123</sup>

You all know that no progress has been achieved in the last two years to resolve the Nagorno-Karabakh conflict and the issue of the territorial integrity of the Republic of Azerbaijan. I regret that the efforts of the Co-Chairmen of the Minsk Conference to reconcile the views of the parties on the principles for a settlement have been unsuccessful.

Three principles which should form part of the settlement of the Nagorno-Karabakh conflict were recommended by the Co-Chairmen of the Minsk Group. These principles are supported by all member States of the Minsk Group. They are:

- territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
- legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

I regret that one participating State could not accept this. These principles have the support of all other participating States.

This statement will be included in the Lisbon Summit documents.

## 3. The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference, Resolution 1416 (2005)<sup>124</sup>

1. The Parliamentary Assembly regrets that, more than a decade after the armed hostilities started, the conflict over the Nagorno-Karabakh region remains unsolved. Hundreds of thousands of people are still displaced and live in miserable conditions. Considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region.

2. The Assembly expresses its concern that the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing. The Assembly reaffirms that independence and secession of a regional territory from a state may only be achieved through a lawful and peaceful process based on democratic support by the inhabitants of such territory and not in the wake of an armed conflict leading to ethnic expulsion and the de facto annexation of such territory to another state. The Assembly reiterates that the occupation of foreign territory by a member state constitutes a grave violation of that state's obligations as a member of the Council of Europe and reaffirms the right of displaced persons from the area of conflict to return to their homes safely and with dignity.

3. The Assembly recalls Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) of the United Nations Security Council and urges the parties concerned to comply with them, in particular by refraining from any armed hostilities and by withdrawing military forces from any occupied territories. The Assembly also aligns itself with the demand expressed in Resolution 853 (1993) of the United Nations Security Council and thus urges all member states to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the *continued occupation of territory*.

4. The Assembly recalls that both Armenia and Azerbaijan committed themselves upon their accession to the Council of Europe in January 2001

<sup>123</sup> Source: OSCE Lisbon Document 1996; [http://www.osce.org/documents/mcs/1996/12/4049\\_en.pdf](http://www.osce.org/documents/mcs/1996/12/4049_en.pdf)

<sup>124</sup> Source: [http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1416.htm#\\_ftn1](http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1416.htm#_ftn1)

to use only peaceful means for settling the conflict, by refraining from any threat of using force against their neighbours. At the same time, Armenia committed itself to use its considerable influence over Nagorno-Karabakh to foster a solution to the conflict. The Assembly urges both Governments to comply with these commitments and refrain from using armed forces against each other as well as from propagating military action.

5. The Assembly recalls that the Council of Ministers of the Conference for Security and Co-operation in Europe (CSCE) agreed in Helsinki in March 1992 to hold a conference in Minsk in order to provide for a forum for negotiations for a peaceful settlement of the conflict. Armenia, Azerbaijan, Belarus, the former Czech and Slovak Federal Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey and the United States of America agreed at that time to participate in this Conference. The Assembly calls on these states to step up their efforts to achieve the peaceful resolution of the conflict and invites their national delegations to the Assembly to report annually to the Assembly on the action of their governments in this respect. For this purpose, the Assembly asks its Bureau to create an Ad hoc Committee with inter alia the heads of these national delegations.

6. The Assembly pays tribute to the tireless efforts of the Co-Chairs of the Minsk Group and the Personal Representative of the OSCE Chairman-in-Office, in particular for having achieved a cease-fire in May 1994 and having monitored the observance of this cease-fire since then. The Assembly calls on the OSCE Minsk Group Co-Chairs to take immediate steps to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. The Assembly calls on Armenia and Azerbaijan to make use of the OSCE Minsk Process and actively submit to each other via the Minsk Group their constructive proposals for the peaceful settlement of the conflict in accordance with the relevant norms and principles of international law.

