

AVİM  
CENTER FOR EURASIAN STUDIES  
Report • No: 19 • September 2020

# The Relativity of Self-Determination Conceptions Regarding the Nagorno-Karabakh Conflict

Att. Dr. Deniz AKÇAY



Ankara • 2020

# Report

AVİM Report No: 19

# **The Relativity of Self-Determination Conceptions Regarding the Nagorno-Karabakh Conflict**

**Att. Dr. Deniz AKÇAY**

**Center for Eurasian Studies (AVİM)**

September 2020

Ankara

## AVİM Report No: 19

### TERAZİ YAYINCILIK

Terazi Yayıncılık Bas. Dağ. Dan. Eğt. Org. Mat. Kırt. Ltd. Şti.  
Abidin Daver Sok. No. 12/B Daire 4 06550 Çankaya/ANKARA

**Tel:** 0 (312) 438 50 23-24 • **Faks:** 0 (312) 438 50 26

**E-mail:** terazi yayincilik@gmail.com

Center for Eurasian Studies (AVİM)

**ISBN:** 978-605-69199-6-1

### AUTHOR

Att. Dr. Deniz Akçay

### TRANSLATION

Ahmet Can Öktem

### EDITOR

Selim Seçkin

### REDACTION

Mehmet Oğuzhan Tulun

### DESIGN

Ruhi Alagöz

### PRINTING

Sonçağ Yayıncılık Matbaacılık  
İstanbul Cad. İstanbul Çarşısı No: 48/48-49 İskitler / ANKARA

**Tel:** +90 312 341 36 67

**Certificate No:** 47865

### PRINTING DATE

September 2020

**Copyright © AVİM (Center for Eurasian Studies)**

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted or utilized in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without written permission from the publisher.

To get your own copy of this or any of AVİM publications please visit  
<http://www.avim.org.tr/>

# CONTENTS

Foreword .....	V
About the Author.....	VII

## Introduction

<b>A Short History of the Nagorno-Karabakh Conflict.....</b>	<b>1</b>
--	----------

*Dr. Turgut Kerem TUNCEL*

<b>The Relativity of Self-Determination Conceptions Regarding the Nagorno-Karabakh Conflict.....</b>	<b>21</b>
--	-----------

<b>A) Khojaly Massacre, The United Nations Membership, The UN Security Council Resolutions .....</b>	<b>21</b>
--	-----------

1) The Minsk Group: The Relativization of the UN Principles .....	23
---	----

2) The Minsk Group's Search for a Resolution: "Common State" Formula and Continuing Relativity .....	26
---	----

3) The Framework Established by the UN General Assembly for the Settlement of the Nagorno Karabakh Issue: The Resolution 62/243 Dated 14 March 2008.....	28
--	----

4) The Current Tendency of the Minsk Group Towards Settlement: The Statement Dated 9 March 2019 .....	29
--	----

<b>B) The Applicability of the Principle of Self-Determination to the Nagorno-Karabakh Conflict .....</b>	<b>31</b>
---	-----------

1. Requirements for the Applicability of the Self-Determination Principle in the International Law .....	31
---	----

1.1. Conditions and Limitations for the Applicability of the Declaration 1514(XV) of the General Assembly of the United Nations .....	32
--	----

1.2. Self-Determination and the UN General Assembly Resolution 2625(XXV).....	34
--	----

1.3. The Advisory Opinion of the ICJ on Kosovo dated 22 July 2010 .....	37
---	----

2. The Validity of Self-Determination Concerning Nagorno-Karabakh .....	40
---	----

2.1. Requirements Regarding Self-Determination.....	40
---	----

2.2. The "Veracity" of Self-Determination Arguments on Nagorno Karabakh in The Light of Chiragov Judgement .....	41
---	----

<b>Conclusion .....</b>	<b>45</b>
-------------------------	-----------

<b>Bibliography .....</b>	<b>47</b>
---------------------------	-----------



## FOREWORD

Following the downing of the Berlin Wall in November 1989 and the disintegration of the USSR in December 1991, the bipolar Cold War Era, which lasted approximately for forty five years, came to an end. This was followed first by a unipolar world order, which after a short period of time evolved into a multipolar order. It is highly remarkable that this transition process, which has been one of the most significant ideological and geopolitical transformations in history, evolved in a relatively stable manner in view of the magnitude of the changes the world witnessed. In this sense, the liberation of the Eastern Bloc can be described as an ideological and political ‘civic divorce.’ Likewise, given the sensational outcome of this process, that is, both the disintegration of the USSR and the preservation of identity of the Russian Federation, we can speak of a relatively ‘smooth transition.’

However during this process, there have also been ‘non-civic divorces.’ Ethnic cleansings, wars and massacres during the disintegration of the Socialist Federal Republic of Yugoslavia, when the six constitutional socialist republics as well as Kosovo declared their independence, are dramatic examples of these ‘non-civic divorces.’ The conflicts in Chechnia (Russia), Transnistria (Moldova), Abkhazia and South Ossetia (Georgia) and Karabakh (Azerbaijan) stand as other examples.

Some of the conflicts during the tumultuous years of 1989-1991 were resolved. Yet, others remain unresolved. Some authors define these unresolved conflicts which have been going on for almost thirty years as ‘frozen conflicts.’ However, this definition falls short to adequately define these conflicts. Apart from being unresolved and simmering, these conflicts are constantly evolving. The claims of the parties are changing. New proposals for the resolution of these conflicts are brought forward. As the world politics transform, the characteristics of these conflicts differentiate and as an outcome of this, the attitudes of the third parties alter. Therefore, today the term ‘protracted conflicts’ has become prevalent and more accepted. Nagorno-Karabakh (Azerbaijan), a region that Armenia has occupied together with its adjacent areas, is a leading example of protracted conflicts.

The fact that all of the protracted conflicts that emerged as a result of the events of 1989-1991 are located in the neighborhood of Turkey is understandably a reason for their additional sensitivity, significance and importance for Turkey.

The diverging claims of Azerbaijan and Armenia regarding the core issues of the Karabakh conflict shape the different dimensions and the claims of the parties. Armenian side seeks the solution to the conflict in the framework of the principle of self-determination with the comfort of having ethnically cleansed the territory, whereas Azerbaijan refers to the principle of territorial integrity.

As these two principles are within the basic principles of the international law, conflicting claims of Azerbaijan and Armenia lead to conceptual confusion and disagreements regarding the legal dimension of the conflict.

This report is penned by Dr. Deniz Akçay, an esteemed jurist, one of the two Turkish Government's co-agents to the Council of Europe and the European Court of Human Rights, with whom I had the pleasure to work together during my tenure as the Permanent Representative of Turkey to the Council of Europe, where I had the opportunity to observe her outstanding qualities. The report was first published in the 65<sup>th</sup> issue of *Ermeni Arařtırmaları* with the same title in Turkish and in the 41<sup>st</sup> issue of *Review of Armenian Studies* titled "The Relativity of Self-Determination Conceptions Regarding The Nagorno-Karabakh Conflict" in English. It evaluates to what extent the self-determination thesis is applicable to the Nagorno-Karabakh conflict by analyzing the international agreements, court decisions, advisory opinions and resolutions of the United Nations. I believe that this study is enlightening regarding the essence of the conflict.

The Nagorno-Karabakh conflict can be traced back to at least two centuries. The conflict has been on the international agenda as an unresolved conflict for the last thirty years. It is a 'protracted conflict' which has gained different dimensions in a time span longer than thirty years. Regrettably, in these long years a peaceful resolution to the Nagorno-Karabakh conflict has not been achieved. Besides, international actors have remained idle to the Armenian efforts to transform the occupation into a permanent status, not to mention their failure to penalizing the occupation. During this course, alterations have also been observed in the approach of the OSCE Minsk Group, the international structure that assumes the responsibility of the maintenance of peace talks. To provide the reader with a general outline of the historical roots of the Nagorno-Karabakh conflict, as well as the developments within the scope this conflict including the peace process, an introductory part titled "A Short History of the Nagorno-Karabakh Conflict" penned by AVİM's Senior Analyst Dr. Turgut Kerem Tuncel is added to the report.

We at AVİM, a think tank that focuses on the developments in the vast geography of an evolving Eurasia with a view to contributing to the understanding of the challenges and opportunities faced by Turkey, a country in a unique location of being both European and Asian at the nexus of Eurasia straddling the Balkans and the Caucasus, are delighted to present this report as timely and significant.

**Alev KILIÇ**  
Ambassador (R.)  
AVİM Director

---

**Att. Dr. Deniz AKÇAY**

---



**Deniz AKÇAY** obtained her *Doctorat d'Etat en Droit Public* diploma at the Nancy University in 1982. She served as a legal counselor at the BNP-AK Bank between 1986-1988, and as a specialist jurist at the Permanent Representation of the Ministry of Foreign Affairs of the Republic of Turkey at the Council of Europe in 1988. In 1998, she was bestowed with the title of Co-Agent of the Turkish Government by the decision of the Council of Ministers. She was elected as the Vice Chair of the Council of Europe Steering Committee for Human Rights (CDDH) in 2005, and as the Chair of the same Committee in 2007. Deniz Akçay retired in 2010.





# Introduction

## A SHORT HISTORY OF THE NAGORNO-KARABAKH CONFLICT

Dr. Turgut Kerem TUNCEL

### The Historical Background of the Nagorno-Karabakh Conflict

From the mid-16<sup>th</sup> century the Tsardom of Muscovy (the Tsardom of Russia) began expanding towards the east and became the Russian Empire in 1721.<sup>1</sup> At the end of the 18<sup>th</sup> century, the Russian Empire began expanding towards the Caucasus, and after annexing Georgia, it continued its southward advance. In 1805, while the Russia-Iran War was going on, the Karabakh Khanate came under the protection of the former. In 1813, with the signing of the Treaty of Gulistan that ended the war between the Russian Empire and Iran, the Karabakh Khanate together with the ethnic Azerbaijani territories in the north apart from the Irevan (Yerevan) and Nakhchivan khanates, fell under the rule of the Russian Empire. Iran, hoping to regain its lost territories by taking the advantage of the turmoil in the Russian Empire, declared another war against the latter, however it lost this war as well. As a result, with the Turkmençay Treaty signed in 1828, the Irevan and Nakhchivan khanates were also incorporated to the Russian Empire. Thus, the ethnic Azerbaijani territories were divided into two as ‘Northern Azerbaijan’ under the rule of the Russian Empire and ‘Southern Azerbaijan’ under the rule of Iran.

---

1 This text concisely summarizes the history of the Nagorno-Karabakh conflict. To compose the chronology of the main events, a large number of online news, op-eds, and analyses portals, the official website of the OSCE Minsk Group, and the official websites of the relevant Azerbaijani and Armenian states organs were reviewed. Besides, the following were used as the main sources: Cavid Abdullahzade, *Hukuki Yönleriyle Dağlık Karabağ Sorunu* (Ankara: Adalet Yayınevi, 2014); Svante E. Cornell, *The Nagorno-Karabakh Conflict, Report no. 46* (Uppsala, Department of East European Studies Uppsala University, 1999), [https://is.muni.cz/el/1423/podzim2012/MVZ208/um/35586974/Cornell\\_The\\_Nagorno-Karabakh\\_Conflict.pdf](https://is.muni.cz/el/1423/podzim2012/MVZ208/um/35586974/Cornell_The_Nagorno-Karabakh_Conflict.pdf); Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London: New York University Press, 2013). Philip Remler, *Chained to the Caucasus: Peacemaking in Karabakh, 1987-2012* (New York: International Peace Institute, 2016). In order to avoid an inflated number of footnotes, online portals, the official website of the OSCE Minsk Group, and the official websites of the states organs were not mentioned and only the afore-mentioned main sources were referred to in the footnotes.

The 1828 Turkmenchay Treaty paved the way for the Armenians living in Iran to immigrate to the Southern Caucasus under the Russian rule. This was followed by the Ottoman Armenians immigrating to the same region following the Treaty of Edirne (also known as the Treaty of Adrianople) in 1829, which brought an end to the 1828-1829 Ottoman-Russian War. It is believed that 130,000 Armenians immigrated to the Southern Caucasus in 1828-1830, 18,000 of whom settled in the territory of the Karabakh Khanate. In the following ten years, during the years 1830-1840, it is believed that at least 84,000 Armenians came to the region. This number can rise to 200,000 in some sources. The 1853-1856 Crimean War and the 1877-1878 Ottoman-Russian War had also been periods when the Armenian immigration towards the region had increased. There are documents indicating that more than 300,000 Armenians were settled in the region during the years between 1896 and 1908. It is also known that in the same period, there were Azerbaijani emigration in the reverse direction, that is, from the territories went under the Russian Empire to the Ottoman Empire and Iran. In other words, between 1828 and the early stages of the 20<sup>th</sup> century, there had been large scale Armenian immigration to and also Azerbaijani emigration from the Southern Caucasus.

As a result of all these population movements, whereas in 1823, the Armenians constituted 9% of the population of Nagorno-Karabakh, this raised to 53-55% in 1880. It is stated that in 1917, 57% of the population of the wider Karabakh region was Azerbaijani and 41% of the population was Armenian. Although these figures might not be exactly accurate, what is certain is that the in-ward immigration, that is, Armenian immigration to the South Caucasus and the out-ward emigration, that is, Azerbaijanis emigration from the South Caucasus significantly altered the ethno-demographic configuration of the region. In addition to that, following the annexation of the Caucasus, the Russian policy that favored the Armenians against the Azerbaijanis, whom the Russian officials deemed untrustworthy for their historical, religious, and ethnic ties with the Ottoman Empire and Iran, also altered the socio-economic and political balances between the ethnic groups in favor of the Armenians.<sup>2</sup>

The division of the ethnic Azerbaijani territory into two parts during the 1804-1828 period, immigration of the Armenians to and the emigration of the Azerbaijanis from the South Caucasus, and the disruption of the socio-economic and political balances as a result of the Russian policies in the region are the facts that constitute the historical background of the Nagorno-Karabakh conflict that has been continuing to this day for over thirty years.

---

2 Abdullahzade, *Hukuki Yönleriyle Dağlık Karabağ Sorunu*, 26-42; Cornell, *The Nagorno-Karabakh Conflict*, 5-6.

## Ethno-Territorial Struggle in the South Caucasus at the Beginning of the 20<sup>th</sup> Century

The first significant inter-ethnic clashes between the Azerbaijanis and the Armenians in Southern Caucasia occurred in Baku, a city which became a significant center due to the developing petroleum industry in late 19<sup>th</sup> century and in the city of Shusha in Karabakh in 1905. Similar clashes also occurred in Yerevan, Ganja, and Nakhchivan. There are different interpretations as to the causes and the consequences of these events. Some researchers argue that the attacks of the Armenian Revolutionary Federation-Dashnaksutyun (ARF-Dashnaksutyun) on the Azerbaijanis started the clashes and, as a result of these attacks, approximately 10,000 Azerbaijanis were killed. Pro-Armenian authors, on the other hand, claim that Azerbaijani attacks on the Armenians and the Armenian response to these attacks were the cause of the events.<sup>3</sup>

Thirteen years later, between March and September of 1918, inter-ethnic clashes and massacres took place and claimed lives of many people particularly in Baku and also in several other regions. On 28 May of the same year, Azerbaijan and Armenia declared their independence, which was followed by clashes particularly in Nakhchivan, Karabakh, Yerevan, and Zangezur due to 'border disputes.' In this period, Armenian troops under the leadership of the ARF-Dashnaksutyun carried out armed operations to ethnically cleanse the Azerbaijani population in order to gain the Armenian Democratic Republic, which lacked a delimited territory, a country, the population of which would be composed of Armenians.

