

KARABAKH PROBLEM: **History, Essence, Solution Process**

Araz ASLANLI

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**Karabakh Problem: History, Essence,
Solution Process**

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Introduction

In parallel to the end of the Cold War and to the elimination of the two-pole international relations system, it was observed a growth in a number of ethnic conflicts in different places of the world. In particular, the ethnic problems appeared in the former USSR and the former Yugoslavia territories have taken serious place on the world agenda since the second half of the 1980's. The first half of the 1990's had been a period of the ethnic problems lived like small conflicts and often like war in both geographies. The ethnic conflicts risen in these geographies had had a feature of both ethnic and religious minority problem and expansion and aggression (occupation) policy. Besides to be a cause of decrease of the main human rights and liberties' importance, increase of the economic problems in the regions they appeared, the problems were threatening regional and international security and stability as well. In particular, the well-known August events of 2008 (the Russian-Georgian war) demonstrated again how high menace potential had a conflict situation in the region. All these make necessary an increase of the efforts in connection with a solution of the problems, at the same time taking into consideration without fail the international law and the regional specific.

One of the problems the world agenda engaged in more after the Cold War was a problem of *the occupation of the Azerbaijani territories by Armenia* briefly named "*Karabakh problem*". A strategic importance the Caucasus region carried for the states the participants of the global fight, the energy sources in the Caspian basin, a location of the region at the international transport passageways and other reasons had brought the problem to the center of attention.

The initiatives, in connection with a solution of the problem, continued at different scales and directions have not caused the serious results up to present stage. The mistakes made in determination of a true essence of the problem are playing an important role in it. One of the main goals of this work is a revelation of a real essence of the problem. In this context, it is dealt with the different directions of the problem and an introduction of the problem is estimated taking into consideration both the historical process and the historical factors. Another matter should be noted that alongside with giving place to a history of the problem too in this work, the

problem isn't viewed as "a problem of the history" or as "a historical problem". Without doubt, it is advantageous from the standpoint of a view to the history of the issue, a notice of a real essence of the problem, presenting the principles able to create a fair, true, stable result for a solution, proposing the solution plans with a character of bringing benefit to the region in narrow and broad meaning, making contribution to a long-term peace and cooperation. *Nevertheless, at the moment the problem is a matter of the international relations, more specifically a matter of the international law and should be resolved within the framework of the main principles of the international law.*

Besides a revelation of the true essence of the problem, it is dealt in the work with the initiatives with regard to a solution of the problem, especially in the period after becoming internationalized. Then, the principles about how the problem may be resolved from the viewpoint of the international law norms and the minority rights are emphasized

The following courses are of special notice within the work:

Despite a closer attention drawn appeared in the second half of 1980's, the root of the problem is deeper. Especially, as a reason of the strife for the division of the Caucasus region and the strategic goals of the great powers since the 18th century, the processes, including the resettlement, progressed in the region were appearing the first basis of the problem. However, the emergence of the problem in today's form is connected with the processes experienced mainly at the beginning and end of the 20-th century.

Though the problem has got many directions, actually the most important characteristic of the problem is its being an expanding problem. However, a solution of the problem can not be as either agreeing to get result by this expansion initiative or replying to these initiatives by ethnic purges. For a fair support and long-term character of a solution of the problem it is important to prevent the expansion initiatives of Armenia, to secure the territorial integrity of Azerbaijan without any conditions, to speed up the reforms in regard to the local governing bodies inside Azerbaijan, at the same time to guarantee the constitutional rights and liberties of the Armenian minority in compliance with the international law norms.

I- History and Geography of Karabakh Province of Azerbaijan (Briefly)

The historical Karabakh province consists of highlands between the Kura and Aras rivers in Azerbaijan with Goycha Lake what is within the bounds of Armenia today and the plains combined with that province. At the same time, the word “Karabakh” expresses the name of an Azerbaijani Turk khanate established on these territories in the middle of XVII century.

Amongst the other Azerbaijani regions, Karabakh province has a great geopolitical importance from the viewpoint of the province owes a position which able to control Armenia and Iran too. The historical Karabakh province and the former Nagorno-Karabakh Autonomous Region (the NKAR) should not be confused together. The NKAR as an institution established in the USSR period and abolished by declaration of independence of Azerbaijan, included just 4392 km² part of the historical Karabakh province which had had 18000 km² territories.¹

While the historical Karabakh province of Azerbaijan included the regions of Aghdam, Tartar, Yevlakh, Fizuli, Beylaghan, Ghubadli, Jabrayil, Mingachevir, Aghjabadi, Khojavand, Shusha, Asgaran, Khanhandi, Lachin, Kalbajar, Khanlar, Gorus, Aghdara, Barda, Zangazur and Hadrut, the former NKAR consisted of Khankandi as a center and Shusha, Aghdara, Hadrut, Khojavand and Asgaran regions.

A first point drawn attention in an aggregate history of Karabakh province is a fact that Karabakh is one of the living places of the most ancient men in the world. An age of an ancient human discovered in Azikh cave in the province – Azikh human (*azikhanthrop*) being approximately 1.2 million years has been proved by some researchers as well.² Though there are other suppositions too, at least 300-500 thousand years history

¹ İgrar Əliyev, *Dağlıq Qarabağ: tarix, faktlar, hadisələr* (Nagorny Karabakh: History, Facts, Events), (Baku: Elm, 1989), p. 3.

² Süleyman Əliyev, *Azərbaycan tarixi: uzaq keçmişdən 1870-ci illərə qədər* (Azerbaijan History: From far Back Past until the 1870th Years), (Baku: Publishing house of “Azerbaijan”, 1996), p. 9; Ziya Bünyadov and Y. Yusifov, *Azərbaycan tarixi: ən qədim zamanlardan XX əsrədək* (Azerbaijan History: From the most in Ancient Times Until 20 Century), 1 Book, (Baku: Publishing house of “Chirag”, 2007), p.21.

of “Azikhanthrop” is accepted flatly on every supposition. There are rich proofs on human living belonged to a period of 80-100 thousand years before our time in “Taghlar” cave in the province too.³

And since IV thousand years B.C. the information concerning identity of the inhabitants living on these lands is available They were the relations of Turkish tribe named “Hurri”. That Turkish tribe had settled in Karabakh in Caucasus in IV thousand years B.C.⁴ The evidence concerning the living of Hurri here is also met in II thousand years B.C. too. At the beginning of I thousand years B.C. Urartu began to draw attention in the region.⁵ Later Sakha, which was a Turkish tribe too, settled on those places. As regards Armenians, let them refer their sources to Yasef, or claim their arriving there together with Phoenician, as some Armenian historians claim, in any case they started to live in the region after the VI and VII centuries B.C. as a minority.⁶ Karabakh had been under rule of Artsakh from Uchokh tribe of Oghuz in the 250's years B.C., Caucasian Turk Albans in the I century A.D., Roman in the II century, Sassanids in the III century, Hun Turks in the VI century and Khazar Turks in the VII century. Since the VII century, the Karabakh region passed under the Muslims' rule. After collapse of the Arabic Empire it included the Saji state in the IX – X centuries, Salaris in the X century, Shaddadis in the XI – XII centuries, Atabay Eldagizs in the XII – XIII centuries, Hulaki (Elkhani) states from a second part of the XIII century till the XVI century. And after 1936, coming back from Gipchagh campaign the troops of Tamerlan occupied the region. The province had been under sway of Garagoyunlus and Aghgoyunlus during the XV century. Since the end of the XVI century, the region passed under the Safavids' control.⁷

³ Cemalettin Taşkıran, *Geçmişten Günümüze Karabağ Meselesi* (The Karabakh Problem From the Past to Our Days), (Ankara: Genelkurmay Basımevi, 1995), p. 31.

⁴ Mehmet Kengerli, “Karabağ Azərbaycan toprağıdır, dünya durduqca da öyle olacaqtır” (“Karabakh is the Azerbaijani Land, it will be Along the Existence of the World), *Azərbaycan Türk Kültür Dergisi* (Azerbaijan Turk Culture Journal), no. 330, (1999), p. 7.

⁵ Əliyev, *Dağlıq Qarabağ: tarix, faktlar, hadisələr*, p. 15.

⁶ Taşkıran, *Geçmişten Günümüze Karabağ Meselesi*, p. 35.

⁷ Mirze Bala Memmedzade, “Karabağ” (Karabakh), *İslam Ansiklopedisi* (Islamic Encyclopaedia), (Ankara: Turk Diyanet Vakfı, 1988), pp. 212-214.

To mention that with the establishment of Azerbaijan Safavid state it started to centralize all the Azerbaijani territories. Safavids formed 4 territorial entities (beylerbeyliyi) in Azerbaijan, including Karabakh as well. In parallel with weakening of Safavid state and afterwards its collapse, the Azerbaijani territories separated into independent and semi-independent khanates, beyates and become a battlefield between the outward states.

At the beginning of the XVIII century it was established the Karabakh khanate in the region by Panahali bey. Though at the end of the XVIII century, as a result of growing outward attacks, Karabakh province passed under sway of Ghajar Turks, which were from southern region of Azerbaijan (located within the Iranian bounds today) for a short period (only in 1797), in general it could save its independence.⁸

During a term of Ibrahim khan, the son of Panahali khan, Karabakh khanate became stronger. Ibrahim khan signed a treaty with the Russian armed forces' commander P.D.Sisianov at Kurakchay in 1805. Under the Kurakchay treaty Karabakh khanate joined to Russia as a Muslim – Azerbaijani territory.⁹ But a struggle for Karabakh khanate were continuing between the Ghajar state and Russia, at first the Ghajars seized Karabakh khanate, but in 1826 Kharabakh khanate was occupied by the czarist Russia. By Turkmanchay treaty, signed in 1828 as a result of the war between Russia and Ghajar power, Karabakh khanate passed under sway of Russia. A war happened in 1828-1829 between the Ottoman state and Russia was not favorable for the Karabakh khanate to gain independence again. Another consequence of those wars and signed treaties from the viewpoint of Karabakh region was that they caused the move into Karabakh region of Armenians of 18 000 in 1828-1829 from the territories under the Ghajars's control, 50 000 in 1828 (the 15th item of Turkmanchay treaty was meaning a move of Armenians during a year from the territories under Ghajars' sway into north of the Aras river, that is into the territories under control of the Russian Kingdom), and about 84 000 by Edirne

⁸ Bünyadov and Yusifov, *Azərbaycan tarixi*, pp. 556-568.

⁹ “Kürəkçay müqaviləsi” (Kurakchay Treaty),

http://www.azerbaijan.az/_Karabakh/_Documents/Documents/document_01_a.html , (July 5, 2009).

Treaty signed between Ottoman and the Russian Empire in 1829.¹⁰ According to the Russian historians of that period, during all that time at least 1 million Armenians moved or was obliged to move into Caucasus from Anatolia and the present Iranian territories.¹¹ As a consequence of those moves Nikolay I set up an Armenian province on the geography including the territories of Ravan and Nakhichevan khanates.¹²

Russia had been planning the establishment of an Armenian state in the region. for many years. It was said in a book named “The Armenian-Russian relations in the XVIII century” (p. 204-205) printed in the capital of Armenia Iravan in 1967: “As far back as May 19, 1783, in a letter of Prince G.A.Potyomkin written to Ekaterina II he was discussing that they would do everything necessary for bringing Karabakh under the Armenians’ control of in an advantageous way and in this way to create a Christian state in Asia.”¹³ For this reason, Russia had a special interest in realization of such large-scale moves to the region. Besides, a considerable quantity of Muslims (Turks) in the region had also triggered the move into the territories under the Ghajar’s power. However, in spite of such a large-scale move, in a census of Czarist Russia in 1932 it was clear that a population of Karabakh province consisted of 64,8 percent Muslims (Azerbaijani Turks) and 34,8 percent Armenians.¹⁴ In “Karabakh” paragraph of the book titled “Nouveau Dictionnaire de Geographie Universelle” (“New Universal Geographical Dictionary”) published in

¹⁰ Reşid Göyüşov, *Qarabağın keçmişinə səyahət (A Journey to the Past of Karabakh)*, (Baku: Publishing house of “Azerbaijan”, 1993), p. 75.

¹¹ N. N. Şavrov, *Novaya Ugroza Russkomu Delu v Zakavkazie* (New Danger to the Russian Affair in the South Caucasus), (Saint Petersburg, 1911), pp. 59-61.

¹² Tadeusz Swietochowski, *Müslüman Cemaatten Ulusal Kimliğe Rus Azerbaycanı (1905-1920)* (Russian Azerbaijan, 1905-1920: The Shaping of a National Identity in a Muslim Community), (Istanbul, Baghlam, 1988), p. 26.

¹³ *XVIII əsrin I yarısında erməni-rus münasibətləri*, (Armenian-Russian relations in the First Half of the 18th century), (Yerevan: 1967), II book, II part, stated from p. 204-205 appendixes by Göyüşov, *Qarabağın keçmişinə səyahət*, p. 81. və Ekaterina Vtoraya i Q.A. Potemkin *Liçnaya perezpiska* (Private Letters): (1769-1791), http://lib.rup.ec/b/145330/read#n_2, (August 10, 2009).

¹⁴ Review of the Russian territories in Transcaucasia (in Russian) 3rd Unit St. Petersburg, stated from 1834 and appendixes by Dursun Yıldırım and Cihat Özönder, *Karabağ Dosyası* (Karabakh File), (Ankara: The Turkish Culture Research Institute, 1991), p. 87.

France in 1887 it is written that at least one half of the population of the region shown as only 250 000 is consisted of Azerbaijani Turks, and others from Armenians and some Iranians and Russians.¹⁵ Even the Armenian sources had written in a period of comparative stillness in regard to Karabakh problem that the Armenian population formed a minority in the Karabakh region at the beginning of the XIX century. Thus, in a book titled “A Joining of Western Armenia to Russia” (p. 562) published in Iravan in 1972 it is stated that in that period there were 12 thousand families in Karabakh and just 2500 of them were the Armenian families. And another demonstration by themselves on compactly appearing of Armenians there, was setting up a monument to “150th anniversary of appearing in the region” in Aghdara region (ex-named Mardakert) of the former NKAR.¹⁶ Though the monument was ruined by Armenians by re-emergence of the incidents in the 1980's, a video and photo on that have been preserved .

Though there were the various uprisings at the end of the XIX century and at the beginning of the XX century, Karabakh region had been connected to Ganja province as an Azerbaijani area in Czarist Russia until 1918.

¹⁵ Taşkıran, *Geçmişten Günümüze Karabağ Meselesi*, p. 240.

¹⁶ Əliyev, *Dağlıq Qarabağ: tarix, faktlar, hadisələr*, pp. 75-78.

II-Emergence of the Karabakh Problem

Armenians living in Caucasus had begun to be organized fast at the end of the XIX century and at the beginning of the XX century. The most considerable amongst those organizations was “Dashnaksutyun Committee” established in 1890. The Committee was aimed at establishing an Armenian state including the Ottoman territories in Eastern Anatolia. The Armenian organizations in the hope of spreading in that period had not put forward the claims on the territories under power of Czarist Russia so strongly. The reason for that was the wish not to break off relations with Russians, their historical ally. The relations being good as it is, had been consolidated by giving by Czar Peter I in 1719 to all Armenians too the all rights recognized for the followers of the Russian Orthodox Church.¹⁷

On one hand the discrepancy between the Czarist Russia's wishes about intimacy-mixing between the nations, and Armenian nationalism, and on the other hand the attempts of the Russian Orthodox Church on the annexation of the Armenian Gregorian Church to itself, had weakened those close relations for a while. But the beginning of the ethnic confrontations caused the development of the relations' historical course. The national awakening movements had advanced in parallel with those ethnic confrontations. Particularly, from the viewpoint of Caucasus, 1905 year got itself into a mess as a year of bloody confrontation between Armenians and Azerbaijani Turks. The events became aggravated by killing one Muslim (Azerbaijani Turk) by Dashnaks.¹⁸ Many people from each side were reciprocally killed in the various places of Azerbaijan, especially in Karabakh and Goycha provinces. Some members of the intelligentsia of both societies had noticed that actually there was no enmity between Armenians and Azerbaijani Turks, but the incident was strained by Russians. The developments of 1905 after the establishment of the USSR, especially depicted that those incidents had been organized by the Czarist Power. It was emphasized in the Soviet sources that it had

¹⁷Ali Arslan, “Rusların Güney Kafkasya’da Yayılmalarında Ermeni Eçmiyazin Katogigosluğu’nun Rolü”, (A Role of the Armenian Gregorian Church in the Expansion of Russian in the South Caucasus), *Kafkas Araştırmaları* (Caucasian Studies), no. 2, (1996), p. 21.

¹⁸ Swietochowski, *Müslüman Cemaatten Ulusal Kimliğe Rus Azerbaycan’ı 1905-1920*, pp. 68-69.

been made by Czarist Russian power for a purpose of impeding the labour movement, directing the nations to a fight with each other distracting them from a struggle against Czarism. The events, going on as well as in 1906, became calm gradually after July of that year. During 1906-1918, when the substantial events happened from a historical viewpoint and from standpoint of Czarist Russia, the confrontation between two nations had been stopped. Even more on some points they acted together.

Nevertheless, the events of 1917-1918 years began to oppose two nations to each other again. After the Bolshevik revolution of 1917, the Russian Duma was dissolved and its members from Caucasus organized the Transcaucasian Seym. In that period, the Bolsheviks seizing the power in Russia stated recognition of the principle of each nation's determination its future by "Declaration of Rights of Nations" and following that there had emerged power frivolousness in the region. Moreover, as an answer to the territorial claims of Armenians against Ottoman and to their actions made in Eastern Anatolia, it was also expected a move of Ottoman forces towards that region. That expectation drew Armenians to arm quickly. At the same time that process coincided also with the plans of the allies to create a force in Caucasus against Ottoman. Armenians armed by led of the Dashnaks had begun to attack the regions belonged to Azerbaijan alongside with Eastern Anatolia.

The processes originated an anxiety for Azerbaijani Turks not trained in the Russian army and having no war supplies. Thus, on March 1918, the Armenian armed groups perpetrated the mass slaughters of Turks besides the other regions in Baku as well, where they hadn't lived compactly.¹⁹ In that period a cooperation of the Bolsheviks too with nationalist Armenians rose up one of the interesting courses of the events.²⁰ Upon a large scale of the slaughters and in that context murder of approximately 30 thousand Turks in Baku and some other cities of Azerbaijan, many Azerbaijani Turks were under compulsion to leave Baku.²¹ That kind of development of the events caused a discussion of being of the Transcaucasian Confederation. At the end of May, owing to intensification of the events the Transcaucasian Confederation began to disintegrate. But Karabakh

¹⁹ Samuel A. Weems, *Armenia Secrets of a "Christian" Terrorist State*, (Dallas: St. John Press, 2002), p. 59.

²⁰ Swietochowski, *Müslüman Cemaatten Ulusal Kimliğe Rus Azerbaycan'ı (1905-1920)*, pp.154-159.

²¹ Yıldırım, *Karabağ Dosyası*, p.16.

province continued to form a part of Azerbaijan since it declared independence on 28 May, 1918 as well. The Azerbaijani and Georgian delegations were invited to the French Ministry of Foreign Affairs on January 15, 1920, it was informed by a deputy secretary of the Ministry Jules Cambon de-facto recognition of Azerbaijan by the Supreme Council members and the allied states on the 11th of January, and presented an official paper of the Paris peace conference. By recognizing of the Azerbaijan National Republic, Karabakh province was admitted by the international world as a part of it.

In the meanwhile, a member of the Azerbaijani parliament Shafi bey Rustambayli also made a speech in the VI congress of the Armenians of Karabakh Province held on July 5, 1919. It was decided in the arrangement that Armenians would conduct voting about their future in a next congress.²² Just by a decision made by the VII congress of the Armenians of Karabakh Province assembled on 15 August 1919, it was signed a treaty by Soltanov, a caretaker Chief Governor appointed by the Azerbaijani authorities. By that agreement it was established a joint council and a guidance of Karabakh province was entrusted to a considerable extent to that council. At the same time it was also marked in that agreement a confirmation Karabakh as an Azerbaijani territory in the Paris Peace Conference.²³

The Ottoman and then England armies had existed in Azerbaijan till occupation of the independence Azerbaijan National Republic by Bolshevik Russia on April 27, 1920. Both forces had also continued to recognize Karabakh province as a part of Azerbaijan. Though some Armenian organizations stirred up the rebellions many times during that period, they had not attained success. But, it was fomented a large scale rebellion in Karabakh by encouragement and assistance of Russians on April 1920.²⁴ While the Azerbaijani army unities were proceeding to the region to quell a rebellion, the Bolshevik Russian army (XI Red Army) occupied Azerbaijan.

²² *K İstoriı Obrazovaniya Nagorno-Karabaxskoy Avtonomnoy Oblasti Azerbaydjanskoy SSR: Dokumentı i Materialı* (To the History of Establishment of the Nagorno Karabakh Autonomous Region of the Azerbaijani SSR: the Documents and Materials), (Baku: Azerneshr, 1989), p.19.

²³ Taşkıran, *Geçmişten Günümüze Karabağ Meselesi*, pp. 249-251.

²⁴ Weems, *Armenia Secrets of a "Christian" Terrorist State*, p. 73; *K istorii obrazovaniya Nagorno-Karabaxskoy Avtonomnoy Oblasti Azerbaydjanskoy SSR: Dokumentı i Materialı*, pp. 38-40.

III-Karabakh Problem at a Stage of Establishment of the USSR

In their theses on Karabakh region of Azerbaijan, Armenians claim that it has always belonged to Armenia and that the Soviet authorities gave it away to Azerbaijan forcibly. But the official papers demonstrate absolute groundlessness of this claim.

Yet on 22 May 1919, A. I. Mikoyan, one of the Bolshevik Armenian leaders wrote to the Central Committee of the Russian Communist Party (Bolsheviks) and to Vladimir Ilich Lenin his opinion on that like “Armenian Dashnaks wanted to join Karabakh into Armenia ripping it off Azerbaijan. But it meant for Karabakh to separate from Baku, which was a source of life for it and to join to Irevan, which had not any relations. The Armenian peasants decided in the V Congress to recognize Azerbaijan and to remain under its authority.”²⁵ Moreover, we have mentioned above that as well as in the VII Congress of Armenians of the region, they stated a position on attachment to Azerbaijan and signed an agreement.

It was declared the Soviet power in Azerbaijan on 28 April 1920. At that time Karabakh and Zangazur region, which was within the boundary of Armenia now, were within the boundary of the declared Azerbaijani Soviet Socialist Republic. However, Armenians, cooperated with Russia to achieve their objects along the history over and again, considered a good opportunity an establishment in Azerbaijan a power under control of Bolshevik Russia and had begun to put forward their claims on Karabakh region with louder voice. As Armenia wasn't gotten under control of Soviet Russia yet at the beginning, the Moscow authority had tried to put pressure upon Armenia at such matters stating a position for Azerbaijan at certain sense.

