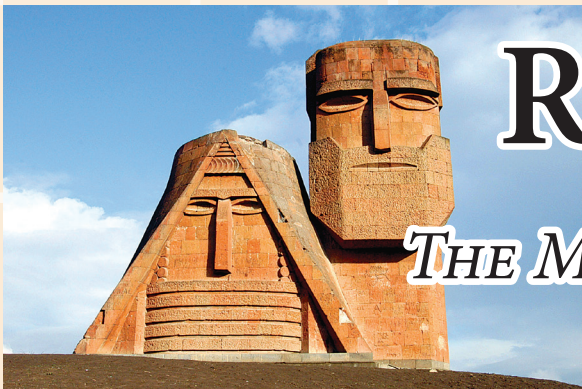


EUROPEAN ARMENIAN FEDERATION
FOR JUSTICE & DEMOCRACY
POSITION PAPER



TOWARDS A FAIR AND JUST RESOLUTION



*THE MOUNTAINOUS (NAGORNO)
KARABAKH CONFLICT*



OCTOBER 2011
BRUSSELS

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

The European Armenian Federation for Justice and Democracy
is a Non Governmental Organisation
representing the European citizens of Armenian
origin at the European institutions.
The Federation, founded in 2000 in Brussels,
is a well known interlocutor within the institutions of the European Union,
as well as the Council of Europe.

As noted in its mandate,
the Federation expresses European Armenians' political views,
explained in a Charter, which is the attachment to the European values
regarding the Human and socio-cultural rights.

The European Armenian Federation's actions
touch on several European policy areas,
especially in its external relations
with the South Caucasus (including Armenia and Artsakh) and Turkey.

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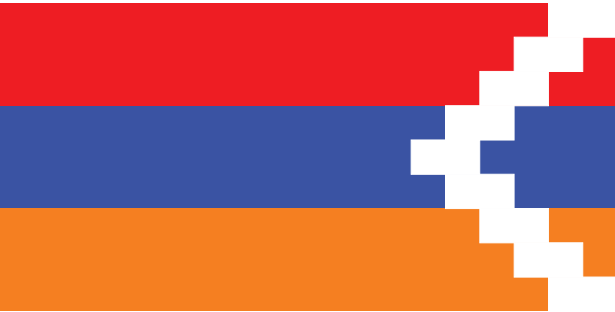
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Basic Facts



MKR Flag



MKR Coat of Arms

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

* As of 2009 statistics.
** According to the Constitution of the Republic of Mountainous Karabakh.
*** Adopted on December 10, 2006, via nation-wide referendum.

TOWARDS A FAIR AND JUST RESOLUTION

THE MOUNTAINOUS (NAGORNO) KARABAKH CONFLICT

Executive Summary

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

In 1988, the Nagorno Karabakh Autonomous Oblast (NKAO, Mountainous Karabakh Autonomous Region), an autonomous entity within the structure of Soviet Azerbaijan and historically Armenian land, petitioned the central government in Moscow asking to be reunited with Soviet Armenia. This legal and peaceful call for self-determination aimed to rectify Stalin's "nationalities policy" of 1921 which sought to divide and conquer by pitting nationalities against each other whereby Mountainous Karabakh and its Armenian population (over 95 percent) was forcibly placed under the administrative rule of the Azerbaijan

Soviet Socialist Republic. For the next 70 years, Azerbaijan subjected Mountainous Karabakh to various forms of ethnic and religious discrimination, economic mistreatment and intentional demographic manipulation resulting in ethnic cleansing.

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

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

The free will of the people of Mountainous Karabakh Autonomous Region, expressed in ac-

cordance with their constitutional right, was met by the harsh response of the Azerbaijan SSR and was followed with sanctioned pogroms, mass killings and actions of ethnic cleansing in the cities of Sumgait, Baku, Kirovabad, Shamkhor, Mingeaur, and later throughout Azerbaijan.

In an attempt to regulate the situation, the Supreme Soviet of the USSR established a special authority in Mountainous Karabakh Autonomous Region on June 20, 1989, which placed the territory under the direct supervision of the Soviet central government thereby affirming Azerbaijan's inability to exercise formal control over Mountainous Karabakh. The supervision of the economy, internal governing bodies, cultural and educational institutions of the Mountainous Karabakh Autonomous Region was transferred to the appropriate institutions of the Russian Soviet Federative Socialist Republic and the Armenian SSR. By the end of 1989, Mountainous Karabakh Autonomous Region was not under Azerbaijan's administrative control and *de facto* not within Azerbaijan SSR.

On September 2, 1991, Nagorno Karabakh declared independence.

