



NAGORNO KARABAKH:
The Truth and Facts

NAGORNO KARABAKH: The Truth and Facts (Long version)

Foreword

Never in the course of history has Azerbaijan had a complete and effective sovereignty over Nagorno-Karabakh. At any given moment since 1918, when the first Azeri state was established, such sovereignty can be at least disputed. The international community - the League of Nations in particular - never recognized the Republic of Azerbaijan of 1918-1920, arguing that it was impossible to determine the frontiers of the territories within which the government of Azerbaijan exercised its authority. Annexation of Nagorno-Karabakh to Soviet Azerbaijan was unlawful and forcible.

The current phase of the Nagorno-Karabakh conflict started in 1988, when in response to a just demand for self-determination of the population of Nagorno-Karabakh, the authorities of the Azerbaijan SSR executed massacres and ethnic cleansing of Armenians all over the country.

In 1991, during the collapse of the USSR, in compliance with the domestic legislation of the USSR and according to international legal norms on the territory of the former Azerbaijani Soviet Socialist Republic two States were established - the Republic of Azerbaijan and the Nagorno-Karabakh Republic. The creation of both States has similar legal basis, which was also confirmed by the European Parliament resolution "On the support for the peace process in the Caucasus" of 21 June 1999 that recognized the fact that Nagorno-Karabakh declared its independence following similar declarations by former Soviet Republics. The establishment of the Nagorno-Karabakh Republic was carried out in conformity with the principles and attributes required by international law for the creation of an independent state.

Neglecting the legal and political reality, the Republic of Azerbaijan launched a large-scale military actions against Nagorno-Karabakh, involving mercenaries closely linked to international terrorist organizations. These acts of aggression claimed the lives of tens of thousands of civilians and caused substantial material losses. In 1994 Azerbaijan signed a trilateral cease-fire agreement with Nagorno-Karabakh and Armenia.

The dispute over Nagorno-Karabakh dates back to the period of the collapse of the Russian Empire after the October 1917 Revolution and the subsequent creation of three States in the South Caucasus: the Republic of Armenia, the Democratic Azerbaijani Republic and the Republic of

Georgia. Following the collapse of the Empire, Nagorno-Karabakh (with 95 per cent of Armenian population) refused to subject itself to the authority of the Democratic Azerbaijani Republic. The Nagorno-Karabakh Armenians convened their First Assembly, which proclaimed Karabakh a sovereign entity and elected a National Council and a government.

In 1920 both Armenia and Azerbaijan lost their independence and became Soviet Republics. On 5 July 1921 the Caucasian Bureau of the Russian Bolshevik Party, acting under Joseph Stalin's personal pressure, revised its own decision of the previous day and resolved to subject Karabakh to Soviet Azerbaijani rule and to create an autonomous province (oblast) of Nagorno-Karabakh, within the territory of Soviet Azerbaijan. This decision cannot serve as a legal basis for the determination of the status and the borders of the Nagorno-Karabakh: it was adopted by a third-country political party, i.e. the Russian Bolshevik Party, with no legal power or jurisdiction; at the time of the decision, both Armenia and Azerbaijan were independent, albeit Soviet, States; the governments of the two States had not reached an agreement on status and borders; the decision was not based on a legal or historic reasoning, it was dictated by the will of an individual.

In December 1922, Soviet Armenia and Soviet Azerbaijan acceded to the Soviet Union and in 1923 the Autonomous region of Nagorno-Karabakh was established within the Azerbaijani Soviet Socialist Republic (SSR), thus freezing the solution of the Karabakh problem. This autonomous region comprised only parts of Nagorno-Karabakh proper.

The population and the authorities of the Autonomous Region of Nagorno-Karabakh and the authorities of the Armenian SSR made numerous appeals to the Soviet authorities to revise the decision of the transfer of Nagorno-Karabakh to the Azerbaijani SSR. All these demands were either ignored or rejected and their initiators severely persecuted. Some of those requests were: the 1945 appeal of the Communist party and the Government of the Armenian SSR to the Soviet Government and the Union Communist Party; in 1963 and in 1965, the Nagorno-Karabakh population sent, respectively, 2,500 and 45,000 letters to the Soviet authorities; during the discussion of the draft Soviet Constitution in 1977, individuals and enterprises of the Autonomous Region of Nagorno-Karabakh proposed numerous amendments.

The launch of the policy of *Perestroika* in the Soviet Union raised the hopes of Nagorno-Karabakh Armenians for a fair and democratic solution of their issue. At the end of 1987, thousands of Karabakh Armenians initiated peaceful marches and demonstrations and the authorities of the Autonomous Region of Nagorno-Karabakh submitted appeals and petitions to the Communist party

of the USSR and State leadership. More than 80,000 people signed the public petition requesting reunification with the Armenian SSR.

On 20 February 1988, the special session of the People's Delegates of Nagorno-Karabakh adopted a decision to "appeal to the Supreme Councils of the Azerbaijani and Armenian Soviet Socialist Republics to transfer Nagorno-Karabakh from the Azerbaijani SSR to the Armenian SSR". This decision was preceded by similar ones from the local and district Councils.

In 1991, Nagorno-Karabakh initiated the process of gaining independence in compliance with the USSR domestic legislation. Based on the USSR Constitution and the Soviet Law on "The procedures of the resolution of problems on the secession of a union republic from the USSR" of 3 April 1990, which stipulated that in case of a secession of a Soviet republic from the Union, people of autonomous republics, autonomous entities and national groups which densely populate particular areas are entitled to decide on their own whether to stay within the USSR or the seceding Union Republic, on 2 September 1991 the joint session of Nagorno-Karabakh regional and Shahumian District Councils of People's Delegates adopted a declaration proclaiming creation of the Nagorno-Karabakh Republic.

Just a few days before the official collapse of the Soviet Union, on December 10, 1991, a referendum was held in Nagorno-Karabakh with the overwhelming majority of the population voted in favor of total independence from Azerbaijan. Parliamentary elections of the NKR followed forming the first government. As a result Nagorno-Karabakh was the only autonomy which gained independence before the collapse of the USSR according to the existing domestic legislation and the norms of international law. The independent NKR government went to work under conditions of a total blockade, war and aggression unleashed by Azerbaijan.

Utilizing the weapons and war material of the USSR's 4th Army headquartered in her territory, Azerbaijan engaged in wide-scale military actions against Nagorno-Karabakh. As it is well known, the war continued with varying success from the autumn of 1991 until May of 1994. There were times when almost 60 percent of the territory of Nagorno-Karabakh was captured, while the capital city of Stepanakert and other residential areas were almost incessantly subjected to massive air and artillery bombardment. The defense forces of the NKR were able to liberate the city of Shushi, in May of 1992, and open a corridor into the Lachin region, creating an opportunity to reconnect the territories of the NKR and Armenia, thus partially neutralizing the multi-year blockade of the NKR.

In June-July of 1992, the Azerbaijani army captured the NKR's entire Shahumian region, a great portion of the Martakert region, and portions of Martuni, Askeran, and Hadrut. The US Congress in August, 1992, adopted a resolution condemning the actions of Azerbaijan, prohibiting government to government economic assistance to that state.

In order to resist Azerbaijani aggression, life in the NKR completely focused on the military effort. The NKR State Defense Committee was formed on August 14, 1992. Separate defense detachments were reconfigured forming the Nagorno-Karabakh Defense Army, based on principles of discipline and central command.

The NKR Defense Army succeeded in liberating previously captured territories from Azerbaijan and, during military engagements, took control a few Azerbaijani regions bordering the NKR that had been used as firing lines against the Armenians. The creation of the security zone precluded the immediate threat facing the peaceful population of the NKR.

In May 1994, at the meeting in Bishkek the Speakers of the Parliaments of Azerbaijan, Nagorno-Karabakh and Armenia signed the final Protocol of the CIS Inter-Parliamentary Summit on the Nagorno-Karabakh conflict, which laid the grounds for the subsequent ceasefire agreement. The latter came into force on 12 May and, despite some violations, has been respected to date.

In 1992, the OSCE Minsk Group was formed to resolve the Karabakh conflict. Under its auspices, a negotiating process has been created to prepare for the OSCE Minsk Conference that has the duty of finding a final solution to the status of Nagorno-Karabakh.

I. Legal and historical aspects of the Nagorno-Karabakh problem

A. Development of the dispute (1918-1920)

Nagorno-Karabakh (in Armenian, Artsakh) is located in the northeastern area of the Armenian highlands. Since ancient times, it has been a province of historical Armenia. The northeastern border, according to all ancient sources, was the Kura River. In the ancient Armenian state of Urartu (9th-6th centuries B.C.), Artsakh was referred to as Urtekhe-Urtekheni. The nature and climate of the mountainous region are conditioned by its favourable geographic location. The works of Strabo, Pliny the Elder, Claudius Ptolemy, Plutarch, Dion Cassius, and others note that the border between Armenia and Aghvank (Caucasian Albania, its most ancient Caucasian neighbor representing a mixture of mountainous peoples) was the Kura River.

After 387A.D., Armenia was partitioned between Byzantium and Persia. Eastern Transcaucasia, including Artsakh, came under Persian rule. This did not affect the ethnic borders of the region until the late Middle Ages; the Right Bank of the Kura, along with Artsakh (Karabagh) continued to remain Armenian inhabited. Only in the middle of the 18th century did nomadic Turkish tribes begin penetrating the northern borders of Karabagh, initiating centuries-long wars against Armenian noble families.

The nobility of Nagorno-Karabakh, governed by hereditary feudal lords (meliks), were able to maintain real autonomy due to personal, noble, and other types of military units. Compelled to resist attacks by the Ottoman Empire armies, nomadic tribe invasions, divisions of populous, often hostile neighboring governors and the armies of the Persian shahs, the Artsakh meliks attempted to free themselves from foreign (Muslim) dominance. Working towards that purpose, the Karabagh meliks corresponded with Russian tsars, including Peter I and Paul I, during the 17th-18th centuries.

In 1805, the historical territory of Artsakh, artificially named "Khanate of Karabakh", along with other widespread areas in Eastern Transcaucasia, were annexed to "everlasting rule" of the Russian Empire. The Gulistan (1813) and Turkmenchay (1828) treaties signed by Russia and Persia ratified this.

1. The dispute over Nagorno-Karabakh dates back to the period of the collapse of the Russian Empire after the October 1917 Revolution and the subsequent creation of three States in the South Caucasus: the Republic of Armenia, the Democratic Azerbaijani Republic and the Republic of Georgia. Following the collapse of the Empire, Nagorno-Karabakh (with 95 per cent of Armenian population) refused to subject itself to the authority of the Democratic Azerbaijani Republic. The

Nagorno-Karabakh Armenians convened their First Assembly, which proclaimed Karabakh an autonomous entity and elected a National Council and a government.

2. The newly proclaimed Democratic Azerbaijani Republic resorted to military means to suppress the peaceful resolve of the people of Nagorno-Karabakh for self-determination. Between May 1918 and April 1920, Azerbaijani troops, backed by Turkish forces, continued the aggression against and massacres of the Armenian population of Nagorno-Karabakh (in March 1920, around 40,000 Armenians were massacred or deported from the then Karabakhi capital-town of Shushi). However, that could not force the people of Nagorno-Karabakh to submit to the Azerbaijani rule. Meanwhile, the newly independent Republic of Armenia had to mobilize to defend itself against the Turkish invasion, and was unable to protect Nagorno-Karabakh or take diplomatic steps towards the resolution of the Nagorno-Karabakh problem.

3. From 1918 to 1920, Nagorno-Karabakh possessed all necessary attributes of statehood, including army and legitimate authorities. In August 1919, the National Council of Karabakh and the Government of the Democratic Azerbaijani Republic concluded a Provisional Agreement on Nagorno-Karabakh to avoid military conflict. Both sides agreed that the issue must be considered at the Paris Peace Conference. Thus, entering into agreement with the Karabakh National Council, Azerbaijan confirmed the status of Nagorno-Karabakh as an independent legal entity. The Provisional Agreement was violated by the Azerbaijani side after the sovietization of Azerbaijan.

4. It was not until April 1920 that the Republic of Armenia could come to the rescue of the devastated population of Karabakh. On 23 April 1920, the Ninth Assembly of the Karabakh Armenians declared Nagorno-Karabakh as an inalienable part of the Republic of Armenia.

5. In 1920, Nagorno-Karabakh was recognized by Soviet Russia as a disputed territory between Soviet Azerbaijan and then still-independent Republic of Armenia. The Agreement signed on 10 August 1920 between Soviet Russia and the Republic of Armenia stated that the regions of Karabakh, Zangezour and Nakhichevan should be occupied by Soviet troops, but that would not predetermine the final possession of these regions. The solution of the issue was subject to determination by a Pact to be signed between Armenia and Soviet Russia.