At the same time, it had been also giving some promises on possibility to give Karabakh and Zangazur provinces away to Armenia, in return for

²⁵ “Sovet İttifaqı Kommunist Partiyası Mərkəzi Komitəsi yanında Marksizm-Leninizm İnstitutunun Mərkəzi Partiya Arxivi”, (The Central Party Archives of the Marxism-Leninism Institute of Central Committee of Soviet Union Communist Party) Fond 461, Op. 1, File 4225, stated from p. 1, appendixes by *K istorii obrazovaniya Nagorno-Karabaxskoy Avtonomnoy Oblasti Azerbaydjanskoy SSR: Dokumentı i Materialı*, p. 16.

establishment of the Soviet power in Armenia. One of the most important examples of those promises was a telegram sent to the Armenian communists by Nariman Narimanov, a leader of the Soviet power in Azerbaijan that time, characterized by Lenin as “Lenin of the Eastern”, always blamed for treachery by the independent Azerbaijani People’s Republic national administration and killed with poison in Moscow afterwards. In that telegram sent on 1 December 1920, it was stated a possibility of giving Nakhchivan, Zangazur and Karabakh regions of Azerbaijan away to Armenia for encouraging an establishment of the Soviet power in Armenia.²⁶ An object of that was, as it was mentioned above, to stimulate Armenia to choose a Soviet power. And one of the special intentions of the Soviet authorities at that time was a creation of the potential ethnic tension centers. That policy, aimed to resolve the protests might risen against the center in the regions by putting those regions against each other, was a heritage to Soviet Russia remained from the Czarist regime. In the telegraph sent to Lenin and Chicherin, yet on 19 June 1920, Orjonikidze stated that Karabakh and Zangazur regions considered themselves as a part of Azerbaijan.²⁷ As a matter of fact, as well as in the telegram sent to Chicherin and Orjonikidze before in 1920, jointly signed by a chairman of the Azerbaijani Revolutionary Committee Narimanov, a member of the Caucasus Committee Mdivani, a member of the Armenian Communist Party Central Committee Nurijanyan and Mikoyan, it was emphasized belonging Zangazur and Karabakh to Azerbaijan.²⁸

While the debates were continuing, a statement was published signed by Narimanov in a number from 2 December 1920 of the newspaper “Communist” published in Azerbaijan in Russian. It was emphasized in the statement an importance to stop bleeding of the two neighbor nations for a

²⁶ Nəsim Nəsimli, *Bölmüş Azərbaycan, Bütöv Azərbaycan* (Separated Azerbaijan, United Azerbaijan), (Baku: Ay-Ulduz, 1997), p. 121.

²⁷ “The USSR Ministry of Foreign Affairs’ Archives”, File no 54882, p. 20, appendixes by Əliyev, *Dağlıq Qarabağ: tarix, faktlar, hadisələr*, p. 80.

²⁸ The USSR Ministry of Foreign Affairs’ Archives, File no: 56822, p.36, appendixes by *K istorii obrazovaniya Nagorno-Karabaxskoy Avtonomnoy Oblasti Azerbaydjanskoj SSR: Dokumenti i Materiali*, p. 35.

reason of territorial problems and was stated a right of self-determination of the nations of Karabakh's working people.²⁹ At the same time, it was put forward an initiative of encouraging Armenians mentioned above.

An establishment of the Soviet power in Armenia changed a balance a little. The leaders of the Soviet power in Armenia promoted both to Moscow the claims in connection with Karabakh region of Azerbaijan and put forward in the Caucasus Bureau of the Communist (bolsheviks) Party (C(b)P). Towards those claims, first gathering on 27 June 1921 the Central Committee of the Azerbaijan Communist Party refused the claims of the Armenian party and stated inability to rip Karabakh region off Azerbaijan. The RC(b)P Caucasus Bureau (the Bureau formed from the communist parties in the Caucasus republics and only one of seven members was Azerbaijani), gathered on 4 July 1921, stated a position on giving a mountainous part of Karabakh region away to Armenia.³⁰ But a reaction of Azerbaijan toward that matter was strict. A new meeting of the RCP Caucasus Bureau with a participation of the representatives from RC(b)P Central Committee was arranged on 5 July 1921. In that gathering even Sergey Kirov, Russian by birth, appointed by Moscow for ruling Azerbaijan afterwards, demonstrated a position connoting the importance of the mountainous part Karabakh region to remain in Azerbaijan. After all estimations, by a proposal of Orjonikidze and Nazaretyan it was reached a decision on "assuming as a basis an importance of a national peace between Muslims and Armenians, a necessity of taking into consideration the economical relations of Upper and Lower Karabakh, the points like the permanent relations of the region with Azerbaijan, to remain Nagorniy Karabakh within the boundary of Azerbaijan Soviet Socialist Republic, to

²⁹ Əliyev, *Dağlıq Qarabağ: tarix, faktlar, hadisələr*, p. 80.

³⁰ And one of the important moments herein are the original statements in the proposals put to the vote. The statements in those proposals were like "whether to remain Karabakh within Azerbaijan" (*Karabax ostavit v predalax Azerbaydjana*) or "to give away a mountainous part of Karabakh to Armenia" (*Naqornuyu çast Karabaxa vklyuçit v sostav Armenii*). The same statements in those and other decisions was one more evidence of groundlessness of the claims put forward by Armenia as if Karabakh had given away to Azerbaijan ripping off Armenia. *For the original statements in Russian see: "İz protokola Veçernego Zasedaniya Plenuma KavByuro ÇK RKP (b)"* (From the minutes of the Evening Sitting of the Plenum of the Caucasus Bureau of the RCP (b) Central Committee), *K istorii obrazovaniya Nagorno-Karabaxskoy Avtonomnoy Oblasti Azerbaydjanskoy SSR: Dokumenti i Materiali*, p. 90-91.

give a large autonomy to the region with an administrative center Shusha city inside the region.”³¹

Thus, in the gathering, where Azerbaijan was represented with one member, by consent of the Armenian members too, it was reached a decision on inability of ripping Karabakh region off Azerbaijan. After that decision, the leader of the Armenian ASPS organization, Mikoyan stated “actually there wasn’t any problem named Karabakh problem. The Armenians peasants were also stating inability to live without the relations with Baku and Aghdam.”³²

However, the occurrence also had a side of an establishment of an autonomous province in the mountainous part of Karabakh region. The debates on that issue had continued during approximately two years. As any result could not be reached, the RC(b)P Caucasus Regional Committee, gathered on 27-28 June 1923, gave a last notification to Azerbaijan on a matter of an importance of establishment of an autonomous province in the mountainous part of Karabakh region (in a geography, where Armenians lived more compactly) within a month. Even for that object, the leader of the Azerbaijani authority was overthrown and Kirov was appointed to that post by Moscow.³³ As a result of a discussion held, the Central Executive Committee of Azerbaijan made a decision on 7 July 1923 to establish the Nagorno Karabakh Autonomous Region (NGAR) in the determined geography.³⁴ And one of the important notes with regard to the formation of the NGAR was a fact that this artificial body was established not on the historical, geographical, economical bases, but assuming as a basis of the administrative borders, where the Armenian population lived more compactly exactly at that time and included just

³¹ For a wide historical information on the process see: “The Synchronic Table of the Main Events in the Process of Granting the Status of Autonomy to Daghlig Karabakh (1920–1924)”, Yaqub Mahmudov, Kərim Şükürov, *Qarabağ: Real Tarix, Faktlar, Sənədlər- Karabakh: Real History, Facts, Documents*, (Baku: “Tahsil” Publishing House, 2005), p.55.

³² *Lenin külliyyatı (Lenin’s complete works)*, Book 42. p. 54, appendixes by Əliyev, *Dağlıq Qarabağ: tarix, faktlar, hadisələr*, p. 84-85.

³³ Nəsim Nəsimli, *Azərbaycanın Geopolitikası və Neft* (The Azerbaijani Geopolitics and Petroleum), (Baku: Khazar University Press, 2000), p.183.

³⁴ *K istorii obrazovaniya Nagorno-Karabaxskoy Avtonomnoy Oblasti Azerbaydjanskoy SSR: Dokumenti i Materiali*, p. 52-53.

4.160,5 km² part of the historical Karabakh region.³⁵ Looking at the administrative borders of the former NGAR, it became very clear that it was formed as a special administrative unit with the absolute Armenian population in minority. Thus, it should be taken into consideration that an existence of that autonomous province with Armenian minority turned into a problem again, upon the collapse of the USSR, is not a historical moment but a result of a formation of the NGAR in the USSR period.

³⁵ This number reached 4.4 km² with the administrative borders changes in the USSR period.

IV- Status of the Problem in the Soviet Union Period

The steps made at a time of the Soviet Union's establishment had put the problem over a provisional and comparative peace stage. However, the strategies applied by the Moscow authorities both in that period, and in a period after establishment of the USSR had caused, as it stated above, a prolonged strengthening of the problem potential within Azerbaijan. Transforming a territory within Azerbaijan where Armenians lived compactly to an autonomous institution with administrative frontiers and even there a realization of policy aimed to change considerably an ethnic structure of the population in favour of Armenians were a part of that strategy. It the same period not to set up any autonomous body in Armenia despite Azerbaijani Turks having there much ethnic compactness, is characterized as a demonstration of double standard of the Moscow authorities.³⁶

In the following periods, for a purpose of not to give opportunity to the problems might created in Armenia in next years, the USSR authorities removed by force a considerable part of Azerbaijani Turks from that country into Azerbaijan in particular with two resettlement waves after the second world war and at the beginning of 1950s In regard to that matter the Council of Ministers of the USSR, with a view to use the plains in Azerbaijan, to create the regions propitious for farming and to settle Armenian living abroad into the regions where lived Azerbaijani Turks removed from Armenia, made two decisions "About resettlement of the peasants and other Azerbaijani people from Armenia SSR into the Kura and Aras plains of Azerbaijan SSR" from December 23, 1947 number 4083 and another named "About the terms of the resettlement" from March 10 1948 number 754.³⁷

³⁶ For a wide historical information on the process see: Hatem Cabbarlı, "Geçmişten Günümüze Ermenistan'da Azerbaycan Türkleri" (Azerbaijani Turks in Armenia From the Past to Our Days), *Ermeni Araştırmaları (The Armenian Studies)*, no 4, (December 2001-January-February 2002), pp. 122-146.

³⁷ Əmir Quliyev, "Köçürülmə (Resettlement) (1948-1953)", İ.Vəliyev, K. Muxtarov, F. Hüseynov (ed.), *Deportasiya (Deportation)*, (Baku: Publishing House of "Azerbaijan Ensiklopediyası", 1998), p. 210.

In the decision of the Council of Ministers of the USSR it was planned a resettlement of 100 thousand Azerbaijani Turks in all at three stages (10 000 in 1948, 40 000 in 1949, and 50 000 in 1950). No one from the Azerbaijani authorities protested against that decision, but a head of the Azerbaijani Council of Ministers Ghuliyev writing a letter to Molotov asked a permit to settle Azerbaijani Turks removed from Armenia not into the Kura and Aras plains, but into the northern regions of Azerbaijan geographically appropriate for conditions the removed people lived before or into the places close to Baku.³⁸ However, that letter of Ghuliyev had been unanswered and the Azerbaijani authorities applied the decisions of the Council of Ministers of the USSR by a decision from April 14, 1948 and number 455. As it is described in the archival documentations too, during the resettlement process it had been removed by force not 100 thousand people as it was meant in the decisions, but approximately 145 thousand people.³⁹ About 1/3 part of Azerbaijani Turks had been lost their lives during the resettlement from the reasons like starvation or deceases.⁴⁰

The attempts of some Armenian leaders to annex the NGAR into Armenia had also continued in that period. At first, Arutyunov, the executive secretary of the Communist Party of Armenia Soviet Socialist Republic, writing a letter to Stalin, the secretary general of the Communist Party of the Soviet Union, asked for attaching of the Nagorny Karabakh Autonomous Region to Armenia. Also, Stalin asked a position of Bagirov, the executive secretary of the Azerbaijan Communist Party, regarding this matter. In a letter written to Stalin, Bagirov stated not to be against it principally, but also an importance of giving to Azerbaijan in exchange for that, the regions in Armenia, Georgia and Dagestan where Azerbaijanis lived compactly. The Armenian leaders refused that wish, thinking futility to attach to Armenia the NGAR by those conditions.⁴¹

³⁸ Cabbarlı, “Geçmişten Günümüze Ermenistan’da Azerbaycan Türkleri”, p.141.

³⁹ İ. Məmmədov və P. Əsədov, *Ermenistan azərbaycanlıları və onların acı taleyi (Armenian Azerbaijanis and Their Bitter Fate)*, (Baku: Publishing house of “Azerbaijan”, 1992), p. 49.

⁴⁰ Cabbarlı, “Geçmişten Günümüze Ermenistan’da Azerbaycan Türkleri”, p.141.

⁴¹ Vəliyev, “Deportasiya”, p. 78.

The Armenian authorities put on agenda an item of attaching the NGAR into Armenia again in 1964. In that period in the meetings with Khrushov the secretary general of the Communist Party of the Soviet Union, the Armenian leaders and Mikoyan from the USSR authority asked for attaching the NGAR into Armenia too, citing as an example attaching the Crimea into Ukraine. But in response Khrushov said “I was ready to give you a time of 24 hours and 12 thousand military trucks for carrying Armenians in Nagoniy Karabakh into Armenia.”⁴² Following to that answer of Khrushov the issue shut again for a time.

However, in a background of certain political course, the USSR authorities had been approaching positively at some level to the claims of the Armenian authorities against Azerbaijan and Turkey. For example, a beginning the actions in regard with the made-up genocide claims in Armenia since 1965 and a start again the individual and mass pressure against Azerbaijani Turks was one of the demonstrations of that.⁴³

⁴² Yuriy Pompeev, *Krovaviy omut Karabaxa (Bloody whirl of Karabakh)*, (Bakı, Publishing house of “Azerbaijan”, 1992), p.19-20.

⁴³ Cabbarlı, “Geçmişten Günümüze Ermenistan’da Azerbaycan Türkleri”, p.142.

V-Re-Emergence of the Problem in the Collapse Period of the Soviet Union

In the USSR period, a comparative peace on the problem had been achieved, as aforementioned, till the mid1980s the Armenian groups in different ways and at various levels had continued to emphasize the significance of ceasing the NGAR to them separating it from the Azerbaijani territory. In the first half of the 1980s, the authors, Armenians by birth, began to put their name as address under the article as “Karabakh province of Armenia”. The book titled “Hearth” of an Armenian correspondent of “Literaturnaya Gazeta” (“Literary Newspaper”) Zori Balayan was published in Russian language in 1984.⁴⁴ In that book written in racist style, the hatred against Turks in general and against Azerbaijani Turks in particular was inculcated, contained the territorial claims against Azerbaijan. Though the Azerbaijani intelligentsia expressed their attitude toward the book, the communist authorities in Baku widely impeded the promotion of those reactions.

With Mikhail Gorbachev’s coming to power in the Soviet Union in 1985, it had begun a new period – “a period of perestroika and glasnost” within the empire. The relations promoted with Gorbachev on one hand by the Armenian lobby beyond the USSR, and on other hand by the Armenian intelligentsia inside the empire, were reassuring Armenians about the matter of annexing the NGAR to the Armenian SSR taking it away from Azerbaijan. In the following period, both the statements of Gorbachev’s economical councilor Abel Aghanbekyan in Paris,⁴⁵ and the activities of the Armenian groups in Armenia and Moscow were showing the attempts of precipitating to annex to Armenia a mountainous part of Karabakh province tearing off it from Azerbaijan. One of the moments attracted

⁴⁴ Zoriy Balayan, Ocag (Hearth), for an electron version see: <http://www.geocities.com/drhgagik/OCHAG.doc> (June 6, 2009).

⁴⁵ *L’humanite*, 18 November 1987, p 10, appendixes by Ədalet Tahirzadə, *Meydan: 4 il 4 ay* (The square: 4 years 4 months), (Baku: Ay-Ulduz, 1997), p.16 and Thomas de Waal, *Black garden: Armenia and Azerbaijan Through Peace and War*, (New York: New York University Press, 2003), p. 20.

attention in that period was the attempts to increase of sense of separation from Azerbaijan among Armenians living in the region.

In the second part of the 1980s the broadening efforts of Armenia had already put forward as certain practical steps. It was established organizations (as well as the armed groups in Armenia and Azerbaijan) acting in a course of purpose to expand the frontiers of Armenia, “to obtain the historical Armenian territories”⁴⁶, had organized the actions, had published the materials in Armenia and beyond Armenia (in Moscow, in the other places of the USSR, in the USA, France and other places). A little later the process was carried into overt political angle.

A Council of the NGAR (110 from 140 members of the Council were Armenians) adopted an appeal expressing a wish of joining to Armenia separating from Azerbaijan addressed to the Supreme Councils of Azerbaijan and Armenia.⁴⁷ The Central Committee of the Communist Party of the Soviet Union assembled on February 21, 1988 outlawed it. As a consequence of a murder of two Azerbaijani youth in Askaran region of Azerbaijan within the NGAR, a publication in the Armenian newspapers the claims as if “Gorbachev had given a word of annexation of the NGAR into Armenia” and subjecting to genocide of more than 100 thousand Azerbaijani Turks living in Armenia (in Zangazur, Goycha and other provinces) and causing them to resettlement (in general, following to the process, more than 200 thousand Azerbaijani Turks left Armenia under compulsion), and as well as a settling those removed people mainly in Baku and Sumgayit, it was taken place the confrontations between Armenians and Azerbaijani Turks in those two cities. In the skirmishes in

⁴⁶ For the wide information on this issue see: Suren Ayvazyan, *Istoriya Rossii: Armyanskiy Sled* (Russia History: Armenian Track), (Moscow: Kron-press, 2000), *Obrazovanie Armyanskoqo naroda i Drevnearmyanskoqo Qosudarstva* (Formation of the Armenian Nation and the Ancient Armenian State), <http://www.armenica.wizard.am/Hystory/history2.html>, (August 7, 2009); Voytsex Quretskiy, “Djavaxetskiy Vopros” (Javakhetia Problem), http://poli.vub.ac.be/publi/crs/rus/03_05R.htm, (August 7, 2009).

⁴⁷ For full text of this decision see: “Decision of the Special Session of the NKAO Council of Peoples Deputies of XX Session”, <http://www.nkr.am/en/decision--of-the-special-session-of-the-nkao-council-of-peoples-deputies-of-xx-session/41/>, (August 7, 2009) or “Reşenie sessi Soveta Narodnix Deputatov NKAO ot 20 fevralya 1988 q”, http://www.miacum.ru/gazeta/2009/02/20/reshenie_sessii, (August 9, 2009).

Sumgayit 32 men in total had been killed, 26 of which were Armenians and 6 were Azerbaijanians.⁴⁸

The NGAR Council took a decision about separating from Azerbaijan on the 12th July of 1988 exceeding its commission.⁴⁹ The presidium of the Supreme Council of the Azerbaijan SSR proclaimed a decision of the province council invalid assembling the next day.⁵⁰ The presidium of the Supreme Council of the USSR, assembling on July 18, 1988, estimated the decisions of both republics and reached a certain decision on the matter. The secretary general of the Central Committee of the USSR Communist Party Gorbachev, making a speech in the discussions of the meeting, stated that “they recognized the problems in the autonomous region, but those problems would be resolved with inviolability of the territorial integrity of Azerbaijan.” It was emphasized in the decision the inadmissibility of change of the Azerbaijani and Armenian frontiers and territorial integrity regulated by the constitution, and taking that decision on basis of order that “the frontier of any Soviet republic can not be changed without its consent” from the 78th item of the USSR Constitution.⁵¹ Besides, it was mentioned in the decision that many problems in the NGAR had been resolved during the Soviet authority, however some unsolved problems were still existing, and it was important for Azerbaijani and Armenian authorities to cooperate in that direction. In general, the steps of the USSR authorities and taken decisions caused the negative reaction of expansion supporters in Armenia and the separatist groups in the NGAR, and strengthening their activities still more in a direction of separating the province from Azerbaijan.

An earthquake calamity in Armenia happened on the 7th December of 1988, was a cause for stopping the events for a time. Amongst the first going to help to Armenia after the earthquake was Azerbaijan too. As a result of a crash of the aircraft carried the first aid of Azerbaijan, all the

⁴⁸ Araz Aslanlı, “Tarihten Günümüze Karabağ Sorunu” (Karabakh Problem From the Past to Our Days), *Avrasya Dosyası: Azərbaycan Özel* (Eurasian File: Azerbaijan), Vol. 7, no 1, (Spring 2001), p. 400.

⁴⁹ http://www.memo.ru/hr/hotpoints/karabah/Getashen/chapter1.htm#_VPID_2, (August 8, 2009).

⁵⁰ http://mfa.gov.az/khojaly/index.php?option=com_content&task=view&id=17&Itemid=31, (August 10, 2009).

⁵¹ *Kommunist*, June 20, 1988.

people going to help were passed away save one. In connection with that accident, it was raised an assumption of shaking down the aircraft by Armenians; however those claims were not affirmed afterwards.

Taking away provisionally a rule of the NGAR from Azerbaijan on January 12, 1989, the Supreme Council of the USSR passed it to the Special Government Committee subordinated to Moscow straight. Arkadi Volski, one of the councilors of Gorbachev, was appointed a head of the committee and a unit of the Ministry of Interior Affairs from 5 400 men sent to the province given to his subordination.⁵² If on small scale, but the skirmishes had continued without interruption during 1989.

The USSR Supreme Council decided on 28th of November of 1989, to return the NGAR again into the subordination of Azerbaijan under terms of realization proper legal regulation for protection the rights of Armenians in the province, but to continue to keep the security forces there. The decision was criticized by Armenians as it affirmed again the NGAR as the Azerbaijani territories, and by Azerbaijanians as it embraced some dictation to Azerbaijan in regard with its interior problem. But advancing still more, the Supreme Council of the Armenia SSR reached a decision on annexation of the NGAR to itself on Decemver 1, 1989.⁵³ The Supreme Council of Azerbaijan reproached the decision of the Armenian parliament on annexation the NGAR of Azerbaijan on the 7th December of 1989 and by governing the region, basing on The Law About Sovereignty of Azerbaijan Soviet Socialist Republic (in that law passed from 23 September in 1989, sovereignty of Azerbaijan upon the Nagoniy Karabakh Autonomous Region was emphasized in partly too) established "Organization Committee" led by the Azerbaijani Communist Party's second secretary Victor Polyanichko.

⁵² For full text of this decision see: <http://karabakh-doc.azerall.info/ru/isegod/iscg026-3.php#b1> (August 10, 2009); Fahrettin Çiloğlu, *Rusya Federasyonu'nda ve Transkaşkasya'da Etnik Çatışmalar* (Ethnic confrontations in the Russian Federation and Transcaucasia), (İstanbul: Sinatle, 1998), pp.144-145.

⁵³ For full text of this decision see: "Postanavleniya VS Armyanskoy SSR i Natsionalynoqo Soveta Naqornoqo Karabaxa o vossoedinenii Armyanskoy SSR i Naqornoqo Karabaxa" (The decrees of the Supreme Council of the Armenia SSR and the National Council of Nagorno Karabakh about renunciation of the Armenia SSR and Nagorno Karabakh), *Politexnik*, no 38-40 (1155-1157), (12 December 1989), <http://presp.karabakh.info/>, (August 9, 2009).

The buses transported Azerbaijani Turks in Khankandi, an administrative center of the NGAR, subjected to attack of the Armenian armed groups on 2 January 1990. The security forces prevented the attack hardly, 1 man died and 3 were wounded in the incident. And one of the occurrences getting the events out of control was a fact that confirming a budget bill for 1990, the Armenian parliament included the NGAR into the economic plan on 9 January 1990.⁵⁴ The USSR Supreme Council took a decision on January 10, 1990, outlawed the above mentioned resolutions of the Supreme Council of the Armenia SSR from 1 December 1989 and 9 January 1990.⁵⁵ For the reasons that the territorial integrity was under serious danger and the security of the Azerbaijani citizens in the region can not be guaranteed, the dissatisfaction among the Azerbaijani society against both the USSR, and the republic authorities and in parallel to that the protest meetings had risen.⁵⁶

12 men were killed and 22 were captivated as a result of attack of the Armenian armed groups to two Azerbaijani inhabited localities (where Azerbaijani Turks population lived compactly) on 12 January 1990.⁵⁷ And on basis of an ethnic confrontation an Armenian lived in Baku attacked two Azerbaijanis with axe on January 13. One of the attacked men passed away, and another was wounded. Since that news come to the notice of a large meeting held in the city at that time, it was organized a back attack and in the rising skirmish 34 men were lost their lives in total, the most of whom were Armenians. Giving to events a tragic character, the USSR authorities initiated the apply a state of emergency in Baku and in many other regions of Azerbaijan including the NGAR. During a few days, from January 19 night to 20, the Soviet military units made slaughters in different parts of Azerbaijan, mainly in Baku, characterized in history as “the Bloody January events”. After that process, a comparative calmness was observed on the Karabakh problem for a time.