7. The Assembly recalls that Armenia and Azerbaijan are signatory parties to the Charter of the United Nations and, in accordance with Article 93, paragraph 1 of the Charter, ipso facto parties to the Statute of the International Court of Justice. Therefore, the Assembly suggests that if the

negotiations under the auspices of the Co-Chairs of the Minsk Group fail, Armenia and Azerbaijan should consider using the International Court of Justice in accordance with Article 36, paragraph 1 of the Court's Statute.

8. The Assembly calls on Armenia and Azerbaijan to foster political reconciliation among themselves by stepping up bilateral inter-parliamentary co-operation within the Assembly as well as in other forums such as the meetings of the Speakers of the Parliaments of the Caucasian Four. It recommends that both delegations should meet during each part-session of the Assembly to review progress on such reconciliation.

9. The Assembly calls on the Government of Azerbaijan to establish contacts without preconditions with the political representatives of both communities from the Nagorno-Karabakh region regarding the future status of the region. It is prepared to provide facilities for such contacts in Strasbourg, recalling that it did so in the form of a hearing on previous occasions with Armenian participation.

10. Recalling its Recommendation 1570 (2002) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, the Assembly calls on all member and observer states to provide humanitarian aid and assistance to the hundreds of thousands of people displaced as a consequence of the armed hostilities and the expulsion of ethnic Armenians from Azerbaijan and ethnic Azerbaijanis from Armenia.

11. The Assembly condemns any expression of hatred portrayed in the media of Armenia and Azerbaijan. The Assembly calls on Armenia and Azerbaijan to foster reconciliation, confidence-building and mutual understanding among their peoples through schools, universities and the media. Without such reconciliation, hatred and mistrust will prevent stability in the region and may lead to new violence. Any sustainable settlement must be preceded by and embedded in such reconciliation processes.

12. The Assembly calls on the Secretary General of the Council of Europe to draw up an action plan for specific support to Armenia and Azerbaijan targeted at mutual reconciliation processes and to take this resolution into account in deciding on action concerning Armenia and Azerbaijan.

13. The Assembly calls on the Congress of Local and Regional Authorities of the Council of Europe to assist locally elected representatives of Armenia and Azerbaijan in establishing mutual contacts and inter-regional co-operation.

14. The Assembly resolves to analyse the conflict settlement mechanisms existing within the Council of Europe, in particular the European Convention for the Peaceful Settlement of Disputes, in order to provide its member states with better mechanisms for the peaceful settlement of bilateral conflicts as well as internal disputes involving local or regional territorial communities or authorities which may endanger human rights, stability and peace.

15. The Assembly resolves to continue monitoring on a regular basis the peaceful resolution of this conflict and decides to revert to considering this issue at its first part-session in 2006.

#### 4. UN Charter (extracts)

##### **“Chapter VI. Pacific settlement of disputes**

###### *Article 33*

(1) The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

(2) The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

###### *Article 34*

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

##### **Chapter VII. Action with respect to threats to the peace, breaches of the peace, and acts of aggression**

###### *Article 39*

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

###### *Article 40*

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

#### Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

#### Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”

*Author's comment: It is clear that the legal possibilities open to the UN versus "acts of aggression" are defined very widely and that they are fully used extremely hesitantly, if at all, in relation to modern "aggressors".*