At the end of 1918, Britain took control of the region. Although the British had similar approach, in general, they favored Azerbaijanis over the Armenians in a reverse manner to the Russians in the 19<sup>th</sup> century, yet the Armenians continued their aggressions against the Azerbaijanis particularly in Nakhchivan, Karabakh, and Zangezur. The Armenian aggression against the Azerbaijanis continued until the Bolsheviks wiped out the last ARF-Dashnaksutyun forces in Zangezur in 1921 following the former's invasion of the Caucasus in 1920.<sup>4</sup>

Although these clashes, which were to a great extent a result of the ethnic cleansing campaign of the ARF-Dashnaksutyun that was ruling the Armenian Democratic Republic to create an Armenian country with an homogeneous ethnic Armenian population, took place in a different historical period in which

3 Abdullahzade, *Hukuki Yönleriyle Dağlık Karabağ Sorunu*, 44; Cornell, *The Nagorno-Karabakh Conflict*, 6.

4 Abdullahzade, *Hukuki Yönleriyle Dağlık Karabağ Sorunu*, 45-52; Cornell, *The Nagorno-Karabakh Conflict*, 6-8.

different conditions prevailed, they could be seen as the antecedents of the present-day Nagorno-Karabakh conflict

### **The Soviet Union and the Territorial Arrangements in the South Caucasus**

Apart from this, the Bolshevik rule over the South Caucasus following the Red Army's invasion of Azerbaijan, Karabakh, and Armenia in April, May, and November 1920 respectively could be taken as the historical starting point of the present-day Nagorno-Karabakh conflict. On 1 December 1920, Azerbaijan's Bolshevik leader Nariman Narimanov declared Nakhchivan, Zangezur, and Karabakh as parts of Soviet Armenia. In the following months, Nakhchivan was given to Soviet Azerbaijan, whereas Zangezur and Karabakh were granted to Soviet Armenia. This period, during which extensive ethno-demographic changes were taking place in these regions, ended on 5 July 1921 with Karabakh eventually going under the rule of Soviet Azerbaijan. As a result, at the end of a three-year long struggle, two of the three regions, over which Soviet Azerbaijan and Soviet Armenia were struggling for, that is, Nakhchivan and Karabakh, were given to Soviet Azerbaijan while Zangezur was incorporated into Soviet Armenia. However, this did not end the disputes over Karabakh and Nakhchivan. On 7 July 1923, the mountainous regions of Karabakh became an autonomous *oblast* within Soviet Azerbaijan under the title Nagorno-Karabakh Autonomous *Oblast*. This decision was officially declared in November 1924. Again, in 1924, Nakhchivan was made an autonomous republic within Soviet Azerbaijan. However, until the mid-1930's, Armenians continued their insistence regarding Karabakh's and Nakhchivan's incorporation into Soviet Armenia.<sup>5</sup>

With the end of the Second World War, Soviet Armenia began bringing up the Karabakh issue, which had been solved approximately twenty-four years ago. The Secretary General of the Communist Party of the Soviet Armenia Grigoriy Arutyunov requested from Stalin the transfer of Nagorno-Karabakh to Soviet Armenia on November 1945. This was the first example of the Armenian demands regarding Nagorno-Karabakh. In 1963, a signature campaign was initiated in Armenia to be presented to Moscow regarding Baku's alleged discriminatory cultural and economic policies against the Armenians in Nagorno-Karabakh. It is claimed that clashes consequent to rising ethnic tensions claimed eighteen lives at that time and similar tensions transpired, though, no deaths were reported in 1968. In 1977, the Armenians in Nagorno-Karabakh organized a demonstration demanding Nagorno-Karabakh's transfer to Soviet Armenia.<sup>6</sup>

5 Abdullazade, *Hukuki Yönleriyle Dağlık Karabağ Sorunu*, 64-67; Cornell, *The Nagorno-Karabakh Conflict*, 8-11.

6 Abdullazade, *Hukuki Yönleriyle Dağlık Karabağ Sorunu*, 69; Cornell, *The Nagorno-Karabakh Conflict*, 11-12.

The demands, which were occasionally voiced following the Second World War regarding Nagorno-Karabakh, reveal that the reason for the Nagorno-Karabakh conflict, which continues to this day, was not the developments that occurred during the last years of the Soviet Union. Instead, it reveals that the reason behind the Nagorno-Karabakh conflict is the Armenians who never came to terms with the incorporation of Karabakh and Nakhchivan into Azerbaijan in 1920's and turned these issues into a national cause.

### **The Emergence of the Present-day Nagorno-Karabakh Conflict**

The start of the ongoing Nagorno-Karabakh conflict and the war between Azerbaijan and Armenia, which has been continuing for twenty nine years, goes back to the year 1987. In August 1987, a petition requesting the transfer of Nagorno-Karabakh and Nakhchivan -97% of the Nakhchivan population was Azerbaijani according to the 1979 census- to Armenia was prepared by the Armenian Academy of Sciences in Yerevan. This petition was presented to Moscow with the signatures of the Armenians in Armenia and Nagorno-Karabakh.<sup>7</sup> This campaign could be considered as the starting point of the present-day Nagorno-Karabakh conflict.

In October of the same year, the appointment of an ethnic Azerbaijani as the administrator of a state farm in the Çardaklı village located in the northwest of Azerbaijan with an ethnic Armenian majority created tensions. This development reveals that certain clashes between Azerbaijanis and Armenians started to emerge in this period. It is striking that, when the news about Çardaklı reached Yerevan, where demonstrations on environmental issues were continuing, the slogans about the environmental issues were replaced with slogans about the transfer of Nagorno-Karabakh and Nakhchivan to Armenia.

It would not be wrong to think that the absence of Moscow's negative attitude against the requests coming from Armenia, as well as the fact that Mikhail Gorbachev had a number of ethnic Armenian advisors, created hope amongst the Armenians that their requests would be accepted.<sup>8</sup> This encouraged them on being persistent in their requests. In such an atmosphere, in November, the first serious acts of violence within the framework of the Nagorno-Karabakh conflict erupted between the Azerbaijanis and the Armenians in the Kapan region of Armenia.

Following this, the first instance of forced displacement was the Azerbaijanis in this region being forced to leave their homeland in January 1988.

---

7 Cornell, *The Nagorno-Karabakh Conflict*, 13.

8 Cornell, *The Nagorno-Karabakh Conflict*, 13.

Azerbaijanis were furthermore subsequently kicked out of Armenia in two waves. The majority of these refugees were settled in Baku and Sumgait. Meanwhile, the Armenians in Nagorno-Karabakh and Armenia continued their efforts, such as taking decisions in administrative authorities and lobbying in Moscow to achieve their objective. Again, in the same period, the ‘Karabakh Committee,’ which was going to take the lead in Armenia’s path towards independence and the Nagorno-Karabakh struggle, was established. There were some indications that the Armenians in Nagorno-Karabakh had begun preparing for guerilla warfare as of 1986. In May 1989, armed Armenian formations began to come into sight.<sup>9</sup> The transfer of military equipment from Armenia to Nagorno-Karabakh reached a significant volume in the spring of 1990. The operations of the Armenian armed formations and clashes heightened substantially by 1991.<sup>10</sup>

After two Azerbaijanis lost their lives during the events that took place at the administrative border of Azerbaijan and Nagorno-Karabakh on 26 February, the events that occurred in the Sumgait city of Azerbaijan on 27-29 February, which are referred to as the Sumgait massacre or Sumgait pogrom in the Armenian narrative, claimed thirty two lives, twenty six of which were Armenians, according to official numbers. After these events, the Armenians left the city. There are different assumptions as to how those events began, and more importantly, why Soviet security forces did not interfere to suppress them. However, there are still no convincing answers on the issue.

After the Sumgait events, in March, Azerbaijanis, particularly those in Ararat and Zangezur regions, were expelled by the masses. This was followed by the displacement of the Azerbaijanis in the Turkey-Armenia border area and again the Ararat region in June, and Armenians in Shusha and Azerbaijanis in Khankendi (Stepanakert) in Nagorno in September. In November, Azerbaijanis in Armenia were removed from the country by the masses. By the end of this month, Azerbaijani population in Armenia had disappeared. Meanwhile, Armenians in Azerbaijan began leaving for Armenia due to the events taking place or the fear of such occurrences. Migrations and forced displacements continued as the events turned into overt clashes and then a war.

It is claimed that the events that took place in Baku between 13 and 15 January resulted in the loss of approximately ninety lives, and led Armenians to leave the city. Following these events, which in the Armenian narrative is referred to as the Baku massacres or pogroms, the Soviet troops supported by tanks entered the city on 19-20 January. Although different sources claim different numbers, at least one hundred Azerbaijanis lost their lives as a result of this

---

9 See, de Waal, *Black Garden*, 18-19.

10 Cornell, *The Nagorno-Karabakh Conflict*, 22&25-26.

intervention of Soviet troops.<sup>11</sup> Roughly two years later, during a period when the Nagorno-Karabakh conflict turned into a war between Azerbaijan and Armenia, on 25-26 February 1992, the massacre perpetrated by the Armenian troops against Azerbaijani civilians in Khojaly in Karabakh was recorded as the most ruthless massacre during the Nagorno-Karabakh conflict. Although different sources claim different numbers, it seems plausible that the death toll was between 485 and 613. In sum, forced displacements, migrations out of fear, and massacres beginning from 1988 went down in history as events resembling the ethnic cleansings during the period of 1918-1921.

While these incidents were taking place in Azerbaijan and Armenia, the Supreme Soviet, which was the supreme decision making authority in the Soviet Union, rejected the demand of Nagorno-Karabakh's unification with Armenia in the light of Article 78 of the Soviet Constitution. On 28 June and 18 July, Gorbachev and the Presidium of the Supreme Soviet made statements affirming this decision. However, the Supreme Soviet of the Armenia did not hesitate to take decisions and make declarations on the transfer of Nagorno-Karabakh to Armenia. In this context, a joint budget for Nagorno-Karabakh and Armenia was released in January 1990. In April 1990, an announcement was made on Karabakh Armenians' right to vote in the elections in Armenia.<sup>12</sup>

The Supreme Soviet's nullification of the decisions taken by the soviets of Armenia and Nagorno-Karabakh regarding the transfer of Nagorno-Karabakh to Armenia in the light of the Soviet Constitution is an important fact in terms of the discussions on the legal dimensions of the conflict. In addition, the fact that the demand of the Armenian side was the transfer of Nagorno-Karabakh to Armenia, not its independence, and that this had been the aspect of the Armenian discourse at least until 1993 is noteworthy. This fact proves that the discourse underlining the Nagorno-Karabakh's desire to become independent, which constitutes the basis of Armenian discourse today, does not reflect the truth. This becomes clearer especially if the insistence of Armenia regarding the transfer of Nagorno-Karabakh is taken into consideration. This issue on the nature of the conflict is of significant importance in terms of the political and legal dimensions.<sup>13</sup> It is also significant that while the Karabakh Council, superseding the Soviet of Karabakh, declaring independence on 2 September 1991, it did not only claim the territories of Nagorno-Karabakh Autonomous Region but also the Goranboy region of Azerbaijan.<sup>14</sup>

11 Cornell, *The Nagorno-Karabakh Conflict*, 16-20& 24.

12 Cornell, *The Nagorno-Karabakh Conflict*, 19-25&33.

13 With respect to that, Armenia's Prime Minister Nikol Pashinyan's words that read as "Artsakh [Karabakh] is Armenia, and that's it," a statement that he made during a speech at Khankendi, the city that the *de facto* Armenian administration in Karabakh refer to as the capital city, is a salient example.

14 Cornell, *The Nagorno-Karabakh Conflict*, 26.



### **Azerbaijan-Armenia War over Nagorno-Karabakh**

On 30 August 1991, Azerbaijan declared its independence. The Karabakh Armenians declared the Nagorno-Karabakh Republic on 2 September 1991, and its independence on 6 January 1992. Armenia made a declaration of independence on 23 September 1991. At the end of December 1991, the Union of Soviet Socialist Republics (USSR) officially ceased to exist. Consequently, the process that started as an ethno-territorial conflict within the USSR at the end of 1987 turned into a war between two independent states.

On 30 January 1992, Azerbaijan and Armenia were admitted to the Conference for Security and Cooperation in Europe (CSCE), which purported to be a platform for the resolution of the Nagorno-Karabakh conflict. The CSCE became Organization for Security and Cooperation in Europe (OSCE) in 1994 and the Minsk Group was established within the OSCE for the resolution of the conflict. Thereby, the OSCE Minsk Group became the principle international platform for the resolution of the Nagorno-Karabakh conflict. Besides the OSCE Minsk Group, some third states also aimed to mediate the conflict. Accordingly, the conflict took on an international dimension, as well.

On May 1992, a communiqué on the general principles of a peace deal between Azerbaijan and Armenia was signed in Tehran through the mediation of Iran. This was the first document that was prepared with an international initiative that Azerbaijan and Armenia agreed on. However, on 8-9 May, this initiative became obsolete with the invasion of Shusha by the Armenian forces. In fact, this initiative was the first example of the many subsequent initiatives to this day that would be agreed upon and became obsolete afterwards.

While the war between Azerbaijan and Armenia was continuing at full steam, on 24 October 1992, the US Congress adopted the Section 907 of the Freedom Support Act, which banned US aid to Azerbaijan. Many researchers are of the opinion that the Armenian diaspora and lobby in the US had an important role in this decision of the US Congress. The decision taken by the US Congress in 1992 can be defined as the first and among the most successful examples of the Armenian lobbying activities within the context of the Nagorno-Karabakh issue. In fact, the Armenian communities in different countries still continue their pro-Armenia lobbying activities in the countries they reside in. The Section 907 of the Freedom Support Act was lifted on January 2002 by the US President of the period George W. Bush.

In 1993, the power struggle among the Azerbaijani elite and the chaos and disorder that this struggle caused turned into a reason for the smoothness of the Armenian invasion of the Azerbaijani lands. The expedited invasion forced

the international community to respond. Accordingly, in April-November of 1993, United Nations Security Council adopted four resolutions asking the Armenian forces to withdraw from the territories that they had invaded.<sup>15</sup> Despite these resolutions, however, clashes that caused heavy casualties continued from 1993 to 1994.

After several short-lived cease fires, on 5 May 1994 in Bishkek, by the unilateral initiative of Russia<sup>16</sup> sidelining the OSCE Minsk Group and with the presence of the representatives of Azerbaijan, Armenia, Nagorno-Karabakh Armenians, and the Commonwealth of Independent States, the Bishkek Protocol was signed by Azerbaijan and Armenia that ensured the ‘permanent’ cease fire to be effective by 12 May. With the 1994 ceasefire, the hot phase of the war that resulted in the death of more than twenty thousand people, around one million IDPs and refugees, and - according to Baku’s official discourse - the occupation of 20% of Azerbaijan comprised of Nagorno-Karabakh and the surrounding seven regions came to an end. However, it should be noted that since there have not been a peace agreement that end the war, the Nagorno-Karabakh war between Azerbaijan and Armenia *de jure* continues to this day.