⁵⁴ www.azerbembassy.org.cn/rus/back_chron.html, (August 9, 2009).

⁵⁵ For full text of this decision see: <http://pravo.levonevsky.org/baza/soviet/sssr1067.htm>, (August 9, 2009).

⁵⁶ Fahir Armaoğlu, *20. Yüzyıl Siyasi Tarihi* (Political History of the 20th Century), Vol. 2, (Ankara: Türkiye İş Bankası, 1991), p.211.

⁵⁷ Kengerli, “Karabağ Azərbaycan toprağıdır, dünya durduqca da öyle olacaqtır”, p. 14.

Declaring sovereignty on 23 August 1990, Armenia indicated the NGAR as its territory disregarding the international law.⁵⁸ Along with that, during 1990, the attempts of Armenia to annex that region to its territories, at that background the attacks to the Azerbaijani territories and the terror actions had continued. For example, 13 men were injured hard as a consequence of blowing up of an intercity bus Shusha-Baku at the 105th kilometer of Yevlakh-Lachin highway on 18 February 1990. An Armenian terror group blasted a water pipeline Nabiyar-Shusha supplying a city of Shusha with drinking water on March 4, 1990. On 11 July 1990 between the populated areas Getavan and Charaktar of Mardakert region of Azerbaijan it was carried out an attack against a convoy escorted by the militaries transporting people and goods to Kalbajar city. As a result of that terror 3 men were killed, and 23 men were hardly wounded. Following the investigative actions on June 19, 1992, A.Ayriyan was concluded to be the delinquent in the crime, and he was sentenced to death by the Supreme Court of the Azerbaijani Republic. An Armenian terror group caused a death of 20 passengers and wounding of 30 passengers blowing up in Khanlar region of Azerbaijan an intercity bus moving along Tbilisi-Aghdam on 10 August 1990. The men made that terror action were caught on June 17, 1991, before obtaining a realization of the plans on blowing up Aghdam-Tbilisi bus. Passing a verdict of guilty of A.Avanesyan and M.Tatevosyan in those crimes, the Supreme Court of the Azerbaijani Republic punished them to death and 15 years imprisoning accordingly.⁵⁹

1991 year started in an uncertain term in the viewpoint of the problem. Middle scale confrontations were still underway, incessant blaming both parties on each other and inactivity of the central administration in Moscow as it should be. In the statement given to "TASS", an official agency of the USSR, in mid-March in 1991, Gorbachev stated his anxiety about the confrontation in the region and expressed "Karabakh as an

⁵⁸ For full text of this decision see: "Deklaratsiya o nezavisimosti Armenii" (Declaration of Independence Of Armenia), <http://www.parliament.am/legislation.php?sel=show&ID=2602&lang=rus>, (August 8, 2009).

⁵⁹ For the terror action implemented along the process in general see: "Armenian Terrorism", http://mfa.gov.az/khojaly/index.php?option=com_content&task=view&id=16&Itemid=30

inseparable part of Azerbaijan.”⁶⁰ The Armenian Prime Minister Vazgen Manukyan, held press conference just after that statement, stated contrary to the policy pursued up to that day that “they didn’t claim any right on the NGAR, just supported a struggle of local Armenians there.”⁶¹

Failure of the coup organized against Gorbachev on 19-21 August 1991 and as a consequence of it, quickening of a process of independence attainment of the Soviet republics created a new circumstance in the matter of attempts of Armenia to annex the Azerbaijani territories too. Azerbaijan declared sovereignty on August 30, 1991. After that, gathering together a group, claiming representation of Armenians of the NGAR, proclaimed “The Artsakh Armenian Republic”.⁶² The Azerbaijani parliament gave a strict reaction to that decision as it was contrary to the Azerbaijani Constitution (as well as to the USSR Constitution). Boris Yeltsin, preventing the coup on August 1991, came to Baku with the Kazakhstan president Nursultan Nazarbayev, interested in the Karabakh problem closely, on September 20, 1991 at late hours.⁶³ The leaders going to Ganja city the next day got over an administrative center of the NGAR Khankandi, after security measurements taken. A last stop of the leaders was Iravan. Yeltsin and Nazarbayev tried to initiate a peace process and determined general conditions of it in the discussions with both parties. According to an attained agreement, it was begun the peace negotiation in a city of Jeleznovodsk on south of Russia on September 23, 1991. Azerbaijan and Armenia come to agreement under guarantee Yeltsin and Nazarbayev on September 24, 1991. The agreement meant to secure a cease-fire between the parties, to admit by

⁶⁰ For Gorbachev appeal full text see: “Обращение президента СССР от 14.03.1991 н оп-1631 к народу Азербайджана, жителям Нагорного Карабаха!”, http://www.lawmix.ru/docs_cccp.php?id=420 , (August 15, 2009).

⁶¹ Taşkıran, *Geçmişten Günümüze Karabağ Meselesi*, p. 156-157.

⁶² Shahen Avakian, *Nagorno-Karabakh: Legal Aspects*, (2005)

http://www.armeniaforeignministry.com/fr/nk/legalaspects/legalaspect_text.pdf , (July 25, 2009).

⁶³ Musa Qasimov, *Beynəlxalq Münasibətlər Sistemində Azərbaycan (1991-1995)* (Azerbaijan in the International Relations System (1991-1995)), (Baku: Genclik, 1996), p.102.

Armenia a belonging the NGAR to Azerbaijan, to give some opportunities to the province for self-governing.⁶⁴

A second phase of the negotiations took place in a village of Ijevan region at the Azerbaijani-Armenian border with a participation of the officials from both parties. In the information stated after the meeting it was emphasized “an importance of stop the process leant against crime and revenge.” But the arms were not stopping even that time. The Azerbaijani party presented the observers from Russia and Kazakhstan too to the region to demonstrate non-observance of the cease-fire.⁶⁵

It was happened a bloody event on November 20, 1991. A helicopter carrying the representatives of the Azerbaijani government, the heads of justice and security bodies, two Russian generals, the Kazakh and Russian observers, the journalists was hit by the Armenian armed groups.⁶⁶ The terror action resulted by death of all passengers. That event made the Azerbaijani party reach some decisions. In that context, a railway going to Armenia was blocked, in a meeting from 26 November 1991 the Azerbaijani Supreme Council liquidating the status of the NGAR passed the regions consisted in the autonomous province till that date to subordination of the Azerbaijani authority straight.⁶⁷ As it was expected, Armenians met the decision with a negative reaction. At the same time those last events also meant the uselessness of the peace attempt initiated by Yeltsin and Nazarbayev.

⁶⁴“Zheleznovodsk Declaration”, <http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts6.php> , (August 12, 2009).

⁶⁵ Çiloğlu, *Rusya Federasyonu'nda ve Transkafkasya'da Etnik Çatışmalar*, p.152.

⁶⁶ http://www.azerbaijan.az/_Karabakh/_ArmenianTerror/armenianTerror_03_a.html, (August 10, 2009); http://mfa.gov.az/eng/khojaly_en/index.php?option=com_content&task=view&id=25&Itemid=39, (August 10, 2009).

⁶⁷“Azərbaycan Respublikasının Dağlıq Qarabağ Muxtar Vilayətini ləğv etmək haqqında Azərbaycan Respublikasının qanunu” (The Law of the Azerbaijani Republic About Liquidating the Nagorno Karabakh Autonomous Republic), <http://karabakh-doc.azerall.info/ru/law/law012az.htm>, (August 10, 2009).

VI - The Karabakh Problem Since Obtaining Sovereignty Till the Cease-Fire Treaty in 1994

Azerbaijan had already gained full independence when the above mentioned events were happening. The Azerbaijani parliament passed a constitutional statement about independence on 18 October 1991. And earlier the Law on Sovereignty on 23 September 1989, the Economic Independence Legislation on 25 May 1991, and the Declaration of Independence on 30 August 1991 was approved by the Supreme Council of Azerbaijan.⁶⁸ On 9 October 1991, the Supreme Council of Azerbaijan adopted a decision on forming the national army.⁶⁹ Armenia obtained independence too in that period in parallel with the process of collapsing of the Soviet Union.

At the end of 1991, the parliament of the independent Armenian Republic stated its non-recognition of any international treaty pointing out the former NGAR as a part of Azerbaijan. That resolution still remained in force theoretically, is an overt aggression against the territorial integrity of Azerbaijan, at the same time it is outraging of the principle of respect for territorial integrity of the states, that are the main principles of the international law.⁷⁰

However, after initiating a process of membership of those countries to the international organizations, tactical changes were observed in Armenia's invasive policy against Azerbaijan. By a new tactics, at first it would be provided a complete separation of the former NGAR from Azerbaijan and in a form acceptable for the international society, and then it would be realized the annexation into Armenia of the province not connected to Azerbaijan already. According to that approach, Armenia did not stand for the annexation of the former NGAR into Armenia, but defended the thesis of "its being an independent republic". With that end in mind, following the referendum conducted on December 10, 1991, in a

⁶⁸ For this law see: *Azərbaycan Respublikası Qanunlar Toplusu* (Collection of the Laws of the Azerbaijani Republic), Vol. 1, (Baku: Hukuk Edebiyatı, 2001).

⁶⁹ Ədalət Tahirzadə, *Elçi Bəy* (Elchi Bey), (Baku: "Cumhuriyet qəzeti" press, 1999), p.70.

⁷⁰ Erjan Kurbanov, "Azərbaycan'ın Güvenlik Kaygıları: Dağlık Karabağ Üzerinde Ermenistan'la Çatışma ve Diğer Ülke İçi Anlaşmazlıklar" (The Security Concerns of Azerbaijan: a Fight with Armenia for Nagorno Karabakh and other interior misunderstandings), *Avrasya Etiüdləri* (Euroasian Studies), Vol. 3, no. 4, (Winter 1996/97), p.20.

region not having the autonomy already, but the most part being under occupation of the Russian military units and the Armenian army out of the control of Azerbaijan, that is in the former NGAR, it was declared “the Artsakh Armenian Republic” on May 6, 1992.⁷¹

At the beginning of 1992, a number of deceased in the skirmishes between two nations was more than 1000. A conflict between the parties was blazing up gradually. Not having an official and systematic army, just by the groups formed from the volunteers the Azerbaijani party was forced to wage war on two fronts with Armenian supported by Russia. Because, the attacks had being realized both from a province inside Azerbaijan (from a former NGAR) and from Armenia.

In conjunction admitting of Azerbaijan and Armenia into the OSCE⁷² in Prague summit of the organization on January 30, 1992, the Karabakh problem gained an international character at the same time. Exactly in that period, a helicopter carrying the Azerbaijani refugees was hit by rocket fire of the Armenian militants. 40 men died as a result of incident.⁷³ And the mediation propositions of Iran at the beginning of February in 1992 were not accepted by the parties. At the middle of February, assembling in Strasburg the European parliament made a decision on sending the observers to the region. On 20 February 1992, by an initiative of the Ministry of Foreign Affair of Russia, the Azerbaijani, Armenian and Russian ministers of foreign affairs came together in Moscow and in the press-conference conducted after the meeting agreed with an issue of stopping the conflict immediately and removing encirclement on populated regions. It should be noted that an attempt of the meeting to decide to give a pause to the conflict if nothing else and to provide at least a temporary peace had a positive character. But, what a pity that the following processes had not corresponded with a character of the meeting.

The Iranian minister of foreign affairs Ali Akbar Vilayati made a visit to the region on 24 February, 1992, for a purpose of mediating between the

⁷¹Avakian, *Nagorno-Karabakh: Legal Aspects*, p.1; *Marco Polo Magazine*, no 4-5, 1998, p.1.

⁷² It had been named the CSCE from the establishin date on 1 August 1975 till 1 January 1995. In the Budapest summit held on December 1994, it was made a decision on turning that organization into the OSCE

(Organization for Security and Co-operation in Europe). After a fromation of the organization’s permanent bodies the organization has named the OSCE from 1 January 1995.

⁷³ “Armenian terrorism”

parties. As the agreement attempts on the main points for cease-fire were continuing, it took place Khojali genocide.

A city of Khojali perhaps was a settlement in the most critic situation in the province during the attacks of the Armenian military units. Khojali, with a population of 7000 people, and where there was an only airport in the province, was encircled as a result of the Armenian attacks in the spring and autumn of 1991 and a connection with the city was provided only by helicopters. In spite of such a hard situation and having a strategic importance, Mutallibov administration in Azerbaijan hadn't made proper effort in a direction of defense of Khojali.^{74 6}

As a consequence, an attack of the Armenian military units organized against Khojali at night on February 25 to 26 of 1992 turned into genocide. More than 613 men, including 63 children, 106 women, 70 men in years were martyred in the attack. In addition 1275 men were taken as hostage by Armenians, more than 500 people were wounded, and 150 men disappeared without a trace. Many of the people under encirclement were killed by ruthless methods, the international organizations⁷⁵ and the world media⁷⁶ characterized the event as a human drama.

Azerbaijan officially stated a participation in the attack of the 366th Russian regiment in Khankandi.⁷⁷ Since it were used the modernest weapons in the attack. They had not been on hand of not only the local groups in the province, but even of the Azerbaijani and Armenian armies beginning to be formed.⁷⁸ As before the Russian party stated non-connection with the attacks again. However, 3 Russian soldiers run away from the mentioned regiment in the press-conference conducted on 3 March 1992, pronounced that "they had been subjected to psychological

⁷⁴ Nazim Cafersoy, *Elçibey Dönemi Azərbaycan Dış Politikası (Haziran 1992-Haziran 1993)* (The Azerbaijani Foreign Policy of Elchibey period (June 1992 – June 1993)), (Ankara: ASAM, 2001), p.41.

⁷⁵ <http://www.amnesty.org/ailib/aipub/1994/Eur/551294.Eur.Txt>, (May 24, 2001); <http://www.unhchr.Ch/huridocda/huridoca.Nsf/0/7c3561e40d2d3d07c1256bae00447b7f?Opendocument>, (November 13, 2003).

⁷⁶ "Nowhere To Hide For Azeri Refugees", *The Guardian*, 2 September 1993; "The Face Of A Massacre", *Newsweek*, 16 March 1992; "Massacre By Armenians", *The New York Times*, 3 March 1992; Thomas Goltz, "Armenian Soldiers Massacre Hundreds Of Fleeing Families", *The Sunday Times*, 1 March 1992; "Corpses Litter Hills In Karabakh", *The Times*, 2 March 1992; Jill Smolowe, "Massacre In Khojaly", *Time*, 16 March 1992, "Nagorno-Karabakh Victims Buried In Azerbaijani Town", *The Washington Post*, 28 February 1992.

⁷⁷ Aslanlı, "Tarihten Günümüze Karabağ Sorunu", p. 404.

⁷⁸ <http://president.gov.az/Azerbaijan/Khojali/Bge.Htm>, (July 20, 2004).

pressure and had been requested to fight against Muslim Azerbaijanians together with Christian Armenians.”⁷⁹

It is useful to note especially some points in it. A first point coming to mind is a point that why very Khojali was subjected to such a large scale attack and why a slaughter characterized as genocide by some researchers and the international legal experts was realized there. A first important point here is connected with a strategic position of Khojali. An occupation of Khojali was important for Armenians from the viewpoint that by opening of a land route between Askaran and Khankandi, the all territories of the former NGAR, expecting Shusha passed under control of Armenia.

A realization of the attack against Khojali as a great slaughter had a few reasons. Amongst the factors like a Turk enmity placed into subconsciousness of Armenians, a psychological state of the attacked men, it had a special place that the operation had being had as its object to scare away the people deliberately and to weaken their resistance. According to that strategy, if the resistance of Azerbaijani Turks in the region broke down and they scared away at a scale of killing the families, their resistance would become weaker at the next attacks and everybody would try to save his life and more important his family. The statements of the present Armenian president, one of the main figures responsible for Khojali Genocide, Serge Sarkisyan in regard with the event affirm this opinion too.⁸⁰ As a matter of fact, while examining the following occupation processes; this strategy is observed to be successful to a certain extent.

Khojali slaughter also prepared an end for the Azerbaijani president Ayaz Mutallibov, who didn't take proper measures for defense of his nation. After the events, on 6 March 1992 Mutallibov resigned and the presidential authorities were given temporarily to a chief of the parliament Yaghub Mammadov.

The conflict had proceeded during a month of March, a situation in Karabakh was discussed in a Council of the Ministers of Foreign Affairs of

⁷⁹ X. Taqiev, “Press-konferetsiya o sobityax v Xodjali” (Press conference about to Khojaly event), <http://karabakh-doc.azerall.info/ru/isegod/isg011-2.htm> , (August 6, 2009); Aydin Mextiyev, Brifinq v pres-tsentre prezidenta Azerbaydjan” (Press conference in Azerbaijan presidency press centre), *Nezavisimaya qazeta*, 4 March 1992, <http://karabakh-doc.azerall.info/ru/isegod/isg011-2.htm> , (August 6, 2009).

⁸⁰ Thomas de Waal, *Black Garden: Armenia and Azerbaijan through peace and war*, (New York: New York University Press, 2003), p.172.

the CSCE conducted in Helsinki on 24 March 1992 and it was stated a decision in the 3-11th items of the made final declaration to convene a conference in Minsk, Belarus for resolving of the problem.⁸¹ It was stated in the 9th item of the declaration a participation of 11 countries in the conference, including Azerbaijan, Germany, the USA, Armenia, Belarus, Sweden, Italy, France, Turkey, Chechia and the Slovak Federal Republic. A coordinator position for Minsk conference was given to Italy and leading the conference passed to an Italian representative Mario Rafaelli. The conference was intended to be held in Minsk on a month of July 1992. That initiative of the CSCE got encouragement by the UN too. It was made a decision in a meeting of the Security Council of the UN on 26 March 1992 not to interfere in the problem straight and to support the attempts of the CSCE.⁸²

It was held a gathering by led of Rafaelli in Roma on 1 April 1992 with a participation of the countries, which would take part in Minsk Conference. At the same days a supervisory board of the CSCE also visited Baku.⁸³

At the end of April of 1992 the intermediary attempts of Iran rose too and it was held a meeting in Tehran on a settlement of the problem between Yaghub Mammadov, a speaker of the parliament acting the Azerbaijani president authorities, Levon Ter-Petrosyan, the Armenian president and Hashimi Rafsanjani, the president of the Islamic Republic of Iran. As a result of the meeting it was signed a treaty between Azerbaijan and Armenia consisted of eight items. However, just two days after signing the treaty, on 9 May 1992 the Armenian army occupied Shusha, considered a key of the province, and on 17 May 1992 Lachin, connecting the province with Armenia. It put forward questions on point of “sincerity” of on issues of intermediary position of Iran and a peace position of Armenia and caused that peace effort to be without result too.⁸⁴

⁸¹ “Minsk Process”, <http://www.osce.org/item/21979.html> , (August 1, 2009), and also see: “Helsinki Additional Meeting of the CSCE Council 24 March 1992 Summary of Conclusions” http://www.osce.org/documents/mcs/1992/03/4150_en.pdf , (August 1, 2009).

⁸² Taşkıran, *Geçmişten Günümüze Karabağ Meselesi*, p.169; Manvel Sarkisyan, *Politiçeskie Problemlı Kavkaza i Armeniya. Politika Armenii v Regione* (Political Problems of the Caucasians and Armenia. Region Politics of the Armenia), (Erivan: The Armenian Center for National and International Studies, 1998), p.59.

⁸³ Araz Aslanlı, “Türk Dünyasının Kanayan Yarası: Karabağ” (Wound of the Turkic World Blood Karabakh), *Yeni Türkiye, Türkler Özel Sayısı* (New Turkey:Turkish). cilt 19, p.200.

⁸⁴ <http://www.president.az/azerbajian/nk/conf3.htm>, (May 24, 2003).

One of the interesting points was also a fact that the events were occurring right in front of the CSCE's delegation coming to the region for the peace negotiations at the same days. At the same days, on 15 May an effort of Mutallibov to come back to a post of a head of state in Azerbaijan failed and the opposition came to power before expected election.⁸⁵ The new power announced from the very outset that would not make concession flatly on an issue of territorial integrity including the former NGAR and passed a first examination in a meeting of High-Range Officials Committee of the CSCE conducted in Helsinki on 21 May 1992. In that gathering, the representatives of 51 countries, apart from Armenia, voted for a proposal presented by the US representative, and emphasizing the territorial integrity of Azerbaijan and intending a withdrawal of all the outside military forces from the region. As a consensus wasn't reached, a proposal did not pass into resolution. An insistence of Armenia on a participation of the former NGAR's Armenians under a name "The Nagorniy Karabakh Republic" rejecting a status of "an interested party" gained earlier on a month of May, at the 3rd stage of Roma discussions, intended to be held between the parties on 29 June – 7 July, and at the 4th stage planned to be held on 15 July 1992, wasn't admitted by other participants and thus it was laid obstacles to get result from the discussions.⁸⁶

At the same date Armenia signed a treaty with Russia on keeping in the country the Russian military base (the 7th army). If to add to that event that Armenia was a member of the CIS and signed on 15 May 1992 the Collective Security Treaty, which Azerbaijan hadn't signed, it was appeared obviously that Armenia gained an important advantage from the viewpoint of getting a Russian support.⁸⁷

Armenians, taken courage from that, along with continuing the middle scale attacks began to appear with the claims of planning the large scale attack as well. In response to that Azerbaijan began a counter-attack on

⁸⁵ It would be conducted the presidential elections in Azerbaijan on 7 June 1992. But with preventing of the attempt mentioned above, the opposition (ANP) got a parliamentary chairmanship. As the former president had resigned and a new one had not been elected, a chairman of the parliament was acting as a president too. By the victory of a chief of the ANP Abulfaz Elchibey in the elections conducted on 7 June a process of the democratic opposition's coming into power had been completed.

⁸⁶ "Beyker Roma toplantısından ümidlidir" (Baker is More Hopeful than the rally of the Pope), *Azadlıq*(Freedom), 15 June 1992.

⁸⁷ Taşkıran, *Geçmişten Günümüze Karabağ Meselesi*, pp. 171-172.

12 June 1992. Those attacks, caused weakening of the diplomatic discussions had resulted with liberating from occupation of many villages occupied by the Armenian army earlier. After those events, the wishes of the Armenian representatives on participation of Armenians living in the former NGAR territories with an official status and claims not to participate in the discussions otherwise didn't enable to get result at the 3rd stage of Roma discussions, intended to be held between the parties on 29 June – 7 July, and at the 4th stage planned to be held on 15 July 1992 and that condition was met with discontent of the participants of Roma discussion.⁸⁸

Flaring up of the war had aimed the international observers to increase the negotiation efforts. On 26 August 1992 the Kazakhstan president Nazarbayev took the initiative for declaring a cease-fire, and on August 27 a head of Minsk group Mario Rafaelli making visits to Azerbaijan and Armenia appealed to the parties to declare a cease-fire and to start the discussions for Minsk conference. The first results were gained with a signing Alma-Ata declaration between the ministers of foreign affairs of Azerbaijan, Armenia and Kazakhstan on 27 August 1992.⁸⁹ According to that declaration, it was provided a cease-fire since September 1 of 1992. Fulfilling the appeal of Minsk group too, on 3 September 1992 the parties signed a protocol in Ijevan region at the border of Armenia for carrying out that document. On 14-15 September 1992 a tripartite workgroup began to work. But during the process Armenia rejected the Alma-Ata declaration and the efforts made by Kazakhstan to satisfy them also ended unsuccessful.⁹⁰

Another attempt came from Russia. The ministers of defense of Azerbaijan, Armenia, Russia and Georgia signed a treaty through the intermediary of Russia in Sochi city on 19 September 1992 considering providing a cease-fire from 25 September 1992 and some other points. But that treaty had not been fulfilled for the reasons of on one hand accusing each other of breaking a cease-fire and on the other hand the

⁸⁸ Cafersoy, *Elçibey Dönemi Azərbaycan Dış Politikası (Haziran 1992-Haziran 1993)*, p.81.