#### 5. The Rulers of the Irevan (Erivan, Yerevan) Khanate<sup>125</sup>

1. Amir Sad – end of the 14th century – 1410
2. Pir Huseyn, son of Amir Sad – from 1410
3. Pir Yagub (son of Pir Huseyn) – 1420
4. Abdul – son of Pir Huseyn – 1430
5. Uzun Hasan – 1471
6. Yagub Bek – by order of Jahan Shah – 1440
7. Hasan Ali of Garagoyun – from 1460
8. Hasanbek, grandson of Bayandur – 1475
9. Div Sultan Rumlu – from 1515
10. Huseynkhan Sultan – until 1550
11. Shahgulu Sultan Ustajaly – 1550-1575
12. Lapa Pasha named Gara Mustafa, from the rule of Sultan Murad – 1577
13. Mahmudkhan Tokhmag, from the rule of Khudavend Shah – 1576-1583
14. Farhad Pasha, during the rule of Sultan Murad – 1583
15. Muhammed Sharif Pasha – until 1604
16. Amirhun Khan Khanjar, during the rule of Shah Abbas – 1605-1621\*
17. Tahmazguku (son of Amirhun) – 1635
18. Murtuza Pasha, during the rule of Sultan Murad – 1635
19. Kalbali Khan – 1636-1639
20. Muhamed Khan Chagata Kotuk – 1639-1648
21. Kosrov Khan – 1648-1652
22. Muhammedgulu Khan (son of Lada) – 1652-1656
23. Najafgulu Khan – 1656-1663
24. Abbasgulu Khan (son of Amirhun) – 1663-1666
25. Safigulu Khan – 1666-1674
26. Sarikhan Bey – replacement for 2 years – 1674-1675
27. Safigulu Khan (son of Rustam Khan of Tabriz) – 1675-1679
28. Zalkhan – 1679-1688
29. Murtuzagulu (son of Muhammedrza Khan of Nakhichevan) – 1688-1691
30. Muhammedgulu Khan – 1691-1694
31. Zohrab Khan – 1691-1700
32. Farzali Khan – grandson of Amirhun (during the reign of Sultan Ahmed) – 1694-1700
33. Zokhrab Khan – 1700-1705, Abdul Muhammad Khan – 1705-1709
34. Mehrali Kahn – 1709-1719

<sup>125</sup> Prepared by the sacrificial priest Oganesh Shakhkhatun, cf. Armyanskaya Sovetskaya Entsiklopediya (Armenian Soviet Encyclopaedia), vol. 3, Erivan 1977, p. 571.

<sup>126</sup> Shakhkhatun maintains that there were two Erivan khans at the same time in 1691.

<sup>127</sup> Recorded in this form in Shakhkhatun.

35. Aligulu Khan – 1719-1725
36. Radjab Pasha – 1725-1728
37. Ibrahim Pasha and Mustafa Pasha – 1728-1734
38. Ali Pasha – 1734
39. Haji Huseyn Pasha – deputy of Ali Pasha – 1734
40. Muhammedgulu Khan – 1735-1736
41. Pirmuhammed Khan – 1736
42. Khalil Khan – 1752-1755
43. Hasanali Khan Gajar – 1755-1762
44. Huseynali Khan (brother of Hasanali Khan) – 1762-1783
45. Gulamali Khan (son of Huseynali Khan) – 1783-1784
46. Muhammed Khan (brother of Gulamali Khan) – 1784-1805
47. Mehdigulu Khan – 1805-1806
48. Muhammed Khan Marhalinskiy – 1806-1807
49. Huseyn Khan Kanjar with his brother Hasan Khan 1807-1827

*Author's comment: There are evidently no Armenian "traces" in the list of rulers of the Erivan Khanate in a period of 500 years.<sup>130</sup>*

<sup>128</sup> Shakhkhatun maintains that two khans were governing at the same time in 1728-1734.

<sup>129</sup> The reasons for entering a deputy in the list remain unclear.

<sup>130</sup> To be sure "historical argumentation" is not decisive in resolving conflicts, but history does exist as an objective context and it can never be eliminated entirely. See: Kurbanov, E.: *Mezhdynarodnoe pravo o samoopredelenii i konflikt v Nagornom Karabakhe* [International Law on Self-Determination and the Conflict in Nagorno-Karabakh], in: *Ethnopolitical Conflicts in the Transcaucasus: Their Roots and Solutions*, Univ. Of Maryland: Maryland 1997; Kohn, H.: *Nationalism: Its Meaning and History*, Princeton, NJ: Van Nostrand, rev. ed. 1965; S. Goldenberg notes (in his book *Pride of Small Nations: The Caucasus and post-Soviet Disorder*. Zed Books, NJ: 1994, p. 172), that one of the difficulties in resolving the Nagorno-Karabakh conflict lies in the fact that the conflict parties are convinced of the superiority of historical arguments, even though these are dubious by comparison with the principles of international law.