The situation escalated to armed conflict as Azerbaijan resorted to military aggres-

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

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

The Republic of Armenia and the Republic of Mountainous Karabakh adhere to the peaceful settlement of the conflict and value the establishment of an environment of confidence necessary to continue the negotiations in a constructive way. The leadership of Azerbaijan has always asserted and threatened that it would reclaim MKR through military force. In recent months, the Republic of Azerbaijan has been intensify-

*MKR 20th anniversary
celebration,
2 September 2011;
Stepanakert, MKR.*

*Left, members of the former and
current leadership of MKR.*



ing its habitual militaristic policy, dangerously increasing its military budget and violating the arms limitation norms stipulated by international treaties. Azerbaijan's war rhetoric, at the highest level, continues to add tension to the overall environment of the region.

Brief history of the conflict

Before Sovietization

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

The Russian Empire, expanding southward in the Transcaucasus, annexed Karabakh in 1805. After the 1917 Russian Revolution and the collapse of the Russian Empire, there emerged in 1918 the briefly independent Republics of Armenia and Azerbaijan. The dispute over Karabakh between the Karabakh Armenians and Azerbaijan, on whose side the Ottoman Turkish army intervened, dates from this period, when the borders of the new states were to be drawn.

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

Tzitzernavank (Tsitsernavank or Dzidzernavank) is a 5-6th century Armenian church and former monastery; Kashatagh region, MKR.



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

On August 10, 1920, in the "Treaty of Peace with Turkey" that was signed at Sevres by the Allied Powers and Turkey, Article 92 states: "The frontiers between Armenia and Azerbaijan [...] will be determined by direct agreement between the states concerned. In [...] case the States concerned have failed to determine the frontier by agreement at the date of the decision referred to in Article 89, the frontier line in question will be determined by the Principal Allied Powers, who will also provide for its being traced on the spot." On the same date, Soviet Russia and the Republic of Armenia (not yet Soviet) signed an agreement in which Soviet Russia recognized Mountainous Karabakh as a disputed territory between Soviet Azerbaijan and the not yet Soviet Republic of Armenia.

Mountainous Karabakh under Soviet Azerbaijani Rule: 1921-1988

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

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

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

In 1923, Mountainous Karabakh had a population of almost 158,000, 95 percent of whom were Armenians. On July 7, 1923, a full two years after the initial decision to annex Mountainous Karabakh, Soviet Azerbaijan's Revolutionary Committee resolved to dismember Mountainous Karabakh and to create on a small part of its territory the Nagorno (Mountainous) Karabakh Autonomous Oblast (Region), with a border with Soviet Armenia.

The declared autonomy of a part of Mountainous Karabakh did not become reality until the end of November, 1924. The borders of the new autonomy were carved by the Soviet leadership of Azerbaijan with no participation of Armenian representatives. As a result, only a small part of historical and geographical Mountainous Karabakh was granted limited autonomy within Azerbaijani SSR. The new autonomous unit completely excluded any Armenian-populated parts of North Karabakh as well as a few western and southern

strips of land that were geographically and ethnically parts of Mountainous Karabakh. Those strips of sparsely inhabited alpine land with the small towns of Abdalar (Lachin) and Kelbajar as well as a few villages squeezed between the newly established NKAO and Armenian Zangezur, became parts of the Kurdish autonomy established on the same day as NKAO, on July 07, 1923.

The history of the autonomous "Kurdistani District" (also known as "Red Kurdistan") is short and unclear; most of the documents referring to its existence are either destroyed or "classified" both in Azerbaijan and Russia. But it is quite evident that one of its functions was to create a non-Armenian populated buffer between autonomous "Armenian Karabakh" and the rest of Armenia.

In the maps of the South Caucasus published in the USSR between 1923 and 1925, despite the fact that the town of Lachin did not belong either to Armenia, or to NKAO, the Karabakh autonomy was still not an enclave and shared a border with Soviet Armenia at the southern village of Zabugh, through which ran a road that connected the two mountainous regions.

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

artificial buffer between Armenia and Karabakh, the administrative Lachin and Kelbajar districts, was retained. Stalin's 1936 Constitution sealed this territorial arrangement.

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

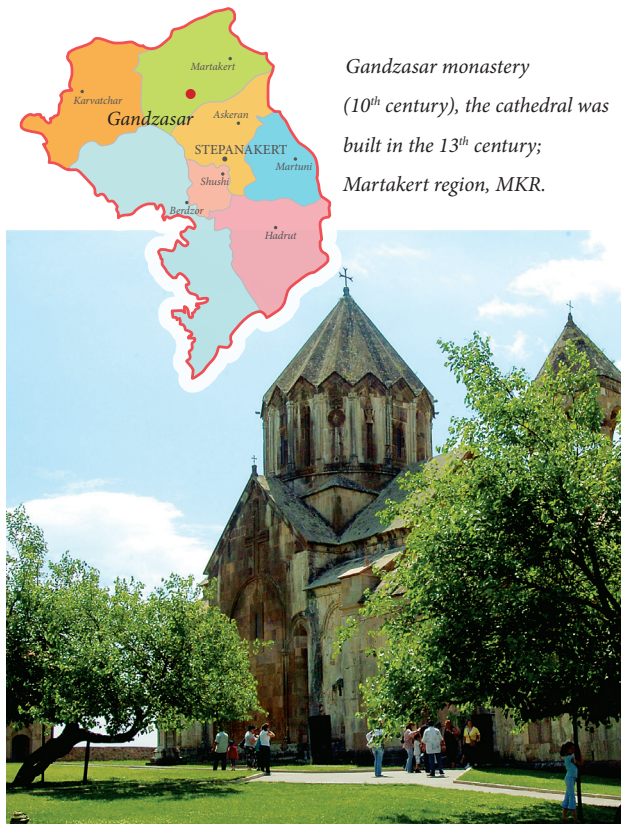
Granting Mountainous Karabakh the status of autonomy and placing it under the rule of Azerbaijan SSR was to legitimize the annexation of historic Armenian lands. The civil, political, socio-economic and cultural rights of the Armenian population in Mountainous Karabakh, as a result, were blatantly discrimi-