⁸⁹ “Almati Protokolunun İcrasına Nəzarət Protokolu” (Protocol of the supervision to the Fulfilment of the Almati Protocol), *Azadlıq*, 5 October 1992; P.Sh.Safarov, *90-cı illərdə Azərbaycan 'in beynəlxalq vəziyyəti və xarici siyasəti*, (Baku: Elm, 1999), p.31.; Suren Zolyan, *Naqorny Karabax: Problema i konflikt* (Nagorny Karabakh: Problem and conflict), <http://www.armenianhouse.org/zolyan/nf-ru/karabakh/5.html>, (August 2, 2009).

⁹⁰ Safərov, *90-cı illərdə Azərbaycan 'in beynəlxalq vəziyyəti və xarici siyasəti*, p.31.

insistence of Armenia on a participation of Armenians living in the former NGAR inside Azerbaijan with an official status in the negotiations.⁹¹

The efforts of the UN's Secretary General's special representative Jack Mariscan, making more frequent his negotiator activities since the middle October of 1992, had also been without result because of the same reasons. The advantage Azerbaijan had, began to move to Armenia by the end of 1992.^{92 4}

The US president George Bush and his Russian colleague Boris Yeltsin coming together on 3 January 1993 in a meeting in Kremlin in a declaration signed in regard to attempts of Armenia to occupy the Azerbaijani territories were expressing concern over "the confrontation in Nagorniy Karabakh and on the Azerbaijani-Armenian frontier" and were emphasizing an importance of resolution of the problem within the main principles framework of the CSCE. But Armenia and Azerbaijan as the parties of the conflict were showing irreconcilable position of each other as a reason of non-solution of the problem.⁹³

It was begun Roma discussion with a participation of the representatives of Azerbaijan, the USA, Russia, Armenia and a chief of Minsk conference Rafaelli on 20 February 1993. Though as a result of the discussion the parties could not reach an agreement for completely providing a cease-fire and officially opening of Minsk conference, they agreed on a matter of observers coming to the region for providing a cease-fire.⁹⁴

But, on 27 March 1993 Armenia made an attack in a direction of Kalbajar region, one of the passages connecting it with the former NGAR's administrative borders inside Azerbaijan. That attack had continued between 27 March and 3 April of 1993. On 6 April 1993 the presidential machinery of Azerbaijan stated officially a complete occupation of Kalbajar region by the Armenian army from April 3. As a result of the attack a part of the population of the region was killed, and the rest was refugees. The Azerbaijani party claimed on assistance of the Russian military units to the Armenian party in that occupation process.

⁹¹ Aslanlı, "Türk Dünyasının Kanayan Yarası: Karabağ", p.406.

⁹² *Azərbaycan* (Azerbaijan), 8 January 1993.

⁹³ *Azərbaycan*, 8 January 1993.

⁹⁴ *Azərbaycan*, 3 Mach 1993.

On 6 April 1993 the USA, trying for the most part “not to hurt” Armenians, reproached the Armenian attacks. At the same time, for a reason of occupation of the territories by Armenia during the negotiations the Azerbaijani party had announced a rejection of a participation of the OCSE in the peace negotiations.⁹⁵ Explaining the occurrence the minister of defense of Armenia Vazgen Manukyan claimed that the Armenian army had not taken part in an occupation of Kalbajar at all and it was realized “by Armenians of Karabakh province.” The claims of Azerbaijan on occupation of Kalbajar by the Armenian military forces caused the discussion to remain without result again.

The countries-members of the EU also appealed to the Armenian government on April 8, 1993 for “use its influence in Nagorniy Karabakh” at the point of “a withdrawal from the Azerbaijani territories” and stopping the skirmishes. But Manukyan repeated that the Armenian army had not participated at all in the occupation of Kalbajar and the event “was realized by Karabakh Armenians.”^{96 8}

The Azerbaijani officials had shown initiative at international level for juridical assessment of the occupation and for removal of its results. Both the head of state and the ministry of foreign affairs were continuing a striving within the framework of the UN, the OSCE and other international organizations for reproach of the occupation and for application the proper sanctions against Armenia. Meeting with the members of the UN Security Council a representative of Azerbaijan in the UN Hassan Hassanov, the Azerbaijani president Abulfaz Elchibey and the minister of foreign affairs Tofiq Gasimov asked to give a statement in connection with the event and to make a decision. Giving a statement on April 6, 1993 the Chairman-in-Office of the UN Security Council Pakistani Jamshid Merker expressed concern of the Security Council over worsening the situation between Azerbaijan and Armenia, over the actions threatening peace in the region like an occupation of Kalbajar by Armenians (a country name wasn't mentioned). It was emphasized in the statement that the peacemaking initiative of the OSCE within the framework of principles of inviolability of the borders and territorial integrity was supporting, and it was asked the

⁹⁵ Aslanlı, “Tarihten Günümüze Karabağ Sorunu”, p. 407.

⁹⁶ Çiloğlu, Rusya Federasyonu'nda ve Transkafkasya'da Etnik Çatışmalar, pp.163-164.

UN Secretary General to present a report to the Security Council in connection with the matter. Though a participation of Armenia as a party in the occupation of Kalbajar didn't as certain at all in the report presented by the UN Secretary General to the Security Council on April 14, 1993, however it was stated that a usage of the tanks, the heavy weapons and the helicopters in the attacks bore out a participation a force beyond Armenians in the event.⁹⁷ Just after the event Turkey, Pakistan, Iran, England, the OIC, and if at a softer way Italy and France gave the statements reproaching the event.⁹⁸

At that stage it had been some attempts of Russia too for a purpose of keeping the region on its hands. At first, the Prime Minister of Azerbaijan and the Minister of Defense and Security of Armenia Vazgen Sarkisyan came together on April 8, 1993 with a mediatory of the Russian minister of defense Pavel Grachov, but it couldn't be gained any result from that meeting. And on 23 April 1993 the Russian president Boris Yeltsin notified in the UN Security Council that they would negotiate in regard to the problem. And later it was conducted meetings with both Armenian and Azerbaijani officials and with the former NGAR representatives as well. After the occupation of Kalbajar, it was held a meeting of the High-Range Officials Committee of the CSCE in Prague on 26-29 April 1993. In the meeting realized with a wish of Azerbaijan and with a support of 17 member-countries, it was emphasized that taking step by Armenia in a direction of a withdrawal from Kalbajar was a term for a continuation of the peace negotiations. Armenia put obstacles by using the "veto" to make a declaration reproaching the war in the region and intending "immediately withdrawal of the exterior forces" from the occupied Azerbaijani territories.⁹⁹ At the same time it was being requested in the decision a withdrawal of the occupation forces (a country name wasn't mentioned) from Kalbajar region and a start of the negotiations within the framework of the OSCE Minsk conference.

⁹⁷ "Items relating to the situation between Armenia and Azerbaijan", www.un.org/en/sc/repertoire/93-95/CHAPTER%208/EUROPE/item_9_ArmeniaAzerbaijan.pdf, p.4. (June 29, 2009).

⁹⁸ "Xarici diplomatların mövqeyi" (Position of the Foreign Diplomats), *Azərbaycan*, 3 April 1993. and Cafersoy, *Elçibey Dönemi Azərbaycan Dış Politikası (Haziran 1992-Haziran 1993)*, p.85.

⁹⁹ Elçin Əhmədov, *Ermənistanın Azərbaycanca təcavüzü və beynəlxalq təşkilatlar* (Agression of Armenia Against Azerbaijan and the International Organizations), (Baku: Tuna, 1998), p.64.

As a result of the great diplomatic efforts of Azerbaijan the UN Security Council also discussed a matter of the Azerbaijani-Armenian conflict on April 30, 1993 and it was reached a resolution number 822 by the affirmative votes of the all 15 members. As a matter of fact, it was impossible to make a decision expressing clearly an occupation issue of the Azerbaijani territories by Armenia in the UN Security Council. For a reason of an overt support of Russia, and ulterior support of France and the USA which were the permanent members of the UN Security Council, a possibility to show Armenia clearly as an occupation state in the made decision was incredible anyhow. And a decision reached was favor to that situation. In the decision it was also referred to the statements of a chief of the Security Council given before and to the report presented, and it was expressed concern over a disturbing scale of the war between Azerbaijan and Armenia, and over occupation of Kalbajar by Armenians (wasn't mentioned as a country name) and it was emphasized the principles of inviolability of the borders recognized at an international level, inadmissibility of seizure of the territories by arm, paying respect to sovereignty and territorial integrity of all countries. It was enumerated particularly five items in the resolution:

“UN Security Council,

1.Demands the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire, as well as immediate withdrawal of all occupying forces from the Kalbajar region and other recently occupied areas of Azerbaijan;

2.Urges the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk group of the Conference on Cooperation on Security and Cooperation in Europe and refrain from any action that will obstruct a peaceful solution of the problem;

3.Calls for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;

4. Request the Secretary General, in consultation with the Charman-in-Office of the Conference on Cooperation on Security and Cooperation in Europe, as well as the Chairman of the Minsk group of the Conference to assess the situation in the region, in particular in Kalbajar district of Azerbaijan, and to submit a further report to the Council;

5. Decides to remain actively seized of the matter.”¹⁰⁰

Though there were some positive moments from the viewpoint of Azerbaijan in the resolution, in general it was tried to maintain equilibrium between two countries. Thus, on one hand it was dealing with “the Armenian occupation”, with “a necessity of withdrawal of Kalbajar and other occupied regions”, but in spite of the persistent claims of Azerbaijan a name of Armenia wasn’t expressing clearly as an occupation state. However, passing of a name of Armenia, but not Karabakh Armenians as a party of the conflict was at least an official affirmation Armenia as a party in the conflict.

By an initiative of the Russian president Boris Yeltsin on May 1993, Russia, Turkey and the USA stated a beginning of a peace initiative in the framework of the CSCE process. Characterizing Russia as a supporter of Armenia, to equilibrate a situation Azerbaijan wished a participation of the USA in the process as a powerful state. Though the proposals of the parties intending a release of Kalbajar from the occupation of the Armenian army till 14 May 1993, and a continuation of the peace negotiations in the framework of the CSCE since 17 May 1993 had admitted by Azerbaijan, Armenia rejected it.¹⁰¹ It was taken place the change in a position of Armenia after Yeltsin-Ter-Petrsoyan meeting on 27 May. Namely, Armenia stated admitting all proposals of the negotiators. But, it stopped the process soon putting forward not admitting the conditions by Armenians of the province.¹⁰² Though some observers estimated that event as a first disagreement raised between Armenia and Karabakh Armenians, in a comprehensive sense it can be explained as “a trick” too. Because, by this

¹⁰⁰ <http://www.un.org/Docs/scres/1993/822e.pdf>, (July 27, 2009).

¹⁰¹ *Azadlıq*, 7 May 1993.

¹⁰² http://www.musavat.com/site/shownewp.php?news_id=54441, (July 29, 2009) and Çiloğlu, *Rusya Federasyonu'nda ve Transkafkasya'da Etnik Çatışmalar*, p.167.

way Armenia had being able to mitigate the international pressure upon itself without compromise.

It was prepared a new document for a solution of the Armenian-Azerbaijani conflict in a meeting of the representatives of 9 countries-member of the CSCE (the USA, Russia, France, Turkey, Italy, Germany, Chzechia, Sweden and Belarus) conducted in Rome on 3-4 June 1993.¹⁰³ It was been presented to the parties “The Urgent Action Plan” for fulfillment of the resolution number 822 of the UN Security Council and continuation the discussion within the framework of the CSCE. According to “The Urgent Action Plan” the Armenian party had to begin completely withdrawing from Kalbajar since 15 June 1993, a withdrawal process had to finish by 20 June and 50 observers of the CSCE should be placed in the region since 1 July. And then, not later than 7 August 1993, the negotiations in the Minsk group were restarted. Azerbaijan admitted that peace plan of “the Nines” instantly and signed it. Armenia also admitted that plan, but asked one month more for a withdrawal from Kalbajar advancing that some forces in the occupied region were not under a control of the Armenian authorities.¹⁰⁴

As a visit of the chairman of the CSCE Minsk Conference Mario Rafaelli to Azerbaijan and Armenia begun on 4 July 1993 became a problem itself, it was clear that application of the plan would not be as easy as it thought. The Armenian party protested against the wishes of Rafaelli to visit to the region by course of Baku-Iravan-Baku-Aghdam-Kahnkendi-Baku-Rome. They were not agreed to going to Khankandi from Aghdam. Advancing a compromise position the Azerbaijani party admitted Baku-Tiflis-Iravan-Khankandi-Iravan-Tiflis-Baku line and Rafaelli finished his visit by that course. But it was not gained a result again. Because, a peace plan of the international observers was same: Armenians would withdraw from the occupied places, it would be declared a cease-fire, the international observers would come to the region and the Minsk negotiations would be completed.¹⁰⁵ Of course, one of the most important

¹⁰³ Levon Chorbajan, Patrik Donabedian and Claude Mutafian, *The Caucasian Knot: The History And Geopolities Of Nagorno Karabakh*, (London: Zed Books, 1995), p.36.

¹⁰⁴ *Nezavisimaya Gazeta* (Independent Newspaper), 16 June 1993.

¹⁰⁵ Muhammed Sahimi, “Factors Affecting the Development of Fossil Energy Resources of Developing Countries”, Abbas P. Grammy, C. Kaye Bragg (edt), *United States-Third World relations in the New World Order*, (New York: Nova Science Publishers, 1996), p. 369.

reasons of failure of the discussion was an attempted coup begun in Azerbaijan in that period (it resulted successfully afterwards) and daring Armenians from that. Actually, on the other hand there was an assumption that Azerbaijan would try to liberate its territories rushing to attack again if Armenia didn't sign the agreement and withdraw from the occupied Azerbaijani territories. That motive put Armenia under constraint to admit a peace plan. Even it was also dealt with that matter in the letter of the US president Clinton written to the Azerbaijani president Elchibey on 5 June.¹⁰⁶

At that stage, ventured from a coup process begun in Azerbaijan and bringing an end of Elchibey administration and in general from the interior confrontations in Azerbaijan, Armenia in spite of withdrawal from Kalbajar, on the contrary going ahead strengthened the occupation attacks against the Azerbaijani territories. Azerbaijan going through the civil war and obliged to be engaged in the interior problems more (at a time when a considerable part of the army units were being aimed at Baku) was not able to put up a strong resistance against the attacks of Armenia. The occupation of the Azerbaijani territories by Armenia and the resolution of the UN Security Council rebuking them had followed one after another till the end of 1993. The Russian observers making a visit to the region on 17 March 1993 were the witness of air bombardment of Aghdam city. The same picture had repeated during two visits of the Russian observers to the region till the end of July.¹⁰⁷ As a result of the attacks made on 26-28 June, Armenians occupied Aghdara district of Azerbaijan.

Through 23-24 July 1993 a great part of Aghdam district of Azerbaijan was occupied by Armenians. It was adopted a resolution number 853 concerning the matter in the meeting of the UN Security Council from July 29. Emphasizing an importance of complying with the resolution number 822 (in regard to the occupation of Kalbajar), and noting the principles of

http://bookp.google.az/books?id=MhdUoJDedbEC&printsec=frontcover&hl=tr&source=gbs_v2_summary_r&cad=0#v=onepage&q=&f=false, (August 14, 2009); "Azərbaycan Respublikası Prezidentinin səlahiyyətlərini həyata keçirən Azərbaycan Respublikası Ali Sovetinin Sədri Heydər Əliyevin və ATƏM-in Dağlıq Qarabağa dair Minsk Konfransının sədri Mario Raffaellinin birgə mətbuat konfransında bəyanatı - Bakı, 14 iyul 1993-cü il" (The statement in the joint press-conference of the acting President of the Azerbaijani Republic Heydar Aliyev and a chairman of Minsk Group of the CSCE on Nagorno Karabakh Mario Rafaelli – Baku, 14 July 1993), <http://library.aliyev-heritage.org/print.php?lang=az&page=744731>, (August 14, 2009).

¹⁰⁶ Tahirzadə, *Elçi Bəy*, p.287.

¹⁰⁷ <http://www.president.az/azerbaijan/nk/conf3.htm>, (July 21, 2009).

border inviolability and territorial integrity, it was underlined in the resolution from 14 items an importance of a withdrawal from Aghdam and other occupied regions urgently and unconditionally, a solution of the problem in the framework of the CSCE and taking every necessary steps by Armenia on those matters.¹⁰⁸

But the efforts of the CSCE Minsk group through 21 July – 12 August 1993 for a realization of 822 and later carried 853 resolutions of the UN Security Council remained without result. As the attacks of the Armenian military units against Fizuli and Jabrayil districts had intensified since 11 August 1993. On the attempts of Armenians to occupy Fizuli, giving a long statement on 18 August 1993 the Chairman-in-Office of the UN Security Council, the US representative Madlen Olbright pronounced an anxiety felt for falling off in the situation between Armenia and Azerbaijan. It was emphasized in the statement that Armenia “should take the steps for complying with the resolutions number 822 and 853 of the UN Security Council in regard to the confrontation in Nagorno Karabakh province of Azerbaijan, and it was important to stop the attacks made against Fizuli district of Azerbaijan, and a withdrawal from Kalbajar, Agdam and other places occupied before.”¹⁰⁹

A meeting of the CSCE Minsk group with the Azerbaijani and Armenian delegation set in again in Rome on 9 August 1993. It was been discussing “The Urgent Action Plan” intending the withdrawal of the Armenian military forces from Azerbaijan.¹¹⁰ Making a protest against the plan and other documents the representatives of the former NGAR Armenian community proposed some changes.¹¹¹ And after that, it was prepared a new plan by “The Nines”, the members of the Minsk group and sent to the parties for a discussion. Azerbaijan made its protest against that plan unsuitable to its interest and not intending to end the occupation. As for admitting of the plan consent of both parties was condition, that plan was not applied either. With a non-acceptance of the plan a situation had become more

¹⁰⁸<http://www.un.org/Docs/scres/1993/853e.paf>, (July 27, 2009).

¹⁰⁹ “Items relating to the situation between Armenia and Azerbaijan”, www.un.org/en/sc/repertoire/93-95/CHAPTER%208/EUROPE/item_9_ArmeniaAzerbaijan.pdf, p.15-17. (July 29, 2009). and Musa Qasimov, *Azərbaycan beynəlxalq münasibətlər sistemində* (Azerbaijan in the System of International Relations), (Baku: Genclik, 1996), pp.119-122.

¹¹⁰ *Xalq qəzeti*, 14 August 1993.

¹¹¹ *Nezavisimaya Qazeta* (Independent Newspaper*Russia), 20 August 1993.

complicated. Availing itself of that muddle the Armenian military units increased their attacks. On 23 August 1993 the Armenian army occupied a large part of Fizuli district. It was followed by the occupation of Jabrayil on 25-26 August 1993 and Gubadli on 31 August. The CSCE Minsk group held a meeting for discussing the last events in Paris on 21-28 September 1993.¹¹²

In the meeting of the CSCE Minsk group conducted in Paris on 28 September 1993, "The Urgent Action Plan" prepared anew presented to the parties. The Azerbaijan party was against the plan reasoning from that version being contrary to the resolution number 853 of the UN Security Council.¹¹³ Infringing upon the third item of the resolution number 853 intending unconditional withdrawal of the occupation forces from the occupied districts of Azerbaijan, the plan was meaning fore conditions for withdrawal of those forces. In particular, it wasn't indicated in the plan either how those territories would be withdrawn. In the appeal sent to the UN Security Council by Azerbaijan it was underlined that an acceptance of the paper made sense of approval upon seizing the territories of another state by using force and clear offense against the UN principles.

Despite of all protests of Azerbaijan, based on the plan prepared by the CSCE Minsk group, the UN Security Council adopted a resolution number 874 with regard to the Armenian-Azerbaijani conflict in the meeting from 14 October 1993.¹¹⁴ It was enumerated 13 items in that resolution, given place to the resolutions number 822 and 853 carried before, to the explanation of the Chairman-in-Office from 19 August 1993, to the letter of the CSCE Minsk group from 1 October 1993, to inviolability of independent statehood and territorial integrity of Azerbaijan and other states and noting anxiety felt from "a conflict experienced in Nagorniy Karabakh province of Azerbaijan and between Armenia and Azerbaijan." It was underlined in those items an importance of application without fail of the resolutions number 822 and 853 and taking necessary steps for realization of the CSCE Minsk group's plan on "issue of immediate and unconditional withdrawal from the occupied territories."¹¹⁵

¹¹² <http://www.president.az/azerbaijan/nk/conf3.htm> , (August 5, 2009).

¹¹³ *Azərbaycan*, 13 October 1993.

¹¹⁴ Qasimov, *Beynəlxalq münasibətlər sisteminə Azərbaycan (1991-1995)*, p.122.

¹¹⁵ www.un.org/docs/scres/1993/874e.pdf , (August 17, 2009)

Actually it wasn't possible to end the occupation attacks of Armenia with those resolutions not intending any sanction. Namely that reason had made Armenia to have courage and by occupation of Horadiz settlement on 23 October 1993, Zangilan on 28 October–1 November 1993, almost all Karabakh province including the former NGAR got out of hand of Azerbaijan practically and remained under occupation of the Armenian army.

In the meeting of the CSCE Minsk group held in Vienna on 2-8 November 1993, the representatives of 9 countries gave the statements rebuking a last situation in the region. As consequence, with a common request of 9 countries it was adopted a resolution. Beginning of the military attacks and an occupation of the new areas by using the military forces were estimated in the resolution as offense against the CSCE principles. Nine countries asked the occupation forces to withdraw from Horadiz and Zangilan districts immediately and to comply with the resolutions of the UN Security Council. It was noted that a problem of occupation of the Azerbaijani territories by Armenia would discuss in the Minsk conference that was intended to be held after providing a cease-fire and withdrawing the armed forces from the occupied territories.¹¹⁶ There were the negative points in the resolution too. Thus, a name of breaking cease-fire, continuing the attacks, occupying the new territories was not identified clearly again. Refraining from indicating the name of Armenia and the Armenian military groups living in the Azerbaijani territories occupied by Armenians, the Minsk group was using general ideas and terms like "confrontation parties".¹¹⁷

In following period "The Urgent Action Plan" on application of the resolutions number 822, 853 and 874 of the UN Security Council was given to a discussion of the parties by the CSCE Minsk group in Vienna.¹¹⁸ Actually there wasn't any difference in principle between "Vienna plan" and "Paris plan". A name of Armenia was not been indicated clearly as a conflict party, just the former NGAR Armenians presented as a party. A withdrawal of the occupation forces from Shusha and Lachin

¹¹⁶ Əhmədov, *Ermənistanın Azərbaycanca təcavüzü və beynəlxalq təşkilatlar*, p. 23.

¹¹⁷ Əhmədov, *Ermənistanın Azərbaycanca təcavüzü və beynəlxalq təşkilatlar*, p. 23.

¹¹⁸ "Adjusted Timetable of Urgent Steps to Implement", UN Security Council Resolutions 822, 853 and 874, November 12, 1993.

was not dealt in the plan either. It was noting that this matter would discuss in the Minsk conference. And a withdrawal of other occupied territories was connected with removal of embargo. While all these mentioned was not been considerable for Azerbaijan, the Azerbaijani party did not admit “the Vienna plan” either.

For its turn, on occupation of Horadiz and Zangilan the UN Security Council also passed the latest from “uninfluenced resolutions” chain on 11 November 1993. There were 11 main items in the resolution number 884 not differing from others so much. As in the previous ones, it was underlined in the resolution an importance of making proper efforts for a solution of the problem within the framework of the CSCE Minsk group. Referring to its previous resolutions number 822, 853, 874 the Security Council stated anxiety about aggravating the relations between Azerbaijan and Armenia, about occupation of Zangilan district and Horadiz town of the Azerbaijani Republic as a result of strengthening of military operations, about transgression of the international borders, and underlined inadmissibility of using force for a purpose of seizing territories and territorial integrity of the Azerbaijani Republic. In the next 9 items it was rebuked the occupation of Zangilan district and Horadiz settlement, the attacks against civilian population and territorial integrity of Azerbaijan, asked from the Armenian state to make proper effort for application in the region the previous resolutions of the UN Security Council in regard with matter, asked to execute “A Renewed Schedule of the Urgent Action Plan” prepared by the CSCE Minsk group for realization of the UN Security Council’s resolutions; underlined a requirement for all countries to avoid the efforts that could cause strengthening of the conflict.¹¹⁹

The confrontations had continued decreasing toward the end of the year. The rested from 1993 were the occupied territories of Azerbaijan, not applied resolutions of the UN Security Council and ineffectual efforts of the CSCE Minsk group. If to explain the resolution of the UN Security Council it should be noted an important course of those resolutions had been continuously underlining of inviolability of the territorial integrity of Azerbaijan, Armenia being a part in the problem and a necessity of immediate and unconditional withdrawal from the occupied territories.