## 6. Maps

### 6.1. Albania in the 3<sup>rd</sup> Century B.C.



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_06.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_06.jpg)

### 6.2. Albania in the 5<sup>th</sup> Century and at the Beginning of the 8<sup>th</sup> Century



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_08.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_08.jpg)

### 6.3. Azerbaijan and Arran under Arab Occupation



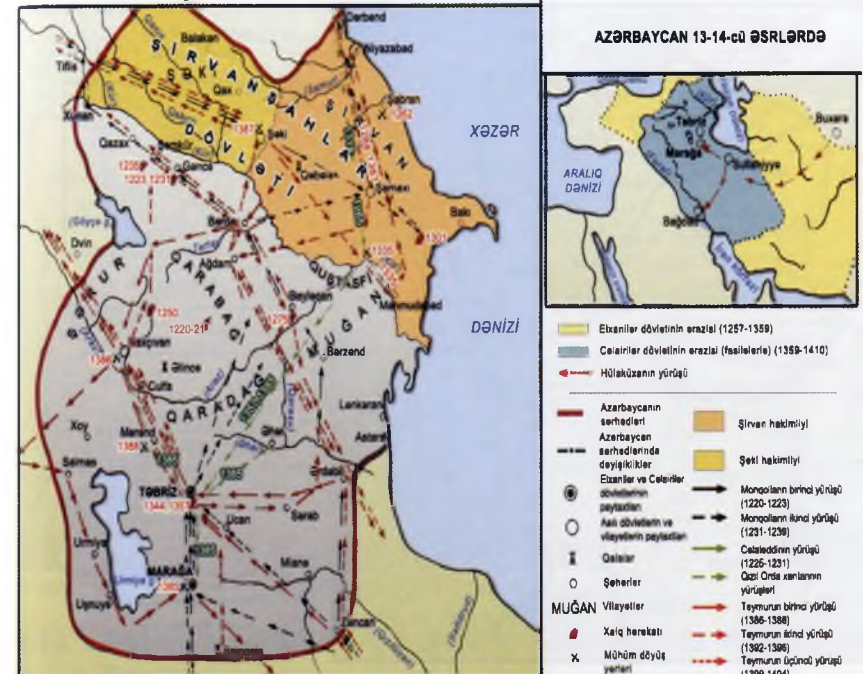
Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_09.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_09.jpg)

### 6.4. Azerbaijan in the 11<sup>th</sup> and Mid-12<sup>th</sup> Centuries



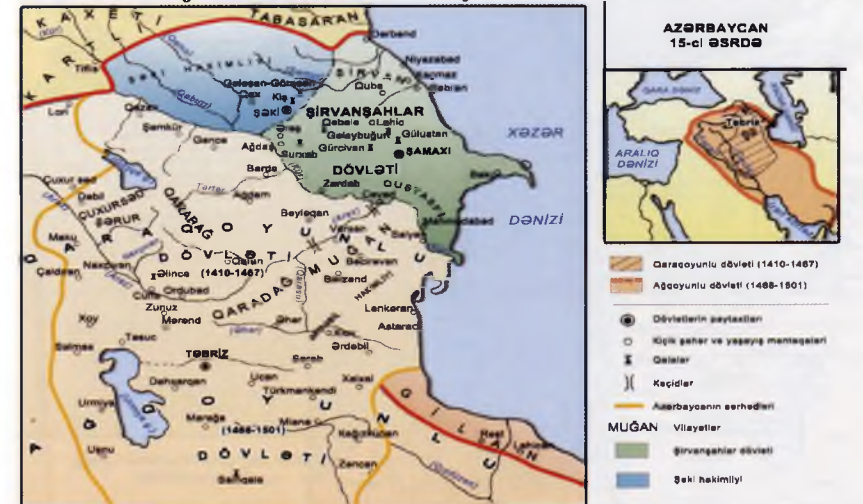
Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_12.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_12.jpg)