B. International response to the illegal claims of Azerbaijan

6. The international community, namely the League of Nations, recognized the disputed status of Nagorno-Karabakh. The League of Nations rejected Azerbaijan's accession application on the grounds that it was unable to determine the borders of the state and its sovereignty over a territory. One of the disputable issues was the status of Nagorno-Karabakh, within larger borders than its present ones¹. The League of Nations revisited the issue of Nagorno-Karabakh in 1919-1920, at the Paris Peace Conference, when it committed itself to finding a solution to the problem, but the establishment of Soviet rule in the region left the issue out of international forums.

C. Nagorno-Karabakh under Soviet rule (1921-1988)

Annexation of Nagorno-Karabakh to Azerbaijan

7. On 30 November 1920, the Soviet Government of Azerbaijan adopted a Declaration on recognition of Nagorno-Karabakh as an integral part of Soviet Armenia as a welcome act towards the victory of Soviet forces in Armenia.

8. On 21 June 1921, the Government of Soviet Armenia, based on Azerbaijan's Declaration and the agreement with the Azerbaijani Government, issued a Decree recognizing Nagorno-Karabakh as an integral part of Soviet Armenia.

9. On 1 December 1920, the Fifth Committee of the Assembly of the League of Nations arrived at the conclusion that: Azerbaijan could not be regarded de jure a "full self-governing state", as it had not been recognized de jure by any member of the League of Nations. Moreover, the territory claimed by Azerbaijan "occupying a superficial area of 40,000 square miles appears to have never formerly constituted a State, but always been included in larger groups such as the Mongol or Persian and since 1813, the Russian Empire".

10. These documents were registered in the League of Nations resolution of 18 December 1920, and in the 1920/21 annual report of the Ministry of Foreign Affairs of Russia, respectively.

11. Neglecting the reality, on 5 July the Caucasian Bureau of the Russian Bolshevik Party, acting under Joseph Stalin's personal pressure, revised its own decision of the previous day and resolved to subject Karabakh to Soviet Azerbaijani rule and to create an autonomous province (oblast) of

¹ Memorandum of the Secretary General, the League of Nations, November 1920, reference no. 20/48/108.

Nagorno-Karabakh, within the territory of Soviet Azerbaijan. This decision cannot serve as a legal basis for the determination of the status and the borders of the Nagorno-Karabakh: it was adopted by a third-country political party, i.e. the Russian Bolshevik Party, with no legal power or jurisdiction; at the time of the decision, both Armenia and Azerbaijan were independent, albeit Soviet, States; the governments of the two States had not reached an agreement on status and borders; the decision was not based on a legal or historic reasoning, it was dictated by the will of an individual.

12. In December 1922, Soviet Armenia and Soviet Azerbaijan acceded to the Soviet Union and in 1923 the Autonomous region of Nagorno-Karabakh was established within the Azerbaijani Soviet Socialist Republic (SSR), thus freezing the solution of the Karabakh problem. This autonomous region comprised only parts of Nagorno-Karabakh proper.

Human rights violations in Nagorno-Karabakh under Soviet rule

13. Throughout its rule over Nagorno-Karabakh, the authorities of the Azerbaijani SSR systematically violated the rights and freedoms of the Armenians of Karabakh. The Azerbaijani authorities deliberately hampered the social and economic development of Karabakh, turning it into a source of raw materials². The Azerbaijani SSR pursued a policy of the eviction of the Armenian population from Karabakh, and destruction and appropriation of Armenian cultural and historic monuments.

14. Azerbaijan's discrimination towards Nagorno-Karabakh had its impact on the welfare of its Armenian population and became a major migration factor. As a result, the Armenian population declined: while in 1923 Armenians constituted 94.4 per cent of the entire population of Nagorno-Karabakh, in 1989, their numbers dropped down to 76.9 per cent. Meanwhile, the Azerbaijani population of Nagorno-Karabakh increased several times as its growth was predominantly sustained by the influx from Azerbaijan: in 1923 Azerbaijanis constituted 3 per cent of the population of the area, while, by 1989, their number increased up to 21,5 per cent.

Appeals to revise the annexation of Nagorno-Karabakh

² "The people's economy of the Azerbaijan SSR" confirms that in 1981-1985 the per capita investments in Nagorny Karabakh half the average in Azerbaijan, and in 1986, this number reached 2.7.

15. The population and the authorities of the Autonomous Region of Nagorno-Karabakh and the authorities of the Armenian SSR made numerous appeals to the Soviet authorities to revise the decision of the transfer of Nagorno-Karabakh to the Azerbaijani SSR. All these demands were either ignored or rejected and their initiators severely persecuted. Some of those requests were: the 1945 appeal of the Communist party and the Government of the Armenian SSR to the Soviet Government and the Union Communist Party; in 1963 and in 1965, the Nagorno-Karabakh population sent, respectively, 2,500 and 45,000 letters to the Soviet authorities; during the discussion of the draft Soviet Constitution in 1977, individuals and enterprises of the Autonomous Region of Nagorno-Karabakh proposed numerous amendments.

D. Nagorno-Karabakh in 1988-1991

16. The launch of the policy of *Perestroika* in the Soviet Union raised the hopes of Nagorno-Karabakh Armenians for a fair and democratic solution of their issue. At the end of 1987, thousands of Karabakh Armenians initiated peaceful marches and demonstrations and the authorities of the Autonomous Region of Nagorno-Karabakh submitted appeals and petitions to the Communist party of the USSR and State leadership. More than 80,000 people signed the public petition requesting reunification with the Armenian SSR.

17. On 20 February 1988, the special session of the People's Delegates of Nagorno-Karabakh adopted a decision to "appeal to the Supreme Councils of the Azerbaijani and Armenian Soviet Socialist Republics to transfer Nagorno-Karabakh from the Azerbaijani SSR to the Armenian SSR". This decision was preceded by similar ones from the local and district Councils.

18. The Soviet leadership attempted to shift the Nagorno-Karabakh problem from the political into the social and economic domain. Meanwhile, the Azerbaijani authorities, used the ambivalent stance of the Soviet leadership to launch a ferocious media campaign in order to shift the whole problem into the inter-ethnic domain and in 1988-1990, instead of finding a peaceful solution to the issue, provoked violence, massacres and forced deportations (Sumgait massacres of February 1988; the Armenian pogroms throughout Azerbaijan, particularly in Baku, Kirovabad, Shemakh, Shamkhor, Mingechaur, in the Nakhichevan Autonomous SSR in November-December 1988; the major massacre of Baku in January 1990; the forced deportation of 24 Armenian villages in 1990 as a result of the "Operation Ring" — 2 in the Khanlar region of Azerbaijan, 3 in the Shahumian district, 15 in the Hadrout region and 4 in the Shushi region; and the Maragha massacre of April 1992.

19. In April-May 1991, the joint efforts of the Soviet and Azerbaijani authorities to deport the Armenian population of the Autonomous Region of Nagorno-Karabakh and the surrounding regions culminated in the operation *Koltso* (Ring) carried out by the Soviet military structures, which stimulated the creation of the Karabakh self-defense army to resist the Azerbaijani offensive. In addition to the military offensive, the Azerbaijani SSR resorted to economic coercive measures and cut all commodity supplies, which were mainly delivered to the Armenian SSR and the Autonomous Region of Nagorno-Karabakh through the Azerbaijani SSR. The result was the total isolation of Karabakh.

Creation of the Nagorno-Karabakh Republic

20. On 29 August 1991, the Azerbaijani SSR declared the restoration of the independence of the “Azerbaijani Democratic Republic of 1918-1920”.

21. In 1991, Nagorno-Karabakh initiated the process of gaining independence in compliance with the USSR domestic legislation. Based on the USSR Constitution and the Soviet Law on “The procedures of the resolution of problems on the secession of a union republic from the USSR” of 3 April 1990, which stipulated that in case of a secession of a Soviet republic from the Union, people of autonomous republics, autonomous entities and national groups which densely populate particular areas are entitled to decide on their own whether to stay within the USSR or the seceding Union Republic, on 2 September 1991 the joint session of Nagorno-Karabakh regional and Shahumian District Councils of People’s Delegates adopted a declaration proclaiming creation of the Nagorno-Karabakh Republic.

22. On 10 December 1991, Nagorno-Karabakh held a referendum monitored by international observers and media representatives³, which confirmed Karabakh’s independence: 108,736 of the registered 132,328 voters (82.2 per cent) cast ballots, of which 108,615 (99.89 per cent) voted in favour. 17.8 per cent of the registered voters, mostly of Azerbaijani origin, did not participate. As a result Nagorno-Karabakh was the only autonomy which gained independence before the collapse of the USSR according to the existing domestic legislation and the norms of international law.

³ The observers were the representatives of the former Union Republics, deputies of the Supreme Soviets of the USSR, Russian Soviet Federative Socialist Republic, Mossoviet and representatives of various international organizations and foreign States.

23. On 6 January 1992, the newly elected Parliament of Nagorno-Karabakh, based on the right of its people for self-determination and the will of the people expressed through the referendum, adopted the “Declaration of Independence of the Nagorno-Karabakh Republic”. The Parliament also appealed to the United Nations and the international community to recognize the Republic and to help prevent the extermination of the local Armenian population.

24. Following the collapse of the USSR in December 1991, on the territory of the former Azerbaijani SSR two States were formed: the Azerbaijani Republic and the Nagorno-Karabakh Republic. The establishment of both States has similar legal basis; and therefore the establishment of the Nagorno-Karabakh Republic on the basis of its people’s right to self-determination should not be considered in the scope of territorial integrity of the Azerbaijani Republic. This was also confirmed by the resolution of the European Parliament “On the support for the peace process in the Caucasus” of 21 June 1999, which recognizes the fact that Nagorno-Karabakh declared its independence following similar declarations by former Soviet Republics.

25. In 1991, restoring its independence as a successor of the Azerbaijani Republic of 1918-1920 and rejecting its Soviet legal heritage of 1920-1991, the Azerbaijani SSR lost all claims to the territories transferred to Soviet Azerbaijan in July 1921, including Nagorno-Karabakh. Thus, the Nagorno-Karabakh Republic was formed on territories over which the Azerbaijani Republic had no sovereignty.

E. Nagorno-Karabakh War 1991-1994

26. Just a few days before the official collapse of the Soviet Union, on December 10, 1991, a referendum was held in Nagorno Karabagh with the overwhelming majority of the population voted in favor of total independence from Azerbaijan. Parliamentary elections of the NKR followed forming the first government. The independent NKR government went to work under conditions of a total blockade, war and aggression unleashed by Azerbaijan.

Utilizing the weapons and war material of the USSR's 4th Army headquartered in her territory, Azerbaijan engaged in wide-scale military actions against Nagorno Karabagh. As it is well known, the war continued with varying success from the autumn of 1991 until May of 1994. There were times when almost 60 percent of the territory of Nagorno Karabagh was captured, while the capital city of Stepanakert and other residential areas were almost incessantly subjected to massive air and artillery bombardment. The defense forces of the NKR were able to liberate the city of

Shushi, in May of 1992, and open a corridor into the Lachin region, creating an opportunity to reconnect the territories of the NKR and Armenia, thus partially neutralizing the multi-year blockade of the NKR.

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In order to resist Azerbaijani aggression, life in the NKR completely focussed on the military effort. The NKR State Defense Committee was formed on August 14, 1992. Separate defense detachments were reconfigured forming the Nagorno Karabagh Defense Army, based on principles of discipline and central command.

The NKR Defense Army succeeded in liberating previously captured territories from Azerbaijan and, during military engagements, took control a few Azerbaijani regions bordering the NKR that had been used as firing lines against the Armenians. The creation of the security zone precluded the immediate threat facing the peaceful population of the NKR.

With Russia, Kyrgyzstan, and the CIS Interparliamentary Council mediating, at the capital of Kyrgyzstan, Bishkek, on May 5, 1994, Azerbaijan, Nagorno Karabagh and Armenia signed the Bishkek Document. According to that document, parties to the conflict agreed to a cease-fire, effective from May 12th to date.

In 1992, the OSCE Minsk Group was formed to resolve the Karabagh conflict. Under its auspices, a negotiating process has been created to prepare for the OSCE Minsk Conference that has the duty of finding a final solution to the status of Nagorno Karabagh.

II. Attributes of the independent State of the Nagorno-Karabakh Republic

27. Nagorno-Karabakh gained its independence according to the domestic and international legal norms. In parallel to this legal process, Nagorno-Karabakh successfully established all structures and attributes for the formation of an independent State:

Defined territory: Nagorno-Karabakh exercises sovereign jurisdiction on a defined territory with its borders and is capable of providing security and normal living conditions to its citizens.

Permanent population: the vast majority of the people of Nagorno-Karabakh constitute a homogenous group with historical ties to its territory.