nated. The systematic character of the discriminatory policy adopted by the Azerbaijan SSR against the Armenian population in Mountainous Karabakh Autonomous Region was pushed to such an extent that throughout the entire Soviet regime and till the beginning of 1988, the Armenian population dramatically decreased. While the total number of Karabakh Armenians in 1921 was 96 percent of the overall population, by 1979 Armenians in NKAO comprised only 75 percent of the total population.

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



Victory Day celebration, 9 May 2010; Stepanakert, MKR.



Karabakh to the attention of the central bodies of the USSR were undertaken repeatedly.

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

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

The Karabakh Movement

1988 - 1991

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

The response within Soviet Azerbaijan was brutal acts of violence and pogroms organized by Soviet Azerbaijani authorities directed against

the defenseless Armenian civilian population. On February 26, 1988, the international community witnessed the massacre of Armenians in Sumgait, the third largest city of Azerbaijan and its second largest industrial center. Individual Armenians were attacked in their homes, at their place of work and on the streets. Azerbaijani authorities exerted no effort to apprehend or prosecute the perpetrators.

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

In 1989, according to the official USSR census, Nagorno Karabakh had 189,000 inhabitants, of

whom 76.9 percent were Armenians and 21.5 percent were Azerbaijanis.

From January to May 1991, the inhabitants of 24 Armenian villages in Mountainous Karabakh were forcibly driven from their homes. Soviet Azerbaijan placed more than half of Mountainous Karabakh's territory under military occupation.

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

Four days later Nagorno Karabakh initiated the same process through the joint adoption of the "Declaration of the Republic of Mountainous Karabakh" by the local legislative councils of the Mountainous Karabakh Autonomous Region and the bordering Armenian-populated Shahumyan district. The only difference was that, for Karabakh, independence was declared not from the Soviet Union but from Azerbaijan. This act fully complied with existing Soviet law. Indeed,

the 1990 Soviet law titled "Law of the USSR Concerning the Procedure of Secession of a Soviet Republic from the USSR," provided that the secession of a Soviet republic from the body of the USSR allows an autonomous region and compactly settled minority regions in the same republic's territory also to trigger their own process of independence.

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

On December 10, 1991, the Mountainous Karabakh Republic held a referendum on independence in



The Stepanakert airport under construction, MKR.

the presence of international observers. The vote overwhelmingly approved Karabakh's sovereignty. This action of Mountainous Karabakh, which at that time was part of a still existent and internationally recognized Soviet Union, corresponded fully with the relevant Soviet law pertaining to leaving the USSR. As an initial step along the path to full sovereignty, the newly independent

Mountainous Karabakh Republic created legitimate government institutions.

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

The Karabakh War

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

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

On May 8, 1992, the Karabakh Defense Forces took the strategically important town of Shushi, from which the Azerbaijanis had been shelling Stepanakert. On May 18, they established a land



A general view of Stepanakert, the capital city of the Mountainous Karabakh Republic.

link with Armenia across the Lachin region, thus breaking the blockade on Karabakh. In the summer of 1992 Azerbaijan occupied approximately 60 percent of the territory of Mountainous Karabakh and displaced the population.

Facing continuing efforts by the Azerbaijani forces aimed at the destruction of the Karabakh Armenians, Mountainous Karabakh reached out to the international community. It then prepared for a limited counteroffensive to secure for its inhabitants some level of safety. At the same time, Mountainous Karabakh moved ahead with establishing itself as the first fully functioning democracy in the region.

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

On March 27, 1993, the Karabakh Defense Forces, responding to an Azerbaijani spring offensive, launched counterattacks at two strategic cities, Kelbajar and Fizuli. The capture of Kelbajar on April 3 freed Karabakh from Azerbaijani attacks on its North and West. From July 23 to September 4, 1993, Karabakh Defense Forces took control of Agdam, Fizuli, Jibrail, and Horadiz, which se-

The Cease-Fire Agreement

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

Ghazanchetsots Cathedral (1868), also known as the Cathedral of Christ the Savior and the Shushi Cathedral; Shushi, MKR.



cured the civilian population of Mountainous Karabakh against any indiscriminate attacks of the Azerbaijani army. From December 22, 1993, to May 1994, the re-formed Azerbaijani army launched new unsuccessful attacks on Karabakh.