### The Never Ending Peace Process

The OSCE’s summit in Lisbon in December 1996 had been the first significant attempt of the OSCE Minsk Group for the resolution of the Nagorno-Karabakh conflict. At the Lisbon Summit, a statement was issued regarding the principles of the conflict resolution that defended Azerbaijan’s territorial integrity. However, this was not included in the declaration due to Armenia’s objection. This statement was included in the appendix together with Armenia’s responses.<sup>17</sup> The idea of ‘outmost autonomy for Nagorno-Karabakh within Azerbaijan’ as a solution to the conflict was brought to the agenda in this summit. Although expressing reservations, Azerbaijan agreed to this idea.<sup>18</sup>

At the beginning of 1997, several changes were made in the structure of the OSCE Minsk Group. In spite of Azerbaijan’s disapproval, France became a co-chair. In the same process, the US was appointed as another co-chair to appease the objections of Azerbaijan.<sup>19</sup> Accordingly, France and the US became

---

15 The resolutions of the UN Security Council are the following: 822 (1993) - 30 April 1993; 853 (1993) - 29 July 1993; 874 (1993) - 14 October 1993; 884 (1993) - 12 November 1993.

16 Cornell, *The Nagorno-Karabakh Conflict*, 122; de Waal, *Black Garden*, 265.

17 de Waal, *Black Garden*, 267.

18 Cornell, *The Nagorno-Karabakh Conflict*, 123-124.

19 Cornell, *The Nagorno-Karabakh Conflict*, 124; de Waal, *Black Garden*, 269.

the co-chairs along with Russia that had been assuming the chair since 1994 together with Sweden and then Finland. Hence, they became the most important third actors in the peace process.<sup>20</sup> Today, France, Russia, and the US continue to be the three co-chairs since 1997.

The change in the OSCE Minsk Group co-chairmanship was followed by a new peace proposal presented in May 1997. Although Armenia objected, Azerbaijan and Armenia, in principle, approved the proposal. The details of the proposal were not made public. However, Haydar Aliyev announced that this proposal foresaw the Lachin corridor that connects Nagorno-Karabakh to Armenia to remain under the control of Armenian forces in return for the withdrawal of the Armenian forces from the other occupied regions surrounding Nagorno-Karabakh.<sup>21</sup> From that time on, the issue of Armenia's withdrawal from the occupied regions surrounding Nagorno-Karabakh became one of the most essential issues of discussion of the peace talks.

The proposal was rejected by the *de facto* authorities in Nagorno-Karabakh. For this reason, in September, a new 'step-by-step' peace plan was represented. According to this plan, the status of the Nagorno-Karabakh was to be decided following the withdrawal of the Armenian forces from the occupied territories around Nagorno-Karabakh and the return of the IDPs to their places. Armenian President Levon Ter-Petrosyan, considering the inevitability of mutual compromises, supported this plan. However, he met with the reaction of his own colleagues and the Armenian public. The *de facto* authorities in Nagorno-Karabakh rejected the 'step-by-step' plan by underlining their reservations regarding security and argued that a 'package solution' was necessary.<sup>22</sup> The same authorities stated that a confederation resolution could be discussed, however, this would not mean that Nagorno-Karabakh would come under Baku's control. Despite of these reactions, Armenia accepted this plan with reservations as the basis of future negotiations. At the OSCE Minsk Group meeting in Copenhagen in December, however, the 'step-by-step' proposal was rejected because of Armenia's objections. In addition, again because of Armenia's opposition to the 1996 'Lisbon Principles,' a new document could not be issued. At this meeting, the proposal about *de facto* entity in Nagorno-Karabakh to attend to the meetings as a third party was also rejected.

The reaction of Armenia's political elite against Ter-Petrosyan, who seemed ready for concessions for the resolution of the Nagorno-Karabakh conflict, intensified significantly in the beginning of 1998 and on 3 February, and Ter-

---

20 Cornell, *The Nagorno-Karabakh Conflict*, 123; de Waal, *Black Garden*, 266.

21 de Waal, *Black Garden*, 269.

22 Cornell, *The Nagorno-Karabakh Conflict*, 125; de Waal, *Black Garden*, 269-270.

Petrosyan thus resigned from the presidency. Following Ter-Petrosyan's resignation, in March, Robert Kocharyan took the office as Armenia's second president. Although Kocharyan appeared to have a stricter and more uncompromising attitude, it is noteworthy that, in the time period from 1999 to Haydar Aliyev's death on December 2003, steps that created hope for the resolution of the conflict were in fact taken.

In November 1998, the OSCE Minsk Group brought forward the "common state" proposal. The *de facto* authorities in Nagorno-Karabakh approached positively to this proposal, yet Azerbaijan rejected it.<sup>23</sup> In April 1999, H. Aliyev and Kocharyan held a private meeting in Washington on the occasion of the 50th anniversary of NATO. This was put on the record as the first meeting of the two countries' presidents since 1993. After this, the meetings between the two presidents continued for about two years. Approximately fifteen meetings were held during this period.<sup>24</sup>

Between July and October 1999, H. Aliyev and Kocharyan met several times and discussed a plan, which envisaged exchanging 'Lachin Corridor' that connects Nagorno-Karabakh and Armenia - and probably Nagorno-Karabakh - with a corridor that connects Azerbaijan and Nakhchivan in the Megri region - and probably the Megri region - and came very close to a deal. However, in this process, which once again raised the hopes for a final resolution to the conflict after 1997, this plan was met with reaction in Azerbaijan and Armenia, much more intensely in the latter. Eventually, because of the objection in Armenia and after the Armenian parliament shooting in 27 October 1999 that left eight people dead, including two important figures in the Armenian politics, the 'land swap plan' fell off the agenda.<sup>25</sup>

The two presidents met at the UN Millennium Summit in New York in September 2000 and in Paris in January and March of 2001. These were followed by the meeting in Florida, Key West in April in the same year. The Key West talks are regarded as one of the most important events in the Nagorno-Karabakh peace process. However, the final agreement of the plan negotiated in Key West could not be reached, although some authors claim that two presidents agreed on many points. Hence the scheduled meetings of H. Aliyev and Kocharyan in late November could not be held.<sup>26</sup> Remler points out that the plan negotiated in Key West was the last full-blown peace plan that could ended the Azerbaijan-Armenia war.<sup>27</sup>

---

23 Cornell, *The Nagorno-Karabakh Conflict*, 127-129.

24 de Waal, *Black Garden*, 274.

25 de Waal, *Black Garden*, 274-275&277; Remler, *Chained to the Caucasus*, 78-83.

26 de Waal, *Black Garden*, 277-278.

27 Remler, *Chained to the Caucasus*, 84-85.

In a period when meetings were being held between H. Aliyev and Kocharyan, which gave hope that the Nagorno-Karabakh conflict was coming closer to a resolution, criticisms in Azerbaijan and Armenia were voiced that at times intensified significantly. This reveals that an opposition formed especially among the elites of both countries against a peace deal that would be shaped upon mutual concessions. This may be revealing that both of the countries' public opinions are becoming estranged from an understanding of consensus based on concessions as time passes and, in this sense, public opinion becomes a factor that constitutes an obstacle for the resolution of the conflict. At the present time, there are signs that this has become more visible. The process run through the meetings with contents that are kept confidential may be a reason for the distrust and concerns in Azerbaijan and Armenia.

Starting from mid-2003, H. Aliyev's health began worsening. His son İlham Aliyev was elected as the president on October. H. Aliyev's death was announced on 12 December 2003. By that, the impetus that was reached by H. Aliyev and Kocharyan regarding the resolution of the conflict came to an end.

After becoming the president, at the beginning of 2004, İ. Aliyev stated that Azerbaijan would never recognize the independence of Nagorno-Karabakh or its annexation by Armenia. He proposed an offer that involved lifting the economic embargo on Armenia in return for the Armenian forces withdrawing from the occupied regions surrounding Nagorno-Karabakh. The European Parliament's chief South Caucasia rapporteur Per Gahrton voiced the same proposal. However, Armenia rejected this proposal and the European Parliament did not support Gahrton's proposal. This approach, which can be summarized as offering economic rewards in return for Armenia taking steps towards the resolution of the conflict, became one of Azerbaijan's main discourses and tactics. However, it is also seen that Armenia has not been favoring this proposal from the beginning.

When July came, the OSCE Minsk Group stated that after this point, it would not be bringing new proposals regarding the resolution of the conflict and Azerbaijan and Armenia were the parties that had the responsibility to reach an agreement. This statement, which can be evaluated as a warning to the sides, is one of the first indicators implying that the OSCE Minsk Group has reached an increasingly hopeless and desperate mood with respect to the resolution of the conflict.

In January 2005, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution criticizing Armenia's occupation of Azerbaijan's territories. This resolution referred to the ethnic cleansing against the

Azerbaijanis perpetrated by Armenian forces.<sup>28</sup> On February, the first fact-finding mission of the OSCE was conducted in the Azerbaijan territories under Armenia's control.<sup>29</sup> The OSCE concluded that Armenia did not have a significant involvement in increasing number of Armenian settlements in the vicinity of Nagorno-Karabakh and the settlements in Lachin and, less so, in Mardakert, were to a certain extent supported by the *de facto* authorities in Nagorno-Karabakh. The ending of the occupation in the regions surrounding Nagorno-Karabakh, which is being discussed as one of the crucial steps of the conflict resolution, and the subject of the Armenian settlers in relation to this issue, continues to be an increasingly deepening problem in the present.

İ. Aliyev and Kocharyan discussed the subject of the withdrawal of the Armenian forces from the regions surrounding Nagorno-Karabakh at the Council of Europe Warsaw Summit held on 16-17 May 2005, as well. Additionally, it is significant that at this meeting, instead of a comprehensive peace plan, general principles of the peace process were discussed. The idea was that negotiations and the peace process would be continued after the parties reach an agreement on the 'basic principles.' Although the principles that were discussed were not made public, it is understood from the statements of the Armenian side that the most important of these have been the withdrawal of Armenian troops from the regions surrounding Nagorno-Karabakh which are under Armenian occupation and the identification of Nagorno-Karabakh's status in the subsequent years through a mechanism that would be agreed on.<sup>30</sup> These principles are still being discussed since this meeting on 'basic principles' of the peace process. In other words, in the past approximately

---

28 For this resolution see, "The Conflict over the Nagorno-Karabakh Region dealt with by the OSCE Minsk Conference," *Council of Europe Parliamentary Assembly*, January 25, 2005, Access September 05, 2020, <https://pace.coe.int/pdf/71abaad2a06910e613bdedda2048c0d7d7e987183326667a8259ffe25682ae848428feba12/resolution%201416.pdf>.

29 For OSCE Minsk Group's statement about this fact-finding mission see, "OSCE Minsk Group Fact-Finding Mission Visits Occupied Regions of Azerbaijan," *OSCE*, February 10, 2005, access September 05, 2020, <https://www.osce.org/mg/57187>. For the report of the fact-finding mission see, "Report of the OSCE Fact-Finding Mission (FFM) to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh (NK)," *European Parliament*, February 28, 2005, Access September 05, 2020, [https://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/fd/dsca20050413\\_08/dsca20050413\\_08en.pdf](https://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dsca20050413_08/dsca20050413_08en.pdf). A second fact-finding mission in the region was conducted on 7-12 October 2010. However, only an 'executive summary' which was shorter than a page was published after this mission. For this 'executive summary' see, "Executive Summary of the "Report of the OSCE Minsk Group Co-Chairs' Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh," *OSCE*, access September 05, 2020, <https://www.osce.org/files/f/documents/7/d/76209.pdf>. In January 2018, a third fact-finding mission was brought to agenda. Whereas Baku approached to this idea positively, Armenian side showed an opposite attitude. After Nikol Pashinyan came to power in the same year, Yerevan brought the same idea to the agenda. However, Yerevan suggested that the fact-finding mission would be conducted in the very small part of the Soviet-era Nagorno-Karabakh Oblast, which after the hot phase of the war remained under Baku's control. As such, Yerevan displayed a frivolous and propagandist approach. Baku rejected this proposal of Yerevan.

30 Remler, *Chained to the Caucasus*, 92-93.

fifteen years, an agreement has still not been made over the ‘basic principles,’ and the second stage of the peace process has not started. Secondly, a striking aspect is that, as the general peace process was being discussed until May 2005, the initiation of discussing the principles that would form the foundations of the process reveals that the situation in 2005 was at a more backward point than it was in 1994.

The process, in which the ‘basic principles’ were discussed instead of comprehensive peace plan, also continued in 2006. Within this scope, the meeting conducted in Rambouillet, France on 10-11 February created hope. However, this meeting did not achieve success either due to disagreements on the withdrawal of the occupying Armenian forces from the regions surrounding Nagorno-Karabakh and the referendum regarding the final status of Nagorno-Karabakh. The absence of a meaningful progress increased the disappointment amongst the OSCE Minsk Group co-chairs and it began to be questioned whether the two sides actually wanted a resolution to the conflict.<sup>31</sup>

Following this, on 22 June 2006, the OSCE Minsk Group co-chairs issued a report, which was presented to İ. Aliyev and Kocharyan, including a list of the ‘basic principles’ composed of seven articles. The stated principles are the following:<sup>32</sup>

- Phased redeployment of Armenian troops from Azerbaijani territories, with special modalities for Kelbajar and Lachin;
- Demilitarization of those territories;
- A referendum or population vote, to be held at a date and in a manner to be decided through further negotiations, to determine the final legal status of Nagornyy Karabakh;
- Deployment of an international peacekeeping force;
- Establishment of a joint commission for the implementation of the agreement;
- Provision of international assistance for demining, reconstruction, and resettlement of internally displaced persons, with interim arrangements

---

31 de Waal, *Black Garden*, 287-288; Remler, *Chained to the Caucasus*, 94.

32 Remler, *Chained to the Caucasus*, 95. Remler uses the noun “Nagornyy Karabakh” instead of Nagorno-Karabakh while summarizing these principles. For the OSCE Minsk Group’s statement of the principles see, “Statement by the OSCE Minsk Group Co-Chairs,” *OSCE*, July 06, 2006, erişim September 05, 2020, <https://www.osce.org/mg/47496>.

to allow Nagornyy Karabakh to maintain direct relations with assistance providers;

- Renunciation of the threat or use of force;
- International and bilateral security guarantees and assurances.

A striking aspect in the report is the explicit expression of dissatisfaction due to unachieved progress in the process and the implication that the OSCE Minsk Group will not make any more efforts if the parties do not take steps towards reconciliation.<sup>33</sup>

The principle regarding the referendum in which the status of Nagorno-Karabakh would be determined created objections from the parties for different reasons. The Azerbaijani authorities asserted that the referendum should be conducted in the entire Azerbaijan, not only in Nagorno-Karabakh. Azerbaijan is advocating the same view today, as well. The *de facto* authorities in Nagorno-Karabakh stated that a referendum had already been conducted in Nagorno-Karabakh in 1991 and the people of Nagorno-Karabakh had made a choice supporting independence. This claim presumably also reflected the view of Yerevan. Moreover, they claimed that a referendum should be conducted prior to the withdrawal of the Armenian forces from the regions surrounding Nagorno-Karabakh, not after.<sup>34</sup> A “constitutional” referendum being conducted in Nagorno-Karabakh on 10 December,<sup>35</sup> which also included an article regarding the independence and sovereignty of the region, can be considered as a strategic step within the framework of these objections. As a matter of fact, the discussion on the timing and procedure of the referendum that would determine Nagorno-Karabakh’s final status, and in relation to that, the withdrawal of the Armenian forces from the occupied territories, are still the most contentious issues at the present.