Permanent administration exercising exclusive jurisdiction on a defined territory and people:

Nagorno-Karabakh is a Republic with presidential governing system. The National Assembly is the highest legislative body of the Republic. Since 1991 the National Assembly has adopted a series of laws necessary for the foundation of the country's political structures, executive and judicial authorities. The Government comprises the Prime Minister and 12 Ministries. Since 1998, after the adoption of the corresponding law local governance has also been operational in Nagorno-Karabakh. In 2006 the Constitution of the Republic was adopted via referendum. Regular presidential, parliamentary and local elections have been held since December 1991⁴. The most recent presidential elections were held in Nagorno-Karabakh in 2007 and Mr. Bako Sahakyan was elected the new President of the Republic.

Government engaged in discussions with foreign States: On 20 September 1992, the Parliament of Nagorno-Karabakh petitioned the United Nations, the Commonwealth of Independent States, and individual countries for recognition.

A series of documents on Nagorno-Karabakh problem adopted by various international organizations, as well as numerous mediation efforts of individual States, clearly demonstrate that Nagorno-Karabakh has always been a prominent factor in the peace negotiations, a regional factor and an independent entity, which is proved by a number of signatures of officials of Nagorno-Karabakh on various documents. These documents include:

- the Zheleznovodsk Communiqué of 23 September 1991, issued after official talks held in Zheleznovodsk, Russia, at the initiative of the Russian and Kazakh Presidents;

⁴ The elections were observed by international observers (British Helsinki Human Rights Group, Centre for the Comparative Study of Elections, Moscow Academy of Sciences for National Security Issues, Moscow Foundation for Social, Economic and Intellectual Programs).

- the Sochi Agreement of 19 September 1992, signed by the defense authorities of Azerbaijan, Nagorno-Karabakh and Armenia, which calls for cessation of all military activities for two months;
- a military-technical protocol on the implementation of the Sochi Agreement signed on 25 September 1992, in Moscow;
- the Timetable of Urgent Steps proposed by the Chairman of the CSCE Minsk Group of September 1993, in which Nagorno-Karabakh appears as a side to the conflict for the first time;
- the Bishkek Protocol of May 1994, signed at negotiations of the Speakers of Parliaments of Armenia, Azerbaijan and Nagorno-Karabakh;
- and the Agreement on ceasefire, mediated by the Russian Federation on 12 May 1994, and signed by the Ministers of Defense of Armenia and Azerbaijan and the Commander of the Nagorno-Karabakh armed forces.

Besides, starting from 1992, the authorities of Azerbaijan held regular direct contacts with the authorities of Nagorno-Karabakh:

- 15 September 1992, contacts between the representatives of Azerbaijan and Nagorno-Karabakh in Moscow;
- 28 July 1993, meeting of governmental delegations of Nagorno-Karabakh Republic and Azerbaijan, headed by the Chairman of the Nagorno-Karabakh Republic Self-Defense Committee Serzh Sargsyan and Azerbaijani Acting Defense Minister Safar Abiyev at the Martakert contact line. Foreign Minister of the Nagorno-Karabakh Republic Ghoukasian, Head of National Security Department of the Nagorno-Karabakh Republic Abrahamian, Deputy Minister of Internal Affairs of the Nagorno-Karabakh Republic Aghassian and State Minister of Azerbaijan Aliev, representative of Foreign Ministry of Azerbaijan Zoulfougarov and Chairman of the Commission on exchange of hostages of Azerbaijan Kiazimov were also in the delegations of the parties. As a result, the parties signed an Agreement on prolongation of the previous agreement on refraining from any military activities;
- negotiations between the Deputy Chairman of the Supreme Council of the Azerbaijani Republic A. Jalilov and Foreign Minister of the Nagorno-Karabakh Republic A. Ghoukasian held on 12 and 13 September 1993, in Moscow where a joint communiqué was adopted;

- the meeting between the Vice Prime Ministers of Nagorno-Karabakh and Azerbaijan (Zh. Poghosian and A. Abbasov) held on 25 September 1993 on the Aghdam contact line;
- meeting of the leaders of Azerbaijan and Nagorno-Karabakh held on 25 September 1993 in Moscow;
- regular communications were held between Baku and Stepanakert at the level of military and political leaders in summer and fall 1993.

In 1993-1994, a series of trilateral negotiations under Russian mediation took place in Moscow between the political top leadership and representatives of Defense Ministries of the Azerbaijani Republic, the Nagorno-Karabakh Republic and the Republic of Armenia. As a result, several agreements were reached on reciprocal cessation of artillery bombardments and offensive military operations, prolongation of the ceasefire regime, mutual release of the detained women and children, and other issues.

The active involvement of Nagorno-Karabakh in the process of negotiations within the CSCE framework is witnessed by:

- the First Additional meeting of the CSCE Council held in Helsinki on 24 March 1992, which decided to convene a conference on Nagorno-Karabakh and invited the legitimate authorities of Nagorno-Karabakh to the Conference as an interested party;
- the 1994 CSCE Budapest Summit, where the participating States welcomed the affirmation of the ceasefire agreement reached on 12 May 1994, by the parties to the conflict (Azerbaijan, Nagorno-Karabakh and Armenia) and announced their readiness to deploy multinational CSCE peacekeeping force, and reached an agreement on the creation of the High-level Planning Group of the OSCE;
- the 31 March 1995 statement of the OSCE Chairman-in-Office, which confirmed the previous OSCE decisions on the status of the parties to the conflict, and provided for the participation of the two member States involved in the conflict and Nagorno-Karabakh as a third party to the conflict, as well as the Minsk Conference in the whole process of negotiations.

In addition, the OSCE Minsk Group Co-Chairs during their regional trips travel to Nagorno-Karabakh and meet with the Karabakh authorities. However, throughout the OSCE mediation process the Azerbaijani Republic has refused to include the representatives of Nagorno-Karabakh in

the negotiation process despite the fact that the previous rounds of formal negotiations in the mid-1990s were conducted with the participation of representatives of Nagorno-Karabakh.

Azerbaijan is concerned that the participation of Nagorno-Karabakh in the talks might imply some degree of a de facto status for Nagorno-Karabakh. Azerbaijan's such stance on the issue reveals its real objectives:

- (a) provide no support to the process of negotiations as long as possible, hoping that the revenues from the Caspian oil would help to pressure on Armenia and achieve a settlement in their favour;
- (b) falsify the nature of the conflict, to present it as a territorial dispute between Armenia and Azerbaijan with all relevant consequences;
- (c) obscure Azerbaijan's responsibility for transforming the process of self-determination of Nagorno-Karabakh into a military conflict and the resulting de facto situation; and
- (d) act as a victim in need of international assistance.

Representative offices of Nagorno-Karabakh in the United States of America, France, Russia, Lebanon, Germany, Australia and Armenia also show an active international involvement of the Nagorno-Karabakh Republic.

III. International response to the blockade imposed on Armenia and Nagorno-Karabakh

28. The international community, through the respective resolutions of international organizations, severely criticized the Azerbaijani blockade of the Republic of Armenia and Nagorno-Karabakh, describing it as a violation of human rights, particularly in the European Parliament resolutions of 18 June 1988, 18 January 1990, and 21 January and 27 May 1993, the Council of Europe Parliamentary Assembly motion for recommendation on the situation in Nagorno-Karabakh/Atkinson motion, submitted on 22 September 1992 by 30 members, etc.

The United States Congress has been actively engaged in promoting the resolution to the conflict. The Congress has focused its attention on Nagorno-Karabakh primarily through foreign operations appropriations legislation:

- the allocation of funding to promote resolution of the Nagorno-Karabakh conflict and provide incentives to the parties to the conflict to reach such a resolution;
- the provision of humanitarian assistance to the people of Nagorno-Karabakh;
- the viability of restrictions on direct aid to the Azerbaijani Republic put in place in response to Azerbaijan's blockade of the Republic of Armenia and the Nagorno-Karabakh Republic.

The international community must clearly and unambiguously react to the militaristic policy of Azerbaijan. Urgent steps must be taken to address the dangerous and volatile situation in the South Caucasus region, to prevent any possible military actions that are still at the planning stage and to ensure that Azerbaijan adheres to its international obligations.

IV. Current phase of peace negotiations and Azerbaijan's destructive conduct

29. The current phase of the Nagorno-Karabakh conflict started in 1988, when, in response to a just demand for self-determination by the population of Nagorno-Karabakh, the authorities of the Azerbaijani SSR perpetrated massacres and ethnic cleansing of Armenians all over the country. In 1991, as a result of the collapse of the USSR, and in compliance with the USSR legislation and norms of international law, two States were established on the territory of the Azerbaijani SSR — the Republic of Azerbaijan and the Nagorno-Karabakh Republic. However, Azerbaijan launched large-scale hostilities against the Nagorno-Karabakh Republic, also involving mercenaries closely linked to terrorist organizations, which claimed the lives of tens of thousands of civilians and caused substantial material losses.

30. At the start of the war, the Republic of Azerbaijan occupied the major part of the Nagorno-Karabakh Republic, nearly reaching its capital Stepanakert. To ensure the security of its people, the armed forces of the Nagorno-Karabakh Republic were forced to carry the military actions into the territory of the adversary and took control of the adjacent regions, which served as a security buffer, preventing further bombardment of the settlements in Nagorno-Karabakh and annihilation of its population. However, the armed forces of the Nagorno-Karabakh Republic were not able to liberate all the territories occupied by Azerbaijan, including the entire region of Shahumian, and the eastern parts of the Martuni and Martakert regions.

31. In May 1994, at the meeting in Bishkek the Speakers of the Parliaments of Azerbaijan, Nagorno-Karabakh and Armenia signed the final Protocol of the CIS Inter-Parliamentary Summit on the Nagorno-Karabakh conflict, which laid the grounds for the subsequent ceasefire agreement. The latter came into force on 12 May and, despite some violations, has been respected to date.

32. In 1992-1994, the negotiations on the peaceful settlement of the Nagorno-Karabakh problem were held within the framework of the CSCE. Starting from 1994 the negotiations continued under the mediation of the Co-Chairs of the OSCE Minsk Group. The Budapest summit of CSCE of

December 1994 instructed the Minsk Group to conduct negotiations with all the parties to the conflict: Azerbaijan, Nagorno-Karabakh and Armenia. The meetings between the Armenian and Azerbaijani Presidents and Foreign Ministers started in the OSCE framework since 1999. During the past 17 years the Co-Chairs have submitted numerous recommendations to the parties.

33. At the beginning of 2001, in Paris, as a result of two-phase meetings the Presidents of Armenia, Azerbaijan and France reached an agreement in principle on the settlement of the conflict, which was documented in Key West (United States). However, later, Azerbaijan refused to follow its commitments.

34. In 2004, a new “Prague Process” was launched between Armenia and Azerbaijan. Currently, the negotiations are based on the “Madrid Recommendations” submitted by the OSCE Minsk Group Co-Chairs to the Ministers for Foreign Affairs of Armenia and Azerbaijan and deposited with the OSCE Secretary General.

35. The Republic of Armenia values the mediation efforts of the OSCE Minsk Group Co-Chairs as a functional format of negotiations that has a sufficient potential to find ways for the settlement of the conflict. Meanwhile, as a result of a propaganda of the authorities of Azerbaijan against the Minsk Group mediation, 82 per cent of the population of Azerbaijan oppose the mediation efforts of the OSCE Minsk Group.

36. In parallel to the OSCE peace process, for years the Republic of Azerbaijan has been making attempts to transfer the issue of the settlement of the Nagorno-Karabakh problem to other international frameworks, particularly to the United Nations, where many parties are somewhat less familiar with the nature and origins of the problem. Those efforts by Azerbaijan are solely aimed at dragging the peaceful resolution of the issue. On 14 March 2008, resolution 62/243 on the situation in the took control territories of Azerbaijan, submitted by the Republic of Azerbaijan, was adopted by the General Assembly by only 39 votes out of 192 members of the United Nations. Around four fifths of the United Nations Members did not support the resolution. The OSCE Minsk Group Co-Chair countries voted against, noting in their joint statement that the resolution contains some principles selectively (the principle of territorial integrity) at the expense of other principles (the right to self-determination, etc). The adoption of this resolution not only hindered the negotiation process of Nagorno-Karabakh conflict, but also had destructive consequences, launching a new wave of the years-old militaristic policy of Azerbaijan. Azerbaijan tried to ignore the existing

format of the negotiations and the “Madrid Recommendations” and to impose the General Assembly resolution as a basis for negotiation on the settlement of the Nagorno-Karabakh conflict.