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

A week later, the defense ministers of Armenia and Azerbaijan, Serge Sargsyan and Mamedraffi Mamedov, as well as the commander-in-chief of the Artsakh (Mountainous Karabakh) Defense Army Samvel Babayan signed the armistice agreement, which envis-

aged cessation of all hostilities from midnight May 12, 1994.

The agreement has no expiration date and remains in force until the final agreements are reached.

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

The Peace Process

Mediation by the Russian Federation and the Commonwealth of Independent States

In late 1991, Russia offered to mediate the dispute between Mountainous Karabakh and Azerbaijan. The presidents of Russia and Kazakhstan, Boris Yeltsin and Nursultan Nazarbayev, visited Mountainous Karabakh and, thereafter, a joint declaration was signed by representatives of Armenia and Azerbaijan. Although the mediation effort failed

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

Varazgom (Varazgun, Varazghan),
an undated Armenian church,
with characteristics of churches
built during the 9-11th centuries;
Kashatagh region, MKR.



OSCE Mediation Efforts and the

Ongoing Peace Process

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

ence did not occur, the designated participants continued to meet as the “Minsk Group” with the goal of resolving the dispute.

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

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

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

State Building

The Republic of Mountainous Karabakh is a state committed to freedom, democracy, free market economy and respect of human rights. As stated in Article I of the MKR Constitution (10 December 2006), “The Mountainous Karabakh Republic is a sovereign, democratic state based on social justice and the rule of law.”

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

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

The current framework of negotiations with Armenia and Azerbaijan as participating sides is a clear deviation from the OSCE official decisions taken at the Budapest summit in 1994 and that of the Prague summary of the OSCE chairman-in-office dating back to March 30, 1995, with Armenia, Azerbaijan and Mountainous Karabakh recognized as parties to the conflict.

Only with the acknowledgement of the Mountainous Karabakh Republic as a party to the conflict and its immediate participation in negotiations will the genuine format of peace talks be restored. Without this, the mediation efforts tailored toward the resolution of the Mountainous Karabakh conflict will fall short of bringing any meaningful contribution to the peace talks and render bleak the possibility of its final solution.

ernment of their own choosing and to be masters of their own destiny.

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

On December 28, 1994, the Mountainous Karabakh Parliament adopted a resolution establishing the post of president of the repub-



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

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

Blockade of Mountainous Karabakh and Armenia

From the onset of the Karabakh Movement in 1988, Azerbaijan has resorted to attacks against Armenian citizens, declared war and imposed a complete blockade against Mountainous Karabakh. It attempted to

isolate the Armenian population of Karabakh from the international community and create unbearable living conditions. These actions were condemned by world governments. In particular, the 1992 Freedom Support Act by

the U.S. Congress restricted any direct assistance to Azerbaijan due to the blockade. Title 9: Section 907 of the Act says: “United States assistance under this or any other Act ... may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.” Only in 1992, after a successful military counter-operation, could the Karabakh Defense Army partially eliminate the blockade and open a land

connection between Karabakh and Armenia. The consequences of further aggression by Azerbaijan against Mountainous Karabakh have resulted in a new territorial arrangement, whereby MKR shares a long border with the Republic of Armenia and Iran, even though the MKR-Iran border remains closed.

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

EAFJD Position on the Mountainous (Nagorno) Karabakh Conflict

Karabakh has always been an integral part of Armenia. The annexation of Karabakh to Azerbaijan was a result of arbitrary machinations by Stalin in the early 1920s and the people of Karabakh have never accepted that arrangement. During Soviet rule, at every opportunity, and most recently in 1988, the majority of the population of Karabakh had peacefully raised their quest for reunification with Armenia; Azerbaijan responded by violence not only in

Karabakh, but all over Azerbaijan. In Karabakh, Armenians defended themselves and in 1991, declared the formation of the Mountainous Karabakh Republic. A just and lasting resolution of the Karabakh conflict should guarantee security and viability for Karabakh and Armenia.

The European Armenian Federation for Justice and Democracy has always defended the right of the people of the Republic of Mountainous Karabakh



The cascade joining the city center with the stadium; Stepanakert, capital of MKR.



(MKR) to determine their own destiny. The European Parliament, in a resolution adopted on 7 July 1988, supported the Mountainous Karabakh Autonomous Region's "demand [...] for reunification with the Socialist Republic of Armenia."