¹¹⁹ www.un.org/docs/scres/1993/884e.pdf, (August 27, 2009).

Other directions of the resolutions consisted of not declaring Armenia plainly as an aggressive country (whereas, it was very plain an illogicality of the claims of the small Armenian armed groups without army and military supply, on direct realization of the attacks organized by airplanes, tanks and heavy arms. Moreover, there were videos on attacking from two sides in the occupation of Kalbajar – from the former NGAR of Azerbaijan and from the Armenian frontiers), not putting forward any certain statement about sanction that would apply in a case of non-withdrawal of Armenians from the occupied territories (as in an example of the occupation of Kuwait by Iraq). However, in a consequence, Azerbaijan going through the interior muddles and not providing a proper foreign military support, lost nearly 20 % of its territories, the territorial integrity and sovereignty fell under the threat seriously.

In the same period it was also obvious a feebleness of “The Urgent Action Plans” prepared by the CSCE Minsk group for applying of the resolutions adopted by the UN Security Council. And one of the main reasons of that was non-possessing a mechanism by the CSCE to use sanction against a party not applying the proper decisions. Thus, the decisions made by the Minsk group were going to have just a proposal and recommendation character.

January-March period of 1994 had passed with the negotiator efforts of the CSCE and Russia, along with small-scale attacks.

Though Russia was a member of the CSCE Minsk group, it had given preference to own peace-securing plan more and had thought to rehabilitate with it the former authority in the region. The most important among the efforts of Russia were the meetings between the Russian minister of foreign affairs Andrey Kozirev and the Azerbaijani minister of foreign affairs Hassan Hassanov in Moscow on 18 January 1994 and between the Russian and Armenian ministers of foreign affairs Kozirev and Hovanisyan on 20 January 1994, a meeting of “Minsk Nine” with a new chairman of the CSCE Minsk conference Sweden Yana Eliasson in Hungary on 4 February 1994, signing a protocol between the ministers of defense of Azerbaijan, Armenia and Russia after the meeting held in Moscow on 18 February 1994, the visits of the plenipotentiary of the

Russian president and a deputy minister of defense of Russia to Baku and Iravan on 28 February – 1 March 1994.¹²⁰

As a representative of the CIS Inter-Parliamentary Council, a chairman of the Supreme Majlis of Kyrgyzstan and a special representative of the Russian president made a visit to Baku, Iravan and Khankandi city of Azerbaijan on 31 March – 3 April 1994. On 9 April the Armenian forces began a large-scale attack against Tartar district lasted about one month.¹²¹ The Russian, Azerbaijani and Armenian presidents discussed the problem coming together in a summit of CIS's heads of state in Moscow on April 15. It was given a joint statement on a matter of "The events in Nagorno Karabakh province and surroundings" in Moscow summit.¹²²

The CSCE delegation made a visit to the region on 26 April – 2 May 1994. The representatives of Kyrgyzstan parliament and the Russian Ministry of Foreign Affairs came together with the heads of the Armenian and Azerbaijani parliaments and the representatives of the former NGAR Azerbaijani (Azerbaijani Turk) and Armenian communities within the framework of the meeting of the CIS Inter-Parliamentary Council in Bishkek on 4-5- May 1994. It was signed "the Bishkek Protocol" as a step toward peace in that meeting on 5 May 1994.¹²³ Signing that protocol, which would lay on a basis of the cease-fire treaty signed afterwards, by Azerbaijan, Armenia and only the Armenian community's representatives of the former NGAR (the separatists) was a serious concession from the standpoint of Azerbaijan. Since Azerbaijan had recognized just Armenia as an opposite party till that day. But now, it was signed a treaty with them who claimed to be represented from a part of own country.

Emphasizing shortly in the protocol hurting the conflicts in the former NGAR and its surroundings the Azerbaijani and Armenian nations and other region nations, support for stopping the armed conflict and for reducing to a common denominator in the CIS summit from 14 April 1994, the efforts of the Inter-Parliamentary Council and the CIS at that direction, an importance of realization of the decisions on the matter of a solution of

¹²⁰ Aslanlı, "Tarihten Günümüze Karabağ Sorunu", p.414.

¹²¹ <http://www.president.az/azerbaijan/nk/conf3.htm>, (August 24, 2009).

¹²² http://www.cip.minsk.by/russian/cis_peace.htm, (August 24, 2009).

¹²³ *Xalq qəzeti*, 6 May 1994.

the problem made by the UN and the CSCE (above all the resolutions of the Security Council number 822, 853, 874 and 884), it was stated coming to agree on the points to cease fire since the night from 8 May to 9 May referring to the protocol signed between the ministers of defense of Azerbaijan, Armenia and Russia in Moscow on 18 February 1994, together with some other problems to ensure a return of the refugees to their place. It was signed a treaty in connection with the cease-fire between the Azerbaijani and Armenian ministers of defense and the representatives of the separatist Armenian leaders in the former NGAR on 9 May 1994. Since May 12, 1994 the cease-fire regime started to be applied.¹²⁴ By that event, it was put end officially to the attacks of Armenia against the Azerbaijani territories and to the war experienced between two countries. However, it didn't mean an end of the war yet. But anyhow, in spite of frequently breaking the cease-fire at the period since 1994 up to our time and expectation from time to time on these violations' turning into war, the cease-fire has continued to present day.

¹²⁴ www.cip.minsk.by/russian/cis-peace.htm, (August 27, 2009).

VII-The Efforts on a Solution of the Problem (Since the cease-fire treaty till the end of 2003)

After coming into effect of the cease-fire treaty the efforts on a direction of a solution of the problem had been intensified. The initiatives exercised in that direction so far may be classified in generally as followed:

- a) By means of the meetings between the Azerbaijani and Armenian officials;
- b) By means of estimation on the problem of the international organizations in their sittings;
- c) By means of intermediation initiatives of the foreign state officials and the international organizations;
- d) By means of assessment on the problem of the various level officials of the different states in the meetings between them;
- e) By means of the meetings between the Azerbaijani and Armenian non-governmental organizations (NGO);
- f) By means of the conference and other actions conducted by the official bodies and NGO's;
- g) By means of the joint visits of the Azerbaijani and Armenian delegations added to the others recently

As these activities have been carried out for most part in parallel and connected to each other, the solution initiatives are shown in the present work not on basis of the certain directions, but by chronological sequence.

1) The Efforts on the Solution and a Diligence of Russia to Keep the Problem Under Its Control

At the period after signing the cease-fire on 12 May 1994, the Russian representative in the Minsk group Vladimir Kazimirov had conducted the meetings making frequent visits to Baku, Iravan and Khankandi on the months of June and July in 1994.¹²⁵ Kazimirov stated a purpose of the

¹²⁵ V. Mitayev, "Rossiya i Zapad v Karabaxskom Konfliktke" (Russia and West in the Karabakh Conflict), www.zakafkazya.org, (December 14, 2002).

conducted meetings as “a consolidation of the cease-fire and a preparation of a Great Political Agreement.”¹²⁶ By a signing of “Great Political Agreement”, Russia was aiming to station the Russian army in the region and keeping a solution of this problem in its hand in the future to reinforce its position in Caucasus again. But the Western states were against a striving of Russia to intensify an influence in Caucasus again. At that point, especially the USA put forward its protests openly. Because of that, an initiative of Russia to station its military units in the region by a status of the UN peace-maker was protested strongly. A strict position of the western on that matter were emphasizing in the statements of the officials of the USA, the Great Britain, Germany and Turkey too. A representative of the USA on the CIS James Collins stated that they would not allowed stationing the military forces of any state in the region on its own and that they preferred a resolution of the problem just within the framework of the CSCE. A reason of the tension experienced between the CSCE and Russia on application of the “Great Political Agreement” plan prepared by Russia for a solution of the problem was that CSCE had not accepted an approach of being an only mediator on solution of the problem (Russia was upholding an only mediator model and in this context was trying to realize a purpose of keeping the problem under its own control).¹²⁷

Azerbaijan was also against stationing in the region just the Russian soldiers as a peacemaking force within the framework of the peace plan. Giving a statement on a month of July in 1994 the Azerbaijani president Heydar Aliyev expressed an acceptance of entering of the Russian

¹²⁶ According to the information written in the media, “Great Political Agreement” proposed by Russia was intending a resolution of the Karabakh problem on four stage: at the first stage, a retreat of the party’s military forces 5-10 km, a withdrawal of the Armenian forces from Aghdam and Fizuli through two days, to create a security strip where the peace-makers and the observers would be stationed; at the second stage a withdrawal of the Armenian army from Jabrayil, a mutual exchange of the hostages and captives, a return back to home of the refugees from Aghdam and Fizuli; at the third stage during three weeks a withdrawal by Armenians from Zangilan, Gubadli and Kalbajar, beginning to work of the natural gas pipeline going to Nakhchivan through Armenia, restart of the railway and over land transportation; at the last stage a discussion of a status of “Nagorno Karabakh”, Lachin and Shusha. For details see: Mityayev, “Rossiya i Zapad v Karabaxskom Konfliktke”.

¹²⁷ *Ayna* (Glass), 10 September 1994.

militaries into the region in a staff of the CSCE peacemaking forces and as a part of multinational peace-makers.¹²⁸

The failure of the discussion on “the Great Political Agreement” conducted through the mediation of Russia in Moscow on August-September 1994 actually was an unsuccessful end of the initiatives of Russia to act as a negotiator on its own. To pose obstacle in initiative of Russia on a solution of the problem and sending the peacemaking force on its own, the High-range Officials Committee of the CSCE made a decision on 16 September 1994 on multinational structure of a peacemaking force to be sent to the conflict region.¹²⁹

In the special meeting of the CSCE on 24 October 1994, it was accepted a proposal of A. Martin, the Chairman-in-Office of the organization, the deputy minister of foreign affairs of Italy, on a staff of a peacemaking force. Within the accepted plan, it was intended to send into the region approximately 3000 military and equipment in proper amount. The plan intended all authority and responsibility on carrying on peace negotiations and sending peacemaking mission into the region to be on the Minsk group. A first answer to the plan of sending the CSCE peacemaking force into the region was given by Russia.¹³⁰ Because, the CSCE force’s stationing in the region might cause a solution of the problem to be gotten out of hand of the Russia in principal, even an official Moscow to be kept aloof from the process. At that period, Andres Burner acting as a chairman of the CSCE Minsk group made a visit to Baku and Iravan for discussion a procedure of stationing a peacemaking force. However, that plan accepted by Azerbaijan was rejected by Armenia.

In Budapest summit of the CSCE conducted on December 1994, alongside with changing that organization into the OSCE (the Organization on Security and Cooperation in Europe), it was made change in a form of

¹²⁸ “Azərbaycan Respublikasının Prezidenti Heydər Əliyevin "Utro Rossii" qəzetinə müsahibəsi” (President of the Azerbaijan Republic Haydar Aliyev’s interview to the newspaper of "Utro Rossii), 6 July 1994, <http://library.aliyev-heritage.org/az/7235858.html>, (August 28, 2009).

¹²⁹ Arsen Gasparyan, “Dinamika Karabaxskovo Konflikta; Rol Rossiskoy Federasii v Evo Uregulirovaniy” (Dynamics of the Karabakh conflict: The role in the solution process of The Russian Federation), www.coc.org/journal/cac06-1999, (August 17, 2009).

¹³⁰ *Segodnya* (Today-Russia), 14 October 1994.

the Minsk group and instead of single chairman system it was established a co-chairmen institute appeared from two chairmen. Giving a permanent co-chairman status of the Minsk group to Russia in the summit, it was also decided forming a joint peacemaking force by the NATO and Russia and a potentiality those forces to be stationed in the conflict region between Armenia and Azerbaijan (as a matter of fact in the Azerbaijani territories occupied by Armenia).¹³¹ By that decision the OCSE enfeebled the protests of Russia giving to it a permanent co-chairman post in the Minsk group and at the same time in parallel to it, tried to impede a solution of the problem to be passed under monopoly of Russia dropping out of the framework of the OCSE.

It was began the discussions between Azerbaijan, Armenia and the former NGAR's Armenians in Moscow on 6-11 February 1995.¹³² The Armenian party was insisting on holding of the discussions between the representatives of the former NGAR's Armenian party, Azerbaijan and Armenia. It was being exerted great pressure upon Azerbaijan as well as by the other forces for accepting the former NGAR's Armenians as a party in the discussions. But the Azerbaijani party was standing up for a thesis that the conflict parties were Azerbaijan and Armenia, the Armenian and Azerbaijani parties of the former NGAR were just the interested parties. Besides, the Armenian party wished the peacemaking forces to be sent into the region before signing a peace treaty. Armenia underlined an importance of non-participation of the Turkish soldiers among the forces intended to be stationed in the region.¹³³ Another matter creating a problem in the peace negotiations was an issue of release of Shusha and Lachin and ascertainment of a new status of the former NGAR. Armenia upheld an idea of discussing the issue of the future of Shusha and Lachin after establishment a status of the former NGAR and also laid down a condition of Lachin passage to be kept under its control. But the Azerbaijani party didn't accept those proposals. Though Azerbaijan

¹³¹ Sarkisyan, *Politiçeskiye Problemi Kavkaza i Armeniya. Politika Armenii v Regione*, p. 55.

¹³² *Azərbaycan*, 10 May 1995.

¹³³ *Sabah* (Morning-Turkey), 20 October 1994.

assented to Lachin passage to be kept under control of the international forces during a peace securing process, stated that it would discuss the issue of a status of the former NGAR only after the withdrawal of the occupation forces from Shusha and Lachin. But the Armenian party was against that approach. The Azerbaijani party didn't accept either the proposals as they were. As a result the Moscow discussions failed too.

A signing of the petroleum contract called as "The Contract of the century" between Azerbaijan and the Western great petroleum companies on 20 September 1994, at the same time had a meaning of strengthening of a position of the Western in Azerbaijan.¹³⁴¹⁰ On account of that 30 years contract (and other contracts and projects of global importance signed afterwards), the Western states wished a solution of the problems in the region at once and securing peace and stability in the region. In that context, first of all it was necessary to prevent the region to be fallen under sphere of influence of Russia again. The US representative in the OSCE Joseph Pressel was stating openly feeling a great anxiety for a possibility of the region to be kept under control by Russia.¹³⁵

Noticing an increase of the interest of the Western states to the region, Russia signed 25 years military treaty with Armenia on 16 March 1995. The treaty was registering officially stationing a military base of Russia in Armenia.¹³⁶

The OSCE Minsk group co-chairmen made a visit to the region at the end of March 1995. The OSCE Minsk group led the new discussions in connection with the occupation problem of the Azerbaijani territories by Armenia in Stockholm on 6-7 April 1995 too. A reason of inefficiency of both efforts was a claim of the Armenian party to determine a status of the region first, and the wishes of the Azerbaijani party to withdraw of the occupation forces from Shusha and Lachin first.

In the discussions held in Moscow on May 1995, Armenia stated with a momentary decision that it would not take part in the Minsk conference

¹³⁴ P.V.Vostrikov, "Karabakskiy Krizis i Politika Rossii na Kavkaze" (Karabakh crisis and Caucasian politics of the Russia), *Nezavisimaya Gazeta*, 12 August 1996.

¹³⁵ *Azərbaycan*, 1 Mart 1995.

¹³⁶ *Azərbaycan*, 10 May 1995.

process. Thus, by a reason of the tactical steps taken by Armenia, both the Moscow discussion and Helsinki (Finland) and Baden (Austria) discussions made on the months of June-July 1995 failed.

It was observed in the discussions of the OSCE Minsk group led in 1995 that the Armenia party hadn't made any concessions from the occupation position in principal and in connection with that it hadn't been gained any result. There was a single gain of the Azerbaijani party in 1995 that could be considered a political success. And that was an addition of Lachin into a first stage of the plan concerning the withdrawal of the Azerbaijani territories occupied by Armenia, by the proposal of the Minsk group co-chairmen V. Lozinski and H. Talvitie in the Minsk group discussions led in Moscow on 3-9 September 1995.¹³⁷

2) The Efforts Intensified Within the Framework of the OSCE

The Chairman-in-Office of the OSCE Flavio Cotti, the co-chairmen of the OSCE Minsk conference V. Lozinski and H. Talvitie, the Minsk group co-chairmen V. Kazimirov and R. Niberg made a visit to the region at the end of February in 1996.¹³⁸ During the visit the Chairman-in-Office of the OSCE Flavio Cotti stated that he supported a proposal of the official Baku about establishing an autonomous body within the administrative frontiers of the former NGAR inside the Azerbaijani borders and that he would render all assistance for a solution of the conflict.¹³⁹ F. Cotti noted the difficulties on a solution of such conflicts even for the international organizations like the OSCE, and emphasized an importance for this reason coming together of the conflict parties for securing peace.¹⁴⁰ The US deputy Minister of Foreign Affairs on the new independent states Strob Talbott, made a visit to the region after the OSCE representatives, also noted the direct discussions between the Azerbaijani and Armenian officials as a term. Though the OSCE Minsk group co-chairman from

¹³⁷ *Azadliq*, 5 December 1995.

¹³⁸ *Xalq qəzeti*, 1 March 1996.

¹³⁹ *Azərbaycan*, 1 March 1996.

¹⁴⁰ *Panorama*, 6 March 1996.

Russia Kazimirov supported that position of the US official, he stated his disbelief in a positive result from the discussion between Azerbaijan and Armenia.

Though there was the veined competition between Russia and the USA on a solution process of the matter of the Azerbaijani territories' occupation by Armenia, a position of the both parties on a solution of the problem was same. Giving the statement on the matter the US representative in the OSCE Minsk group John Mareska was stating that the most important problem in the conflict was not a matter of autonomy, because all parties accepted an existence of autonomy. Mareska was emphasizing that the main issue on the conflict indeed were the withdrawal from Shusha and Lachin that hadn't been able to be solved yet and the matter of guarantee for security.¹⁴¹ In that context, it was intending in the Russia-USA summit held at the middle of April in 1996, the realization of four-partite meeting between the USA, Russia, Azerbaijan and Armenia and signing the joint US-Russian plan. However, it the Moscow discussions caused to be remained without result too, that Armenians were stating inefficiency of any treaty signed without participation of Armenians from the occupied Azerbaijani territories and Azerbaijan was noting as before a non-recognition of the region Armenians as a conflict party.

It was held a new sitting of the OSCE Minsk group in regard to the occupation problem of the Azerbaijani territories by Armenia in Moscow on 15-18 June 1996.¹⁴² A discussion topic was again the release of Shusha and Lachin and providing security by the parties. The Armenian party stated in the negotiations impossibility of the withdrawal from Shusha and Lachin adducing arguments for it strengthening of Azerbaijan from the military standpoint and constituting of it a continuous threat for Armenia. The negotiations held in Stockholm on 1-5 July 1996 also had practically a character of continuation of the discussion in Moscow. As a position of the Minsk group co-chairmen in the Moscow and Stockholm discussions was

¹⁴¹ *Panorama*, 25 January 1996.

¹⁴² *Nezavisimaya Gazeta*, 2 July 1996.

close to the wishes of the Armenian party more, none of the presented proposals accepted by the Azerbaijani party.¹⁴³ In a period until the summit of the OSCE state and government heads in Lisbon on 2-3 December 1996, it hadn't been accepted any proposal in the discussions of the Minsk group and in two meetings conducted without intremediators in Frankfurt (Germany) and Amsterdam (Holland).¹⁴⁴

3) An Important Stage in the Peace Negotiations: The OSCE Lisbon Summit

The OSCE Lisbon summit was held by a participation of the state and government heads of 52 European states, the USA and Canada, 10 Asian and African states with separate observer status. One of the important agenda items of the OSCE Lisbon summit was the Azerbaijani-Armenian conflict. Azerbaijan stated in the summit that under condition of keeping its territorial integrity within the framework of the OSCE principles will agree with establishment of an institution with the largest autonomy within the administrative frontiers of the former NGAR inside the Azerbaijani borders. Excepting Armenia that proposal of Azerbaijan was supported by all members of the OSCE Minsk group too.¹⁴⁵ But in spite of all efforts, Azerbaijan could not impede of striking off the proposed item from the final declaration of the Lisbon summit and entering another item made by Armenia in quite backward direction. On account of setting a veto by Armenia on the item proposed by Azerbaijan and putting obstacles in an adoption of the summit declaration, the third countries wanted Azerbaijan to give up its proposal and Azerbaijan accepted that wish. It was stirring up a dispute over a matter of the 20th item of the declaration too. Over the effort and request of the Azerbaijani representatives, there were the points implying the wishes of Azerbaijan in the 20th item of the final declaration.

¹⁴³ *Nezavisimaya Gazeta*, 13 July 1996.

¹⁴⁴ *Nezavisimaya Gazeta*, 1 November 1996.

¹⁴⁵ Əli Həsənov, *Azərbaycan və ATƏT: Ermənistan-Azərbaycan Münaqişəsi və Dağlıq Qarabağ Problemi Ümumi Avropa Təhlükəsizliyi Fonunda* (Azerbaijan and OSCE: The Problem of the Armenian-Azerbaijani Conflict and Nagorny Karabakh from the General European Security Perspective), (Baku: 1997), p.48.

Thus, it was introduced in that item the components emphasized the territorial integrity of Azerbaijan. But the Armenian delegation put a veto on the 20th item of the declaration. And in return, the Azerbaijani party used a “veto” right not signing any of the decision made in the summit.¹⁴⁶

There were the other points in the final declaration protested by Azerbaijan. Thus, though there wasn't any phrase emphasizing a territorial integrity principle in a solution of the conflict, the phrases on a right of determination its fortune was underlined specially. As a possibility of non-acceptance of the final declaration of the summit was high, it was searched out “a midpoint” in particular through the mediation of Turkey and France. Therefore, Azerbaijan renounced to use “a veto” right and the declaration was adopted including the mentioned 20th item not considering the proposals of Azerbaijan and generally agreeing with the wishes of Armenia. In return, the Chairman-in-Office of the OSCE F. Cotti made a special statement implying the wishes of Azerbaijan. It were emphasized 3 main principles in the statement. They were stated as the territorial integrity of Armenia and Azerbaijan; giving the highest autonomy status to the former NGAR inside Azerbaijan; a guarantee of security of all population of that autonomos institution.¹⁴⁷

As is shown, as a result of insistence of Armenia on “veto”, the 20th item underlining the territorial integrity of Azerbaijan stroked off from the final declaration of the summit and that event was presented to the Azerbaijani society as being a necessity. There were two interesting and strange points in that. If there was a possibility of the declaration not to be issued because of “veto” indeed, a compromise of one of the parties was necessary. It was incomprehensible that why it was a condition that Azerbaijan, which territories remained under occupation, had to make concessions because Armenia, which had occupied the Azerbaijani territories, didn't want to make compromise. On the other hand, as a matter of fact, for a declaration on peaceful resolution of conflicts, it is not

¹⁴⁶ Həsənov, *Azərbaycan və ATƏT: Ermənistan-Azərbaycan Münaqişəsi və Dağlıq Qarabağ Problemi Ümumi Avropa Təhlükəsizliyi Fonunda*, p. 53.