37. On 6 June 2008, at their meeting in St. Petersburg, the Presidents of the Republic of Armenia and the Republic of Azerbaijan reached a final agreement to accept the “Madrid Recommendations” as a basis for negotiations. The Presidents instructed their Ministers for Foreign Affairs to proceed with the negotiations on the basis of “Madrid Recommendations” to converge the positions of the parties on pending issues. Nevertheless, after the St. Petersburg meeting and up until the presidential elections in Azerbaijan in October 2008, Azerbaijan on the highest level continued its destructive policy questioning the “Madrid Recommendations”.

38. The negotiation process was renewed on 2 November 2008 through the mediation and initiative of the Russian President Medvedev, in his capacity as the President of the OSCE Minsk Group Co-Chair country. The result of the Moscow negotiations was the signing by the Presidents of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation of the “Declaration on Nagorno-Karabakh conflict”. This initiative was approved and supported by the OSCE Minsk Group Co-Chairs. The main provisions of the Declaration are:

- (a) the political and peaceful settlement of the Nagorno-Karabakh conflict;
- (b) the settlement of the Nagorno-Karabakh conflict on the basis of the norms and principles of international law;
- (c) the reconfirmation of the continuity of mediatory efforts of OSCE Minsk Group Co-Chairs;
- (d) the continuation of the negotiations on the basis of the “Madrid Recommendations”;
- (e) commitment to supplement the settlement by international guarantees; and
- (f) creation of conditions for the implementation of confidence-building measures. Signing of the Declaration was a positive step towards the enhancement of the negotiation process. However, Azerbaijan has not only continued its destructive policy, but also tried to misrepresent and misinterpret the provisions of the Declaration, particularly stating that (a) the settlement of the problem does not exclude the use of force by Azerbaijan; and (b) the principle of territorial integrity is the only applicable principle, etc.

39. On 4 December 2008 in Helsinki, the Ministers for Foreign Affairs of the Republic of Armenia and the Republic of Azerbaijan met with the OSCE Minsk Group Co-Chairs on the margins of the OSCE Ministerial Council. The Ministers for Foreign Affairs of the OSCE Minsk Group Co-Chair countries in their statement reiterated their firm position that there can be no military solution to the

conflict and called on the parties to recommit to a peaceful resolution. The Ministers also stressed the value of the Moscow Declaration, the continuation of the negotiations with the mediation of the Co-Chairs on the basis of the “Madrid Recommendations”. The Ministers also called on the parties to finalize the Basic Principles and begin drafting a comprehensive peace agreement.

40. On 5 December 2008, in Helsinki, the Ministers for Foreign Affairs of 56 OSCE member States adopted a Declaration welcoming a peaceful and political settlement of the Nagorno-Karabakh conflict, and efforts to develop confidencebuilding measures and to consolidate the ceasefire. The Ministers strongly encouraged the parties to intensify efforts in the negotiation process, stressed the significance of the Moscow Declaration, the positive momentum established after the St. Petersburg and Moscow meetings of the Presidents of the Republic of Armenia and the Republic of Azerbaijan, the continuation of the negotiations with the mediation of the Co-Chairs on the basis of the “Madrid Recommendations”. The parties were also encouraged to immediately pull out snipers from the conflict area, to enhance efforts to finalize the Basic Principles and to begin drafting a comprehensive peace agreement.

41. The Armenian side welcomed these statements and believes that through the commitment to the provisions of these statements the parties can achieve progress in the negotiation process. However, the Azerbaijani side once again ignored the appeals of the international community.

42. Presidents Serzh Sargsyan and Ilham Aliyev assessed their Zurich meeting of 29 January 2009 as constructive and instructed the two Ministers for Foreign Affairs to continue the negotiations with the mediation of the Co-Chairs on the basis of the “Madrid Recommendations”.

43. However, Azerbaijan has continued its destructive conduct by circulating reports at the General Assembly on 22 and 26 December 2008, namely “Report on the legal consequences of armed aggression by the Republic of Armenia against the Republic of Azerbaijan” and “Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims”, which not only hinder the process of the peaceful settlement, misinterpret the essence of the Nagorno-Karabakh problem, but also attempt to legitimize Azerbaijan’s intent of possible military aggression against Nagorno-Karabakh and the Republic of Armenia. Azerbaijan’s hostile statements and threats, as well as frequent violations of the existing ceasefire constitute elements of aggression.

44. In response to Azerbaijan’s destructive conduct in the peace negotiations, the Co-Chairs of the OSCE Minsk Group on 19 February 2009 issued a joint statement, in which they stressed that,

despite the two reports circulated at the request of the Permanent Representative of Azerbaijan to the United Nations on 22 and 26 December 2008, there is no military solution to the Nagorno-Karabakh conflict. They expressed hope that the above-mentioned reports would have no bearing on the negotiations within the Minsk Group in pursuit of a peaceful and political settlement of the Nagorno-Karabakh conflict, to which both Presidents committed themselves in their Moscow Declaration of 2 November 2008.

45. Despite the statement of the OSCE Minsk Group Co-Chairs, Azerbaijan continues its efforts to misinterpret the Nagorno-Karabakh problem and, on 23 January and 17 February 2009, circulated new reports at the United Nations “Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory” and “Support by States Members of the United Nations and international organizations to Azerbaijan’s position on the conflict in and around the Nagorno-Karabakh region of Azerbaijan”.

46. At the **L’Aquila Summit of the G-Eight**, July 10, 2009 joint Statement on the Nagorno-Karabakh Conflict was adopted by U.S. President Obama, Russian President Medvedev, and French President Sarkozy. Here is the text.

We, the Presidents of the OSCE Minsk Group's Co-Chair countries France, the Russian Federation, and the United States of America affirm our commitment to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for settlement of the Nagorno-Karabakh conflict.

We are instructing our mediators to present to the Presidents of Armenia and Azerbaijan an updated version of the Madrid Document of November 2007, the Co-Chairs last articulation of the Basic Principles. We urge the Presidents of Armenia and Azerbaijan to resolve the few differences remaining between them and finalize their agreement on these Basic Principles, which will outline a comprehensive settlement.

Fact sheet

The ministers of the US, France, and Russia presented a preliminary version of the Basic Principles for a settlement to Armenia and Azerbaijan in November 2007 in Madrid.

The Basic Principles reflect a reasonable compromise based on the Helsinki Final Act principles of Non-Use of Force, Territorial Integrity, and the Equal Rights and Self-Determination of Peoples.

The Basic Principles call for inter alia:

- 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; and
- international security guarantees that would include a peacekeeping operation.

The endorsement of these Basic Principles by Armenia and Azerbaijan will allow the drafting of a comprehensive settlement to ensure a future of peace, stability, and prosperity for Armenia and Azerbaijan and the broader region.

47. At Muskoka – June 26, 2010, joint Statement On The Nagorno-Karabakh Conflict by Dmitry Medvedev, President Of The Russian Federation, Barack Obama, President Of The United States Of America, and Nicolas Sarkozy, President Of The French Republic was adopted:

We, the Presidents of the OSCE Minsk Group's Co-Chair countries, France, the Russian Federation, and the United States of America, reaffirm our commitment to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for the peaceful settlement of the Nagorno-Karabakh conflict.

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

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

48. **At Astana – December 1, 2010**, joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries and the Presidents of Azerbaijan and Armenia was adopted:

On the occasion of the OSCE Summit in Astana, Kazakhstan, the Heads of Delegation of the OSCE Minsk Group Co-Chair countries (the President of the Russian Federation Dmitri Medvedev, the Prime Minister of France Francois Fillon, and the Secretary of State of the United States Hillary Rodham Clinton), the President of Azerbaijan Ilham Aliyev, and the President of Armenia Serzh Sargsyan agreed that the time has come for more decisive efforts to resolve the Nagorno-Karabakh conflict. In this context, they recalled the joint statements of the Presidents of Azerbaijan and Armenia, with the President of the Russian Federation, on November 2, 2008, in Moscow, and on October 27, 2010, in Astrakhan. They further agreed that a peaceful, negotiated settlement will bring stability and security and is the only way to bring real reconciliation to the peoples of the region.

The Presidents of Armenia and Azerbaijan reaffirmed their commitment to seek a final settlement of the Nagorno-Karabakh conflict, based upon: the principles and norms of international law; the United Nations Charter; the Helsinki Final Act; as well as the statements of Presidents Medvedev, Sarkozy, and Obama, at L'Aquila on July 10, 2009, and at Muskoka on June 26, 2010.

The three OSCE Co-Chair countries pledged their support for the Presidents of Azerbaijan and Armenia as they make the necessary decisions to reach a peaceful settlement. They urged the leaders of Armenia and Azerbaijan to focus with renewed energy on the issues that still remain in the Basic Principles, and instructed their Co-Chairs to continue to work with the parties to the conflict to assist in these efforts. In order to create a better atmosphere for the negotiations, they called for additional steps to strengthen the ceasefire and carry out confidence-building measures in all fields.

49. Presidents of Russia, Armenia and Azerbaijan made a joint Declaration after the mediated meeting in **Sochi on March 5, 2011**:

“Upon the invitation of the President of the Russian Federation, the Presidents of Armenia, Russia and Azerbaijan met on March 5, 2011 in Sochi and discussed in detail the process and the prospects of the NK conflict resolution.

After the discussions on the practical implementation of the trilateral Declaration adopted on October 27, 2010 in Astrakhan, in addition to the steps specified in the above mentioned Declaration, the Presidents agreed to take the following confidence building measures:

1. To conclude in the shortest possible period of time the exchange of the prisoners of war,
2. To strive to solve all contentious issues through peaceful means and to conduct along the cease-fire line an investigation with the participation of the parties under the auspices of the OSCE Minsk Group Co-Chairs and with the assistance of the Special Representative of the OSCE Chairman-in-Office regarding probable incidents.

The Presidents stressed the importance of their regular meetings on the resolution of the Nagorno Karabakh conflict and agreed to continue them in the present format and further to the activities of the OSCE Minsk Group.”

It is worth to mention that before the Sochi meeting Armenia acted positively and stated that OSCE Minsk Group last proposals are acceptable as the basis for further negotiations. In Sochi Azerbaijan’s response was negative. Moreover, after Sochi meeting, responding to the OSCE call, Armenian Foreign Minister gave Armenian side clear “Yes” to the last proposals once more, meanwhile no answer from Azerbaijan.

V. Militaristic policy of Azerbaijan

Militaristic policy pursued by Azerbaijani Republic on the Nagorno-Karabakh conflict resolution has recently severely intensified and is posing a serious threat to the regional peace and security in South Caucasus. This, in turn, significantly hinders the process of the peaceful settlement of the conflict within the framework of the OSCE Minsk Group. In the South Caucasus, any careless word, any irresponsible step can trigger unpredictable consequences, while the military build-up in Azerbaijan and bellicose statements made at the highest level add tension to the overall environment. Contrary to the spirit of the negotiations within the OSCE Minsk Group, Azerbaijan has, for years, been developing and carrying out a large-scale campaign of anti-Armenian propaganda, instilling racial hatred and intolerance against the Armenians.

Within a short period of time Azerbaijan has increased its military budget tenfold, blatantly violating the norms of arms limitation stipulated by the international treaties, particularly exceeding the maximum permissible limits of the armaments specified under the Treaty on Conventional

Armed Forces in Europe. Azerbaijan's hostile statements and threats, as well as frequent violations of the existing ceasefire, constitute elements of aggression. On the international arena, Azerbaijan consistently misrepresents the essence of the Nagorno-Karabakh problem, trying to conceal the ethnic cleansings and its policy of violence conducted against the people of Nagorno-Karabakh in 1988-1991. Consequently, these actions developed into open aggression and large-scale hostilities against the self-determined people of the Nagorno-Karabakh Republic, which also involved mercenaries, closely linked to terrorist organizations, and ultimately claimed the lives of tens of thousands of civilians.

Wounds of the previous war of 1991-1994, unleashed by Azerbaijan, are still raw, but Azerbaijan is already pursuing a policy aimed at provoking a new one. In various international organisations the Azerbaijani side has circulated "reports" and draft resolutions on the Nagorno-Karabakh problem, which not only have a negative impact on the process of negotiations, but also contain Azerbaijan's intent to legitimize possible military aggression against Nagorno-Karabakh and the Republic of Armenia.

We believe that there is a serious basis for the settlement of the Nagorno-Karabakh problem, if the provisions contained in the documents of various organizations involved in the direct negotiation process are implemented. According to these documents, any military option must be ruled out as a means to solve the Nagorno-Karabakh conflict, the parties must commit themselves to a political, peaceful settlement of the problem through negotiations.

Armenian sides – the Nagorno-Karabakh Republic and the Republic of Armenia are convinced that the commitment of the parties to refrain from steps that could hamper the dialogue and the peace process can create an opportunity for progress in the peaceful settlement of the Nagorno-Karabakh problem.