The people of MKR have repeatedly expressed their will to live independent of Azerbaijan. The people of MKR have exercised their right to self-determination based on the principles of international law and the Constitution of the Soviet Union. Mountainous Karabakh has never been part of an independent Azerbaijan. At any given moment since 1918, when the first Azerbaijani state was established, such sovereignty can at least be disputed. Soviet Azerbaijani domination over Mountainous Karabakh began by the Soviet Union and ended with the collapse of the Soviet Union.

In the Karabakh-Azerbaijan war (1991-1994), Azerbaijan was the aggressor. MKR defend-

ed its right to live securely and was successful; Azerbaijan is responsible for launching the war and for all of its consequences.

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

The recognition by the OSCE Minsk Group co-chair countries¹, together or alone, of the independence of Kosovo, Abkhazia and South Ossetia is testament to the international community's respect for the peoples' right to self-determination.

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

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

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

Due to the fact that the Mountainous Karabakh Republic has not yet been recognized by the international community, in different instances Armenia represents and defends its interests, but cannot completely replace it. Mountainous Karabakh is the main and separate party to the

¹ The OSCE Minsk Group co-chair countries are the USA, France and the Russian Federation

conflict. Thus, only the respect of the right to self-determination of the people of Mountainous Karabakh and the acceptance of the fact of Armenia being the guarantor for the full exercise of that right can give real opportunities to pursue real effective negotiations resulting in the settlement of the conflict.

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

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

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

In 1991, Mountainous Karabakh initiated the process of its independence in compliance with the USSR domestic legislation.

After the collapse of the Soviet Union, two states were formed: the Republic of Azerbaijan and the Republic of Mountainous Karabakh. The establishment of both these states has similar legal basis and therefore, the establishment of the Republic of Mountainous Karabakh on the basis of the right for self determination should not be considered in the scope of the territorial integrity of Azerbaijan.

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

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

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

Specifically, international recognition requires:

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

The Mountainous (Nagorno) Karabakh Republic meets each of the requirements set by the

Montevideo Convention for international recognition of statehood.

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

The course of the final settlement of the MKR issue is that of peaceful negotiations; the distorted format of these negotiations should however change so that MKR becomes a full-fledged party in the negotiation process. The adoption of any international document without the direct participation of the key party to the conflict, i.e. the authorities of MKR, is condemnable, inadmissible and devoid of any legal power. The Republic of Armenia is not in a position to replace MKR in resolving this vital issue. Urgent

measures therefore must be taken to return MKR to the negotiations table as a full-fledged party.

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

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

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

The monastic complex of Dadivank consists of 10 religious structures (9-13th centuries). The monastery was founded by St. Dadi, a disciple of Thaddeus the Apostle who spread Christianity in Eastern Armenia during the first century; New Shahumyan region, MKR.



begin to put their tragic shared past behind them and move toward a brighter future together. Azerbaijan should be called upon to be

pragmatic on the status issue and to refrain from blocking Mountainous Karabakh's membership in international organizations.

Ethnic Cleansing Campaigns

Anti-Armenian demonstrations and rallies took place throughout Azerbaijan in February 1988. The peak of the crimes committed by the Azerbaijani authorities took place on February 27-29 when pogroms, beatings and massacres of Armenians in the town of Sumgait, situated a half hour from Baku were carried out at daytime. With lists of Armenian inhabitants in hand, Azerbaijani mobs burst into the apartments of the Armenians living in Sumgait. They were armed with metal rods and stones. Axes, knives, bottles and fuel cans were used as well. According to many eyewitnesses, around 50-80 people participated in the raid of one apartment alone. Similar crowds committed outrages in the streets. The significant numbers of those killed were burnt alive after suffering beatings, tortures, and rapes. Hundreds of innocent people received injuries of varying degrees, most had to live with their inflicted injuries for the rest of their lives. There were

hundreds of smashed apartments, numerous burnt and broken cars, dozens of destroyed workshops, shops and kiosks. As a direct result of those pogroms, thousands became refugees.

During November and December 1988, Armenian pogroms took place throughout Azerbaijan. The largest of them were in Baku, Kirovabad, Shemakh, Shamkhor, Mingeaur, and the Nakhichevan ASSR. In Kirovabad, Azerbaijani mobs entered a retirement home, dragged people to the countryside, and brutally killed 12 helpless elderly Armenian men and women, including invalids. In the winter of 1988, the population of a dozen Armenian villages of several rural regions of the Azerbaijani SSR were deported. The population of more than 40 Armenian areas in northern Nagorno Karabakh (which were not included into the Nagorno Karabakh autonomy during its formation), including forty-thousand Armenians of Kirovabad, shared the same fate. On January



Victory Day concert, 9 May 2010; Stepanakert, MKR.

12-13, 1990, the Armenian pogroms in Baku were organized. On January 13, after 5 p.m., a crowd of tens of thousands of people, gathered in a rally in Lenin's Square, divided into several groups and began methodical, house-to-house "cleansing" of Armenians.