### 6.5. Azerbaijan in the 13<sup>th</sup> and 14<sup>th</sup> Centuries



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_14.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_14.jpg)

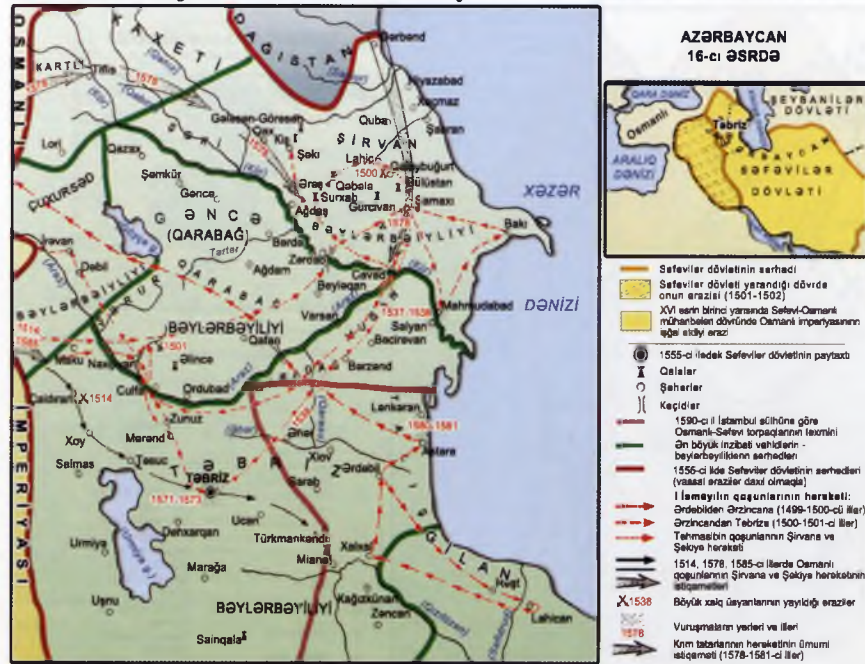
### 6.6. Azerbaijan in the 15<sup>th</sup> Century



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_15.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_15.jpg)



### 6.7. Azerbaijan in the 16<sup>th</sup> Century



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_16.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_16.jpg)

### 6.8. Azerbaijan in the 17<sup>th</sup> Century



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_17.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_17.jpg)

### 6.9. Azerbaijani Khanates in the Second Half of the 18<sup>th</sup> Century



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_18.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_18.jpg)

### 6.10. The Conquest of Northern Azerbaijan by the Russian Tsarist Empire



Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_19.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_19.jpg)