NAGORNO KARABAKH:
The Truth and Facts

NAGORNO KARABAKH: The Truth and Facts (Long version)

Foreword

Never in the course of history has Azerbaijan had a complete and effective sovereignty over Nagorno-Karabakh. At any given moment since 1918, when the first Azeri state was established, such sovereignty can be at least disputed. The international community - the League of Nations in particular - never recognized the Republic of Azerbaijan of 1918-1920, arguing that it was impossible to determine the frontiers of the territories within which the government of Azerbaijan exercised its authority. Annexation of Nagorno-Karabakh to Soviet Azerbaijan was unlawful and forcible.

The current phase of the Nagorno-Karabakh conflict started in 1988, when in response to a just demand for self-determination of the population of Nagorno-Karabakh, the authorities of the Azerbaijan SSR executed massacres and ethnic cleansing of Armenians all over the country.

In 1991, during the collapse of the USSR, in compliance with the domestic legislation of the USSR and according to international legal norms on the territory of the former Azerbaijani Soviet Socialist Republic two States were established - the Republic of Azerbaijan and the Nagorno-Karabakh Republic. The creation of both States has similar legal basis, which was also confirmed by the European Parliament resolution "On the support for the peace process in the Caucasus" of 21 June 1999 that recognized the fact that Nagorno-Karabakh declared its independence following similar declarations by former Soviet Republics. The establishment of the Nagorno-Karabakh Republic was carried out in conformity with the principles and attributes required by international law for the creation of an independent state.

Neglecting the legal and political reality, the Republic of Azerbaijan launched a large-scale military actions against Nagorno-Karabakh, involving mercenaries closely linked to international terrorist organizations. These acts of aggression claimed the lives of tens of thousands of civilians and caused substantial material losses. In 1994 Azerbaijan signed a trilateral cease-fire agreement with Nagorno-Karabakh and Armenia.

The dispute over Nagorno-Karabakh dates back to the period of the collapse of the Russian Empire after the October 1917 Revolution and the subsequent creation of three States in the South Caucasus: the Republic of Armenia, the Democratic Azerbaijani Republic and the Republic of

Georgia. Following the collapse of the Empire, Nagorno-Karabakh (with 95 per cent of Armenian population) refused to subject itself to the authority of the Democratic Azerbaijani Republic. The Nagorno-Karabakh Armenians convened their First Assembly, which proclaimed Karabakh a sovereign entity and elected a National Council and a government.

In 1920 both Armenia and Azerbaijan lost their independence and became Soviet Republics. On 5 July 1921 the Caucasian Bureau of the Russian Bolshevik Party, acting under Joseph Stalin's personal pressure, revised its own decision of the previous day and resolved to subject Karabakh to Soviet Azerbaijani rule and to create an autonomous province (oblast) of Nagorno-Karabakh, within the territory of Soviet Azerbaijan. This decision cannot serve as a legal basis for the determination of the status and the borders of the Nagorno-Karabakh: it was adopted by a third-country political party, i.e. the Russian Bolshevik Party, with no legal power or jurisdiction; at the time of the decision, both Armenia and Azerbaijan were independent, albeit Soviet, States; the governments of the two States had not reached an agreement on status and borders; the decision was not based on a legal or historic reasoning, it was dictated by the will of an individual.

In December 1922, Soviet Armenia and Soviet Azerbaijan acceded to the Soviet Union and in 1923 the Autonomous region of Nagorno-Karabakh was established within the Azerbaijani Soviet Socialist Republic (SSR), thus freezing the solution of the Karabakh problem. This autonomous region comprised only parts of Nagorno-Karabakh proper.

The population and the authorities of the Autonomous Region of Nagorno-Karabakh and the authorities of the Armenian SSR made numerous appeals to the Soviet authorities to revise the decision of the transfer of Nagorno-Karabakh to the Azerbaijani SSR. All these demands were either ignored or rejected and their initiators severely persecuted. Some of those requests were: the 1945 appeal of the Communist party and the Government of the Armenian SSR to the Soviet Government and the Union Communist Party; in 1963 and in 1965, the Nagorno-Karabakh population sent, respectively, 2,500 and 45,000 letters to the Soviet authorities; during the discussion of the draft Soviet Constitution in 1977, individuals and enterprises of the Autonomous Region of Nagorno-Karabakh proposed numerous amendments.

The launch of the policy of *Perestroika* in the Soviet Union raised the hopes of Nagorno-Karabakh Armenians for a fair and democratic solution of their issue. At the end of 1987, thousands of Karabakh Armenians initiated peaceful marches and demonstrations and the authorities of the Autonomous Region of Nagorno-Karabakh submitted appeals and petitions to the Communist party

of the USSR and State leadership. More than 80,000 people signed the public petition requesting reunification with the Armenian SSR.

On 20 February 1988, the special session of the People's Delegates of Nagorno-Karabakh adopted a decision to "appeal to the Supreme Councils of the Azerbaijani and Armenian Soviet Socialist Republics to transfer Nagorno-Karabakh from the Azerbaijani SSR to the Armenian SSR". This decision was preceded by similar ones from the local and district Councils.

In 1991, Nagorno-Karabakh initiated the process of gaining independence in compliance with the USSR domestic legislation. Based on the USSR Constitution and the Soviet Law on "The procedures of the resolution of problems on the secession of a union republic from the USSR" of 3 April 1990, which stipulated that in case of a secession of a Soviet republic from the Union, people of autonomous republics, autonomous entities and national groups which densely populate particular areas are entitled to decide on their own whether to stay within the USSR or the seceding Union Republic, on 2 September 1991 the joint session of Nagorno-Karabakh regional and Shahumian District Councils of People's Delegates adopted a declaration proclaiming creation of the Nagorno-Karabakh Republic.

Just a few days before the official collapse of the Soviet Union, on December 10, 1991, a referendum was held in Nagorno-Karabakh with the overwhelming majority of the population voted in favor of total independence from Azerbaijan. Parliamentary elections of the NKR followed forming the first government. As a result Nagorno-Karabakh was the only autonomy which gained independence before the collapse of the USSR according to the existing domestic legislation and the norms of international law. The independent NKR government went to work under conditions of a total blockade, war and aggression unleashed by Azerbaijan.

Utilizing the weapons and war material of the USSR's 4th Army headquartered in her territory, Azerbaijan engaged in wide-scale military actions against Nagorno-Karabakh. As it is well known, the war continued with varying success from the autumn of 1991 until May of 1994. There were times when almost 60 percent of the territory of Nagorno-Karabakh was captured, while the capital city of Stepanakert and other residential areas were almost incessantly subjected to massive air and artillery bombardment. The defense forces of the NKR were able to liberate the city of Shushi, in May of 1992, and open a corridor into the Lachin region, creating an opportunity to reconnect the territories of the NKR and Armenia, thus partially neutralizing the multi-year blockade of the NKR.

In June-July of 1992, the Azerbaijani army captured the NKR's entire Shahumian region, a great portion of the Martakert region, and portions of Martuni, Askeran, and Hadrut. The US Congress in August, 1992, adopted a resolution condemning the actions of Azerbaijan, prohibiting government to government economic assistance to that state.

In order to resist Azerbaijani aggression, life in the NKR completely focused on the military effort. The NKR State Defense Committee was formed on August 14, 1992. Separate defense detachments were reconfigured forming the Nagorno-Karabakh Defense Army, based on principles of discipline and central command.

The NKR Defense Army succeeded in liberating previously captured territories from Azerbaijan and, during military engagements, took control a few Azerbaijani regions bordering the NKR that had been used as firing lines against the Armenians. The creation of the security zone precluded the immediate threat facing the peaceful population of the NKR.

In May 1994, at the meeting in Bishkek the Speakers of the Parliaments of Azerbaijan, Nagorno-Karabakh and Armenia signed the final Protocol of the CIS Inter-Parliamentary Summit on the Nagorno-Karabakh conflict, which laid the grounds for the subsequent ceasefire agreement. The latter came into force on 12 May and, despite some violations, has been respected to date.

In 1992, the OSCE Minsk Group was formed to resolve the Karabakh conflict. Under its auspices, a negotiating process has been created to prepare for the OSCE Minsk Conference that has the duty of finding a final solution to the status of Nagorno-Karabakh.

I. Legal and historical aspects of the Nagorno-Karabakh problem

A. Development of the dispute (1918-1920)

Nagorno-Karabakh (in Armenian, Artsakh) is located in the northeastern area of the Armenian highlands. Since ancient times, it has been a province of historical Armenia. The northeastern border, according to all ancient sources, was the Kura River. In the ancient Armenian state of Urartu (9th-6th centuries B.C.), Artsakh was referred to as Urtekhe-Urtekheni. The nature and climate of the mountainous region are conditioned by its favourable geographic location. The works of Strabo, Pliny the Elder, Claudius Ptolemy, Plutarch, Dion Cassius, and others note that the border between Armenia and Aghvank (Caucasian Albania, its most ancient Caucasian neighbor representing a mixture of mountainous peoples) was the Kura River.

After 387A.D., Armenia was partitioned between Byzantium and Persia. Eastern Transcaucasia, including Artsakh, came under Persian rule. This did not affect the ethnic borders of the region until the late Middle Ages; the Right Bank of the Kura, along with Artsakh (Karabagh) continued to remain Armenian inhabited. Only in the middle of the 18th century did nomadic Turkish tribes begin penetrating the northern borders of Karabagh, initiating centuries-long wars against Armenian noble families.

The nobility of Nagorno-Karabakh, governed by hereditary feudal lords (meliks), were able to maintain real autonomy due to personal, noble, and other types of military units. Compelled to resist attacks by the Ottoman Empire armies, nomadic tribe invasions, divisions of populous, often hostile neighboring governors and the armies of the Persian shahs, the Artsakh meliks attempted to free themselves from foreign (Muslim) dominance. Working towards that purpose, the Karabagh meliks corresponded with Russian tsars, including Peter I and Paul I, during the 17th-18th centuries.

In 1805, the historical territory of Artsakh, artificially named "Khanate of Karabakh", along with other widespread areas in Eastern Transcaucasia, were annexed to "everlasting rule" of the Russian Empire. The Gulistan (1813) and Turkmenchay (1828) treaties signed by Russia and Persia ratified this.

1. The dispute over Nagorno-Karabakh dates back to the period of the collapse of the Russian Empire after the October 1917 Revolution and the subsequent creation of three States in the South Caucasus: the Republic of Armenia, the Democratic Azerbaijani Republic and the Republic of Georgia. Following the collapse of the Empire, Nagorno-Karabakh (with 95 per cent of Armenian population) refused to subject itself to the authority of the Democratic Azerbaijani Republic. The

Nagorno-Karabakh Armenians convened their First Assembly, which proclaimed Karabakh an autonomous entity and elected a National Council and a government.

2. The newly proclaimed Democratic Azerbaijani Republic resorted to military means to suppress the peaceful resolve of the people of Nagorno-Karabakh for self-determination. Between May 1918 and April 1920, Azerbaijani troops, backed by Turkish forces, continued the aggression against and massacres of the Armenian population of Nagorno-Karabakh (in March 1920, around 40,000 Armenians were massacred or deported from the then Karabakhi capital-town of Shushi). However, that could not force the people of Nagorno-Karabakh to submit to the Azerbaijani rule. Meanwhile, the newly independent Republic of Armenia had to mobilize to defend itself against the Turkish invasion, and was unable to protect Nagorno-Karabakh or take diplomatic steps towards the resolution of the Nagorno-Karabakh problem.

3. From 1918 to 1920, Nagorno-Karabakh possessed all necessary attributes of statehood, including army and legitimate authorities. In August 1919, the National Council of Karabakh and the Government of the Democratic Azerbaijani Republic concluded a Provisional Agreement on Nagorno-Karabakh to avoid military conflict. Both sides agreed that the issue must be considered at the Paris Peace Conference. Thus, entering into agreement with the Karabakh National Council, Azerbaijan confirmed the status of Nagorno-Karabakh as an independent legal entity. The Provisional Agreement was violated by the Azerbaijani side after the sovietization of Azerbaijan.

4. It was not until April 1920 that the Republic of Armenia could come to the rescue of the devastated population of Karabakh. On 23 April 1920, the Ninth Assembly of the Karabakh Armenians declared Nagorno-Karabakh as an inalienable part of the Republic of Armenia.

5. In 1920, Nagorno-Karabakh was recognized by Soviet Russia as a disputed territory between Soviet Azerbaijan and then still-independent Republic of Armenia. The Agreement signed on 10 August 1920 between Soviet Russia and the Republic of Armenia stated that the regions of Karabakh, Zangezour and Nakhichevan should be occupied by Soviet troops, but that would not predetermine the final possession of these regions. The solution of the issue was subject to determination by a Pact to be signed between Armenia and Soviet Russia.