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

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

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

Destruction of physical evidence of a territory's Armenian identity: the Armenian Cemetery in Julfa (Jugha), Nakhijevan

The historic Armenian Cemetery of Julfa (Jugha) is located in the southern portion of Nakhijevan (Nakhichevan), near the Iranian border. Nakhijevan is a historic part of the Armenian homeland and was an integral part of the first Armenian Republic of 1918-1920. In 1921, it was arbitrarily severed from Armenia and placed under Azerbaijani. During the Soviet era, the indigenous Armenian population was pushed out of Nakhijevan through discrimination, economic pressure, and other policies advanced by the Soviet Azerbaijani authorities.

The historic Armenian cemetery in Julfa spans through the 6th to 17th centuries. At its peak, there were some 10,000 intricately carved stone crosses

(*khatchkars*) spread across three hills, marking the different eras of Armenian history. By 1998, following the systemic destruction of the *khatchkars* by Azerbaijani authorities over the decades, only 2,000 remained.

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

Talibans, on November 9, 2002, the demolition of the Julfa Cemetery resumed, with hundreds of the remaining *khatchkars* destroyed.

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

In early March 2006, Nakhijevan's authorities stationed a shooting-ground on the site of the Julfa Cemetery. Lying over thousands of hu-

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

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



The MKR National Assembly building; Stepanakert, MKR.

Maps

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

Following Sovietization of Azerbaijan and Armenia, in 1924 the borders of the Mountainous Karabakh Autonomous Region were carved by the Soviet leadership of Azerbaijan with no participation of Armenian representatives. Mountainous Karabakh was split in a way that one part could function as a separate autonomy, while the other was incorporated into the administrative regions of Soviet Azerbaijan in

such a way that the physical and geographical ties between the Soviet Republic of Armenia and the Armenian autonomous region were neutralized. The borders of the Mountainous Karabakh Autonomous Region were regularly redrawn, however, the artificial buffer between Armenia and Karabakh, the administrative Lachin and Kelbajar districts, was retained.

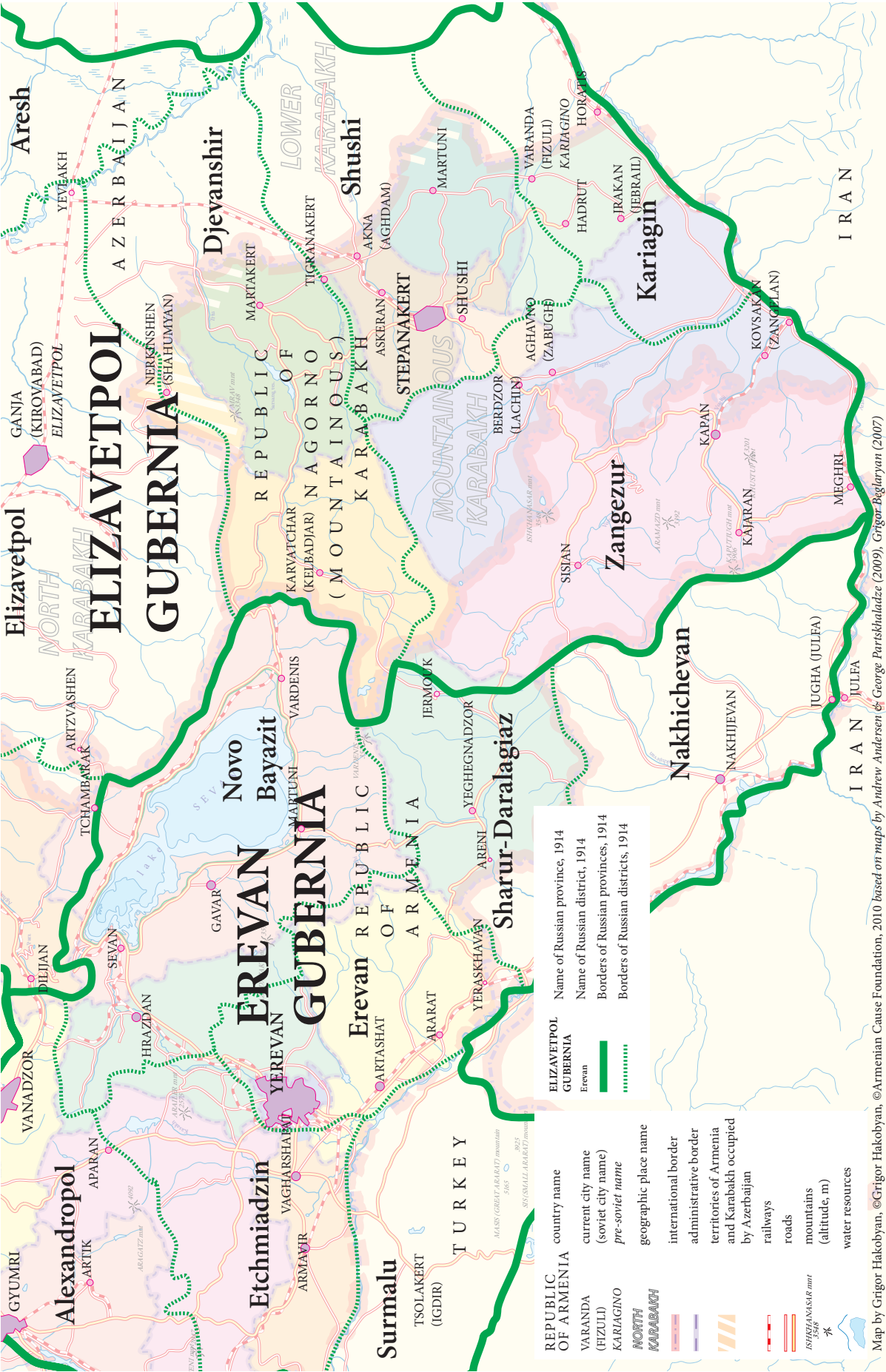
In 1991, the Mountainous Karabakh Republic was founded and it initiated the process of its independence in compliance with the domestic legislation of the USSR and in conformity with the principles and attributes required by international law for the creation of an independent state. Azerbaijan unleashed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