The attitudes displayed by the parties after the statement of the ‘basic principles’ reached to the point that the foreign ministers of Azerbaijan and Armenia refused to meet at the OSCE Minsk Group meeting in Madrid on November 2007. In response, the OSCE Minsk Group separately presented a document to the foreign ministers, which contained the final version of the principles referred to as the ‘Madrid Principles’.<sup>36</sup>

---

33 Remler, *Chained to the Caucasus*, 95.

34 Remler, *Chained to the Caucasus*, 96-97.

35 Remler, *Chained to the Caucasus*, 97-98.

36 Remler, *Chained to the Caucasus*, 97-98.



On May 2009, Matthew Bryza, co-chair of the OSCE Minsk Group from the US, announced that the two presidents, who met within the framework of the summit at which the Eastern Partnership Initiative was declared, reached an agreement on certain points that were emphasized in the ‘Madrid Principles’. On 10 July in Italy, the presidents of the co-chair countries of the OSCE Minsk Group stated that İ. Aliyev and Serzh Sargsyan, apart from some minor disagreements, agreed on the ‘basic principles,’ that is, the little elaborated version of the ‘Madrid Principles,’ which contains fourteen articles according to some sources, and shared a document containing the six basic principles to the public opinion. The principles that were announced as follows:<sup>37</sup>

- Return of the territories surrounding Nagorno-Karabakh to Azerbaijani control;
- An interim status for Nagorno-Karabakh providing guarantees for security and self-governance;
- A corridor linking Armenia to Nagorno-Karabakh;
- Future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will;
- The right of all internally displaced persons and refugees to return to their former places of residence;
- International security guarantees that would include a peacekeeping operation.

However, these principles, particularly the article on the determination of Nagorno-Karabakh’s status, once again led to reactions and heated arguments in Azerbaijan, Armenia, and Nagorno-Karabakh.<sup>38</sup> On the other hand, Azerbaijan, with some reservations, showed a more positive attitude to the ‘basic principles,’ whereas Armenia demanded a new draft as to these principles.<sup>39</sup>

The ‘Madrid Principles,’ still constitutes the foundation of peace negotiations. However, while these principles were presented, the Azerbaijani and Armenian foreign ministers did not even come together. This, once again, demonstrated that the Nagorno-Karabakh conflict is far from reaching a resolution.

---

37 Remler, *Chained to the Caucasus*, 103-104. Also see, “Joint Statement on the Nagorno-Karabakh Conflict,” *The White House*, July 10, 2009, access September 05, 2020, <https://obamawhitehouse.archives.gov/the-press-office/joint-statement-nagorno-karabakh-conflict>.

38 Remler, *Chained to the Caucasus*, 104.

39 de Waal, *Black Garden*, 301.

Moreover, it is not possible to say that a significant development has been observed since then. The parties of the conflict continue to blame each other claiming that the principles are being maliciously interpreted according to their own advantage. In the face of that, the OSCE Minsk Group does not shy away expressing its frustration. The OSCE Minsk Group implies that that it has already reached its limits through statements determining that the responsibility for the resolution belongs to Azerbaijan and Armenia. The OSCE Minsk Group, even if implicitly, expresses that the failure to reach a resolution is due to Azerbaijan and Armenia. In brief, the announcement of the ‘Madrid Principles’ was the last significant step taken by the OSCE Minsk Group for the resolution Nagorno-Karabakh conflict. Since then, no other remarkable initiative has been carried out by the Minsk Group.

Following the announcement of the ‘Madrid Principles,’ the bloody events that occurred after the presidential elections in Armenia on 19 February 2008 were followed by the intensifying clashes on the Azerbaijan-Armenia frontline on 4-9 March. These clashes caused the UN General Assembly to issue a resolution demanding Armenia to withdraw its troops from the occupied territories. Regarding this resolution, it is striking that the three OSCE Minsk Group co-chair countries voted against it.<sup>40</sup> This and the similar attitudes of the US, France, and Russia are among the main reasons for the erosion of the confidence towards the OSCE Minsk Group.

As stated above, the announcement of the ‘Madrid Principles’ on November 2007 was the last important proposal prepared by the OSCE Minsk Group regarding the resolution of the Nagorno-Karabakh conflict. On the other hand, in an approximately four-year long process, there were initiatives by Russia, one of the OSCE Minsk Group co-chairs. During this process, eleven of the fifteen meetings conducted between İ. Aliyev and Sargsyan from June 2008 to end of January 2012 were hosted by the then Russian President Dmitry Medvedev.<sup>41</sup> It is highly probable that the effort to lead the resolution of the Nagorno-Karabakh conflict is a reflection of Russia’s wider geopolitical considerations.

The first fruit of Russia’s efforts was the signing of the ‘Moscow Declaration’ on 2 November 2008 by İ. Aliyev and Sargsyan, who came together in a meeting hosted by Medvedev. However, it must be stated that the Moscow Declaration was essentially nothing more than a general declaration of good will. On the other hand, it may have a symbolic significance in terms of being the first joint text that the two countries signed after the Tehran Declaration

---

40 Remler, *Chained to the Caucasus*, 98.

41 Remler, *Chained to the Caucasus*, 100.

signed on May 1992 and the ceasefire agreement signed in Bishkek on 1994.<sup>42</sup>

The last significant effort in this period was the OSCE Minsk Group co-chairs' effort to pressure the presidents of Azerbaijan and Armenia to sign a text, which some sources refer to as the 'Kazan Document,' that was formulated upon the 'Madrid Principles' in a meeting hosted by Medvedev in the Russian city Kazan on June 2011. However, despite this pressure, the Kazan meeting ended with a failure; not achieving any results similar to the other processes. In this framework, a final meeting was organized in the Russian city of Sochi on June 2012, but once again, no outcome was achieved. Thus, the 2008-2012 process in which Medvedev was the main actor came to an end.<sup>43</sup>

The developments following the 2008-2012 process, which was marked by Medvedev's initiatives, leads one to think that the hopes of the international community for the resolution of the Nagorno-Karabakh conflict have dramatically faded. In fact, at this point, it is seen that the main effort of the OSCE Minsk Group is squeezed into a framework of preventing the collapse of the entire peace process and preventing armed clashes between the two countries. In other words, it can be said that in recent years, the main objective of the OSCE Minsk Group is not the resolution of the conflict, but the prevention of armed clashes. Yet, the large and small scale ceasefire violations that occur continuously at the frontline causing losses on both sides show that the efforts to prevent armed clashes are not successful. Additionally, the 'Four Day War' in April 2016<sup>44</sup> and the large-scale clashes that erupted on 12 July 2020 in the Tovuz region 100 km north of the Karabakh front and which lasted for a few days<sup>45</sup> have shown that the outbreak of a war beyond ceasefire violations is not improbable. If the year 2007, in which the 'Madrid Principles' were declared, is considered as a starting point, this situation indicates that during the next approximately thirteen years, there has been deterioration rather than a progression.

---

42 de Waal, *Black Garden*, 295; Remler, *Chained to the Caucasus*, 102.

43 de Waal, *Black Garden*, 302-303; Remler, *Chained to the Caucasus*, 109-110.

44 For an evaluation of the 'Four Day War' see, Turgut Kerem Tuncel, "Güney Kafkasya'da 2-5 Nisan 2016'da Yaşanan 4 Gün Savaşı," *Ermeni Araştırmaları* 53 (2016): 301-338.

45 For an evaluation of these clashes see, Turgut Kerem Tuncel, "Azerbaycan-Ermenistan Sınır Hattında 12 Temmuz 2020'de Patlak Veren Çatışma ve Karabağ İhtilafı Hakkında Değerlendirmeler," *Analysis* No: 2020 / 27, *AVİM*, July 23, 2020, erişim September 05, 2020, <https://avim.org.tr/tr/Analiz/AZERBAYCAN-ERMENİSTAN-SINIR-HATTINDA-12-TEMMUZ-2020-DE-PATLAK-VEREN-CATISMA-VE-KARABAG-IHTILAFI-HAKKINDA-DEGERLENDIRMELELER>.

## Conclusion

To sum up, the Nagorno-Karabakh conflict, which has a historical background longer than two centuries, transpired as an ethnic conflict within the USSR at the end of 1987. This conflict turned into an interstate war between Azerbaijan and Armenia who gained their independence with the collapse of the USSR. As the conflict turned into an interstate war, the third parties and international community were involved to end the conflict and achieve peace. Thus, the conflict also became internationalized. In 1994, the OSCE Minsk Group became the major third party in the peace process and still is to this day. In 1997, the US, France, and Russia were assigned as the co-chairs of the OSCE Minsk Group, and since then, they have become the most important third-party actors, besides Azerbaijan and Armenia. Among these three countries, Russia is the country that stands out the most.

Levon Ter-Petrosyan, the first President of Armenia until his resignation in 1998, displayed a relatively positive approach intending to resolve the issue through mutual concessions. However, success towards a resolution was not achieved during his time in office due to the opposition of the Armenian elite and people. Despite that, Robert Kocharyan, who was Armenia's president after Ter-Petrosyan, asserted a tough and uncompromising political discourse, attempts were made to take near-serious steps regarding the issue's resolution from 1999 to Haydar Aliyev's death in December 2003. However, a resolution was not reached in this period either.

It is striking that, in time, peace talks conducting within the framework of the OSCE Minsk Group have turned from aiming at reaching a final peace agreement to discussing the principles of the peace agreement. The highest point reached at determining the 'basic principles' was the announcement of the Madrid Principles' in 2007. However, after that, no progress has been achieved yet. The withdrawal of the Armenian troops from the occupied territories surrounding Nagorno-Karabakh and the referendum that would determine the final status of Nagorno-Karabakh, two of the several 'basic principles,' are still subjects to the parties' different interpretations and continue to be the two most important obstacles for the progression of the peace process.

The stalemate in the peace process resulted in a change in the OSCE Minsk Groups' priorities. The OSCE Minsk Group, which aimed at achieving final peace from the mid-2000s, regressed to the determination of the 'basic principles' through which peace would be built. After that, towards the mid-2010s, the OSCE Minsk Group reached the point of simply preventing the collapse of the peace process and preventing armed clashes and war between Azerbaijan and Armenia. Despite this, the eruption of the 'Four Day War' in

April of 2016 and the large scale clashes erupted on 12 July 2020 could not be prevented.

Ultimately, it is seen that the Nagorno-Karabakh issue, which has a historical background longer than two centuries and has been continuing for thirty years, has become an intractable conflict today. As such, Nagorno-Karabakh conflict and the *de jure* war between Azerbaijan and Armenia constitute challenges threatening the stability and peace in the South Caucasus, where five large geopolitical spaces, namely, Europe; Eurasia; Central Asia; Eastern Mediterranean and Middle East; Persian Gulf and the Indian Ocean intersect.

# THE RELATIVITY OF SELF-DETERMINATION CONCEPTIONS REGARDING THE NAGORNO-KARABAKH CONFLICT

Av. Dr. Deniz AKÇAY\*

## A) Khojaly Massacre, The United Nations Membership, The UN Security Council Resolutions

The representatives of 11 Soviet Socialist Republics convened in Almaty, the capital of Kazakhstan, in December 1991 and declared that the Union of Soviet Socialist Republics (USSR - the Soviet Union) had ceased to exist<sup>1</sup>. Thus, the legal entity of the Soviet Union, which was established in 1921, came to an end in terms of international law.

The declaration published after the meeting did not include any statement, reservation, or limitation regarding the boundaries, rights, political and economic characteristics, or expectations of any former Soviet Republics in their new formation. On the contrary, it is explicitly underlined, in the third paragraph of the Preamble of the Declaration, that the 11 States would recognize and respect the territorial integrity and the inviolability of current boundaries of each other.<sup>2</sup>

With the disintegration of the Soviet Union in this way, the principle of *uti possidetis* of the classical international law was applied, and following a disintegration, the boundaries preceding the disintegration were meant to be preserved for each new state.<sup>3</sup>

---

\* Lawyer, Doctorat d'Etat en Droit Public Nancy-FRANCE, Co-Agent of the Turkish Government, Retired Member of the Ministry of Foreign Affairs of the Republic of Turkey

1 The Alma-Ata Declaration, December 21, 1991.

2 “.. recognizing and respecting each other’s territorial integrity and the inviolability of the existing borders...”

3 The rule of *uti possidetis* was implemented mainly with regards to colonies in the past. In recent times, it was implemented by the Badinter Commission with regards to the countries established as a result of the disintegration of former Yugoslavia. “Commission Badinter”, *Avis no.3 Revue Générale de Droit International Public*, 1992: 268-269.

Then, the process of recognition and membership to the United Nations (UN) of the countries, which gained their independence, was initiated.

In this respect, the membership applications of the Republic of Azerbaijan and the Republic of Armenia to the UN were examined in the first place by the UN Security Council in accordance with the established procedure. The Council accepted the applications of both countries without any reservation or condition and referred the UN General Assembly to make the final decision on the acceptance of membership applications.<sup>4</sup>

The UN General Assembly, in accordance with the established procedure, accepted the membership of both states without any reservation on 2 April 1992.<sup>5</sup>

On the other hand, the long-running military operations of Armenia towards the Nagorno Karabakh region of Azerbaijan intensified after two months of the disintegration of the Soviet Union and these aggressions turned into a massacre on 26-27 February 1992 in Khojaly. This massacre is described as genocide by certain states.<sup>6</sup> Meanwhile, the first of the four resolutions of the UN Security Council with regards to on-going Nagorno-Karabakh war could only be adopted by April 1993.<sup>7</sup>

With regards to the Nagorno-Karabakh conflict, which constitutes an aggression against the territorial integrity of Azerbaijan and moreover reaches dimensions threatening the regional peace in a wider perspective, the UN Security Council adopted four resolutions in 1993 aiming, on one hand, at establishing the conditions for a peaceful resolution based on the territorial integrity and inviolability of borders of Azerbaijan and, on the other hand, aiming at identifying the requirements for the resolution methods that were to be achieved within this framework especially through the four resolutions adopted in 1993.<sup>8</sup>

---

4 UN Security Council Resolution 742 (February 14, 1992) with regards to Azerbaijan and UN Security Council Resolution 735 (January 29, 1992) with regards to Armenia.

5 UN General Assembly Resolution 46/230 (March 2, 1992) with regards to Azerbaijan and UN General Assembly Resolution 46/227 (March 2, 1992) with regards to Armenia. As is seen, the UN General Assembly, only one month after the Khojaly Massacre, and despite the ongoing war, accepted the membership of Armenia through a purely technical and procedural resolution.

6 The countries which have described the events in Khojaly as genocide are Azerbaijan, Mexico, Pakistan, Colombia, Czechia, Bosnia and Herzegovina, Peru, Honduras, Sudan. Moreover, in the United States of America, the states of Massachusetts, Texas, New Jersey, Arkansas, Oklahoma, Tennessee, Pennsylvania, West Virginia, Connecticut, Florida, Arizona, Utah have described the Khojaly as massacre. (Source: Wikipedia).