B. International response to the illegal claims of Azerbaijan

6. The international community, namely the League of Nations, recognized the disputed status of Nagorno-Karabakh. The League of Nations rejected Azerbaijan's accession application on the grounds that it was unable to determine the borders of the state and its sovereignty over a territory. One of the disputable issues was the status of Nagorno-Karabakh, within larger borders than its present ones¹. The League of Nations revisited the issue of Nagorno-Karabakh in 1919-1920, at the Paris Peace Conference, when it committed itself to finding a solution to the problem, but the establishment of Soviet rule in the region left the issue out of international forums.

C. Nagorno-Karabakh under Soviet rule (1921-1988)

Annexation of Nagorno-Karabakh to Azerbaijan

7. On 30 November 1920, the Soviet Government of Azerbaijan adopted a Declaration on recognition of Nagorno-Karabakh as an integral part of Soviet Armenia as a welcome act towards the victory of Soviet forces in Armenia.

8. On 21 June 1921, the Government of Soviet Armenia, based on Azerbaijan's Declaration and the agreement with the Azerbaijani Government, issued a Decree recognizing Nagorno-Karabakh as an integral part of Soviet Armenia.

9. On 1 December 1920, the Fifth Committee of the Assembly of the League of Nations arrived at the conclusion that: Azerbaijan could not be regarded de jure a "full self-governing state", as it had not been recognized de jure by any member of the League of Nations. Moreover, the territory claimed by Azerbaijan "occupying a superficial area of 40,000 square miles appears to have never formerly constituted a State, but always been included in larger groups such as the Mongol or Persian and since 1813, the Russian Empire".

10. These documents were registered in the League of Nations resolution of 18 December 1920, and in the 1920/21 annual report of the Ministry of Foreign Affairs of Russia, respectively.

11. Neglecting the reality, on 5 July the Caucasian Bureau of the Russian Bolshevik Party, acting under Joseph Stalin's personal pressure, revised its own decision of the previous day and resolved to subject Karabakh to Soviet Azerbaijani rule and to create an autonomous province (oblast) of

¹ Memorandum of the Secretary General, the League of Nations, November 1920, reference no. 20/48/108.

Nagorno-Karabakh, within the territory of Soviet Azerbaijan. This decision cannot serve as a legal basis for the determination of the status and the borders of the Nagorno-Karabakh: it was adopted by a third-country political party, i.e. the Russian Bolshevik Party, with no legal power or jurisdiction; at the time of the decision, both Armenia and Azerbaijan were independent, albeit Soviet, States; the governments of the two States had not reached an agreement on status and borders; the decision was not based on a legal or historic reasoning, it was dictated by the will of an individual.

12. In December 1922, Soviet Armenia and Soviet Azerbaijan acceded to the Soviet Union and in 1923 the Autonomous region of Nagorno-Karabakh was established within the Azerbaijani Soviet Socialist Republic (SSR), thus freezing the solution of the Karabakh problem. This autonomous region comprised only parts of Nagorno-Karabakh proper.

Human rights violations in Nagorno-Karabakh under Soviet rule

13. Throughout its rule over Nagorno-Karabakh, the authorities of the Azerbaijani SSR systematically violated the rights and freedoms of the Armenians of Karabakh. The Azerbaijani authorities deliberately hampered the social and economic development of Karabakh, turning it into a source of raw materials². The Azerbaijani SSR pursued a policy of the eviction of the Armenian population from Karabakh, and destruction and appropriation of Armenian cultural and historic monuments.

14. Azerbaijan's discrimination towards Nagorno-Karabakh had its impact on the welfare of its Armenian population and became a major migration factor. As a result, the Armenian population declined: while in 1923 Armenians constituted 94.4 per cent of the entire population of Nagorno-Karabakh, in 1989, their numbers dropped down to 76.9 per cent. Meanwhile, the Azerbaijani population of Nagorno-Karabakh increased several times as its growth was predominantly sustained by the influx from Azerbaijan: in 1923 Azerbaijanis constituted 3 per cent of the population of the area, while, by 1989, their number increased up to 21,5 per cent.

Appeals to revise the annexation of Nagorno-Karabakh

² "The people's economy of the Azerbaijan SSR" confirms that in 1981-1985 the per capita investments in Nagorny Karabakh half the average in Azerbaijan, and in 1986, this number reached 2.7.

15. The population and the authorities of the Autonomous Region of Nagorno-Karabakh and the authorities of the Armenian SSR made numerous appeals to the Soviet authorities to revise the decision of the transfer of Nagorno-Karabakh to the Azerbaijani SSR. All these demands were either ignored or rejected and their initiators severely persecuted. Some of those requests were: the 1945 appeal of the Communist party and the Government of the Armenian SSR to the Soviet Government and the Union Communist Party; in 1963 and in 1965, the Nagorno-Karabakh population sent, respectively, 2,500 and 45,000 letters to the Soviet authorities; during the discussion of the draft Soviet Constitution in 1977, individuals and enterprises of the Autonomous Region of Nagorno-Karabakh proposed numerous amendments.

D. Nagorno-Karabakh in 1988-1991

16. The launch of the policy of *Perestroika* in the Soviet Union raised the hopes of Nagorno-Karabakh Armenians for a fair and democratic solution of their issue. At the end of 1987, thousands of Karabakh Armenians initiated peaceful marches and demonstrations and the authorities of the Autonomous Region of Nagorno-Karabakh submitted appeals and petitions to the Communist party of the USSR and State leadership. More than 80,000 people signed the public petition requesting reunification with the Armenian SSR.

17. On 20 February 1988, the special session of the People's Delegates of Nagorno-Karabakh adopted a decision to "appeal to the Supreme Councils of the Azerbaijani and Armenian Soviet Socialist Republics to transfer Nagorno-Karabakh from the Azerbaijani SSR to the Armenian SSR". This decision was preceded by similar ones from the local and district Councils.

18. The Soviet leadership attempted to shift the Nagorno-Karabakh problem from the political into the social and economic domain. Meanwhile, the Azerbaijani authorities, used the ambivalent stance of the Soviet leadership to launch a ferocious media campaign in order to shift the whole problem into the inter-ethnic domain and in 1988-1990, instead of finding a peaceful solution to the issue, provoked violence, massacres and forced deportations (Sumgait massacres of February 1988; the Armenian pogroms throughout Azerbaijan, particularly in Baku, Kirovabad, Shemakh, Shamkhor, Mingechaur, in the Nakhichevan Autonomous SSR in November-December 1988; the major massacre of Baku in January 1990; the forced deportation of 24 Armenian villages in 1990 as a result of the "Operation Ring" — 2 in the Khanlar region of Azerbaijan, 3 in the Shahumian district, 15 in the Hadrout region and 4 in the Shushi region; and the Maragha massacre of April 1992.

19. In April-May 1991, the joint efforts of the Soviet and Azerbaijani authorities to deport the Armenian population of the Autonomous Region of Nagorno-Karabakh and the surrounding regions culminated in the operation *Koltso* (Ring) carried out by the Soviet military structures, which stimulated the creation of the Karabakh self-defense army to resist the Azerbaijani offensive. In addition to the military offensive, the Azerbaijani SSR resorted to economic coercive measures and cut all commodity supplies, which were mainly delivered to the Armenian SSR and the Autonomous Region of Nagorno-Karabakh through the Azerbaijani SSR. The result was the total isolation of Karabakh.

Creation of the Nagorno-Karabakh Republic

20. On 29 August 1991, the Azerbaijani SSR declared the restoration of the independence of the “Azerbaijani Democratic Republic of 1918-1920”.

21. In 1991, Nagorno-Karabakh initiated the process of gaining independence in compliance with the USSR domestic legislation. Based on the USSR Constitution and the Soviet Law on “The procedures of the resolution of problems on the secession of a union republic from the USSR” of 3 April 1990, which stipulated that in case of a secession of a Soviet republic from the Union, people of autonomous republics, autonomous entities and national groups which densely populate particular areas are entitled to decide on their own whether to stay within the USSR or the seceding Union Republic, on 2 September 1991 the joint session of Nagorno-Karabakh regional and Shahumian District Councils of People’s Delegates adopted a declaration proclaiming creation of the Nagorno-Karabakh Republic.

22. On 10 December 1991, Nagorno-Karabakh held a referendum monitored by international observers and media representatives³, which confirmed Karabakh’s independence: 108,736 of the registered 132,328 voters (82.2 per cent) cast ballots, of which 108,615 (99.89 per cent) voted in favour. 17.8 per cent of the registered voters, mostly of Azerbaijani origin, did not participate. As a result Nagorno-Karabakh was the only autonomy which gained independence before the collapse of the USSR according to the existing domestic legislation and the norms of international law.

³ The observers were the representatives of the former Union Republics, deputies of the Supreme Soviets of the USSR, Russian Soviet Federative Socialist Republic, Mossoviet and representatives of various international organizations and foreign States.

23. On 6 January 1992, the newly elected Parliament of Nagorno-Karabakh, based on the right of its people for self-determination and the will of the people expressed through the referendum, adopted the “Declaration of Independence of the Nagorno-Karabakh Republic”. The Parliament also appealed to the United Nations and the international community to recognize the Republic and to help prevent the extermination of the local Armenian population.

24. Following the collapse of the USSR in December 1991, on the territory of the former Azerbaijani SSR two States were formed: the Azerbaijani Republic and the Nagorno-Karabakh Republic. The establishment of both States has similar legal basis; and therefore the establishment of the Nagorno-Karabakh Republic on the basis of its people’s right to self-determination should not be considered in the scope of territorial integrity of the Azerbaijani Republic. This was also confirmed by the resolution of the European Parliament “On the support for the peace process in the Caucasus” of 21 June 1999, which recognizes the fact that Nagorno-Karabakh declared its independence following similar declarations by former Soviet Republics.

25. In 1991, restoring its independence as a successor of the Azerbaijani Republic of 1918-1920 and rejecting its Soviet legal heritage of 1920-1991, the Azerbaijani SSR lost all claims to the territories transferred to Soviet Azerbaijan in July 1921, including Nagorno-Karabakh. Thus, the Nagorno-Karabakh Republic was formed on territories over which the Azerbaijani Republic had no sovereignty.

E. Nagorno-Karabakh War 1991-1994

26. Just a few days before the official collapse of the Soviet Union, on December 10, 1991, a referendum was held in Nagorno Karabagh with the overwhelming majority of the population voted in favor of total independence from Azerbaijan. Parliamentary elections of the NKR followed forming the first government. The independent NKR government went to work under conditions of a total blockade, war and aggression unleashed by Azerbaijan.

Utilizing the weapons and war material of the USSR's 4th Army headquartered in her territory, Azerbaijan engaged in wide-scale military actions against Nagorno Karabagh. As it is well known, the war continued with varying success from the autumn of 1991 until May of 1994. There were times when almost 60 percent of the territory of Nagorno Karabagh was captured, while the capital city of Stepanakert and other residential areas were almost incessantly subjected to massive air and artillery bombardment. The defense forces of the NKR were able to liberate the city of

Shushi, in May of 1992, and open a corridor into the Lachin region, creating an opportunity to reconnect the territories of the NKR and Armenia, thus partially neutralizing the multi-year blockade of the NKR.

In June-July of 1992, the Azerbaijani army captured the NKR's entire Shahumian region, a great portion of the Martakert region, and portions of Martuni, Askeran, and Hadrut. The US Congress in August, 1992, adopted a resolution condemning the actions of Azerbaijan, prohibiting government to government economic assistance to that state.

In order to resist Azerbaijani aggression, life in the NKR completely focussed on the military effort. The NKR State Defense Committee was formed on August 14, 1992. Separate defense detachments were reconfigured forming the Nagorno Karabagh Defense Army, based on principles of discipline and central command.

The NKR Defense Army succeeded in liberating previously captured territories from Azerbaijan and, during military engagements, took control a few Azerbaijani regions bordering the NKR that had been used as firing lines against the Armenians. The creation of the security zone precluded the immediate threat facing the peaceful population of the NKR.

With Russia, Kyrgyzstan, and the CIS Interparliamentary Council mediating, at the capital of Kyrgyzstan, Bishkek, on May 5, 1994, Azerbaijan, Nagorno Karabagh and Armenia signed the Bishkek Document. According to that document, parties to the conflict agreed to a cease-fire, effective from May 12th to date.

In 1992, the OSCE Minsk Group was formed to resolve the Karabagh conflict. Under its auspices, a negotiating process has been created to prepare for the OSCE Minsk Conference that has the duty of finding a final solution to the status of Nagorno Karabagh.

II. Attributes of the independent State of the Nagorno-Karabakh Republic

27. Nagorno-Karabakh gained its independence according to the domestic and international legal norms. In parallel to this legal process, Nagorno-Karabakh successfully established all structures and attributes for the formation of an independent State:

Defined territory: Nagorno-Karabakh exercises sovereign jurisdiction on a defined territory with its borders and is capable of providing security and normal living conditions to its citizens.