### 6.11. The Azerbaijani Democratic Republic (1918-1920)



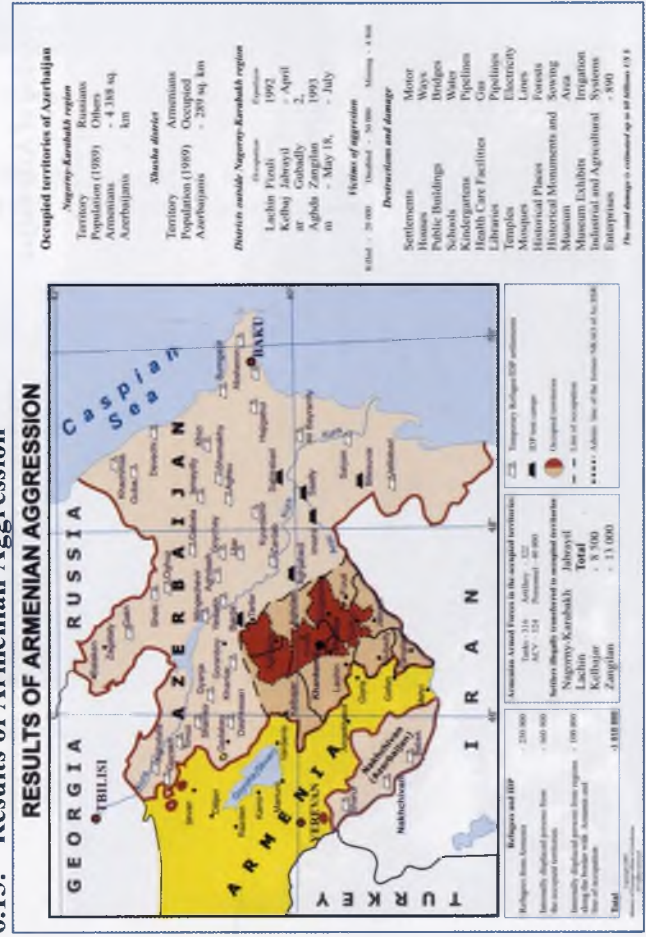
Source: [http://www.azerbaijan-online.com/tarix/images/hist\\_map\\_20.jpg](http://www.azerbaijan-online.com/tarix/images/hist_map_20.jpg)

### 6.12. The Republic of Azerbaijan (Administrative Division)



Source: <http://www.cec.gov.az/en/common/dislocation/map.htm>

### 6.13. Results of Armenian Aggression



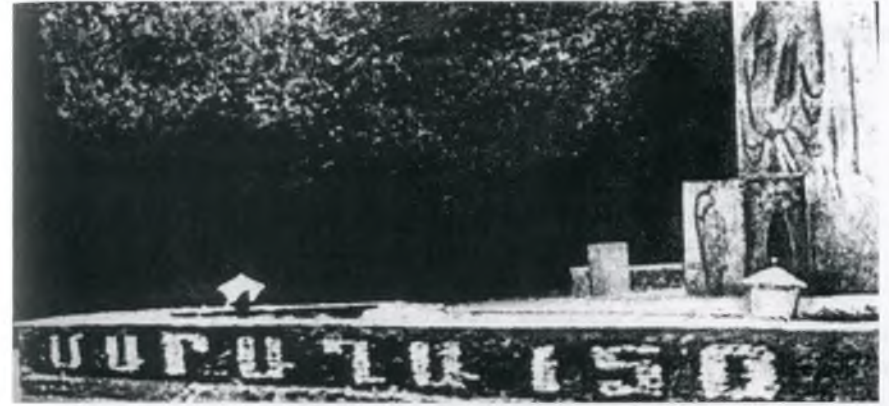
Source: Foreign Ministry of the Republic of Azerbaijan  
 Author's comment: The above maps once again document that Nagorno-Karabakh was an integral part of the states located on the territory of historical Azerbaijan. Nagorno-Karabakh has therefore been a historical province of Azerbaijan since time immemorial.

Source: Painting by the Russian painter V. Mashkov, 1828. Mahmudov, Y./Shukurov K., Garabagh. Real history, facts, documents, Baku 2005, p. 35.



**7. Paintings and Photos**  
**7.1. Armenian Resettlers Head in the Direction of Azerbaijan**

**7.2. The Monument with the Legend “150 Years of the Transfer” in Aghdara (Mardakert), 1978**



Source: Mahmudov, Y./Shukurov K., Garabagh. Real history, facts, documents, Baku 2005, p. 35.

**7.3. The Monument to the Armenian Transfer in Aghdara (Mardakert) in 1987. The commemorative legend is missing**



Source: Mahmudov, Y./Shukurov K., Garabagh. Real history, facts, documents, Baku 2005, p. 35.

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