7 UN Security Council Resolution 822 (April 30, 1993).

8 UN Security Council Resolution 822 (April 30, 1993), Resolution 853 (July 29, 1993), Resolution 877 (October 14, 1993), and Resolution 884 (November 12, 1993).

Among these resolutions, the Resolution 884 dated 12 November 1993 in particular, going beyond the call to a solution through peaceful means, reaffirmed the territorial integrity of Azerbaijan within the framework of the Nagorno-Karabakh conflict, which threatens the sovereign rights and territorial integrity of Azerbaijan, and also emphasized “... the inviolability of international borders and the inadmissibility of the use of force for acquisition of territory...”<sup>9</sup>.

Although the abovementioned resolutions did not solve the Nagorno-Karabakh conflict, they reaffirmed that there is no intention to deviate from the basic principles of the Alma-Ata Declaration, nor from those assumed during the accession of Azerbaijan and Armenia to the UN.

### **1) The Minsk Group: The Relativization of the UN Principles**

Some developments were observed with regard to the resolution of the Nagorno-Karabakh conflict, in the following years, giving the impression that the solution framework envisaged in the four resolutions of the UN Security Council (adopted in 1993) containing guarantees on the territorial integrity and inviolability of borders, might have dramatically lost its strictness and political actuality.

Within the scope of the Organization for Security and Cooperation in Europe (OSCE), a political dialogue platform was established in 1992, namely the Minsk Group, in order to create peaceful resolution methods and focus the dialogue between the two states on these resolution recommendations.

In the first version of this dialogue platform, which was formed at the Helsinki Meeting of the OSCE in 1992, there were three different membership categories consisting of the following countries:

- Parties of the conflict: Azerbaijan and Armenia,
- The United States, Russia, and France,
- Germany, Belarus, Italy, Finland, The Netherlands, Portugal, Sweden, Turkey.

However, the composition of the Group dramatically changed after the OSCE Budapest Summit held in 1994. From that date onwards, the US, Russia, and

---

9 UN Security Council Resolution 844 (November 12, 1993).



France were appointed as the Co-Chairs of the Group. This sub-group has assumed the role of making statements on behalf of the Minsk Group.

As is seen, a certain hierarchical order was established within the Group following the Budapest Summit and the sub-group of Co-Chairs has gained a more powerful hierarchical visibility through its political importance and weight. Ever since that time, the statements of the Group have been prepared by this sub-group.

In the establishment phase of the Minsk Group, generally, focus was given to the settlement of the Nagorno-Karabakh conflict through peaceful means, however, no particular scheme was envisaged to determine which principles and methods were to be followed in order to achieve this aim. As a matter of fact, beyond the call for the suspension of the hostilities and, generally, for settlement through negotiations, the Group does not have an explicit “mandate” of complying with the principles stipulated in the resolutions of the Security Council adopted in 1993.

Yet, having been established within the framework of the OSCE, the mandate of the Minsk Group would have been expected not to disregard, but rather to particularly stress the universal principles of the international law such as the territorial integrity and inviolability of borders (especially when the preservation of the international peace is in question), and the resolutions of the UN bodies which developed concrete guidance in this field. The importance of such an approach, not only in the case of Nagorno-Karabakh conflict, but for the credibility of the UN system, should not be ignored.

In this framework, the statement of the European Council, dated 22 May 1992, condemns any action of a State against the territorial integrity of any other in order to achieve political objectives which are considered as a violation of the principles and commitments of the OSCE.<sup>10</sup>

It is observed that this tendency of distancing from the UN principles the Nagorno-Karabakh conflict is sought to be pursued in various documents issued by the OSCE as well.

Indeed, the OSCE Lisbon Summit Document adopted in 1996 radically drifted away from the basic UN principles defined by the resolutions of the Security Council adopted in 1993 regarding the settlement of the Nagorno-Karabakh conflict.

---

10 EC Press Statement, Brussels, 22 May 1992 ; Roland Rich, “Recognition of States: The Collapse of Yugoslavia and the Soviet Union”, *EJIL* 4, No. 1 (1993), p. 63.

The main characteristics of the proposed “status” for the Nagorno-Karabakh were defined in the Document as follows:

“...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;”<sup>11</sup>

Such a proposal, which would envisage *the highest degree of self-rule within Azerbaijan* for the “future” status of Nagorno-Karabakh, can be described as a misleading formula devoid of any legal ground in terms of international law for the following reasons:

1. First and foremost, “self-determination” and “self-rule” terms used in the text correspond, in international law, to a status that require different preconditions.
2. Moreover, there is no safeguard to the effect that, once the self-determination is granted, the self-rule will be formulated as an “administration” which would remain within the borders of Azerbaijan.
3. The “highest degree of self-rule” would inevitably bring a visibility to Nagorno-Karabakh that could be supported by other States. In such a circumstance, there is no guarantee that the region in question would not, in the future, purport to acquire international legal personality.

In addition to the Lisbon Summit Document of 1996, the statement of the Minsk Group following the Madrid Meeting in 2007 refers to the Helsinki Final Act and the principles within that document, as well as self-determination.<sup>12</sup>

The Helsinki Final Act, because of its legal nature and the principles it contains, cannot be considered as having a topicality and, in particular, a legal impact that would attribute to it any leading priority in the settlement of the Nagorno-Karabakh conflict, the requisite principles of which were previously determined in the UN resolutions.

Although the diplomatic importance of the Conference held in 1975 in Helsinki in the scope of softening the East-West polarization is undisputable, the binding nature of the Final Act is not certain.<sup>13</sup> It should not be disregarded

---

11 OSCE Lisbon Document, 1996, Annex 1, p. 15.

12 OSCE Minsk Group, Madrid Document (November 2007)

13 Peter van Dijk, “The implementation of the Final Act of Helsinki, The Creation of New Structures in the Involvement of Existing Ones,” *Michigan Journal of International Law*, vol. 10 (1989), p. 114. As is seen, the author mentions the new structures, not the new norms.

that every single principle stipulated in the Document might have different legal conditions for implementation and even different legal values. Nevertheless, the Group has continued to refer to this document in 2019 as well.<sup>14</sup>

It is accepted today that the Helsinki Final Act is not binding, therefore, in terms of normativity, the principles mentioned in the statements of Minsk Group with regards to this topic cannot acquire a binding nature on the grounds that they were mentioned in this document.<sup>15</sup>

As it is stated by an author, the Document in question is not an international treaty, but a “program” aiming at the to the construction of a consensus which was reached to establish peace between the East/West blocs or, at least, soften the polarization between the camps to a certain degree.<sup>16</sup>

Therefore, the disregard and relativization of the UN principles concerning the Nagorno-Karabakh issue on the basis of the mentioned documents in the studies of the Minsk Group precludes the parameters of the conflict from the established legal framework and does not contribute to the peaceful resolution of the conflict.

## **2) The Minsk Group’s Search for a Resolution: “Common State” Formula and Continuing Relativity**

Two years after the OSCE Lisbon Summit of 1996 which had proposed the self-determination formula, the Minsk Group proposed a solution on Nagorno-Karabakh within the framework of a “Common State”.<sup>17</sup>

As a matter of fact, it is thought that the “Common State” proposal should be evaluated as a variation of the self-determination formula which was put into the agenda of the Minsk Group through the Lisbon Document.

In our view, the following issues are of importance among the “principles” and “regulations” in the five-page formula of the “Common State”:

---

14 “Press Statement by the Co-Chairs of the OSCE Minsk Group on the Upcoming Meeting of President Aliyev and Prime Minister Pashinyan,” Moscow, Paris, Washington, March 9, 2019.

15 van Dijk, “The Implementation of the Final Act of Helsinki...,” p. 114.

16 Jean-François Prevost, “Observations sur la Nature Juridique de l’Acte Final d’Helsinki,” *AFDI*, 1975, especially p. 139 and 150.

17 Minsk Group Proposal (“common state deal”, November 1998 (Unofficial Translation)).

- The Nagorno-Karabakh region which would be transformed into a “state” would exist within the borders of Azerbaijan.<sup>18</sup>
- Azerbaijan and Armenia would determine the respective areas of responsibility of Azerbaijan and Nagorno-Karabakh and decide the necessary transfer of authority in this respect through an agreement to be signed between them.
- Nagorno-Karabakh would have the rights to establish direct relations with third states and international organizations in the fields of trade, culture, science, sports, and humanitarian topics and to have representatives at them. Moreover, the political parties and social institutions in Nagorno-Karabakh could establish contacts with similar institutions in foreign countries.
- Nagorno-Karabakh would have the right to have representatives in the embassies and consulates of Azerbaijan in foreign countries.

In this proposal, which is tantamount to the creation of a state within a state rather than a real “Common State”, there is no guarantee providing that in the future, the administration of Nagorno-Karabakh directly or indirectly using various occasions would not purport to join Armenia by organizing a referendum.

Since the Minsk Group no longer refers to this “proposal” that envisages the establishment of a state within a state, it must have been noticed somehow that it is not based on any known principle of international law and that this kind of a “territorial assembly” would not be sustainable in the absence of “supportive initiatives of a national, international or regional will.”

However, the principle of self-determination, which is insistently emphasized and framed by some other side principles, remains as an indispensable resolution parameter of the Minsk Group. Indeed, in the report of the United States Institute of Peace dated 1998, the notion of self-determination as supported by various side principles was also presented as an immutable tool and objective regarding the resolution of the conflict: “This matter of territorial integrity must be brought together with national self-determination and self-government”.<sup>19</sup>

---

18 The new entity proposed to be created is defined as “a state territorial formation in the form of a Republic”.

19 Patricia Carley, “Nagorno-Karabakh, Searching for a Solution,” *A United States Institute of Peace, Roundtable Report*, No. 34 (1998), p. 27.

In other words, according to this proposal, securing the territorial integrity of Azerbaijan would only be possible if it is considered together with the national self-determination of Nagorno-Karabakh. Naturally, it can be stated that such an approach would relativize not only the resolutions of the UN Security Council adopted in 1993 but also the general principles of international law.

In addition, the term “national self-determination”, which is the reference point of this approach, necessitates considering the population of Nagorno-Karabakh as a separate “nation”. However, it is obvious that such a course would also be incorrect in terms of historical, political, and legal realities. As a matter of fact, neither the UN institutions, nor the related States, nor the Minsk Group has brought forward this kind of a definition.

### **3) The Framework Established by the UN General Assembly for the Settlement of the Nagorno Karabakh Issue: The Resolution 62/243 Dated 14 March 2008**

The UN General Assembly, which evaluated these negative developments regarding the process of seeking a solution to the Nagorno-Karabakh conflict, adopted in 2008 a comprehensive resolution, mainly repeating to a great extent the principles contained in the Security Council resolutions of 1993, and enumerating the principles to be observed.

However, still not content, the General Assembly called attention to the negative developments and urged the immediate taking of certain measures.<sup>20</sup> In this framework, the following issues were especially emphasized:

- **In the second operative paragraph of the resolution**, the General Assembly demands Armenia to “immediately”, “completely”, and “unconditionally” withdraw its troops from the occupied territories of Azerbaijan.
- **In the fifth operative paragraph**, the resolution instructs that member states “shall not recognize” the occupation of the territories of Azerbaijan.
- **In the sixth operative paragraph** of the resolution, while expressing support for the international mediation of the Minsk Group, it is, however, underlined that the solution to be proposed by the Group shall be in compliance with the norms and principles of international law “stipulated above”.

---

<sup>20</sup> UN General Assembly Resolution 62/243 (March 14, 2008).

It is of decisive importance that, despite the inclination of the Minsk Group towards resolving the conflict through the implementation of self-determination principle since 1996, the self-determination principle is not mentioned in the resolution of the General Assembly.

Moreover, the demand of the General Assembly from Armenia to withdraw its forces from Nagorno-Karabakh should be seen as an instruction of a concrete and urgent measure.

On the other hand, the request of the General Assembly that no State recognize the occupation should also be seen as an instruction addressed not only to the related States but to all member States of the UN.

This resolution of the General Assembly puts forth that there exist no legitimate circumstances justifying the application of the principle of self-determination in the Nagorno-Karabakh conflict.

The issue is of great importance in terms of the conditions for the use of the right to self-determination as developed by the UN organs and the International Court of Justice (ICJ), which will be discussed below.

However, there is no official statement or evaluation of the Minsk Group regarding the Resolution 62/243 of the General Assembly dated 14 March 2008 and which identifies the framework for the settlement of the Nagorno-Karabakh conflict.

#### **4) The Current Tendency of the Minsk Group Towards Settlement: The Statement Dated 9 March 2019**

The statement of the Co-Chairs of the Minsk Group dated 9 March 2019, while mentioning the territorial integrity, contains certain remarks which raise doubts on how and under which process the said principle shall be implemented.<sup>21</sup>

It can be understood from the expressions used in the Group's statement that the principle of territorial integrity mentioned in the text, in the fact, is expected to be only partially implemented. According to the text, the territory to be returned to Azerbaijani control is not Nagorno-Karabakh, but the territories surrounding this region.

---

21 "Press Statement by the Co-Chairs of the OSCE Minsk Group on Upcoming Meeting..."

In addition, the text gives the impression that the mentioned act of “return” would not be a full adherence to the principle of territorial integrity, but a mere “temporary” revision of borders.

In the following parts of the text, an interim status is envisaged to ensure self-governance and security for Nagorno-Karabakh until the final resolution is achieved.

While the “interim status” projected in the statement of the Co-Chairs of the Minsk Group envisages “self-governance”, the final settlement is tantamount to a self-determination of a dubious content and is not compatible with the vision of return to Azerbaijani control in the light of the Security Council resolutions.

Moreover, it is understood from the following parts of the same paragraph that the self-governance would not constitute final resolution, and the final status of Nagorno-Karabakh would be determined through a referendum.<sup>22</sup> In other words, it is obvious that both the resolutions of the Security Council dated 1993 and the resolution of the UN General Assembly dated 2008, which demands the return of occupied territories and also the non-recognition of territorial adjustments in Nagorno-Karabakh, are once again disregarded.

Through the statement of the Co-Chairs, it can be concluded that the Minsk Group is aiming at developing a conciliatory discourse for the prevention of conflict in the short term and inclining towards a resolution based on self-determination principle in Nagorno-Karabakh in the long term.

On the other hand, it is also interesting that the statement once again refers to the principles contained in the Helsinki Final Act. Even though it is accepted that the Act had a high political importance and great value during the mid-1970s when the antagonism between East and West was intense, it is evident that the said document has never acquired the authority of a binding “treaty”.<sup>23</sup>

An undisputable understanding has been reached as to the legal clarity and applicability of the principle of self-determination in the light of the extensively comprehensive and detailed declarations and resolutions of the UN organs, as

---

22 “...future determination of the legal status of Nagorno-Karabakh through a legally binding expression of will...” (“Press Statement by the Co-Chairs of the OSCE Minsk Group on Upcoming Meeting...”)

23 Prevost, “Observations sur la Nature Juridique...,” p. 152. The Act should be interpreted as the test of political will according to the author. Jordan Paust, “Legal Aspects of the Final Act of Helsinki.” *Law and Contemporary Problems* 45 No: 1, p. 56, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3646&context=lcp>; Peter van Dijk, “The Final Act of Helsinki, basis for a Pan-European system?” the Netherlands Yearbook of International Law, 2009, p. 53-70.

well as the jurisprudence of the International Court of Justice (ICJ). As such, taking into account the norms of the international law and the methods of interpretation, it is impossible to accept the claim that the “principles” of the Helsinki Final Act, which constitute a mere “catalogue”, could become applicable through a simple reference.