¹⁴⁷ “Statement of the OSCE Chairman-in-Office”, *Lisbon Document 1996*, <http://www.osce.org/item/4049.html>, p.15 (September 10, 2009).

condition that everybody votes for it. Thus, according to the resolution of the OSCE Cabinet Council from 1992, if any country departed from the main principles of the OSCE, it was possible to make the final declarations and joint decisions without its positive position too. In that context, in Yugoslavia problem, in spite of the protests of Yugoslavia twice, it had been adopted the decisions.¹⁴⁸ In that summit the OCSE participants and officials could also provide keeping in the declaration the item emphasizing the territorial integrity of Azerbaijan despite of the protests of Armenia. But as they didn't do that, it was a sign of double standard of an important international organization like OSCE in the Azerbaijani-Armenian conflict. At the same time, it is also could be estimated as a serious compromise of the Azerbaijani party.

After the Lisbon summit, it was made some changes in co-chairman institution of the OSCE Minsk group. First, a co-chairman representing France was appointed to Minsk group at the beginning of January 1997.¹⁴⁹ Then, it was added the US co-chairman to the Russian and French co-chairmen. Afterwards, the Chairman-in-Office of the OSCE the Denmark Minister of Foreign Affairs Niels Helveg confirmed the appointment of the new co-chairmen of the Minsk group on 14 February 1997.¹⁵⁰ In this way, it was established a triplex co-chairmen institution of the OSCE Minsk group continued at the moment too.

A solution process of the problem had continued after the Lisbon summit. The very important within that process were the resolution proposals put forward by the co-chairmen of the Minsk group and beginning of the discussions between the head of states of Azerbaijan and Armenia.

¹⁴⁸ Əhmədov, *Ermənistanın Azərbaycanca təcavüzü və beynəlxalq təşkilatlar*, p. 49.

¹⁴⁹ *Azadlıq*, 15 January 1997.

¹⁵⁰ *Azadlıq*, 9 April 1997.

4) A Three Solutions Proposal of the Co-chairmen

There have been put forward many solution choices by the co-chairmen up to now. Some of them were on a solution of the problem in general, and the others were on any directions of the problem. One among them drawing the widest response was a 3 (three) solutions proposal stated in the Azerbaijani press in 2001 and intending a solution of the problem in almost all directions. It couldn't be reached an agreement as one of them wasn't accepted by Azerbaijan, and two by Armenia.

These proposals are called as "Package solution", "Stage-by-stage solution" and "Common State" choices. In addition to the same items, the proposals have also the important differences. Advancing the economical moments in all three proposals, it was stated that a peace was a condition for development of the region, for growth of standard of life, for mobilization of the foreign investment to the region. It was emphasized that a signed treaty would increase the positive expectation for the future of the region, intensifying of co-operation between the region nations would serve prosperity. The proposals also intended to appoint Permanent Joint Committee for a solution of the problems could rise between "Azerbaijan and its Nagorno Karabakh Region" and Azerbaijan-Armenian Bilateral (Intergovernmental) Committee for development of the relations between Azerbaijan and Armenia. Besides, in every three proposals it was emphasizing an importance of return of the Armenian armed forces into the Armenian borders, at the same time it was also stating a necessity of non-entrance of the Azerbaijani military and law-enforcement forces into the frontiers without permission of "the Nagorno Karabakh administration".

A first proposal named "Package Solution" (an official name is "Comprehensive agreement to resolve the Nagorno Karabakh conflict") put on the order on 18 July 1997 intended an agreement process including all the important points on a solution of the problem. It was underlined in the introduction of the treaty an importance of the parties to remain connected to the UN contract, the OSCE main principles, the general

principles of the international law and to comply with the resolutions of the UN Security Council number 822, 853, 874 and 884. By the “Package Solution” choice, the parties had to sign two contracts on a solution of the conflict. It had to be regulated the peace conditions in one of them, and a status of “Nagorno Karabakh” in another. By the first agreement, the parties would take upon the responsibility to comply completely with peaceful solution process in a solution of the problem. The proposal was also intending a falling back of the Armenian army inside the Armenian borders.¹⁵¹ That item had also a sense of recognition by the OSCE an existence of the Armenian army inside the Azerbaijani territories.

And in a part of the proposal concerning the second treaty it was intended acceptance by all parties of the conflict the territorial integrity of Azerbaijan and Armenia and establishment a state inside Azerbaijan named “Nagorniy Karabakh”. In that part it was stated that first a state organization formed on geography of “Nagorniy Karabakh” would have the Constitution and the law in force and that body can have police force and army too.¹⁵²

“Stage-by-stage Solution” (an official name was “Agreement about stopping the Nagorniy Karabakh armed conflict”) presented on 2 December 1997 was emphasizing a complete securing of peace, a preparation of the return back conditions of the refugees, and was intending agreeing on the points to conduct later the discussions in regard to the situation of Lachin, Shusha and former Shaumyan districts.¹⁵³ As it was intended in the Budapest summit of the OSCE from 1994 too, it was intended in that proposal to station the peacemaking forces after taking the first steps.

¹⁵¹ “Dağlıq Qarabağ münaqişesinin aradan qaldırılmasına dair hərtərəfli saziş” (Comprehensive Agreement to Resolve the Nagorno Karabakh Conflict), *Azərbaycan*, 21 February 2001, or “Minsk Group Proposal (‘Package Deal’)”, <http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts18.php>, (August 17, 2009).

¹⁵² “Dağlıq Qarabağ münaqişesinin aradan qaldırılmasına dair hərtərəfli saziş” (Comprehensive agreement to Resolve the Nagorno Karabakh Conflict), *Azərbaycan*, 21 February 2001; “Minsk Group Proposal (‘Package Deal’)”, <http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts18.php>, (August 17, 2009).

¹⁵³ “Dağlıq Qarabağ silahlı münaqişesinin dayandırılması haqqında saziş” (*Agreement About Stopping the Nagorniy Karabakh Armed Conflict*), *Azərbaycan*, 21 February 2001; “Minsk Group proposal (‘step-by-step deal’)”, <http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts19.php>, (August 17, 2009).

And the last proposal presented on 7 November 1998 and named as “Common State” (an official name was “About the principles of comprehensive solution of the Nagorniy Karabakh armed conflict”) was intending an establishment “the Nagorniy Karabakh Republic” and organizing of that republic inside the Azerbaijani borders as a common state with it. It was stating in the proposal a necessity to establish a common committee consisting of the representatives of the heads of state, the prime ministers and parliament heads of Azerbaijan and “Nagorniy Karabakh” for governing the common state. In addition to other proposals, it was stating in “Common State” choice that an official language of “Nagorniy Karabakh” would be Armenian and if it wanted “Nagorniy Karabakh” would print own currency. It was also given place in the proposal to the points in regard to the statuses of Lachin passage, Shusha and former Shaumyan districts, a content of a peace treaty and its guarantee too. In the last part of the proposal it was emphasized that the heads of states of Russia, the USA and France would act jointly for guarantee of the contracts signed between the parties.¹⁵⁴

While the first two proposals was accepted by Azerbaijan, but refused by Armenia, the co-chairmen of the OSCE Minsk group felt a need for proposing a third choice. But as the third proposal prepared especially by influence of the Russian co-chairman and offending the territorial integrity of Azerbaijan wasn't accepted by Azerbaijan, a peace treaty wasn't signed. In spite of that, in the following periods, as the issue of preparation of the new plans put on the agenda, it had been underlined at different levels that those proposals would be used as a basis.

¹⁵⁴ “Dağlıq Qarabağ silahlı münaqişəsinin hərtərəfli həllinin prinsipləri haqqında” (*About the principles of comprehensive solution of the Nagorniy Karabakh armed conflict*), *Azərbaycan*, 21 February 2001, or “Minsk Group proposal (‘common state deal’)”, <http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts20.php>, (August 17, 2009).

5) The Initiatives of the Intermediary Countries and the International Organizations

The region countries and the global powers have also exercised initiative to solve the Karabakh problem. In this context, the region states Russia, Turkey, Iran and Georgia have put forward a proposal time and again to be a negotiator. Amongst them a mediation of Russia and Iran has admitted, the proposals of Turkey have been refused by Armenia every time,¹⁵⁵ and Georgia's proposals haven't considered seriously.

It was conducted discussion by intermediation of Iran two times on the months of February and May in 1992. During first of those discussions Armenians committed Khojali genocide, and in second Armenians occupied Shusha city of Azerbaijan. A negative effect of those events raised in Azerbaijan caused the mediation proposals presented by Iran in a subsequent period "to be born dead". The proposals of Iran after the cease-fire treaty of 1994 had been refusing by Azerbaijan every time in most cases by a strict reaction for this and other reasons.

And the initiatives of Russia had still begun before the collapse of the Soviet Union. While the attacks of Armenians were continuing against Azerbaijan and after the cease-fire treaty, Russia was proceeding with its initiatives by the mutual visits realized to both Armenia and Azerbaijan, by the efforts and visits of the RF president's special representative on the problem, by the tripartite meeting held both in the CIS summits, and within the framework of the OSCE, and also by mediatory of the RF president straight. Even to demonstrate an importance Russia gave to the issue, along with a co-chairman representing this country, the deputy minister of foreign affairs had also taken part in all discussions within the framework of the OSCE Minsk group.¹⁵⁶

¹⁵⁵ Even for a purpose of enetering Turkey into a solution process of the problem it has been established a post of the representative of this country's president on the problem and a former ambassador in Moscow Ayhan Kamal has been appointed to this post, on other hand this country has increased its initiatives as a member of Minsk group too. But in every cases a strong protest position of Armenia has impeded the activation efforts of Turkey.

¹⁵⁶ Aslanlı, "Tarihten Günümüze Karabağ Sorunu", pp. 418-419.

And beyond the region, the initiatives of specially France and the USA attracted attention, as it already noted in the previous parts, by the initiatives of those two countries' officials it was conducted the important discussions by a participation of the OSCE Minsk group's co-chairmen too. Even the efforts of the French president Jacques Chirac in 1997 was also close to be resulted with a peace treaty. But it put obstacle to that process as Robert Kocharyan came to power in place of Ter-Petrosyan in Armenia. To mention that appearing by the joint statement on 10 October 1997 in Strasburg the Azerbaijani and Armenian presidents said that "the last proposals of the co-chairmen were a hopeful basis for restoration of the negotiations within the framework of the Minsk group."¹⁵⁷ However, during the next visit of the co-chairmen to the region after the resignation of Ter-Petrosyan on February 1998 and coming to power of Robert Kocharyan on March 1998, Armenia retracted officially its consent on the proposals about "stage by stage" solution of the conflict. As the interior political processes progressed in Armenia was connected with a problem of occupation the Azerbaijani territories by Armenia, the Azerbaijani president Heydar Aliyev made a speech in a meeting of the Security Council dedicated to the problems of the situation risen in Armenia and in connection with that a solution of the Armenian-Azerbaijani conflict and made the statement on the situation of the conflict in connection with Ter-Petrosyan's resignation. And a day later the situation was discussed with Ali Hikmat Alp, a special ambassador of Turkey in the OSCE Minsk group too.

It is important to note a special role played by the USA encouraging a straight discussion between the Azerbaijani and Armenian presidents in the peace process reached a deadlock after Kocharyan's being elected the Armenian president. That proposal put on the agenda by the USA during the ceremonies conducted in connection with the 50th anniversary of the establishment of the NATO, met positively both by Russia and France too. The meeting held between Heydar Aliyev and Robert

¹⁵⁷ "Armenian, Azerbaijani presidents meet", <http://www.hri.org/news/balkans/rferl/1997/97-10-13.rferl.html> , (August 28, 2009).

Kocharyan participated in the summit sitting of the heads of state of the CIS countries in Moscow on 28 April had an official character more. And the next meeting of two countries leaders met in the UN summit in 1998, took place in Washington, the USA on April 26, 1999. Taking up the initiatives at that stage more the USA had tried to prevent returning back in the process as possible and it had been tried for that purpose to increase a number of the discussions.

Heydar Aliyev and Robert Kocharyan discussed a peaceful solution process of Karabakh problem with a participation of the OSCE Minsk group co-chairmen in Switzerland (Geneva) on 15-17 July 1999. He met in private with the Armenian president Robert Kocharyan in Geneva. The meeting taken place in Le-söji palace near the Lake Lemman in Switzerland on 16 July 1999 lasted about 2,5 hours.¹⁵⁸

The next meeting between the presidents took place a time later again in Geneva on 21-23 August 1999. That private meeting between Heydar Aliyev and Robert Kocharyan conducted in Le-söji palace lasted nearly 3 hours. The heads of state, met in the International conference on the issue of "The Baltic-Black seas co-operation: without separating lines towards the Europe integration of the XXI century" in Yalta on 10th September, held one of their most important meetings – well-known "Sadarak meeting" on 11 October 1999. In that meeting distinguished peculiarly by privacy it was claimed that the parties were just about to approach a peace plan (though it wasn't given a broad information about the meeting, it was possible to draw a conclusion from Heydar Aliyev's opinion in the interview given to Turkish Samanyolu television channel 3 days later after that meeting that the OSCE Istanbul summit would have a decisive importance).¹⁵⁹ Because it was coming the OSCE Istanbul summit and the OSCE Istanbul summit might be a special action from the viewpoint of a solution of the

¹⁵⁸ "Azerbaijani official sheds light on Aliev-Kocharian meeting", <http://www.hri.org/news/balkans/rferl/1999/99-07-16.rferl.html>, (September 24, 2009); "Karabağ zirvesi sonuçsuz" (Karabakh summit without result), *Zaman* (Time-Turkey), 17 July 1999.

¹⁵⁹ "Azərbaycan Respublikasının Prezidenti Heydər Əliyevin Türkiyənin "Samanyolu" televiziyaşının müxbiri ilə müsahibəsi (An interview of the President of the Azerbaijan Republic Heydar Aliyev with a reporter of the "Samanyolu" television of Turkey, Nahcivan, 14 October 1999), *Azərbaycan*, 15 October 1999.

problem. Because as a result of intensive efforts of the negotiators it had being intended a signing of a treaty on a solution of the problem between Azerbaijan and Armenia in that action. However, nor interior situation of both countries, neither a condition arisen from one-sided dependency in the foreign policy of Armenia were appropriate for a signing of a treaty. In particular if to take into consideration that it would be signed in the Istanbul summit a paper concerning Baku-Jeyhan too, a probability was less that Russia would concede to two losses in connection with the region at the same time. It was no coincidence that it was carried out the terrorist act in the Armenian parliament on the eve of the OSCE Istanbul summit. The Prime Minister of Armenia Vazgen Sarkisyan, the chairman of the parliament Karen Damirchyan and 6 elected representatives of the people were assassinated as a result of the terror carried out by the people Armenians by birth on October 27 1999.¹⁶⁰

Though there were the different ideas regarding the event, a general conclusion that the terror act was executed by the Russian special services. A council of the president of the Azerbaijan Republic on foreign affairs Vafa Ghuluzade sent in his resignation on the 8th of October,¹⁶¹ and the minister of foreign affairs Tofiqh Zulfugharov and a head of the Presidential Secretariat Eldar Namazov on 25th of that month.¹⁶² It had been stated time and again that the resignation was a sign of protest to a treaty intended to be signed with regard to the Karabakh problem. However, if to take into consideration that,

¹⁶⁰ “Shooting in the Armenian Parliament”, <http://www.internewp.am/projects/archive/events/index.htm>, (September 24, 2009); “Attack in Armenia”, http://www.pbp.org/newshour/bb/international/july-dec99/armenia_update_10-27.html, (September 24, 2009); “Armenia’s prime minister killed in parliament shooting”, 27 October 1999, <http://www.cnn.com/WORLD/europe/9910/27/armenia.04/> (September 27, 2009).

¹⁶¹ “Azerbaijani foreign policy adviser resigns”, *RFERL Newslines*, 8 October 1999, <http://www.rferl.org/content/article/1142009.html>, (September 24, 2009); Vəfa Quluzadə: “Həyatımda gizlədiləsi böyük bir şey yoxdur, ancaq təəssüf ediləsi məqamlar olub” (There is not something great which should be concealed in my life, but the moments which should be regretted have been), *Zaman* (Time-Azerbaijan), 29 March 2009.

¹⁶² “Azerbaijani foreign minister, presidential adviser resign”, *RFERL Newslines* – 26 October 1999, <http://www.rferl.org/content/article/1142021.html>, (September 24, 2009); “İstefam təkcə Qarabağla əlaqədar deyildi” (My resignation was not only connected with Karabakh), *Yeni Müsavat*, 4 November 2006.

1- the negotiation process had been conducted by those mentioned people or within their acknowledgment, i.e. a reached point was not a surprise for them,

2- a purpose of the terror act realized in Armenia was both to create a shock and to show to the parties that “actually a solution of the problem was not so near at hand.”

3- an external force made a shocking event in one party, could want to create a similar situation in another party too (etc.)

it could be consider that creating “a special shock” in Azerbaijan did not left a need for an action of an external force.

Thus, there wasn't signed a main paper concerning the Karabakh problem in the OSCE Istanbul summit, nevertheless it was conducted the next important meeting between Heydar Aliyev and Kocharyan within the framework of the summit with mediatory of the US president Bill Clinton on 18 November 1999.¹⁶³

After the aggression in the Armenian parliament and the resignation of 3 high-rank officials of Azerbaijan it had happened a slackening in the essence of the negotiation process. Thus, though there had been conducted the meetings at a level of the president and other officials and taken place the visits of the negotiators to the region in 2000, there wasn't a serious progress.

The heads of state met privately on January 24 within the framework of a summit meeting of the CIS heads of state conducted in Moscow on 23-25 January 2000, and it was taken place a quadripartite meeting of the presidents of Georgia, Russia, Armenia, Azerbaijan in Kremlin on January 25. The negotiations in regard to the Karabakh problem failed. A few days later the presidents met on 28 January 2000 being in a visit in Davos for a participation in the International Economical Forum.

It was held the tripartite meeting of Vladimir Putin-Robert Kocharyan-Heydar Aliyev and the quadripartite meeting of Putin-Aliyev-Kocharyan-

¹⁶³ “...Discuss Karabakh Conflict”, *RFE/RL Newslime*, Vol. 3, no.227, 22 November 1999, <http://www.hri.org/news/balkans/rferl/1999/99-11-22.rferl.html>, (September 27, 2009), “Clinton, Koçaryan ile Aliyev’i Buluşturdu” (Clinton asked to meet Aliyev with Kocharian), *Türkiye* (Turkey), 19 November 1999.

Shevardnadze within the framework of the sitting of the CIS heads of state Council on 20 June 2000, the private meetings of Heydar Aliyev-Robert Kocharyan in the informal summit meeting of the countries members of the CIS heads of state in Yalta on 18 August 2000, in the framework of the summit meeting of the Millennium of the UN in the UN Headquarters on September 7, in the summit meeting of the countries members of the CIS heads of state in Minsk on 30 November 2000, but there hadn't been attained any result from those meetings.

Advancing a great number of the meetings conducted in 2000 some experts, officials and diplomatists were claiming that the problem was already just about to be solved. Undoubtedly it could be other bases for that. But the best argument of a number of the meetings not being a basis was a fact that in spite of too many meetings of the heads of state, the discussions of the OSCE Minsk group co-chairmen with the parties and between themselves during 2000, it wasn't attained any serious result.

Since the beginning of 2001 the negotiation process intensified again. Thus, by the meetings conducted during a period of admittance of Azerbaijan and Armenia into the European Union in Strasburg on January 2001 and then in Paris, in a result of the agreement gained there held in Paris on 4-5 March 2001 by the mediatory of the French president Jacques Chirac (it was held both bipartite and tripartite meetings and a joint press conference) a number of the bipartite meetings conducted between the presidents reached 15.¹⁶⁴ But in spite of many claims put on the order in the press it wasn't attained any certain result. Again Chirac expressed conducting the discussion in good mood, some progress, and his hope on signing of a peace treaty in 2001.¹⁶⁵

Actually the negotiations conducted in France on the month of January were showing a beginning of a new stage. Because after those meetings on 21 February 2001 the "Azerbaijan" newspaper, an official newspaper in Azerbaijan published a full text of 3 plans presented to the parties by the

¹⁶⁴ Araz Aslanlı, "Küresel ve Bölgesel Aktörlerin Son Girişimleri Işığında Karabağ Sorunu: Çözüme Doğru mu?" (Karabakh problem in the background of the last efforts of the global and regional actors: Are they towards the solution?), *Stratejik Analiz* (Strategic Analysis), (April 2001), p. 56.

¹⁶⁵ <http://www.president.am/eng/?folder=president&sub=press>, (March 6, 2001).

Minsk group before. That event created a large resonance both in Azerbaijan and Armenia and the peace process was discussed in the Azerbaijani parliament afterwards. Besides the elected representatives it was invited the political parties, social activists and etc. to the discussions conducted in the Azerbaijani parliament on February 23-24, however a part of the main opposition parties refused to take part in the discussion.

The most important step of the USA, continuing their mediatory in different forms, were the Key West negotiations conducted on April 2001. On account of some features that discussion conducted on 3-7 April 2001 appeared somewhat an origin form the viewpoint of a solution the problem of the occupation of the Azerbaijani territories by Armenia. In the report "About history of the Karabakh problem" published by the USA before the discussion,¹⁶⁶ it was given place for the first time to the statements on keeping the Azerbaijani territories under occupation by the Armenian army. Another interesting point of the Key West negotiations was a lasting of the negotiations a few days and a participation of all three co-chairmen of the OSCE Minsk group, the officials and many experts besides the presidents of Azerbaijan and Armenia in the discussion conducted by mediatory of the US minister of foreign affairs Collin Povel. During that time it was conducted the discussion of the heads of state of Azerbaijan and Armenia between themselves as well, also with the US and Russian officials, the OSCE Chairman-in-Office, the Minsk group co-chairmen, and between the Minsk group co-chairmen themselves. Though it was given generally the positive statements after the discussion, it was emphasized not attaining a certain result.¹⁶⁷ By the mediatory of the OSCE Heydar

¹⁶⁶ "History of the Nagorno-Karabakh Conflict, U.P. Department of State, March 30, 2001", http://www.azer.com/aiweb/categories/karabakh/karabakh_current/keywest_history.html, (September 22, 2009).

¹⁶⁷ Aslanlı, "Tarihten Günümüze Karabağ Sorunu", sp. 425-426; Tigran Martirosyan, "Key West Talks on Nagorno-Karabakh: Will The Caucasian Knot Be Cut?", 9 May 2001, <http://www.cacianalyst.org/?q=node/242>, Scott Lindlaw, "Bush Applauds Peace Efforts in Asia", *Associated Press*, 9 April 2001; John Daniszewski, "Both Sides Suffer as War-Torn Caucasus Enclave Lies in Limbo Conflict: Leaders of Armenia, Azerbaijan Meet with Bush Today as Major Powers Try to End Stalemate", *The Los Angeles Times*, 9 April 2001; "Ex-Azeri State Advisor Says Azeri, Armenian Heads Agreed on Major Principles", *Turan News Agency*, 9 April 2001; Ara Tadevosian, "Good Will at Key West: The lack of any hard news from the Florida peace talks sets the well-oiled rumour mill into motion", *Mediamax*, 9 April 2001; Steve Levine, "Armenia, Azerbaijan Are Pressed

Aliyev and Robert Kocharyan also sailed on “America” ship on Gulf of Mexico and then going to Washington met with the US president George Bush too. Though it was expressed by the co-chairmen a realization of Geneva meeting on 15 June 2001, it hadn’t been fulfilled. The parties showed as a reason that it hadn’t been any progress in regard to the matter and on account of that it would be no sense to realize the meeting. It was held at that stage just a tripartite meeting, more carrying an official character, between the president of the Azerbaijani Republic Heydar Aliyev, the president of the Russian Federation Vladimir Putin and the president of Armenia Robert Kocharyan within the framework of the heads of state of the CIS countries in Minsk on *May 31*. The next two meetings between the Azerbaijani and Armenian heads of state in 2001 were also taken place within the framework of the informal summit of the heads of state of the CIS member countries in Sochi on August 1 and within the summit of the heads of state of the CIS countries in Moscow on November 30 (Azerbaijani-Armenian-Georgian-Russian quadripartite and Azerbaijani-Armenian-Russian tripartite meetings).