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

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

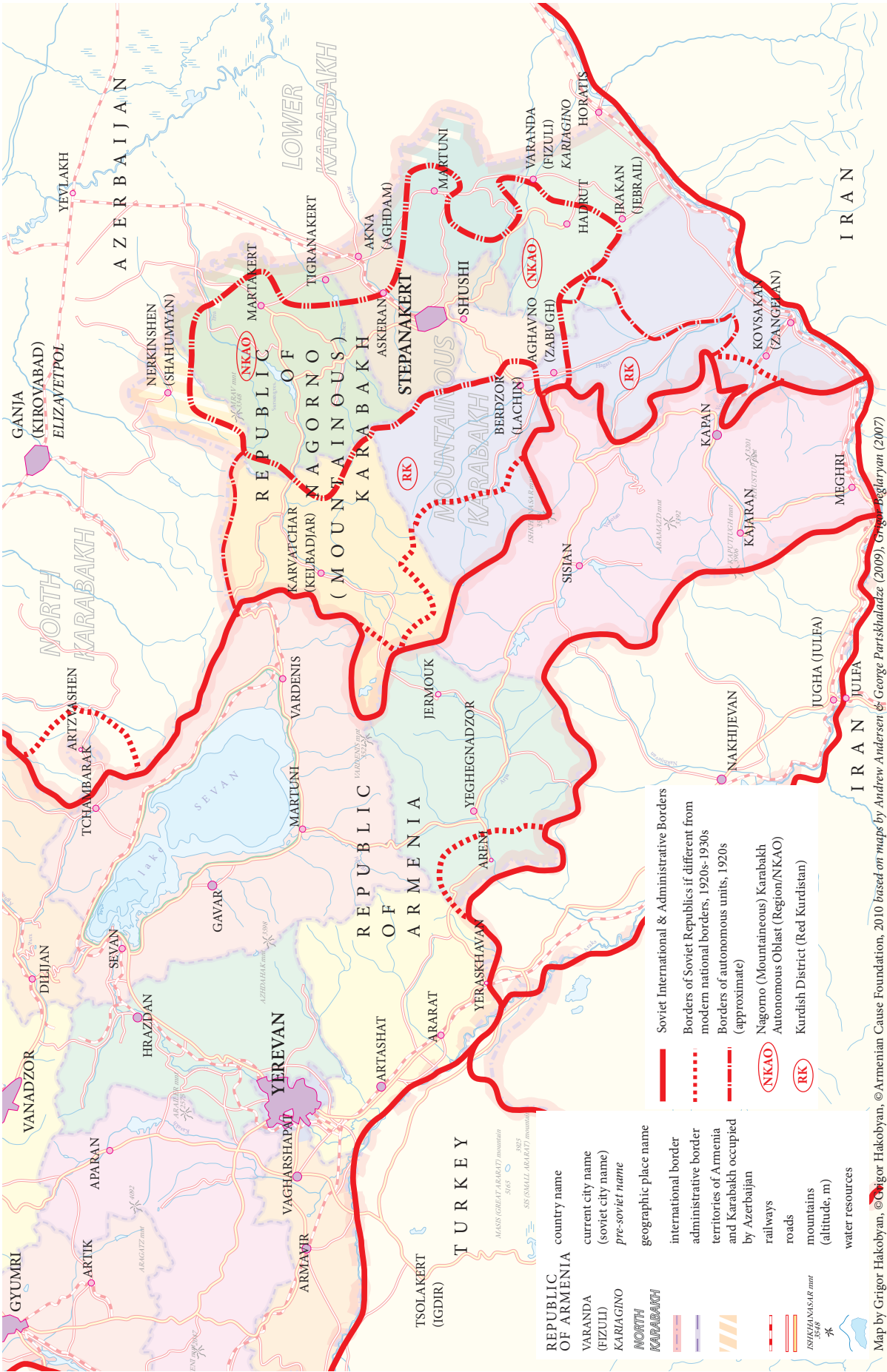
- Republic of Mountainous (Nagorno) Karabakh & Republic of Armenia (partial) - Present (*see back cover*)
- Provinces of Erevan & Elizavetpol: Russian Administrative Borders - 1914
- Modifications of Borders of Soviet Republics and Autonomous Units - 1920s-1930s
- Russian, Soviet & Present Day International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