Despite efforts of over more than twenty years to seek a peaceful solution, the Minsk Group, having deviated from the fundamental UN principles related to the matter and having focused its efforts on self-determination, can certainly not be praised for having established peace in the region. In fact, the Group was unable to prevent Armenia from instigating armed clashes known as the “Four Days War” on 2-5 April 2016.<sup>24</sup>

The statement issued by the Minsk Group two months after the aggression merely reiterated the Group’s commitments for the resolution of the conflict through peaceful means.<sup>25</sup>

### **B) The Applicability of the Principle of Self-Determination to the Nagorno-Karabakh Conflict**

Both the resolutions of the UN organs and the examinations and analyses of the ICJ in the framework of certain cases have transformed the principle of self-determination, which could previously be perceived as a term for political message or propaganda, into a term that can be applicable in certain and, especially, limited political and judicial situations.

The question of whether self-determination could be applicable to Nagorno-Karabakh should be evaluated in two stages:

1. Can the application of self-determination principle be imposed in terms of international law in a framework that has the characteristics of the Nagorno-Karabakh conflict?
2. Can it be argued that Nagorno-Karabakh has an independent and genuine will to sustain the self-determination to be granted to this region, in view of its inherent military, political, and economic conditions?

---

24 Also see: Turgut Kerem Tuncel, “A Short Assessment Of The ‘4-Day War’ in Karabakh.” *Center for Eurasian Studies (AVİM)*, Commentary No: 2016/21, April 20, 2016. <https://avim.org.tr/en/Yorum/A-SHORT-ASSESSMENT-OF-THE-4-DAY-WAR-IN-KARABAKH>

25 Press Statement by the Minsk Group, June 3, 2016: “The Ministers reaffirmed their commitment to a peaceful resolution of the Nagorno-Karabakh conflict.”



The answers would require, for the first question, to examine the principles developed in the field of international law for the application of the self-determination principle, and, for the second, to study the applicability of these conditions to the Nagorno- Karabakh conflict.

## **1. Requirements for the Applicability of the Self-Determination Principle in the International Law**

In order to ascertain the conditions for the applicability of the self-determination principle, on the one hand, declarations of the UN organs related to the matter, and on the other, the relevant rulings of the ICJ should be analyzed.

### **1.1. Conditions and Limitations for the Applicability of the Declaration 1514(XV) of the General Assembly of the United Nations**

The UN Declaration 1514(XV) dated 8 December 1960, which aims at putting an end to colonialism in the practice of international law, is still valid over sixty years after its adoption.

Thus, the advisory opinion of the ICJ dated 25 February 2019 sets forth that the article 73 of the UN Charter regarding the Non-Self-Governing Territories and, consequently, the Declaration 1514(XV) of the UN General Assembly can also have scope of application today.<sup>26</sup>

In this ruling, the ICJ indicated that the United Kingdom was under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible.<sup>27</sup>

In addition, taking into account the UN Charter and resolution 1514(XV) of 14 December 1960 entitled “Declaration on the Granting of Independence to Colonial Countries and Peoples”, the ICJ found that the continued administration of the UK on the Chagos Archipelago constituted a “wrongful act”.<sup>28</sup>

---

26 Legal Consequences of the separation of the Chagos Archipelago From Mauritius in 1965, ICJ, Advisory Opinion of 25 February 2019.

27 Legal Consequences of the separation of the Chagos..., par. 182: “In response to Question b) of the General Assembly, relating to the consequences under international law that arise from the continued administration by the United Kingdom of the Chagos Archipelago, the Court concludes that the United Kingdom, has an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible, and that Mauritius State must co-operate with the United Nations to complete the decolonization.”

28 Legal Consequences of the separation of the Chagos..., par. 177.

Moreover, three months after the ruling of the ICJ, the UN General Assembly demanded that the UK unconditionally end its colonial administration on Chagos Islands within six months through a resolution adopted in 22 May 2019.<sup>29</sup>

The Chagos Islands ruling of the ICJ related to the colonialism period cannot set a precedent for the application of self-determination principle in the framework of the resolution of the UN General Assembly issued 1514(XV) with regards to Nagorno-Karabakh, which has never been subjected to a colonial status.

Moreover, it should not be ignored that the sixth paragraph of the Declaration 1514(XV) introduces an explicit ban on the exploitation of actions taken in the framework of ending colonial rules for other purposes. According to this paragraph:

“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 addition, not content with this stipulation, the Declaration, in its seventh and last paragraph, introduces a further instruction:

“All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.”

It is also significant that the ICJ applied, in its advisory opinion, not any broad self-determination principle, but directly the Article 73 of the UN Charter and the UN Resolution 1514 (XV).

The ICJ has also previously adopted a similar approach in its advisory opinion dated 18 October 1975 upon the request from the UN General Assembly regarding the dispute between the Kingdom of Morocco and Mauritania on Western Sahara region.<sup>30</sup>

---

29 UN General Assembly Resolution 73/295 (May 17, 2019): “Demands that the United Kingdom... withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months from the adoption of this resolution, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible.” This Resolution of the General Assembly was adopted through 116 votes in favor and six abstention votes. The votes of abstention were the US, Australia, Israel, Hungary, the Maldives, and the UK.

30 Western Sahara, Advisory Opinion, ICJ Reports, 1975, p. 12.

The ICJ conceded that both States had some connections and relations with Western Sahara region, however, it concluded that neither Morocco nor Mauritania had ties with the region in terms of territorial sovereignty. In this circumstance according to the ICJ, the colonial status of the Western Sahara region would not affect the application of the principle of self-determination.<sup>31</sup>

The principles enunciated in these two rulings of the ICJ were also emphasized in the advisory opinion dated 1971 in the case related to the continued presence of South Africa in Namibia in disregard of the UN General Assembly Resolution 2145 dated 1966 terminating the mandate of South Africa over Namibia. In its advisory opinion, the Court concluded that South Africa was under an obligation to immediately withdraw its administration from Namibia.<sup>32</sup>

The ruling of the ICJ can be considered to be decisively important for having been based on the necessity of implementing the UN General Assembly resolution.

## **1.2. Self-Determination and the UN General Assembly Resolution 2625(XXV)**

The second important text on the applicability of the self-determination principle is the UN General Assembly Resolution 2625 titled “The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States” that was adopted on 14 October 1970.

The Resolution aimed at identifying in a comprehensive manner the necessary principles that shall be followed by all members of the UN in a period when the former colonies were transformed into independent states.

The mentioned Resolution calls for the progressive development and codification of the principles that shall be complied by states in international arena, the refrainment from the use of force against the territorial integrity and political independence of States, the settlement of disputes by peaceful means, the cooperation of States in line with the UN Charter, equal rights and self-determination of peoples, the sovereign equality rights, the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter.

---

31 “Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514(XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the people of the Territory.” Western Sahara, Advisory Opinion, par. 162.

32 Legal Consequences for States of the Continued Presence of South Africa in Namibia Notwithstanding the Security Council (276)1970, par. 173.

The Resolution 2625(XXV) is not a treaty in classical terms, however, it is accepted as encompassing the principles which should be implemented and complied within the international relations between sovereign States. According to an author, even though the principles in question are not binding, they can be accepted as having a “hortatory” nature in terms of their compliance.<sup>33</sup>

The part of the Declaration titled “The principle of equal rights and self-determination of peoples”, which is one of the longest parts, despite its dramatic discourse, is quite narrow in scope when its actual content is considered.

Above all, the right to “self-determination of peoples” is limited by two preconditions in Resolution 2625(XXV):

- a) To promote friendly relations and cooperation among States,
- b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned

It is understood through these remarks in the Declaration that the main ideology of the right to self-determination is based on friendly relations and cooperation.

On the other hand, the main historical subject of the right to self-determination are peoples under colonies. Therefore, since no other category of people is singularized in the text of the Declaration, the right to self-determination of the peoples who are not subjected to colonialism can be applicable only in certain exceptional circumstances.

In other words, the subject of the self-determination principle in the context and in the meaning of the Declaration is not just any people but, a certain people who can claim this right against a State only in the case of certain exceptional circumstances.<sup>34</sup>

Furthermore, detailed and specific limitations are introduced in the Resolution even in circumstances where the application of the right to self-determination may be considered. For instance:

---

33 Gaetano Arangio Ruiz, “The United Nations Declaration on Friendly Relations and the System of the Sources of International Law,” *Sijthoff and Noordhoff*, 1979, p. 71.

34 Ethnic minorities do not have right to self-determination contrary to “peoples”, see: Dilaver Gassimov, “Le conflit arméno-azerbaïdjanais: L’impuissance ou l’indifférence de la communauté internationale?,” *Guerres Mondiales et Conflits Contemporains* 2014/no. 24, p. 12 ; Félicien Lemaire, “La libre détermination des peuples, la vision du constitutionnaliste,” *Civitas Europa* 2014/1 No. 32, p. 113-138.

“Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.”

As it can be observed, the Declaration introduces two limitations through a negative connotation on self-determination claims: On one hand the Declaration prevents the interpretation which might mean an approval of disintegration of an independent State through a “movement” claiming self-determination and on the other hand it imposes another obligation by underlining that the States shall not use the self-determination claims against each other to disrupt their national unity and territorial integrity.

These detailed preconditions and reservations reveal that the self-determination claims, other than those arising from disputes related to decolonization in the framework of the Resolution 1514(XV), can be taken into consideration only when there is severe and widespread violation of human rights and especially when the claims are not **brought forward** to disrupt one State’s unity and territorial integrity.

The doctrine also describes the type of self-determination deemed applicable in “extreme cases of oppression” as “remedial self-determination”.<sup>35</sup>

In one of her articles, Heidi Krüger calls attention to the necessity for the illegalities and oppressions to be “severe, massive and systematic” to give right to the claims of remedial self-determination.<sup>36</sup>

On the other hand Marc Weller, apart from disputes related to former colonies, proposes self-determination to be almost systematically applied in the separatist disputes.<sup>37</sup> This opinion of Weller can only be considered in the circumstances

---

35 James Crawford, *The Creation of States in International Law* (Oxford University Press, 2007), p. 119 ; Heiko Krüger, “Nagorno–Karabakh, in Self-Determination and Secession in International Law,” Ed. Christian Walter, Antje von Ungern-Stenberg, and Kaavus Abushov (Oxford University Press 2014), p. 422.

36 Krüger, “Nagorno–Karabakh, in Self-Determination and Secession...,” p. 223.

37 Marc Weller, “Settling Self-Determination Conflicts: Recent Developments,” *EJIL* Vol. 20, No.1 (2009), p. 163.

elaborated in the seventh paragraph regarding the right to self-determination of peoples of the Resolution 2625(XXV).

### 1.3. The Advisory Opinion of the ICJ on Kosovo dated 22 July 2010

The advisory opinion of the ICJ regarding the declaration of Provisional Institution of Self-Government of Kosovo from Serbia on 17 February 2008 can be described as “interesting” both in terms of judicial methodology and the conclusion it reaches, in view of the discussion on self-determination.<sup>38</sup>

The advisory opinion of the ICJ dated 22 July 2010 regarding the “unilateral” declaration of independence of Kosovo from Serbia can cause hesitations in terms of the interpretation method of the ICJ, as well as from the perspective of implementation of self-determination as specified in the UN General Assembly Resolution 2625(XXV).<sup>39</sup>

Although the UN General Assembly asked whether the declaration of “independence” by Kosovo had been “in accordance” with the international law, the ICJ, rather than listing concrete facts and legal rationale, came to a conclusion that the declaration of independence of Kosovo from Serbia was not in contravention to the international law, and merely stated that the international law does not contain any prohibiting rule on this matter.<sup>40</sup>

Instead, the ICJ could have come to a different conclusion by, at least, considering the UN Security Council Resolution 1244(1999) dated 10 June 1999 which listed the serious difficulties and critical problems faced by Kosovo.<sup>41</sup>

On the other hand, in the face of such a critical declaration of independence, which can be perceived as a precedent in the future, the ICJ should have considered especially the important and detailed stipulations on separatist movement contained in the UN General Assembly Resolution 2625 (XXV).

The Security Council Resolution 1244(1999) underlined that a “grave humanitarian situation” emerged and “acts of violence against the Kosovo

---

38 Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, ICJ Reports 2010, p. 403.

39 “...the Court considers that general international law contains no applicable prohibition of declaration of independence in respect of declaration of independence.” Accordance with International Law of the Unilateral Declaration..., par. 84.

40 “... the Court considers that general international law contains no applicable prohibition of declaration of independence.” Accordance with International Law of the Unilateral Declaration..., par. 84.

41 UN Security Council Resolution 1244 (June 10, 1999).

population took place” in Kosovo, and recalled the statement made by the Secretary-General on 9 April 1999, expressing concern at the “humanitarian tragedy” taking place in Kosovo.<sup>42</sup>

The Resolution 1244(1999) does not, neither in its preamble nor in its operative paragraphs, contain such terms as “self-determination” or “independence” and the remarks which might be associated with the “political solution” mentioned in the text do not go beyond “self-governing” and “self-administration”. Each one of these terms has different content and conditions of application, but none of them contain the declaration of independence. On the contrary, it should be conceded that the Resolution has limited the options among the settlement alternatives and it clearly enumerated and excluded the alternative of independence. In other words, the fact that the self-determination formula in the form of a declaration of independence has never been brought forward during the consideration of the Resolution 1244(1999) which is of great importance concerning the future of Kosovo, has definitely not been examined in the ruling of the ICJ.

Moreover, Stefan Oeter emphasized that on the date Kosovo declared its independence, the Security Council Resolution 1244(1999), which determined the continuation of the sovereignty of the Federal Republic of Yugoslavia on Kosovo, was still in force and drew attention to the need for the Security Council to declare, explicitly or through interpretation, that the mentioned resolution has become obsolete.<sup>43</sup>

However, in the absence of such a statement and considering that the declaration of independence of Kosovo would constitute a “secession”, the ICJ should have evaluated the declaration of independence in terms of its conformity with the conditions stipulated in the UN General Assembly Resolution 2625(XXV).

The ICJ, instead, registered the conformity of the unilateral declaration of independence with the international law, thus deviating from the criteria mentioned in the Resolution 1244(1999) and without analyzing the political and social situation in Kosovo.

According to Claire Crépet-Daigremont, who criticizes the superficial and mechanic approach of the ICJ, the ICJ should have examined the status of “action” on the declaration of independence in terms of international law.<sup>44</sup>

---

42 UN Security Council Resolution 1244 (June 10, 1999).

43 Stefan Oeter, “Secession and the Role of the Security Council,” *The ICJ*, 2012, p.124.

44 Claire Crépet-Daigremont, “Conformité au droit international de la déclaration unilatérale d’indépendance relative au Kosovo,” *CIJ*, avis consultatif du 22 juillet 2010, *Annuaire français du droit international*, vol. 56 (2010), p. 241.