Permanent population: the vast majority of the people of Nagorno-Karabakh constitute a homogenous group with historical ties to its territory.

Permanent administration exercising exclusive jurisdiction on a defined territory and people:

Nagorno-Karabakh is a Republic with presidential governing system. The National Assembly is the highest legislative body of the Republic. Since 1991 the National Assembly has adopted a series of laws necessary for the foundation of the country's political structures, executive and judicial authorities. The Government comprises the Prime Minister and 12 Ministries. Since 1998, after the adoption of the corresponding law local governance has also been operational in Nagorno-Karabakh. In 2006 the Constitution of the Republic was adopted via referendum. Regular presidential, parliamentary and local elections have been held since December 1991⁴. The most recent presidential elections were held in Nagorno-Karabakh in 2007 and Mr. Bako Sahakyan was elected the new President of the Republic.

Government engaged in discussions with foreign States: On 20 September 1992, the Parliament of Nagorno-Karabakh petitioned the United Nations, the Commonwealth of Independent States, and individual countries for recognition.

A series of documents on Nagorno-Karabakh problem adopted by various international organizations, as well as numerous mediation efforts of individual States, clearly demonstrate that Nagorno-Karabakh has always been a prominent factor in the peace negotiations, a regional factor and an independent entity, which is proved by a number of signatures of officials of Nagorno-Karabakh on various documents. These documents include:

- the Zheleznovodsk Communiqué of 23 September 1991, issued after official talks held in Zheleznovodsk, Russia, at the initiative of the Russian and Kazakh Presidents;

⁴ The elections were observed by international observers (British Helsinki Human Rights Group, Centre for the Comparative Study of Elections, Moscow Academy of Sciences for National Security Issues, Moscow Foundation for Social, Economic and Intellectual Programs).

- the Sochi Agreement of 19 September 1992, signed by the defense authorities of Azerbaijan, Nagorno-Karabakh and Armenia, which calls for cessation of all military activities for two months;
- a military-technical protocol on the implementation of the Sochi Agreement signed on 25 September 1992, in Moscow;
- the Timetable of Urgent Steps proposed by the Chairman of the CSCE Minsk Group of September 1993, in which Nagorno-Karabakh appears as a side to the conflict for the first time;
- the Bishkek Protocol of May 1994, signed at negotiations of the Speakers of Parliaments of Armenia, Azerbaijan and Nagorno-Karabakh;
- and the Agreement on ceasefire, mediated by the Russian Federation on 12 May 1994, and signed by the Ministers of Defense of Armenia and Azerbaijan and the Commander of the Nagorno-Karabakh armed forces.

Besides, starting from 1992, the authorities of Azerbaijan held regular direct contacts with the authorities of Nagorno-Karabakh:

- 15 September 1992, contacts between the representatives of Azerbaijan and Nagorno-Karabakh in Moscow;
- 28 July 1993, meeting of governmental delegations of Nagorno-Karabakh Republic and Azerbaijan, headed by the Chairman of the Nagorno-Karabakh Republic Self-Defense Committee Serzh Sargsyan and Azerbaijani Acting Defense Minister Safar Abiyev at the Martakert contact line. Foreign Minister of the Nagorno-Karabakh Republic Ghoukasian, Head of National Security Department of the Nagorno-Karabakh Republic Abrahamian, Deputy Minister of Internal Affairs of the Nagorno-Karabakh Republic Aghassian and State Minister of Azerbaijan Aliev, representative of Foreign Ministry of Azerbaijan Zoulfougarov and Chairman of the Commission on exchange of hostages of Azerbaijan Kiazimov were also in the delegations of the parties. As a result, the parties signed an Agreement on prolongation of the previous agreement on refraining from any military activities;
- negotiations between the Deputy Chairman of the Supreme Council of the Azerbaijani Republic A. Jalilov and Foreign Minister of the Nagorno-Karabakh Republic A. Ghoukasian held on 12 and 13 September 1993, in Moscow where a joint communiqué was adopted;

- the meeting between the Vice Prime Ministers of Nagorno-Karabakh and Azerbaijan (Zh. Poghosian and A. Abbasov) held on 25 September 1993 on the Aghdam contact line;
- meeting of the leaders of Azerbaijan and Nagorno-Karabakh held on 25 September 1993 in Moscow;
- regular communications were held between Baku and Stepanakert at the level of military and political leaders in summer and fall 1993.

In 1993-1994, a series of trilateral negotiations under Russian mediation took place in Moscow between the political top leadership and representatives of Defense Ministries of the Azerbaijani Republic, the Nagorno-Karabakh Republic and the Republic of Armenia. As a result, several agreements were reached on reciprocal cessation of artillery bombardments and offensive military operations, prolongation of the ceasefire regime, mutual release of the detained women and children, and other issues.

The active involvement of Nagorno-Karabakh in the process of negotiations within the CSCE framework is witnessed by:

- the First Additional meeting of the CSCE Council held in Helsinki on 24 March 1992, which decided to convene a conference on Nagorno-Karabakh and invited the legitimate authorities of Nagorno-Karabakh to the Conference as an interested party;
- the 1994 CSCE Budapest Summit, where the participating States welcomed the affirmation of the ceasefire agreement reached on 12 May 1994, by the parties to the conflict (Azerbaijan, Nagorno-Karabakh and Armenia) and announced their readiness to deploy multinational CSCE peacekeeping force, and reached an agreement on the creation of the High-level Planning Group of the OSCE;
- the 31 March 1995 statement of the OSCE Chairman-in-Office, which confirmed the previous OSCE decisions on the status of the parties to the conflict, and provided for the participation of the two member States involved in the conflict and Nagorno-Karabakh as a third party to the conflict, as well as the Minsk Conference in the whole process of negotiations.

In addition, the OSCE Minsk Group Co-Chairs during their regional trips travel to Nagorno-Karabakh and meet with the Karabakh authorities. However, throughout the OSCE mediation process the Azerbaijani Republic has refused to include the representatives of Nagorno-Karabakh in

the negotiation process despite the fact that the previous rounds of formal negotiations in the mid-1990s were conducted with the participation of representatives of Nagorno-Karabakh.

Azerbaijan is concerned that the participation of Nagorno-Karabakh in the talks might imply some degree of a de facto status for Nagorno-Karabakh. Azerbaijan's such stance on the issue reveals its real objectives:

- (a) provide no support to the process of negotiations as long as possible, hoping that the revenues from the Caspian oil would help to pressure on Armenia and achieve a settlement in their favour;
- (b) falsify the nature of the conflict, to present it as a territorial dispute between Armenia and Azerbaijan with all relevant consequences;
- (c) obscure Azerbaijan's responsibility for transforming the process of self-determination of Nagorno-Karabakh into a military conflict and the resulting de facto situation; and
- (d) act as a victim in need of international assistance.

Representative offices of Nagorno-Karabakh in the United States of America, France, Russia, Lebanon, Germany, Australia and Armenia also show an active international involvement of the Nagorno-Karabakh Republic.

III. International response to the blockade imposed on Armenia and Nagorno-Karabakh

28. The international community, through the respective resolutions of international organizations, severely criticized the Azerbaijani blockade of the Republic of Armenia and Nagorno-Karabakh, describing it as a violation of human rights, particularly in the European Parliament resolutions of 18 June 1988, 18 January 1990, and 21 January and 27 May 1993, the Council of Europe Parliamentary Assembly motion for recommendation on the situation in Nagorno-Karabakh/Atkinson motion, submitted on 22 September 1992 by 30 members, etc.

The United States Congress has been actively engaged in promoting the resolution to the conflict. The Congress has focused its attention on Nagorno-Karabakh primarily through foreign operations appropriations legislation:

- the allocation of funding to promote resolution of the Nagorno-Karabakh conflict and provide incentives to the parties to the conflict to reach such a resolution;
- the provision of humanitarian assistance to the people of Nagorno-Karabakh;
- the viability of restrictions on direct aid to the Azerbaijani Republic put in place in response to Azerbaijan's blockade of the Republic of Armenia and the Nagorno-Karabakh Republic.

The international community must clearly and unambiguously react to the militaristic policy of Azerbaijan. Urgent steps must be taken to address the dangerous and volatile situation in the South Caucasus region, to prevent any possible military actions that are still at the planning stage and to ensure that Azerbaijan adheres to its international obligations.

IV. Current phase of peace negotiations and Azerbaijan's destructive conduct

29. The current phase of the Nagorno-Karabakh conflict started in 1988, when, in response to a just demand for self-determination by the population of Nagorno-Karabakh, the authorities of the Azerbaijani SSR perpetrated massacres and ethnic cleansing of Armenians all over the country. In 1991, as a result of the collapse of the USSR, and in compliance with the USSR legislation and norms of international law, two States were established on the territory of the Azerbaijani SSR — the Republic of Azerbaijan and the Nagorno-Karabakh Republic. However, Azerbaijan launched large-scale hostilities against the Nagorno-Karabakh Republic, also involving mercenaries closely linked to terrorist organizations, which claimed the lives of tens of thousands of civilians and caused substantial material losses.

30. At the start of the war, the Republic of Azerbaijan occupied the major part of the Nagorno-Karabakh Republic, nearly reaching its capital Stepanakert. To ensure the security of its people, the armed forces of the Nagorno-Karabakh Republic were forced to carry the military actions into the territory of the adversary and took control of the adjacent regions, which served as a security buffer, preventing further bombardment of the settlements in Nagorno-Karabakh and annihilation of its population. However, the armed forces of the Nagorno-Karabakh Republic were not able to liberate all the territories occupied by Azerbaijan, including the entire region of Shahumian, and the eastern parts of the Martuni and Martakert regions.

31. In May 1994, at the meeting in Bishkek the Speakers of the Parliaments of Azerbaijan, Nagorno-Karabakh and Armenia signed the final Protocol of the CIS Inter-Parliamentary Summit on the Nagorno-Karabakh conflict, which laid the grounds for the subsequent ceasefire agreement. The latter came into force on 12 May and, despite some violations, has been respected to date.

32. In 1992-1994, the negotiations on the peaceful settlement of the Nagorno-Karabakh problem were held within the framework of the CSCE. Starting from 1994 the negotiations continued under the mediation of the Co-Chairs of the OSCE Minsk Group. The Budapest summit of CSCE of

December 1994 instructed the Minsk Group to conduct negotiations with all the parties to the conflict: Azerbaijan, Nagorno-Karabakh and Armenia. The meetings between the Armenian and Azerbaijani Presidents and Foreign Ministers started in the OSCE framework since 1999. During the past 17 years the Co-Chairs have submitted numerous recommendations to the parties.

33. At the beginning of 2001, in Paris, as a result of two-phase meetings the Presidents of Armenia, Azerbaijan and France reached an agreement in principle on the settlement of the conflict, which was documented in Key West (United States). However, later, Azerbaijan refused to follow its commitments.

34. In 2004, a new “Prague Process” was launched between Armenia and Azerbaijan. Currently, the negotiations are based on the “Madrid Recommendations” submitted by the OSCE Minsk Group Co-Chairs to the Ministers for Foreign Affairs of Armenia and Azerbaijan and deposited with the OSCE Secretary General.

35. The Republic of Armenia values the mediation efforts of the OSCE Minsk Group Co-Chairs as a functional format of negotiations that has a sufficient potential to find ways for the settlement of the conflict. Meanwhile, as a result of a propaganda of the authorities of Azerbaijan against the Minsk Group mediation, 82 per cent of the population of Azerbaijan oppose the mediation efforts of the OSCE Minsk Group.

36. In parallel to the OSCE peace process, for years the Republic of Azerbaijan has been making attempts to transfer the issue of the settlement of the Nagorno-Karabakh problem to other international frameworks, particularly to the United Nations, where many parties are somewhat less familiar with the nature and origins of the problem. Those efforts by Azerbaijan are solely aimed at dragging the peaceful resolution of the issue. On 14 March 2008, resolution 62/243 on the situation in the took control territories of Azerbaijan, submitted by the Republic of Azerbaijan, was adopted by the General Assembly by only 39 votes out of 192 members of the United Nations. Around four fifths of the United Nations Members did not support the resolution. The OSCE Minsk Group Co-Chair countries voted against, noting in their joint statement that the resolution contains some principles selectively (the principle of territorial integrity) at the expense of other principles (the right to self-determination, etc). The adoption of this resolution not only hindered the negotiation process of Nagorno-Karabakh conflict, but also had destructive consequences, launching a new wave of the years-old militaristic policy of Azerbaijan. Azerbaijan tried to ignore the existing

format of the negotiations and the “Madrid Recommendations” and to impose the General Assembly resolution as a basis for negotiation on the settlement of the Nagorno-Karabakh conflict.