Provinces of Erevan & Elizavetpol: Russian Administrative Borders
1914



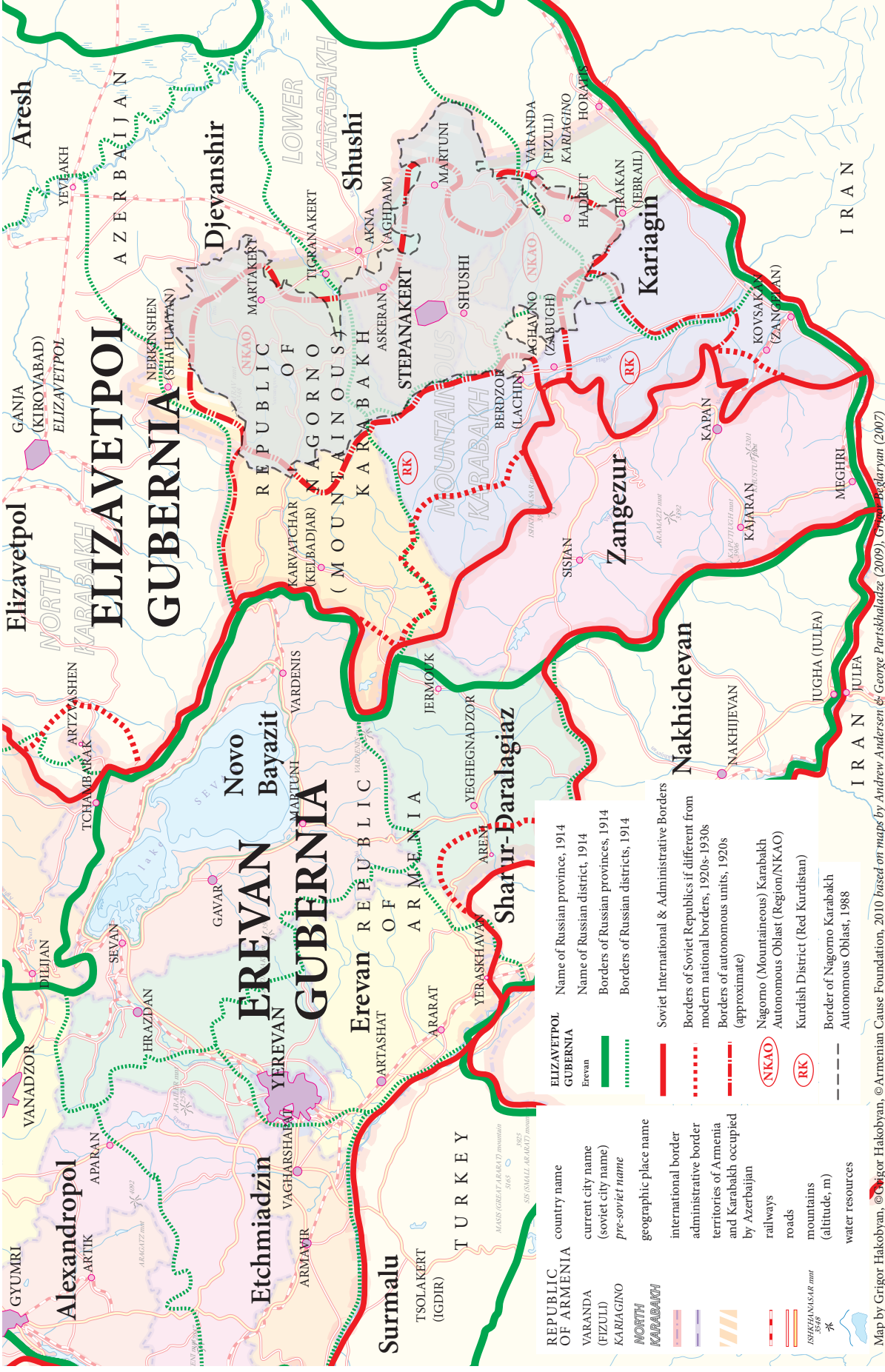
Modifications of Borders of Soviet Republics and Autonomous Units

1920s-1930s



Russian, Soviet & Present Day International & Administrative Borders

1914, 1920s-1930s, 1988, Present



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

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

Present day