It had been going an interesting process concerning the negotiations during 2001 and 2002. At the different times the Armenian party now had dealt with “the Paris principles” (the special principles agreed by the Azerbaijani and Armenian presidents), expressed as imaging their position in those principles. When the Armenian party was giving such statements, the Azerbaijani party claimed that there was nothing like “the Paris principles”. On the other point, when the Azerbaijani party was talking about “the Paris principles”, the Armenian party claimed non-existence of “the Paris principles”. Both the statements of both countries’ officials though given at different time, and dealing of the French president Jak Shirak about “the Paris principles” in a letter written to the Armenian president Kocharyan on 21 January 2002 (in spite of a fact that that time

to End Conflict, but Negotiations Remain Fragile”, *Wall Street Journal*, 17 May 2001 and for more comprehensive information see: http://azer.com/aiweb/categories/karabakh/media/key_west_after/media_martirosyan.html, (September 27, 2009).

the Azerbaijani officials disclaimed it again) actually showed an existence of those principles most likely.¹⁶⁸

Making visit to the region on March 2002 the Minsk group co-chairmen put forward a proposal to continue the negotiation processes at a level of the special representatives of the Azerbaijani and Armenian presidents.¹⁶⁹ That proposal was admitted by both presidents. And it was conducted the meetings of the special representatives of both presidents near Prague on 13-15 March and 29-30 July 2002.

It was organized the next Heydar Aliyev-Robert Kocharyan private meeting (the second Sadarak meeting) in Sadarak district of the Nakhchivan Autonomous Republic of the Azerbaijan Republic on 14 August 2002. Coming together there before the presidents the Azerbaijani and Armenian ministers of defense Safar Abiyev and Serge Sarkisyan viewed the preparation issues for the meeting once again. Both countries' ministers of the foreign affairs Vilayat Ghuliyev and Vardan Oskanyan, as well as the personal representatives of the presidents Araz Azimov and Tatul Margharyan too, but only a face-to-face meeting arranged between the presidents was lasting more than 4 hours. Such a long duration of the negotiations was interpreted as a showing of comprehensive and intense conducting of the negotiations.¹⁷⁰ In the interview to the journalists accompanying him before the meeting the Azerbaijani president said that he intended to discuss widely many problems with the Armenian leader. In the statements given after the meeting the presidents expressed that they came to agreement on maintaining and strengthening the cease-fire regime, continuing the negotiations, animating the activity of the OSCE Minsk group co-chairmen, in particular continuing the personal meetings between two presidents. But it wasn't given an official statement about

¹⁶⁸ http://www.anca.org/resource_center/transcaucasup.php?trid=26, (September 24, 2009).

¹⁶⁹ "Conflict Settlement Process",

http://mfa.gov.az/eng/khojaly_en/index.php?option=com_content&task=view&id=28&Itemid=42, (September 25, 2009).

¹⁷⁰ "Razılığa gələ bilmədilər" (They could not come to an agreement), *Bizim Əsr* (Our Century Azerbaijan), 15 August 2002.

true essence of that kind of long lasted meeting. And the foreign countries gave the statements welcoming the negotiation process.¹⁷¹

It had been begun the visits of the OSCE Minsk group co-chairmen to the region since 25 September 2002. The co-chairmen visited Armenia first, then past to Karabakh region of Azerbaijan occupied by Armenia and at the end going to Baku they ended their region visit by the press-conference organized there.¹⁷²

The most point dwelled on by the co-chairmen met with the heads of state both Armenia and Azerbaijan was the meetings between the heads of state. In particular the co-chairmen couldn't achieve their object asking from both heads of state to be informed about the Sadarak meeting, which content had kept secret till that time. Only one nuance was explained by Heydar Aliyev. Heydar Aliyev expressed that as Kocharyan didn't consider warm (being against the proposal Robert Kocharyan stated that "they were not in a blockade and satisfied with the actual situation"), a point of possibility to open the railway to Armenia in place of taking off the occupation of four districts as it was suggested to Armenia before, was taken away from the agenda. The last visit of the co-chairmen to the region at that stage, as being in the others, caused spreading of contradictory explanations in the press again. By the claims of the Armenian press, as if the co-chairmen "congratulated Arkadi Ghukasyan upon winning in the elections of a head of state held" in Karabakh region under occupation of Armenia. In a point of that news caused a strict reaction of the Azerbaijani party, the co-chairmen didn't give any exact statement, just stated that "the press couldn't always write all the truth." At

¹⁷¹ "Türkiyə və Rusiya prezidentlərin danışıqlarını alqışlayır"(Turkey and Russia applauds the negotiations of the presidents), http://bizimasr.media-az.com/arxiv_2002/avgust/186/xeberxet.html (September 27, 2009).

¹⁷² "Conflict Settlement Process",

http://mfa.gov.az/eng/khojaljy_en/index.php?option=com_content&task=view&id=28&Itemid=42, (September 25, 2009); "Co-chairs of OSCE Minsk Group on Nagorno Karabakh arrived in Yerevan",

<http://www.panarmenian.net/news/eng/?nid=2464&date=2002-09-25>, (September 25, 2009); "Minsk Group Co-Chairmen Hold Talks With Armenian Leaders",

<http://www.eurasianet.org/resource/armenia/hypermail/200209/0054.shtml>, (September 25, 2009).

that stage it had been intensified an opinion in Azerbaijan about “pro-Armenian” position of the co-chairmen.

On account of holding the presidential elections in Armenia and Azerbaijan in 2003, the discussion started to become weaken since the end of 2002 and it was attained a common agreement on a point of putting off the discussion on the problem during 2003 as far as possible. At that stage two heads of states just held a meeting in the summit meeting of the heads of state the CIS member countries conducted in Kishinev on 7-6 October 2002, between themselves on November 21 being in a visit in Prague for a participation in the summit meeting of the NATO Partnership Council in 2002, and both with the OSCE Minsk group co-chairmen Rudolf Perina (USA), Nikolay Ghribkov (Russia), Henry Jacquelyn and Hüge Pernen (France) (two times – before and after the meeting between themselves), and between themselves being in a visit in Kiev for a participation in the unofficial summit meeting of the heads of state of the CIS member countries on January 28, 2003.

Liveliness in regard to the problem had started again since the end of 2003. The OSCE Minsk group co-chairmen made the next visit to the region on 5 December 2003. The deputy minister of foreign affairs of Russia Vyacheslav Trubnikov also took part in the visit together with the co-chairmen Rudolf Perina (USA), Henry Jacquelyn (France) and Yuri Merzlyakov (Russia). The delegation held the first meeting with the head of state of Azerbaijan İlham Aliyev. In the meeting with the co-chairmen İlham Aliyev stated a despair of the Azerbaijani nation from the activity of the Minsk group, not intending to blame on the co-chairmen from the first days, but a necessity for them to show a proper consideration too. According to I.Aliyev the true reason of failure of the Minsk group was a non-refusal of Armenia from an occupation position. Talking in the meeting Vyacheslav Trubnikov stated that a solution of the problem was going to become difficult gradually, and according to Rudolf Perina they felt shame at the people continuing to spend their lives in refugee camps. The co-chairmen said that they didn't come with any proposal, just tried to learn

the main opinions of the new elected Azerbaijani and Armenian heads of state in regard to the point.

During that visit, in the meeting with the co-chairmen the Minister of Defense of Azerbaijan Safar Abiyev, emphasizing inanity of waiting a result in a case of non-application of the resolutions reached by the UN Security Council at that matter and non-demonstration a serious exactingness for acting Armenia according to the international law rules, underlined a necessity to recognize Armenia, occupied the Azerbaijani territories, as an occupation state. To the words of the French co-chairman Jacquelyn that “it would arise an appropriate opportunity for a solution, it wasn’t a need for pessimism because of that”, Abiyev answered like “I was not a pessimist, but a realist.”

Just a little after that, it was conducted the meeting between the president of the Azerbaijan Republic Ilham Aliyev and the president of the Armenian Republic Robert Kocharyan participated in the World Summit on the Information Society in Geneva on December 11.¹⁷³ It was conducted the general discussion in that meeting too, but wasn’t gained any result.

One of the most memorable and important moments of 2003 was the opinion on returning to “0 (zero) version” in regard to the Karabakh problem of Ilham Aliyev’s just after coming to power in Azerbaijan. However, later it had appeared various direction criticism and pressure and Azerbaijan began to continue mainly the previous process. At a stage since 2003 up to now in a process concerning an occupation problem of the Azerbaijani territories by Armenia it had been two terms (“the Prague process” and “the Madrid principles”) drawing attention specially, two global processes (a recognition of independence of Kosovo and Georgian-Russian war) having influence, one new direction (the joint visits of the Azerbaijani and Armenian delegation to both capitals and to the Azerbaijani territories occupied by Armenia) added to the previous process, one special paper (the Moscow Resolution) signed.

¹⁷³ *Azərbaycan*, 12 December 2003.

A revival in regard to a solution of the problem had begun in particular since 2004. It had started the straight negotiations between the Azerbaijani and Armenian ministers of foreign affairs in the framework of “the Prague process” since 2004. In spite of the positive signs in a direction of a solution of the conflict, the parties couldn’t attain any important result.

The first meeting in 2004 between the presidents took place in the framework of the European economical summit organized in Vienna on April 28.¹⁷⁴ But till that it had taken place the visits of the OSCE Parliamentary Assembly delegation led by Goran Lenmarker on February, the speaker of the EU Joint Parliamentary Assembly on the Karabakh problem Terry Davis, the special representative of the European Union on South Caucasus Heikl Talvityen on March, the OSCE Minsk group co-chairman from the USA Steven Mann on April, and the meeting of the OSCE Minsk group co-chairmen with a participation of the Azerbaijani and Armenian ministers of foreign affairs in Prague on April 16. The ministers of foreign affairs of Azerbaijan and Armenia held the meeting in Strasburg on May 12-13, and with a participation of the Minsk group co-chairmen again in Prague on June 21, and with a mediatory of the Turkish minister of the foreign affairs of those times Abdullah Gul in Istanbul on June 28-29. The discussion between the ministers of foreign affairs and the special representatives of the presidents on the problem had been lasting in the course of year. The most of the meetings had been arranged in Prague. But for a next time the heads of two states held the meetings both in private, and tripartite with a participation of the president of Russia Vladimir Putin, as well as multilateral with a participation of the Minsk group co-chairmen (Yuri Merzlyakov – Russia, Steven Mann – USA, Henry Jacquelyn – France) in the 38th summit meeting of the heads of

¹⁷⁴ “Armenian, Azerbaijani presidents meet”, *RFE/RL Newslines*, 29 April 2004, <http://www.hri.org/news/balkans/rferl/2004/04-04-29.rferl.html#17>, (September 27, 2009); “Armenian and Azeri leaders to discussed Karabakh issue in Warsaw”, <http://www.panarmenian.net/news/eng/?nid=10375&date=2004-04-28>, (September 27, 2009).

state of the CIS member countries in Astana on September 15.¹⁷⁵ Kocharyan appeared in those meetings with a request to delay the discussion intended to be conducted in Prague on October 25 and that proposal was admitted.

It was happened another event concerning the problem on October. After a long interval Azerbaijan carried the issue again to the agenda of the UN. In spite of a strict opposition of Armenia and non-support of many of the great states (as well as the OSCE Minsk group co-chairmen), the issue put on the agenda of the UN General Assembly in the conducted voting on 29 October 2004. The problem of the occupation was discussed in the UN General Assembly on 23 November 2004. Making a speech in the gathering the Minister of Foreign Affairs of Azerbaijan Elmar Mammadyarov underlined that Armenia had still kept the Azerbaijani territories under the occupation and the Armenian families was going to be settled in the region.¹⁷⁶ Mammadyarov required reaching a decision to provide an end of the Armenian occupation and a stop of the resettlement from abroad into the region in the shortest time. Putting off making a decision in regard to problem, the UN general Assembly stopped the discussion.

A year of 2005 had been a rich year from the viewpoint of the discussion. A number of the meetings arranged within 2005 between the OSCE Minsk group co-chairmen and the Azerbaijani and Armenian heads of state and ministers of foreign affairs and between the two countries' high-ranking officials was over twenty. In particular the months of July-August were very rich from the viewpoint of the meetings and statements.

¹⁷⁵ “Azərbaycan Prezidenti İlham Əliyevin Ermənistan Prezidenti Robert Koçaryan ilə təkbətək görüşü” və “Azərbaycan Prezidenti İlham Əliyevin və Ermənistan Prezidenti Robert Koçaryanın Rusiya Prezidenti Vladimir Putinin iştirakı ilə üçtərəfli görüşü” (A private meeting of the Azerbaijani President İlham Aliyev with the Armenian President Robert Kocharyan” and “A tripartite meeting of the Azerbaijani President İlham Aliyev and the Armenian President Robert Kocharyan with a participation of the Russian President Vladimir Putin), 15 September 2004, <http://www.azertag.com/>, (September 27, 2009); “Armenian, Azeri and Russian presidents discussed Karabakh settlement in Astana”, <http://www.panarmenian.net/news/eng/?nid=11222&date=2004-09-16>, (September 27, 2009); “Armenian, Azerbaijani presidents meet”, *RFE/RL Newslines*, 16 September 2004, <http://www.hri.org/news/balkans/rferl/2004/04-09-16.rferl.html#16>, (September 27, 2009).

¹⁷⁶ “Official records of the 60th plenary meeting of the UNGA on the situation in the occupied territories of Azerbaijan (A/59/PV.60) 23 November 2004”, <http://www.un.int/azerbaijan/undocp.php>, (September 27, 2009).

The Azerbaijani and Armenian officials always demonstrating a “hawk” position to their people, had given at that stage “the warm messages” on the solution being near more. In the interview given to the newspaper “Azgh” (Armenia) the Minsk group co-chairman from Russia Yuri Merzlyakov said that “a probability of a solution of the problem within that year was high, because the parties were already ready to make concession.” But the parliament elections held in Azerbaijan on 6 November 2005 caused weakening the discussion on solution of the problem next time and a year of 2005 did not stay in the memory by any certain result. Concerning to the discussion at that stage, it had been used a term of “Prague process” more. In the statements given in the following years too it had been noted that the negotiations were going in accordance with “Prague process” begun in 2004 and intensified in 2005. Nevertheless, the statements of the parties from the different times both in connection with existence of “Prague process” and its essence had not agreed with each other. The Azerbaijani party had claimed that the process meant stage-by-stage solution, and the Armenian party had claimed that “it was going the negotiations on definition of a status of Nagorniy Karabakh” (the claims on a referendum).

Besides the general discussion process a year of 2005 stayed in memory by two important events too. One of them was a decision of the European Union Parliamentary Assembly. It was reached a resolution number 1416 named “The conflict over the Nagorny Karabakh region dealt with by the OSCE Minsk Conference” on January 25 as a result of the discussion of the issue in the EU PA in the winter session in 2005.¹⁷⁷ To note that before it the EU PA entrusted to David Atkinson, a member of the European Democrats Party from the Great Britain, to prepare a report in connection with the issue. Atkinson presented his report to the EU PA on 29 November 2004.¹⁷⁸

¹⁷⁷ “Resolution 1416 (2005) The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference”, <http://assembly.coe.int/Documents/AdoptedText/TA05/ERES1416.htm>, (September 24, 2009).

¹⁷⁸ “The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference” <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/doc04/EDOC10364.htm#1>, (September 24, 2009).

The discussion of the report prepared by David Atkinson was conducted very severely. The elected representatives from Armenia and some European parliamentarians supporting them claimed incorrectness of presenting Armenia as an occupant, and Armenians from the former NGAR as the separator in the report. But noting the occupation and separation efforts as being indisputable truth, the parliamentarians representing Azerbaijan and Turkey put forward the facts proving it too. In a result of held voting, the report was approved in a form prepared by Atkinson to a considerable degree. Unlike the decisions made by the UN Security Council and other international organizations that decision for a first time openly pointed straightly at Armenia being occupant.

Affirming the occupation of the great part of the Azerbaijani territories in the reached resolution the EU PA expressed anxiety on a fact that the ethnic enmity and the military operations accompanying it had led to ousting out many people on ethnic basis and creating the monoethnic territories. Stating openly that an occupation of the territories of any member country of the European Council by another country was a gross violation of the membership obligation by that country, the Assembly affirmed again the right of the people being driven out the conflict zone to return being ensured secure and proper condition. Mentioning the corresponding resolutions of the UN Security Service as well, the Assembly was calling the conflict parties to implement them, in particular to withdraw the military forces from the occupied territories.

Another important event of those days was that taking into consideration the complaints of Azerbaijan the OSCE started supervision in the Azerbaijani territories which Armenia was keeping under occupation. Starting the activity of the supervision delegation was an important event from the viewpoint of exposure of the results of the occupation. The work of the fact making mission (delegation) sent to the region by the OSCE was an important process from the viewpoint of exposure the occupation results. The Azerbaijani party was claiming about having the information in regard to settlement of approximately 23 thousand people by Armenia in the occupied region and required the

OSCE investigation of it. Coming to Baku on 28 January 2005 the delegation consisting of the OSCE Minsk co-chairmen and the specialists on gathering information held the meeting with the ministry of foreign affairs of Azerbaijan and then went to Armenia.¹⁷⁹ The delegation members started the investigation in the region under Armenian occupation since 31 January 2005 and after the activity lasted a week gave the statements generally blaming on the Armenian party for illegal settlement though some claims were not very definite.

After about two months break given to the discussion concerning the problem by reason of the parliament elections in Azerbaijan, the solution initiatives had increased again from the end of 2005. After the statement on “a year of 2006 would be a crucial year in a solution of the Karabakh problem” of the Special Representative of the Belgian minister of foreign affairs, Senator Pierre Chevalier given being in a visit in Azerbaijan taken place on 20-21 November 2005, a use of the statements as “the USA were welcoming the progress in a solution process of the problem and were sure that Azerbaijan and Armenia would take the serious steps within 2006” by the deputy minister of foreign affairs of the USA Nicholas Burns created a large resonance in the region media.¹⁸⁰ The similar statement was given as well as by Dimitrij Rupel, the minister of foreign affairs of Slovenia and the Chairman-in-Office of the OSCE, after the sitting of the OSCE Council of the ministers of foreign affairs on 5 December 2005. Explaining his position in regard to the issue Rupel stated by special stress that “a year of 2006 would be a solution year.”¹⁸¹

¹⁷⁹ “Azərbaycan Prezidenti İlham Əliyev ATƏT-in Minsk Qrupunun nümayəndə heyətini qəbul etmişdir” (The Azerbaijani President İlham Aliyev has received the OSCE Minsk group’s delegation), <http://www.azertag.com/>, 28 January 2005, (September 26, 2009); “Armenian President and OSCE Minsk Group French Co-Chair discussed Karabakh problem”, <http://www.panarmenian.net/news/eng/?nid=11963&date=2005-01-25>, (September 26, 2009).

¹⁸⁰ “Pyer Şevalye: Dağlıq Qarabağ münaqişəsinin həlli məqamı çatmışdır” (Pieree Chevalier: a solution moment of Nagorno Karabakh conflict has set in), <http://www.azertag.com/>, 21 November 2005; “Brussels to do utmost for Karabakh conflict settlement”, <http://www.panarmenian.net/news/eng/?nid=15480&date=2005-11-21>, (September 26, 2009), “US Welcomes Positive Movement in Karabakh Settlement”, <http://www.panarmenian.net/news/eng/?nid=15695>;

www.osce.usmission.gov/media/pdfs/mc/mc_120505_burnp.pdf - (September 26, 2009).

¹⁸¹ “Opening Statement by the OSCE Chairman-in-Office Dr Dimitrij Rupel at the OSCE Ministerial Council”, www.osce.org/item/17242.html, (September 28, 2009).

To mention that before the sitting of the OSCE ministers of foreign affairs Council, it was taken place the meeting of the Azerbaijani and Armenian ministers of foreign affairs with a participation of the OSCE Minsk group co-chairmen from the USA, France and Russia in the capital of Slovenia Ljubljana on 4 December 2005. After the meeting the Minsk group co-chairman from Russia Merzlyakov stated presenting the new proposals to the Azerbaijani and Armenian ministers of foreign affairs. But the ministers said that they would not discuss any new proposal, just would look through some new principles. It was not a first point met in a solution process of the Karabakh problem that the statements were in contradiction. In particular, after nearly all the meetings held after 2000 the statements of the parties and the negotiators were in contradiction with each other.

Thus, after the end of 2005 the processes in regard to the Karabakh problem had become more intensive. However, one of the nuances drawing attention was a fact that the messages of “being near to peace” at the beginning of 2005 had been replaced by rather strict statements at the end of 2005. Thus the statements given by the Armenian minister of foreign affairs Vardan Oskanyan on a last US visit like “Karabakh was never been a part of Azerbaijan and would never be”, and by the head of state of Armenia Robert Kocharyan on a last Europe visit like “Armenia would either recognize independence of Karabakh or would annex it” rose a serious anxiety in Azerbaijan. The head of state of Azerbaijan İlham Aliyev answered to the statements of the Armenian officials in his speech in the opening of the new parliament by the statements like “they made a mistake, who was waiting the compromise from Azerbaijan. The most compromise of Azerbaijan was to keep patience so long to the occupation of its territories.”¹⁸²

And receiving the representative of the US Ministry of defense John McDougal on 5 December 2004 the Minister of Defense of Azerbaijan

¹⁸² “Azərbaycan Respublikasının Prezidenti Zati-Əliləri Cənab İlham Əliyevin nitqi” (A speech of the president of Azerbaijani Republic His Majesty Mr. İlham Aliyev), 2 December 2005, <http://www.meclis.gov.az/?/az/stenoqram/45>, (September 26, 2009).

Safar Abiyev stated that “If Armenia tried to realize the statements on annexation the occupied Azerbaijani territories or recognition them as a separate state, Azerbaijan would not be indifferent to that process and would resort to military way to liberate its territories from the occupation.”¹⁸³

A year of 2006 cherished great hopes for actually started active. It was taken place the meeting between the Azerbaijani Minister of Foreign Affairs Elmar Mammadyarov and the Armenian Minister of Foreign Affairs Vardan Oskanyan with a participation of the OSCE Minsk group co-chairmen in the housing of the Embassy of the Russian Federation in London on 19 January 2006. After that meeting the Azerbaijani and Armenian officials stated for a first time that there was a project text of “some paragraphs” or “some items” on the meeting table.¹⁸⁴

Just after the meeting in London, it was notified that the French president Chirac invited the Azerbaijani and Armenian heads of state to France to lead discussion on 10 February 2006. After notification of that invitation it was heard the statements of the representatives of the international organizations, of the Minsk group co-chairmen in connection with a signing an agreement during the meeting. Even the representative of the NATO Secretary General on South Caucasus Robert Simmons, not voicing too many statements in regard to the problem comparatively to the others, said that “they were in a great expectation with respect to the

¹⁸³ “Azərbaycan ilə ABŞ arasında hərbi əməkdaşlığın perspektivləri müzakirə olunmuşdur” (The prospects of the military cooperation between Azerbaijan and the USA has been discussed), *AzərTac*, 6 December 2006, www.aztv.az/xbdx/x-1.asp?id=9213&il=2005, (September 26, 2009).

¹⁸⁴ “Vardan Oskanyan: Artıq sirr deyil ki, danışıqlar masası üzərində 3-4 abzasdan ibarət bir səhifəlik mətn var” (Vardan Oskanyan: It isn't secret already that there is one page text consisting of 3-4 paragraphs on the negotiaion table), 23 Yanuary 2006, http://www.mediaforum.az/articlep.php?article_id=20060123121224133&lang=az&page=00; “Араз Азимов: «Необходимо учитывать степень доверия сторон друг к другу» (Araz Azimov: a distance of the parties against each other should be considered), 23 Yanuary 2006, <http://www.day.az/print/news/politics/39631.html>; “Оценка лондонских переговоров”, *Обзор СМИ за 20-26 января 2006 года* (An estimation of the London negotiations” *A view of the mass media to 23-26 January 2006*), <http://www.regnum.ru/news/581596.html> (September 26, 2009).

meeting.”¹⁸⁵ The Minsk group co-chairmen made a next visit to the region at the beginning of February.