37. On 6 June 2008, at their meeting in St. Petersburg, the Presidents of the Republic of Armenia and the Republic of Azerbaijan reached a final agreement to accept the “Madrid Recommendations” as a basis for negotiations. The Presidents instructed their Ministers for Foreign Affairs to proceed with the negotiations on the basis of “Madrid Recommendations” to converge the positions of the parties on pending issues. Nevertheless, after the St. Petersburg meeting and up until the presidential elections in Azerbaijan in October 2008, Azerbaijan on the highest level continued its destructive policy questioning the “Madrid Recommendations”.

38. The negotiation process was renewed on 2 November 2008 through the mediation and initiative of the Russian President Medvedev, in his capacity as the President of the OSCE Minsk Group Co-Chair country. The result of the Moscow negotiations was the signing by the Presidents of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation of the “Declaration on Nagorno-Karabakh conflict”. This initiative was approved and supported by the OSCE Minsk Group Co-Chairs. The main provisions of the Declaration are:

- (a) the political and peaceful settlement of the Nagorno-Karabakh conflict;
- (b) the settlement of the Nagorno-Karabakh conflict on the basis of the norms and principles of international law;
- (c) the reconfirmation of the continuity of mediatory efforts of OSCE Minsk Group Co-Chairs;
- (d) the continuation of the negotiations on the basis of the “Madrid Recommendations”;
- (e) commitment to supplement the settlement by international guarantees; and
- (f) creation of conditions for the implementation of confidence-building measures. Signing of the Declaration was a positive step towards the enhancement of the negotiation process. However, Azerbaijan has not only continued its destructive policy, but also tried to misrepresent and misinterpret the provisions of the Declaration, particularly stating that (a) the settlement of the problem does not exclude the use of force by Azerbaijan; and (b) the principle of territorial integrity is the only applicable principle, etc.

39. On 4 December 2008 in Helsinki, the Ministers for Foreign Affairs of the Republic of Armenia and the Republic of Azerbaijan met with the OSCE Minsk Group Co-Chairs on the margins of the OSCE Ministerial Council. The Ministers for Foreign Affairs of the OSCE Minsk Group Co-Chair countries in their statement reiterated their firm position that there can be no military solution to the

conflict and called on the parties to recommit to a peaceful resolution. The Ministers also stressed the value of the Moscow Declaration, the continuation of the negotiations with the mediation of the Co-Chairs on the basis of the “Madrid Recommendations”. The Ministers also called on the parties to finalize the Basic Principles and begin drafting a comprehensive peace agreement.

40. On 5 December 2008, in Helsinki, the Ministers for Foreign Affairs of 56 OSCE member States adopted a Declaration welcoming a peaceful and political settlement of the Nagorno-Karabakh conflict, and efforts to develop confidencebuilding measures and to consolidate the ceasefire. The Ministers strongly encouraged the parties to intensify efforts in the negotiation process, stressed the significance of the Moscow Declaration, the positive momentum established after the St. Petersburg and Moscow meetings of the Presidents of the Republic of Armenia and the Republic of Azerbaijan, the continuation of the negotiations with the mediation of the Co-Chairs on the basis of the “Madrid Recommendations”. The parties were also encouraged to immediately pull out snipers from the conflict area, to enhance efforts to finalize the Basic Principles and to begin drafting a comprehensive peace agreement.

41. The Armenian side welcomed these statements and believes that through the commitment to the provisions of these statements the parties can achieve progress in the negotiation process. However, the Azerbaijani side once again ignored the appeals of the international community.

42. Presidents Serzh Sargsyan and Ilham Aliyev assessed their Zurich meeting of 29 January 2009 as constructive and instructed the two Ministers for Foreign Affairs to continue the negotiations with the mediation of the Co-Chairs on the basis of the “Madrid Recommendations”.

43. However, Azerbaijan has continued its destructive conduct by circulating reports at the General Assembly on 22 and 26 December 2008, namely “Report on the legal consequences of armed aggression by the Republic of Armenia against the Republic of Azerbaijan” and “Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims”, which not only hinder the process of the peaceful settlement, misinterpret the essence of the Nagorno-Karabakh problem, but also attempt to legitimize Azerbaijan’s intent of possible military aggression against Nagorno-Karabakh and the Republic of Armenia. Azerbaijan’s hostile statements and threats, as well as frequent violations of the existing ceasefire constitute elements of aggression.

44. In response to Azerbaijan’s destructive conduct in the peace negotiations, the Co-Chairs of the OSCE Minsk Group on 19 February 2009 issued a joint statement, in which they stressed that,

despite the two reports circulated at the request of the Permanent Representative of Azerbaijan to the United Nations on 22 and 26 December 2008, there is no military solution to the Nagorno-Karabakh conflict. They expressed hope that the above-mentioned reports would have no bearing on the negotiations within the Minsk Group in pursuit of a peaceful and political settlement of the Nagorno-Karabakh conflict, to which both Presidents committed themselves in their Moscow Declaration of 2 November 2008.

45. Despite the statement of the OSCE Minsk Group Co-Chairs, Azerbaijan continues its efforts to misinterpret the Nagorno-Karabakh problem and, on 23 January and 17 February 2009, circulated new reports at the United Nations “Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory” and “Support by States Members of the United Nations and international organizations to Azerbaijan’s position on the conflict in and around the Nagorno-Karabakh region of Azerbaijan”.

46. At the **L’Aquila Summit of the G-Eight**, July 10, 2009 joint Statement on the Nagorno-Karabakh Conflict was adopted by U.S. President Obama, Russian President Medvedev, and French President Sarkozy. Here is the text.

We, the Presidents of the OSCE Minsk Group's Co-Chair countries France, the Russian Federation, and the United States of America affirm our commitment to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for settlement of the Nagorno-Karabakh conflict.

We are instructing our mediators to present to the Presidents of Armenia and Azerbaijan an updated version of the Madrid Document of November 2007, the Co-Chairs last articulation of the Basic Principles. We urge the Presidents of Armenia and Azerbaijan to resolve the few differences remaining between them and finalize their agreement on these Basic Principles, which will outline a comprehensive settlement.

Fact sheet

The ministers of the US, France, and Russia presented a preliminary version of the Basic Principles for a settlement to Armenia and Azerbaijan in November 2007 in Madrid.

The Basic Principles reflect a reasonable compromise based on the Helsinki Final Act principles of Non-Use of Force, Territorial Integrity, and the Equal Rights and Self-Determination of Peoples.

The Basic Principles call for inter alia:

- 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; and
- international security guarantees that would include a peacekeeping operation.

The endorsement of these Basic Principles by Armenia and Azerbaijan will allow the drafting of a comprehensive settlement to ensure a future of peace, stability, and prosperity for Armenia and Azerbaijan and the broader region.

47. At Muskoka – June 26, 2010, joint Statement On The Nagorno-Karabakh Conflict by Dmitry Medvedev, President Of The Russian Federation, Barack Obama, President Of The United States Of America, and Nicolas Sarkozy, President Of The French Republic was adopted:

We, the Presidents of the OSCE Minsk Group's Co-Chair countries, France, the Russian Federation, and the United States of America, reaffirm our commitment to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for the peaceful settlement of the Nagorno-Karabakh conflict.

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

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

48. **At Astana – December 1, 2010**, joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries and the Presidents of Azerbaijan and Armenia was adopted:

On the occasion of the OSCE Summit in Astana, Kazakhstan, the Heads of Delegation of the OSCE Minsk Group Co-Chair countries (the President of the Russian Federation Dmitri Medvedev, the Prime Minister of France Francois Fillon, and the Secretary of State of the United States Hillary Rodham Clinton), the President of Azerbaijan Ilham Aliyev, and the President of Armenia Serzh Sargsyan agreed that the time has come for more decisive efforts to resolve the Nagorno-Karabakh conflict. In this context, they recalled the joint statements of the Presidents of Azerbaijan and Armenia, with the President of the Russian Federation, on November 2, 2008, in Moscow, and on October 27, 2010, in Astrakhan. They further agreed that a peaceful, negotiated settlement will bring stability and security and is the only way to bring real reconciliation to the peoples of the region.

The Presidents of Armenia and Azerbaijan reaffirmed their commitment to seek a final settlement of the Nagorno-Karabakh conflict, based upon: the principles and norms of international law; the United Nations Charter; the Helsinki Final Act; as well as the statements of Presidents Medvedev, Sarkozy, and Obama, at L'Aquila on July 10, 2009, and at Muskoka on June 26, 2010.

The three OSCE Co-Chair countries pledged their support for the Presidents of Azerbaijan and Armenia as they make the necessary decisions to reach a peaceful settlement. They urged the leaders of Armenia and Azerbaijan to focus with renewed energy on the issues that still remain in the Basic Principles, and instructed their Co-Chairs to continue to work with the parties to the conflict to assist in these efforts. In order to create a better atmosphere for the negotiations, they called for additional steps to strengthen the ceasefire and carry out confidence-building measures in all fields.

49. Presidents of Russia, Armenia and Azerbaijan made a joint Declaration after the mediated meeting in **Sochi on March 5, 2011**:

“Upon the invitation of the President of the Russian Federation, the Presidents of Armenia, Russia and Azerbaijan met on March 5, 2011 in Sochi and discussed in detail the process and the prospects of the NK conflict resolution.

After the discussions on the practical implementation of the trilateral Declaration adopted on October 27, 2010 in Astrakhan, in addition to the steps specified in the above mentioned Declaration, the Presidents agreed to take the following confidence building measures:

1. To conclude in the shortest possible period of time the exchange of the prisoners of war,
2. To strive to solve all contentious issues through peaceful means and to conduct along the cease-fire line an investigation with the participation of the parties under the auspices of the OSCE Minsk Group Co-Chairs and with the assistance of the Special Representative of the OSCE Chairman-in-Office regarding probable incidents.

The Presidents stressed the importance of their regular meetings on the resolution of the Nagorno Karabakh conflict and agreed to continue them in the present format and further to the activities of the OSCE Minsk Group.”

It is worth to mention that before the Sochi meeting Armenia acted positively and stated that OSCE Minsk Group last proposals are acceptable as the basis for further negotiations. In Sochi Azerbaijan’s response was negative. Moreover, after Sochi meeting, responding to the OSCE call, Armenian Foreign Minister gave Armenian side clear “Yes” to the last proposals once more, meanwhile no answer from Azerbaijan.

V. Militaristic policy of Azerbaijan

Militaristic policy pursued by Azerbaijani Republic on the Nagorno-Karabakh conflict resolution has recently severely intensified and is posing a serious threat to the regional peace and security in South Caucasus. This, in turn, significantly hinders the process of the peaceful settlement of the conflict within the framework of the OSCE Minsk Group. In the South Caucasus, any careless word, any irresponsible step can trigger unpredictable consequences, while the military build-up in Azerbaijan and bellicose statements made at the highest level add tension to the overall environment. Contrary to the spirit of the negotiations within the OSCE Minsk Group, Azerbaijan has, for years, been developing and carrying out a large-scale campaign of anti-Armenian propaganda, instilling racial hatred and intolerance against the Armenians.

Within a short period of time Azerbaijan has increased its military budget tenfold, blatantly violating the norms of arms limitation stipulated by the international treaties, particularly exceeding the maximum permissible limits of the armaments specified under the Treaty on Conventional

Armed Forces in Europe. Azerbaijan's hostile statements and threats, as well as frequent violations of the existing ceasefire, constitute elements of aggression. On the international arena, Azerbaijan consistently misrepresents the essence of the Nagorno-Karabakh problem, trying to conceal the ethnic cleansings and its policy of violence conducted against the people of Nagorno-Karabakh in 1988-1991. Consequently, these actions developed into open aggression and large-scale hostilities against the self-determined people of the Nagorno-Karabakh Republic, which also involved mercenaries, closely linked to terrorist organizations, and ultimately claimed the lives of tens of thousands of civilians.

Wounds of the previous war of 1991-1994, unleashed by Azerbaijan, are still raw, but Azerbaijan is already pursuing a policy aimed at provoking a new one. In various international organisations the Azerbaijani side has circulated "reports" and draft resolutions on the Nagorno-Karabakh problem, which not only have a negative impact on the process of negotiations, but also contain Azerbaijan's intent to legitimize possible military aggression against Nagorno-Karabakh and the Republic of Armenia.

We believe that there is a serious basis for the settlement of the Nagorno-Karabakh problem, if the provisions contained in the documents of various organizations involved in the direct negotiation process are implemented. According to these documents, any military option must be ruled out as a means to solve the Nagorno-Karabakh conflict, the parties must commit themselves to a political, peaceful settlement of the problem through negotiations.

Armenian sides – the Nagorno-Karabakh Republic and the Republic of Armenia are convinced that the commitment of the parties to refrain from steps that could hamper the dialogue and the peace process can create an opportunity for progress in the peaceful settlement of the Nagorno-Karabakh problem.