However, from a different point of view, it can also be stated that the decision of the ICJ does not totally exclude the Resolution 2625(XXV) mentioned above on the date of independence. According to the ICJ, it is acknowledged that the territorial integrity of the States would not be affected by the declaration of independence of Kosovo. The Court also indicates, making a reference to the Helsinki Final Act, that the scope of the principle of territorial integrity is confined to the sphere of relations between States.<sup>45</sup>

It is obvious that this argument leaves States defenseless vis-a-vis the separatist movements within their countries. However, the seventh paragraph of the Resolution 2625(XXV) related to self-determination does certainly not contain such limitation. The first paragraph of this part, which has two paragraphs, mentions “any action” which would dismember or impair the territorial integrity or political unity, **however, the second paragraph** stipulates that the States shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country. Therefore, this writing reveals that the territorial integrity of the State might be threatened in two different cases.

This approach of the ICJ creates an impression that in the cases where the right to self-determination is used, the States would not benefit from the prohibition stipulated in the seventh paragraph of the part relating to self-determination of the Resolution. In other words, in such a situation, the principle of territorial integrity of the State could not be claimed by the suffering State against the separatist movement but it could only be invoked **against a State supporting this movement**. This approach would violate not only the Declaration but also the Article 2 of the UN Charter regulating the protection of territorial integrity of States.

In conclusion, it can be said that, in a serious matter like a declaration of independence, which might lead to severe consequences, the ICJ, rather than analyzing the case in detail, pursued a minimalist approach by arguing that “if it is not prohibited, it is in conformity with the law” and, thus, did not adequately examine the relevant articles of the Resolution 2625(XXV) with regards to the principle of self-determination.

On the other hand, it can also be presumed that the ICJ did not find the implementation of the Resolution 2625(XXV) politically convenient with an apprehensiveness to bring into the fore, once more through judicial decision, the tragic incidents that took place in former Yugoslavia during the 1990s. Moreover, the ICJ might have confined itself to making a simple and mechanic

---

45 Crepet-Daigremont, “Conformité au droit international...,” p. 80.



interpretation with concerns over once more bringing up the fact that Serbia, which is a member of the Council of Europe since 2003 and also initiated its accession process to the EU, has committed in the past ethnic cleansing and, as determined with another decision of the ICJ, genocide in Srebrenica.<sup>46</sup>

## **2. The Validity of Self-Determination Concerning Nagorno-Karabakh**

### **2.1. Requirements Regarding Self-Determination**

The self-determination principle is being proposed as the essential solution regarding the settlement of the Nagorno-Karabakh conflict in the periodical statements of the Minsk Group since its Lisbon meeting held in 1996. Although these statements include other solution proposals as well, these proposals are certainly not meant to be alternatives for self-determination and they only remain at the level of supplementary and supportive side clauses for self-determination.

Moreover, the statements in question do not contain any reference or evaluation which would suggest that the four resolutions of the Security Council adopted in 1993 which identified the territorial integrity and inviolability of the borders of Azerbaijan as the main resolution parameters have been taken into account.

However, no deviation or retreat was registered at the level of UN organs indicating that the outline of 1993 resolutions has been abandoned.

On the contrary, the abovementioned Resolution A/RES/62/243 of the UN General Assembly dated 14 March 2008 reveals that the principles enumerated in the resolutions of the Security Council are not abandoned. In addition to its principal approach, as it is mentioned above, the General Assembly called upon the member States of the UN not to recognize the occupation of Nagorno-Karabakh and demanded the immediate, complete, and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan.

However, there is no statement of the Minsk Group that would suggest that the Group has been influenced by or at least has taken note of the UN resolutions.

---

<sup>46</sup> Hence, the European Commission started to examine the membership application of Serbia on 26 September 2010 two months after the decision of the ICJ and Serbia was officially recognized as a candidate country on 12 October 2011. The European Council also officially recognized the candidacy of Serbia on 1 March 2012 by considering a report issued by France, Italy, and Austria. However, had the ICJ given the Resolution 2625(XXV) as a rationale, then the human rights violations committed by Serbia in 1990's would have been introduced as a justification for the declaration of independence.

Yet, for such a radical solution like the self-determination to be suggested as a solution framework, the presence of three conditions, in particular, should be confirmed:

**First Condition:** Nagorno-Karabakh is not a region that falls in the scope of the article 73 of the UN Charter on non-sovereign states and has never been in that category in the past. Therefore, the region would not come in the scope of implementation of the UN General Assembly Resolution 1514 (XV) on decolonization.

The abovementioned advisory opinions of the ICJ concerning Chagos Islands and Western Sahara are not applicable in Nagorno-Karabakh.

**Second Condition:** It cannot be claimed either that Nagorno-Karabakh would fall in the scope of implementation of the UN General Assembly Resolution 2625(XXV). There are no claims arguing that Azerbaijan committed severe and widespread human rights violations in this region. Similarly, the statements of the Minsk Group do not include either any finding or claim in this regard. Consequently, the abovementioned “remedial secession” claim could not be brought forward either.

Moreover, no similar claims were brought forward at the level of UN organs.

**Third Condition:** Self-determination demands or claims must be in accordance with the international law and especially with the principles stipulated in the UN Resolution 2625(XXV). They should be based on the grounds of real, unique, and independent will of people of the country or the region in question. It would be appropriate to examine the Chiragov judgement dated 2015 of the Grand Chamber of the European Court of Human Rights to identify whether these conditions are fulfilled with regards to Nagorno-Karabakh.<sup>47</sup>

## 2.2. The “Veracity” of Self-Determination Arguments on Nagorno Karabakh in The Light of Chiragov Judgement

It would be appropriate to examine the self-determination formula, which is being focused on by the Minsk Group since 1996, regarding the resolution of the Nagorno-Karabakh conflict in the light of the Chiragov judgement of the Grand Chamber of the ECHR.

---

<sup>47</sup> Chiragov v. Armenia, (GC) Application no. 13216, 16 June 2015; for detailed examination of the opinion, see: Turgut Kerem Tuncel, “The Nagorno-Karabakh Issue From A Juridical Point of View: The Case of Chiragov and Others v. Armenia,” *Center for Eurasian Studies (AVİM)*, Analysis No: 2015/13, June 26, 2015. <https://avim.org.tr/en/Analiz/THE-NAGORNO-KARABAKH-ISSUE-FROM-A-JURIDICAL-POINT-OF-VIEW-THE-CASE-OF-CHIRAGOV-AND-OTHERS-V-ARMENIA>

The application of Chiragov, which is an individual application, is related to the case of the applicants who were among the 750,000 to 800,000 Azerbaijani nationals who, according to Human Rights Watch, have been forced, during the military offensive of Armenia in the years 1988 to 1992, to leave the region, complaining that they were prevented from returning to their properties and unable to find access to an effective remedy to compensate the losses they had to suffer.

The ECHR, before investigating the merits of the application, pointed out that the incidents started before the start in 1992 of the full-scale war, upon the Joint Declaration of Supreme Soviet of the Armenian SSR and the Nagorno-Karabakh Regional Council adopted in 1989 that Armenia and Nagorno-Karabakh are “reunified”.<sup>48</sup>

The judgement also indicated that the UN Security Council, in its resolutions adopted in 1993, described the military operation of Armenia in Nagorno-Karabakh as an “invasion” and “occupation”.<sup>49</sup>

With regards to the merits of the application, the ECHR, first of all, meticulously investigated the competence of its jurisdiction “*ratione loci*” in terms of Article 1 of the European Convention of Human Rights regarding the incidents and violations claimed to have taken place in a region outside the borders of Armenia.

In this framework, the ECHR evaluated the military, political, and economic relations between Armenia and Nagorno-Karabakh.

### ***The Military Influence of Armenia on Nagorno-Karabakh***

The Chiragov judgement contains detailed explanations regarding the fact that Nagorno-Karabakh, which declared its “independence” on 2 September 1991, is under the influence of Armenia in the military field. Having dedicated three pages on this issue, the ECHR points out that the “military cooperation” between the “Nagorno-Karabakh Republic” and Armenia is based on the “Agreement on Military Cooperation between the Government of the Republic of Armenia and the Republic of Nagorno-Karabakh”.<sup>50</sup>

The preamble of the mentioned agreement, which is quoted in the ECHR, indicates that both “parties” have “mutual interest” to improve cooperation in

---

48 Chiragov v. Armenia, (GC) Application..., par. 172.

49 Chiragov v. Armenia, (GC) Application..., par. 173.

50 Chiragov v. Armenia, (GC) Application..., par. 74.

the military field. In the framework of this “cooperation”, the agreement envisages the establishment of the “army” military legislation, the logistic problems of armed forces, assignment of Armenian military personnel in the “army” of Nagorno-Karabakh, as well as developing military cooperation in other areas in this direction.<sup>51</sup>

The reference to this cooperation, which is examined in detail in the Chiragov judgement of the ECHR, in fact, originally had a procedural objective to identify whether the claims of applicants could be directed to Armenia or not, however, it shows also as an indication that the mentioned military rapprochement doctrine has attracted the attention of the Court.

For instance, Mathieu Petithomme underlines that Armenia is making the effort to present an appearance of a “state” and “nation” in Nagorno-Karabakh region, however, he also points out that this presentation, which is in truth a clientelist approach, aims at ensuring assertion of legitimacy in the international community.<sup>52</sup>

### ***The Political Influence of Armenia on Nagorno-Karabakh***

Under this title, the ECHR lists especially the presidents of the State of Armenia who were of Nagorno-Karabakh origin. The ECHR also attracts attention to the affirmations of the applicants stressing that the Armenian law is being implemented in Nagorno-Karabakh.<sup>53</sup>

### ***The Economic Influence of Armenia on Nagorno-Karabakh***

As it can be understood from data enumerated in the ECHR decision, the economic existence of Nagorno-Karabakh completely depends on Armenia and on the assistance provided by the third countries, the Armenians living in those countries, and especially the funds based in the US.<sup>54</sup>

At the end, the ECHR concluded that Armenia has been violating the right to protection of property of the applicants. However, the importance of the Chiragov judgement goes beyond the determination of the violation of property

---

51 Chiragov v. Armenia, (GC) Application..., par. 74-78.

52 Mathieu Petithomme, “Etatisation et nationalisation du territoire contesté du Haut-Karabakh - Vivre et évoluer sans reconnaissance internationale,” *Revue d’Etudes Comparatives Est-Ouest* 14, No.42 (2011): 23.

53 Chiragov v. Armenia, (GC) Application..., par. 78-79.

54 Chiragov v. Armenia, (GC) Application..., par. 80-86.

rights; the judgement of the ECHR reveals that Armenia has been engaged in political, economic, and especially grand scale military operations, which is considered as “intervention” in terms of international law in the region belonging to Azerbaijan.<sup>55</sup>

### ***The Importance of the Chiragov Judgement in terms of Self-Determination Arguments***

The Chiragov judgement underlines that the military, political, and economic activities of Armenia in Nagorno-Karabakh prove that the region is not in a position to “determine its own future by its own free will” or to practice self-determination. It is clear that assertion of self-determination would not be plausible in the face of the omnipresence of the interventions of a foreign state, especially in the military field, covering almost the totality of the public domain in that region.

The multi-faceted activities of Armenia in the region prove that Nagorno-Karabakh is unable to assume and execute a real self-determination. In other words, “the region” is deprived of a strong and authentic willpower that would enable the region to become the subject of self-determination.

On the other hand, the opinion of Pinto de Albuquerque (the Portuguese member of the ECHR) claiming, with a view to support the self-determination assertions, that widespread human rights violations were committed by Azerbaijan and thus the “remedial” self-determination should be granted to the region, did not have any reflection in the judgment of the ECHR.<sup>56</sup>

The Chiragov judgement proves that the organization and implementation of self-determination, which has been advocated for many years by the Minsk Group, in addition to being illegitimate from a legal point of view, is also inapplicable in the region for factual reasons due to the military, political, and economic influence of Armenia that dominates the region.

The other important legal contribution of the Chiragov judgement is that the ECHR did not endorse the views of the Portuguese judge claiming that widespread human rights violations relating to Nagorno-Karabakh were committed.

---

55 “Illegal Economic and Other Activities in the Occupied Territories of Azerbaijan,” Report by the Ministry of Foreign Affairs of the Republic of Azerbaijan, 2016.

56 Chiragov v. Armenia, (GC) Application..., Dissenting Opinion of Judge Pinto de Albuquerque, especially paragraphs 39 and 59.

Therefore, it can also be stated that the judgement of the ECHR, which does not share the allegations of widespread human rights violations relating to Nagorno-Karabakh, has thus prevented this region to be included within the scope of application of the UN Resolution 2625 (XV) and has forestalled the formation of self-determination claims in the future.

## CONCLUSION

A researcher, an “optimist” at the first glance, released an article in 2010 titled “Nagorno-Karabakh: Ever Closer to Settlement, Step by Step”.<sup>57</sup> However, it is pointed out in the article that Armenia would not withdraw from the region until the status of Nagorno-Karabakh was identified.<sup>58</sup>

On the other hand, the Minsk Group has been focusing on the formula based on self-determination regarding the resolution of Nagorno-Karabakh conflict since 1998. However, this formula is not defensible in the case of the Nagorno-Karabakh conflict because of four reasons.

**Firstly**, the Almaty Declaration on the disintegration of the USSR (which gradually approved that Nagorno-Karabakh -which is the main reason of the conflict- belongs to Azerbaijan), evaluations made during the process of UN membership of Azerbaijan and later the four resolutions of the UN Security Council adopted in 1993 (requiring the settlement of the dispute on the basis of territorial integrity and inviolability of the borders of Azerbaijan), and the Resolution of the UN General Assembly (which reiterates and approves the same principles) reaffirmed in an absolute manner that the region is located in the area of the sovereignty and the territorial integrity of Azerbaijan.

**Secondly**, since Nagorno-Karabakh is not a country under colonial regime, it cannot be subjected to self-determination in the terms of the UN Resolution 1514(XVI) that was adopted to be applied to colonies.

**Thirdly**, the claims for Nagorno-Karabakh to be subjected to the self-determination in terms of the UN Resolution 2625(XXV) on Friendly Relations on the grounds that widespread human rights violations were committed did not find any reflection in the UN Resolutions, nor in the Chiragov judgement of the ECHR. Therefore, any “remedial” self- determination cannot be applicable in this region.

---

57 Tim Potier, “Nagorno-Karabakh: Ever Closer to Settlement, Step by Step,” *OSCE Yearbook 2009* (Baden: 2010).

58 Potier, “Nagorno-Karabakh...,” p. 206: “The Armenian side would never agree to withdraw without the status question being resolved.”

**Fourthly**, the Chiragov judgement of the ECHR also pointed out in a detailed manner that is not possible either for Nagorno-Karabakh to demand and implement self-determination as an independent subject in practice.

## BIBLIOGRAPHY

- “Commission Badinter.” *Avis no.3 Revue Générale de Droit International Public*, 1992.
- Arangio Ruiz, Gaetano. “The United Nations Declaration on Friendly Relations and the System of the sources of International Law.” *Sijthoff and Noordhoff*, 1979.  
[http://www.gaetanoarangioruiz.it/wp-content/uploads/2017/04/The\\_Concept\\_of\\_International\\_Law\\_and\\_the.pdf](http://www.gaetanoarangioruiz.it/wp-content/uploads/2017/04/The_Concept_of_International_Law_and_the.pdf)
- Carley, Patricia. “Nagorno-Karabakh: Searching for a Solution.” *A United States Institute of Peace*, Roundtable Report No. 34 (1998).
- Crawford, James. *The Creation of States in International Law*. Oxford University Press: 2007
- Crepet-Daigremont, Claire. “Conformité au droit international de la déclaration unilatérale d’indépendance relative au Kosovo.” *CIJ*, vol. 56 (June 22, 2010).
- Gassimov, Dilaver D. “Le conflit arméno-azerbaïdjanais: L’impuissance ou l’indifférence de la communauté internationale?” *Guerres Mondiales et Conflits Contemporains* no. 24 (2014).
- Gürel, Şükrü S. “Karabağ Sorunu Üzerinde bir Not.” *AÜSBF Dergisi*, 1992.
- Krüger, Heiko. *Nagorno-Karabakh in Self-Determination and Secession in International Law*. Ed. Christian Walter, Antje von Ungern-Stenberg, and Kaavus Abushov. Oxford University Press, 2014.
- Lemaire, Félicien. “La libre détermination des peuples, la vision du constitutionnaliste.” *Civitas Europa* 2014/No.32.
- Oeter, Stephan. “Secession and the Role of the Security Council.” *The ICJ*, 2012.
- Paust, Jordan. “Legal Aspects of the Final Act of Helsinki.” *Law and Contemporary Problems* 45 No: 1.  
<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3646&context=lcp>



Petithomme, Mathieu. "Etatisation et nationalisation du territoire contesté du Haut-Karabagh - Vivre et évoluer sans reconnaissance internationale." *Revue d'Etudes Comparatives Est-Ouest* 14, No.42 (2011).

Potier, Tim. "Nagorno-Karabakh: Ever Closer to Settlement: Step by Step." *OSCE Yearbook 2009*. Baden: 2010.

Prevost, Jean-François. "Observations sur la nature juridique de l' Acte Final d'Helsinki." *Annuaire Français de Droit International*, 1975.

Rich, Roland. "The Collapse of Yugoslavia and Soviet Union." *EJIL* 4, No. 1 (1993).

Tuncel, Turgut Kerem. "A Short Assessment Of The '4-Day War' in Karabakh." *Center for Eurasian Studies (AVİM)*, Commentary No: 2016/21, April 20, 2016. <https://avim.org.tr/en/Yorum/A-SHORT-ASSESSMENT-OF-THE-4-DAY-WAR-IN-KARABAKH>

Tuncel, Turgut Kerem. "The Nagorno-Karabakh Issue From A Juridical Point of View: The Case of Chiragov and Others v. Armenia". *Center for Eurasian Studies (AVİM)*, Analysis No: 2015/13, June 26, 2015. <https://avim.org.tr/en/Analiz/THE-NAGORNO-KARABAKH-ISSUE-FROM-A-JURIDICAL-POINT-OF-VIEW-THE-CASE-OF-CHIRAGOV-AND-OTHERS-V-ARMENIA>

Van Dijk, Peter. "The Final Act of Helsinki, basis for a Pan-European system?" *The Netherlands Yearbook of International Law*, 2009.

Van Dijk, Peter. "The Implementation of the Final Act of Helsinki: The Creation of New Structures in the Involvement of the Existing Ones." *Michigan Journal of International Law*, vol 10 (1989).

Weller, Marc. "Settling Self-determination Conflicts, Recent Developments." *EJIL* 20, No 1 (2009).

### **International Judicial Decisions**

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, ICJ Reports, 2010.

Chiragov v. Armenia, ECHR (GC) Application no. 13216, June 16, 2016.

Legal Consequences for States of the Continued Presence of South Africa in Namibia Notwithstanding Security Council Resolution (276), ICJ, Advisory Opinion of 21 June 1971.

Legal Consequences of the Separation from Mauritius in 1965, ICJ, Advisory Opinion of 21 February 2019.

Western Sahara, Advisory Opinion, ICJ Reports, 1975.



# AVİM Books

**ANASTAS MIKOYAN**

**Confessions of an  
Armenian Bolshevik**

**Yazar:** Gaffar Çakmaklı Mehdiyev

**Yayın Tarihi:** Haziran 2020

**Dil:** İngilizce

**ISBN:** 978-605-69199-4-7

(Karton kapaklı, 80 sayfa)

**Sovyet Sonrası Ukrayna'da  
Devlet, Toplum ve Siyaset**

**Değişen Dinamikler, Dönüşen  
Kimlikler**

**Editörler:** Ayşegül Aydıngün,  
İsmail Aydıngün

**Yayın Tarihi:** Mart 2020

**Dil:** Türkçe

**ISBN:** 978-605-69199-3-0

(Karton kapaklı, 456 sayfa)

**Türk-Ermeni Uyuşmazlığı Üzerine**

**Ömer Engin Lütem  
Konferansları 2019**

**Editör:** Alev Kılıç

**Yayın Tarihi:** Mart 2020

**Dil:** Türkçe

**ISBN:** 978-605-69199-2-3

(Karton kapaklı, 192 sayfa)

**Türk-Ermeni Uyuşmazlığı Üzerine**

**Ömer Engin Lütem  
Konferansları 2018**

**Editör:** Alev Kılıç

**Yayın Tarihi:** Mart 2019

**Dil:** Türkçe

**ISBN:** 978-605-82518-9-2

(Karton kapaklı, 254 sayfa)

**“Ermeni Sorunuyla İlgili İngiliz  
Belgeleri (1912-1923)**

**British Documents on Armenian  
Question (1912-1923)**

**Yazar:** Tolga Başak

**Editör:** Prof. Dr. Yavuz Aslan

**Yayın Tarihi:** Mayıs 2018

**Dil:** Türkçe

**ISBN:** 978-605-82518-8-5

(Karton kapaklı, 424 sayfa)

**Ermeni Konferansları 2017**

**Derleyen:** Ömer Engin Lütem

**Yayın Tarihi:** Mart 2018

**Dil:** Türkçe/İngilizce

**ISBN:** 978-605-82518-7-8

(Karton kapaklı, 266 sayfa)

**Ermeni Propagandasının  
Amerika Boyutu Üzerine**

**Yazar:** Dr. Bilâl N. Şimşir

**Yayın Tarihi:** Ocak 2018

**Dil:** Türkçe

**ISBN:** 978-605-82518-6-1

(Karton kapaklı, 75 sayfa)

**Ermeni Konferansları 2016**

**Derleyen:** Ömer Engin Lütem

**Yayın Tarihi:** 2017

**Dil:** Türkçe-İngilizce

**ISBN:** ISBN 978-605-82518-2-3-0-5

(Karton kapaklı, 162 sayfa)

# AVİM Books

**Gürcistan'daki Müslüman  
Topluluklar: Azınlık Hakları,  
Kimlik, Siyaset**

**Editörler:** Ayşegül Aydıngün, Ali Asker,  
Aslan Yavuz Şir

**Yayın Tarihi:** Haziran 2016

**Dil:** Türkçe

**ISBN:** 97605601974

(Karton kapaklı, 428 sayfa)

**Turkish-Russian Academics:  
A Historical Study on the Caucasus**

**Editör:** AVİM

**Yayın Tarihi:** Nisan 2016

**Yayınevi:** Terazi Yayınları

**Dil:** İngilizce

**ISBN:** 9786056061967

(Karton kapaklı, 248 sayfa)

**Armenian Diaspora:  
Diaspora, State and the Imagination  
of the Republic of Armenia**

**Yazar:** Turgut Kerem Tuncel

**Yayın Tarihi:** İlk baskı Aralık 2014;  
ikinci baskı Ağustos 2015

**Dil:** Türkçe

**ISBN:** 9786056061950

(Karton kapaklı, 342 sayfa)

**Balkan Savaşlarında Rumeli  
Türkleri Kıyımlar - Kıyımlar - Göçler  
(1821-1913)**

**Yazar:** Bilâl N. Şimşir

**Yayın Tarihi:** Eylül 2014

**Dil:** Türkçe

**ISBN:** 978-605-60619-4-3

(Karton kapaklı, 312 sayfa)

**'Aza Beast'**

**Savaşın Köklerine İnmek  
- Bir Bosna Savaşı Günlüğü -**

**Yazar:** Colum Murphy

**Çeviri:** M. Sina Baydur

**Yayın Tarihi:** 2013

**Dil:** Türkçe

**ISBN:** 978-605-60619-3-6

(Karton kapaklı, 368 sayfa)

**Ermeni Sorunu**

**Temel Bilgi ve Belgeler**

**Yazar:** Ömer Engin Lütem

**Yayın Tarihi:** 2009

**Dil:** Türkçe

**ISBN:** ISBN 978-605-60619-1-2

(Karton kapaklı, 520 sayfa)

**The Armenian Question  
Basic Knowledge and Documentation**

**Yazar:** Ömer Engin Lütem

**Yayın Tarihi:** 2009

**Dil:** İngilizce

**ISBN:** ISBN 978-605-60619-0-5

(Karton kapaklı, 470 sayfa)

# AVİM Conference Books

- **The Centennial of the Independence of the Three South Caucasus States: Historical Background, Contemporary Developments and Prospects of Peace and Prosperity.** Sayı: 24, Ankara Ekim 2019.
- **Eurasia from the Perspective of Turkey and Mongolia.** Sayı: 23, Ankara Mayıs 2019.
- **25 Years of Turkey-Ukraine Diplomatic Relations: Regional Developments and Prospects for Enhanced Cooperation.** Sayı: 22, Ankara Temmuz 2018.
- **Security, Stability and Cooperation in the Wider Black Sea Region.** Sayı: 21, Ankara Ekim 2018.
- **Türkiye ve Kore: Gelişen Avrasya’da İki Köprübaşı.** Sayı: 20, Ankara Şubat 2018.
- **“11. Asya - Avrupa Zirvesi Öncesi Moğolistan’daki Güncel Durum, Moğolistan’ın Bölgesel Potansiyeli ve Türk-Moğol İlişkileri”.** Sayı: 19, Ankara Nisan 2016.
- **Projections for the Future of Turkish-Armenian Relations.** Sayı: 18, Ankara Mart 2016.
- **Security and Stability Concerns in the South Caucasus.** Sayı: 17, Ankara Mayıs 2015.
- **Policy of Mass Killings in the Early 20<sup>th</sup> Century in Colonial Africa: The Case of Genocide in Namibia and the Lessons Learned.** Sayı: 16, Ankara Aralık 2015.
- **Prospects for Turkish-Armenian Relations.** Sayı: 15, Ankara Nisan 2015.
- **Turkic Council and Cooperation in Eurasia in the Light of Developments Across the Region.** Sayı: 14, Ankara Şubat 2015.
- **28 Ocak AİHM Perinçek-İsviçre Duruşmasının Işığında Türk-Ermeni Sorunu.** Sayı: 13, Ankara Şubat 2015.
- **The ‘Sociological Turn’ of Taiwan-China Relations.** Sayı: 12, Ankara Aralık 2014.
- **Regional Cooperation Possibilities and Prospects for the Future in the Caucasus.** Sayı: 11, Ankara Aralık 2014.
- **The Armenian-Azerbaijani Nagorno-Karabakh Conflict: A Threat to Regional Peace, Security and Neighborly Relations.** Sayı: 10, Ankara Kasım 2014.
- **Turkey-Iran: Regional Cooperation in an Evolving Eurasian Geography with a Focus on the Caucasus and Central Asia.** Sayı: 9, Ankara Mayıs 2014.
- **Turkey’s and Taiwan’s Outlook on Eurasia-Pacific.** Sayı: 8, Ankara Mayıs 2014.
- **Turkish-Armenian Dialogue.** Sayı: 7, Ankara Nisan 2014.

# AVİM Conference Books

- **South East Europe, The Balkans: Prospects for the Region.** Sayı: 6, Ankara Mart 2014. (İngilizce)
- **Caucasus and Azerbaijan.** Sayı: 5, İstanbul Mart 2014.
- **Avrasya Perspektifleri: Kazakistan ve Türkiye'den Bakış.** Sayı: 4, Ankara Şubat 2014.
- **Turkey in the Troika of G-20, Preparing to Assume the Chair in 2015.** Sayı: 3, Ankara Kasım 2013.
- **A General Look at Asia and Turkey's Priorities: Prospects and Priorities of Turkey in Asia.** Sayı: 2, Ankara Haziran 2013.
- **Regional Integrated Transport Corridors Project.** Sayı: 1, Ankara, Mayıs 2013.

# AVİM Reports

- **The Relativity of Self-Determination Conceptions Regarding the Nagorno-Karabakh Conflict.** Deniz Akçay, No: 18, September 2020.
- **The Montreux Convention: A Regional And Global Safety Valve.** Teoman Ertuğrul Tulun, No: 17, March 2020.
- **Osmanlı Devleti'ndeki Hukuki Düzenlemeler Çerçevesinde Ermeniler ve Geride Bıraktıkları Mallar (Emvâl-i Metruke).** Prof. Dr. Gül Akyılmaz, No: 16, Temmuz 2017.
- **Belgelerin Işığında Pontus Meselesi.** Prof. Dr. Mesut Çapa, No: 15, Haziran 2017.
- **The Pontus Narrative and Hate Speech.** Teoman Ertuğrul Tulun, No: 14, Mayıs 2017.
- **Türkiye Cumhuriyeti/Osmanlı Devleti ve Ardıllık/Devamlılık Sorunsalının Görelileşmesi.** Dr. Deniz AKÇAY, No: 13, Mayıs 2017.
- **81. Yılında Montrö Sözleşmesi'nin Karşılaştığı Güvenlik Sorunları ve Sözleşmenin Feshi ve Tadili İçin Girişimler Vukuunda Karşılaşılabilecek Senaryoların Analizi.** E. Büyükelçi Dr. Şükrü M. Elekdağ, No: 12, Nisan 2017.
- **Tarihsel Arka Planıyla Pontus Meselesi.** Yrd. Doç. Dr. Yüksel Küçükler - Prof. Dr. Hikmet Öksüz, No: 11, Nisan 2017.
- **Uluslararası Hukukta Zarar Giderimi ve Ermeni Talepleri.** Ertan Kiraz, No: 10, Aralık 2016.
- **“Cyprus V. Turkey” Kararı: Avrupa İnsan Hakları Mahkemesi'nin Uluslararası Hukuk ve Uluslararası Uyuşmazlık Sınarı.** Deniz Akçay, No: 9, Şubat 2016.
- **The Armenian Terrorism and the Turkish Press (1973 - 1984).** Hazel Çağan, No: 8, Ekim 2014.
- **Regional Security Complex Theory and the South Caucasus: Security Perceptions and Their Reflections on Regional Level.** Özge Nur Öğütcü, No: 7, Ağustos 2014.
- **Kör İnanç Olarak İntikamcılık ve Taşnak-ASALA Suikastleri.** Hikmet Özdemir, No: 6, Mart 2014.
- **Dünya Kiliseler Konseyi Nedir?** Mehmet Oğuzhan Tulun, No: 5, Mart 2014.
- **Ermeni Apostolik Kilisesi'nde Yaşanan Anlaşmazlıklar.** Mehmet Oğuzhan Tulun, No: 4, Şubat 2014.
- **1915 Olayları ve Türk-Ermeni Uyuşmazlığı.** No: 3 Şubat 2014
- **Avrasya'da Bölgesel Bir İşbirliği Mekanizması: Türk Konseyi.** Ali Çiviler, No: 2 Şubat 2014.
- **Armenians and Syria 1915 and 2013.** Jeremy Salt, No: 1, Şubat 2014.