But the rising reaction from the people of both countries before the meeting of the presidents was creating a different image. For example, just a little before that meeting the head of state of Azerbaijan İlham Aliyev said that “they wouldn’t make any concession on a point of the territorial integrity of Azerbaijan and would wait 100 years more if necessary.”¹⁸⁶ The statement of the head of state of Armenia Robert Kocharyan not being late to answer like “it could not be any talk to surrender on a point of standing up for a position of Armenia” were decreased expectation in regard to a signing a treaty in the meeting in France.

On 10 February 2006 both heads of state held the private meeting with Chirac first. It was begun Rambouillet stage of the discussion on February 11. In Rambouillet castle near Paris, where took place the first G-7 summit in 1975, conducted the discussion on Kosovo problem and signed the peace agreement, the OSCE Minsk group co-chairmen and the special representative of the OSCE Chairman-in-Office met separately with the presidents İlham Aliyev and Robert Kocharyan. Then the Azerbaijani and Armenian heads of state held a private meeting between themselves.¹⁸⁷ And then it was conducted a common discussion with a participation of both heads of state and Minsk group co-chairmen. In the official statements given after the discussion it was noted that the parties did not sign any paper, but come to agreement on continuation of the discussion. Even it was created a tension the claims of the private television channel of Azerbaijan ANS that the president of Armenia Robert Kocharyan

¹⁸⁵ “Robert Simons: Sülh sazişindən sonra Dağlıq Qarabağa xüsusi qüvvələr göndərmək niyyətimiz var” (Robert Simons: we intend to send special forces to Nagorno Karabakh after a peacy treaty), *Express* (Azerbaijan), 9 February 2006, <http://www.expresp.com.az/second.asp?id=61833>, (September 25, 2009).

¹⁸⁶ “Azərbaycan iqtisadi artım baxımından dünyada lider ölkəyə çevrilmişdir: Azərbaycan Prezidenti İlham Əliyevin yekun nitqi” (Azerbaijan has become a leading country in the worlds from the viewpoint of economical growth: a concluding speech of the President of Azerbaijan İlham Aliyev), *Xalq qəzeti*, 1 February 2006, no.21, p. 1-4, <http://www.elibrary.az/docs/I.Aliyev-nitq/5.htm>, (September 26, 2009).

¹⁸⁷ “The Nagorno-Karabakh conflict”, http://www.diplomatie.gouv.fr/en/france-priorities_1/conflicts-and-crisis_1959/the-nagorno-Karabakh-conflict_3276/meeting-in-rambouillet-11.02.06_3882.html; “Mediators See No Real Progress In Karabakh Talks”, 11 February 2006, <http://www.rferl.org/content/article/1065676.html>, (September 27, 2009).

bringing forward “the interesting excuse” left the discussion and returned to Armenia. But after affirming that news by the chief of the international relations department of the Presidential Administration of the Azerbaijani Republic Novruz Mammadov and saying that “Kocharyan was under compulsion to act that way because of not trusting himself”¹⁸⁸ caused a reaction of Armenia, the Armenian officials were claiming that a text agreed by the OSCE Minsk group co-chairmen did not admit by the Azerbaijani president Ilham Aliyev. But in the following statements of both Ilham Aliyev and other officials it had been heard time and again, even in the international ceremonies, that Armenia was a party not agreed with a version proposed by the co-chairmen. Besides the negative nuances there was a point in the statements that it had been come to an agreement about conducting the discussion at a level of the ministers of foreign affairs in Washington on March 2006. After the discussion Oskanyan stated some progress in 2005 and a continuation of that process, and Mammadyarov stated an agreement on seven from discussed nine issues, and that the rest two issues were discussing yet.

The statement on inviting Kocharyan to Moscow for discussing the Karabakh problem that given in Baku by the Russian head of state Putin being on a visit in Azerbaijan on 21-22 February 2006, an invitation to Switzerland the Azerbaijani and Armenian heads of state for the next summit by the minister of foreign affairs of Switzerland Micheline Calmy-Rey visited Azerbaijan on February 23 were the interesting nuances from the viewpoint of demonstration a true course of the negotiation process. If to add to them the statement of the Minsk group co-chairman from the USA Steven Mann of “a year of 2006 would be a year of finding an answer to a question of peace or misfortune” a view is becoming more definite.

If to perform from a thesis said above like “if there wasn’t a progress from Rambouillet discussion, it should rise a necessity to pause the negotiation process” and to analyze the process from the very beginning

¹⁸⁸ “Novruz Məmmədov Prezidentlərin Fransa görüşü zamanı Kəçəryanın atdığı addımı pisləyib” (Novruz Mammadov has criticized a step taken by Kocharyan in the meeting of the presidents in France), <http://az.trend.az/print/818808.html> ; <http://www.azadliq.org/archive/news/20060214/1/1.html?id=155156>, (September 27, 2009).

up to date carefully, it is possible a probability that at least the most of the main nuances have agreed in Rambouillet discussion and even perhaps a paper reflecting some principles have signed. As the discussion between the heads of state, much of time lasted 30-40 minutes, being lasted 2 hours is also showing that the statements given after the discussion doesn't reflect reality in the main.

In the interview given to the NTV channel of Turkey on February 23, repeating over again the points stated in the council from January 31, the Azerbaijani President İlham Aliyev notifying his continuing the “Prague process” which essence was a stage-by-stage solution characterized the main points in the proposal put forward by the co-chairmen: “It was fixed the stages in the proposed paper. First and foremost the all territories beyond the Nagorniy Karabakh had to be liberated and the Armenian occupation forces had to be withdrawn. After that a security of Armenians living in the Nagorniy Karabakh and a returning back of Azerbaijanis to the occupied territories had to be guaranteed. A station of the peace-making forces had been discussed. The Azerbaijani and Armenian leaders would carry negotiations on determination of a status of the Nagorniy Karabakh in future prospect. At the same time, the people living in the Nagorniy Karabakh and lived on those territories until the conflict – i.e. Armenians, Azerbaijanis – of course would join to that process. Because, if Armenia withdrew its armed forces from the occupied territories, thereafter Armenians living in the Nagorniy Karabakh, as well as Azerbaijanis would return there would take part in determination of a status of the Nagorniy Karabakh. In which form it would be, the time would show.”¹⁸⁹

The next meeting between the presidents in 2006 held at the beginning of June. As the first meeting happened in Bucharest on 4-5 June 2006 remained unfinished again, and the statements on failure of the second meeting strengthened the opinion on inefficiency of the efforts on a solution of the problem.

¹⁸⁹ <http://www.elibrary.az/docs/ialiyev/2006.pdf>, p.43; “Azərbaycan Prezidenti İlham Əliyevin Türkiyənin NTV televiziyasına müsahibəsi” (An interview of Azerbaijani President İlham Aliyev to the NTV television channel of Turkey), *Xalq qəzeti*, 24 February 2006, no. 41, p.2.

The co-chairmen arranged the meeting between them in the capital of Austria Vienna on 22 June 2006, informed the OSCE Permanent Council about the negotiations carried in the direction of a solution of the Nagorniy Karabakh conflict and presented a special report.¹⁹⁰ It was stated in the report that the co-chairmen had increased the efforts in the direction of a solution of the conflict during last 7 months and they had worked intensively to attain an agreement between both parties on the main principles of a solution of the conflict. For that purpose they had been on a visit in Baku and Yerevan three times together and a few times separately, organized the meetings of the ministers of foreign affairs twice and the summit meetings of the heads of state twice as well (first in Rambouillet on February, and second in Bucharest at the beginning of June). It was noting that for the first time since an establishment of the present co-chairman institution of the OSCE Minsk group in 1997, the joint mission consisting of the ministers of foreign affairs of the co-chairman countries made a visit to the region on May. A goal of the visit was to bring to both president's notice that a year of 2006 appeared an important "possibility window" for reaching agreement on the Nagorniy Karabakh. The co-chairmen notified that it was proposed the basis principles to the presidents Aliyev and Kocharyan. Bringing clarity to the matter they stated that a purpose of their approach was not a solution of all aspects of the problem at one stage. By the words of the co-chairmen it was intending to achieve as the highest progress as possible with the mentioned principles, but to carry the negotiations leaving some most difficult issues until later. In spite of that the co-chairmen stated that they had reached a top point of their activities on a work of determination, expression and summation those principles because the presidents couldn't come to agreement. They said that if the parties couldn't come to understanding on the principles put forward, then it should be tried together for a purpose of achieving an alternative agreement that would satisfy them. The co-chairmen were noticing that they felt no necessity for a continuation of the intensive

¹⁹⁰ http://mfa.gov.az/khojaly/index.php?option=com_content&task=view&id=20&Itemid=33, (September 26, 2009).

“shuttle diplomacy” and for the new meetings of the presidents at the present stage. It meant that the negotiation process would get slower and it would appear an opportunity for the parties “to think”.

And another interesting point was an interview of Matthew Bryza given that day. The statement given to the Radio Liberty (RFE/RL) on 22 June 2006 a deputy of the assistant on Europe and Asia affairs of the US Minister of foreign affairs (Secretary of State) and a new co-chairman of the OSCE Minsk group from the USA Matthew Bryza was showing that the negotiations carried for a solution of the Karabakh problem passed into the new stage.¹⁹¹ The interview of Bryza created a serious resonance at the conflict parties (both at official and unofficial levels). One day later after that interview, in his speech in the ceremony dedicated to the 6th graduation of Azerbaijani Higher Military School the Azerbaijani president İlham Aliyev notified that Azerbaijan approached hopelessly to the process concerning a solution of the conflict and might make some changes in its policy.¹⁹² In the statement spread on June 26 by the Armenian Ministry of Foreign Affairs it was claimed that the Armenian and Azerbaijani presidents “had come to agreement on an issue of conducting a referendum for determination a future status of Karabakh.” It was noted in the statement that “an issue the presidents hadn’t agree was connected with an elimination sequence of the results of the military conflict.”¹⁹³ At the same day blaming on the co-chairmen for giving the statements throwing light upon one side of the problem in the interview given to the Regnum agency of Russia a spokesman of the Armenian president Victor Soghomonyan stated that Armenia “might notify all the papers discussed

¹⁹¹ “ATƏT-in amerikalı yeni həmsədrİ çərçivə sazişinin detallarının açıqlayır” (A new co-chairman of the OSCE from the US is explaining the details of the frame agreement), <http://www.azadliq.org/content/article/162121.html> , (September 26, 2009).

¹⁹² “Qurucusu ümummilli lider Heydər Əliyev olan Azərbaycan Ordusu qarşıda duran bütün vəzifələri həll etməyə qadirdir” (The Azerbaijani Army, which founder is a national leader Heydər Aliyev, is ready to accomplish every expected tasks), <http://www.azerbaijan-newp.az/index.php?Lng=aze&year=2006&Pid=4132>, (September 26, 2009).

¹⁹³ “Ministry Statement on OSCE Minsk Group co-Chairs Statement at the Permanent Council 26 June 2006”, http://www.armeniaforeignministry.com/pr_06/060626_statement_nkr.html, (September 26, 2009).

within last eight years in the negotiations, as well as in Key West, Bucharest.”¹⁹⁴

The Azerbaijani Ministry of Foreign Affairs spread a return statement in connection with the statement of the Armenian Ministry of Foreign Affairs on June 27.¹⁹⁵ It was said in the statement: “The statement of the Armenian Ministry of Foreign Affairs from 26 June 2006 was one more evidence that unfortunately the Armenian party was keeping an unconstructive position in a regulation process of the conflict. The OSCE Minsk group co-chairmen, in particular a co-chairman from the USA Matthew Bryza shown just a general view of the different principles which were inseparable part of the general context of the proposed paper of stage-by-stage regulation by a peace way discussed now. It paved the way for misunderstanding or confusing of the ideas, as well for the speculation attempts expressed in the statement of the Armenian Ministry of Foreign Affairs.”

A paper stated by Bryza on June 22, and then put forward in some details by common signature of the OSCE Minsk group co-chairmen on 3 July 2006 were intending a withdrawal of the Armenian army from the territories kept under occupation beyond the Nagorniy Garbagh Autonomous Region (NGAR), remaining under control of Armenians Lachin and Kalbajar districts of Azerbaijan beyond the former NGAR, clearing the mines, returning back of the refugees, conducting a referendum provided to definite a date later and a determination of a status of the self-constituted organization (“Nagorniy Karabakh”) established on the territories kept under occupation of Armenia. The co-chairmen stated that both parties had admitted the advanced plan in principle and it was persisting misunderstanding just on some nuances.

¹⁹⁴ “Ermənistan son səkkiz ildə danışıqlarda müzakirə olunmuş bütün sənədləri açıqlaya bilər” (Armenia can announce all papers discussed in the negotiations during last eight years), <http://www.azadliq.org/content/article/162516.html>, (September 26, 2009).

¹⁹⁵ “Azərbaycan Respublikası Xarici İşlər Nazirliyinin Bəyanatı” (A statement of the Ministry of Foreign Affairs of the Azerbaijani Republic), http://mfa.gov.az/index.php?option=com_content&task=view&id=274&Itemid=1, (September 26, 2009).

Matthew Bryza gave an interview “created a sensation” a week later on June 29 to the Radio Liberty (RFE/RL) again and said that “Azerbaijan had to give anything in return for a withdrawal of the Armenian Armed Forces from the occupied territories.” A head of the Press and Information Department of the Ministry of Foreign Affairs of Azerbaijan Tahir Taghizade stated in his statements on June 30 that “an official Baku had already made the greatest concession which could make to Armenia for a withdrawal its forces from the occupied territories of Azerbaijan. It was the greatest concession that Azerbaijan had stayed faithful to a peace process till now, although according to the international law it had a right to provide the territorial integrity by other way.”¹⁹⁶

The negotiations between the parties activated again towards the end of the year. It had been conducted the discussion between the Azerbaijani Minister of Foreign Affairs Elmar Mammadyarov and the Armenian Minister of Foreign Affairs Vardan Oskanyan in three rounds (Moscow, Paris and Brussels) on the months of October-November. In the negotiations taken place in Brussels on 14 November 2006 it was discussed providing security of an organization planned to be established within Azerbaijan, liberation of the regions kept under occupation of Armenia beyond the administrative borders of the former NGAR and a question of status of Lachin and Kalbajar.

It had taken place the visits to Armenia and Azerbaijan of the OSCE Minsk group co-chairmen and the special representative of the OSCE Chairman-in-Office on 21-22 November 2006. The negotiators held a meeting with the ministers of the foreign affairs and with the heads of states in Armenia on November 21 and in Azerbaijan on November 22. In that visit it was reached a certain agreement on arranging a meeting between Ilham Aliyev and Robert Kocharyan in the summit meeting of the CIS heads of state in Minsk on November 28. That decision was explained as a sign of a possible progress in the process. Because, though that subject was on the agenda since a time ago, Ilahm Aliyev said that “they

¹⁹⁶ “Bakı edə biləcəyi ən böyük güzəşti artıq edib” (Baku has already made the greatest allowance it might do), <http://www.azadliq.org/content/article/162893.html>, (September 26, 2009).

would meet just if there was a true necessity, not would come together only for conducting a meeting.” It is no coincidence that it was taken place the meeting between İlham Aliyev and Robert Kocharyan in the housing of the embassy of the Russian Federation in Belarus on November 28.¹⁹⁷ In the meeting conducted in large content it was taken part the Azerbaijani and Armenian ministers of foreign affairs Elmar Mammadyarov and Vardan Oskanyan, as well as the Russian minister of foreign affairs Sergey Lavrov, the actual chairman of the OSCE Karel de Gucht, his personal representative Anjey Kaspshik, and the co-chairman from Russia Yuri Merzlyakov too. Then the heads of state continued the meeting in private. In the interview given to the Azerbaijani Television on board the plane coming to Baku after the summit meeting finished İlham Aliyev drew attention to the positive points in regard to the process more:¹⁹⁸ “There had been the certain stages and I could say that we were reaching a last stage of the negotiations. Because, you know that in the negotiations carried at a period of nearly three years, one can say it was discussed all the questions, the position of the parties had formed completely. Now we were at a stage where the future of the negotiations depended on our steps. In that context I appraised the results of the meeting as normal on the whole. As you know, the Minsk group co-chairmen had been to Baku and Yerevan recently. The Azerbaijani party answered affirmatively to their proposal, namely to conducting the meeting. And concerning to the meeting itself, the negotiations carried constructively on the whole, the questions at issue was discussed. It could be said that they were in a focus of attention, because, we had achieved a solution of some questions during a last period, the issues not being agreed before had already been agreed. Nevertheless there were such fundamental issues that it was still

¹⁹⁷ “Azərbaycan Prezidenti İlham Əliyevin və Ermənistan Prezidenti Robert Koçaryanın görüşü” (A meeting of the Azerbaijani President İlham Aliyev and the Armenian President Robert Kocharyan), *Xalq qəzeti*, 29 November 2006.

¹⁹⁸ “Biz danışıqların son mərhələsinə yaxınlaşırıq.” (We are reaching the last stage of the negotiations), <http://www.azadliq.org/content/article/316326.html>, (September 26, 2009). “Azərbaycan Prezidenti İlham Əliyevin Azərbaycan Televiziyasına müsahibəsi” (An interview of the Azerbaijani President İlham Aliyev to the Azerbaijani Television), <http://www.xalqazeti.com/public/print.php?lngs=aze&ids=6505>, (September 26, 2009).

a divergence of opinion around them. Two presidents had talk namely around those questions.”

In the appointment with the French ambassador in Armenia Serge Smessow on November 21 the chairman of the Armenian Parliament Tigran Torosyan notified that they wasn't agree with the criticism on the Armenian party being pessimist, that “they were realist, not pessimist” and that they didn't believe in a solution being near.¹⁹⁹ Estimating the last discussion before the meeting of the presidents the Russian mass-media claimed an increase of pressure of the Minsk group co-chairmen on the Azerbaijani and Armenian officials recently. Besides having sometimes an interesting nuance, the statements given after the last meetings had begun mainly to acquire a character of repeat of the previous ones on a wide degree. The Minsk group co-chairmen from Russia and France were on a visit in Irevan and Baku on November 21-22.²⁰⁰ The negotiators conducted the meetings with the ministers of foreign affairs and with the heads of state in Armenia on November 21 and in Azerbaijan on November 22²⁰¹. In reply to the criticism on slow course of the process the French co-chairman comparing a peace process with a wall claimed that they “had laid a brick by every meeting.”²⁰² But it is evident that even a number of the laid bricks are not important for a wall with a doubtful firmness degree of the foundation. The co-chairmen had also emphasized often the thesis that “the years of 2007 and 2008 were the election years in Armenia and Azerbaijan and therefore it would affect negatively on a solution process.” According to Merzlyakov “for that reason a year of 2006 should be at least a year of certainly agreement of the main principles of a

¹⁹⁹ “Ambassador of the French Republic at National Assembly”, <http://parliament.am/chairman.php?id=meetings&NewsID=2130&month=11&year=2006&lang=eng> (September 17, 2009).

²⁰⁰“Vartan Oskanian received the OSCE Minsk Group Co-Chairs”, <http://www.armradio.am/news/?part=off&id=7720>, (September 26, 2009).

²⁰¹ “ATƏT-in Minsk qrupunun Rusiyalı və Fransalı həmsədrləri birgə bəyanatla çıxış ediblər” (The co-chairmen of the OSCE Minsk group from Russia and France have appealed with a joint statement), 23 November 2006, http://www.mediaforum.az/articlep.php?article_id=20061123054035135&lang=az&page=00, (September 26, 2009).

²⁰² “Həmsədrlərin ikisi Bakıya gəldi” (Two of the co-chairmen have come to Baku), *Yeni Müsavat*, 23 November 2006.

peace process by all means, otherwise an important chance would be lost disastrously.”

The beginning of 2007 also started with a continuation of the negotiation process. The Azerbaijani Minister of Foreign Affairs Elmar Mammadyarov and the Armenian Minister of Foreign Affairs Vardan Oskanyan held a meeting in Moscow with the OSCE Minsk group co-chairmen on January 22, and between themselves on January 23. Then making a visit to the region the co-chairmen met with the both countries' presidents Ilham Aliyev and Robert Kochatyan and Arkady Ghukasyan claimed representing a self-constituted regime on the territories under the Armenian occupation. After finishing of the meetings the co-chairmen giving the joint statement on January 29 emphasized that a responsibility in connection with the negotiations was on the Armenian and Azerbaijani presidents: “in a matter of the Nagorniy Karabakh conflict being continuous and finding a peace solution, a responsibility was on the Armenian and Azerbaijani presidents and the Minsk group co-chairmen would support them on it. The presidents were protecting active their national interest, nevertheless were doing it in a way of affording an opportunity for a continuation of the peace process.”²⁰³

After making a visit to the all three countries of South Caucasus the chairman of the OSCE Parliamentary Assembly and the special speaker of the organization on the Karabakh problem Goran Lenmarker in the interview given to the Radio Liberty claimed that a year of 2007 might be a solution year of the Karabakh conflict and emphasized a necessity of a continuation the negotiations within the framework of the Minsk group.²⁰⁴ It was arranged the meeting between the Azerbaijani and Armenian ministers of foreign affairs in Geneva on 14 March 2007, in Belgrade on 18 April (the OSCE Minsk group co-chairmen, a personal representative of the OSCE chairman Anjey Kasprshik were participated in the meetings too). The statements given after the meeting in Geneva were not a

²⁰³ “Həmsədrələr məsuliyyəti prezidentlərin üzərinə qoyur” (The co-chairmen are putting the responsibility on the presidents), <http://www.azadliq.org/content/article/374922.html> (September 17, 2009).

²⁰⁴ “Qoran Lenmarker: «2007-ci il Qarabağ münaqişəsinin həll ili ola bilər»” (A year of 2007 might be a year of solution of Karabakh conflict), <http://www.azadliq.org/content/article/377003.html> (September 17, 2009).

positive type and it was noting an absence of a special reason for a meeting of the presidents. In the statement given after the meeting in Belgrade it was stated that the co-chairmen presented the new proposals on two main principles creating divergence of opinion between Azerbaijan and Armenia in regard to a solution of the Karabakh problem (to mention that in a speech in the UN General Assembly in 2006 Elmar Mammadyarov notified an existence of two principles the parties hadn't agreed: a status of "Nagorniy Karabakh" and a withdrawal of the Armenian army from the occupied Azerbaijani territories).

One of the interesting events happened at that stage was a fact that it was given place to the statements on keeping the Azerbaijani territories under occupation by Armenia in a part concerning Karabakh problem in the special report of the US Department of State spread in regard to a situation of human right in 2006.²⁰⁵ The statement of "Armenia occupied the Nagorniy Karabakh and seven districts of Azerbaijan" written in a primary variant of the paper treating of the Karabakh conflict, after the protest of Armenia and the Armenian lobby it was changed as "the Armenian armed forces were keeping under occupation a great part of the Azerbaijani territories adjoining the Nagorniy Karabakh." Spreading the statement in connection with that on April 22 the Azerbaijani ministry of foreign affairs stated about a postponement of the Azerbaijani delegation's visit to Washington for bilateral security consultation on April 23-24. The US ministry of foreign affairs (Department of State) restored the previous state making a change in the corresponding part of the report on April 26, so a short-time tension in the Azerbaijani-USA relations was removed too. The restoration was met with a protest of Armenia that time.

And the co-chairman from the USA Matthew Brzyza stated next time "the main principles of the peace negotiations" (the secret points by some people) on April 24.²⁰⁶ Notifying being just about to agree already on the

²⁰⁵ <http://www.state.gov/g/drl/rls/hrrpt/2006/78799.htm> (September 27, 2009).

²⁰⁶ Xədicə İsmayılova, "Mətyu Brayza: Mən vicdanlı siyasətçiyəm" (Matthew Brize: I am a honest politician), 24 April 2007, <http://www.voanewp.com/azerbaijani/archive/2007-04/2007-04-24-voa14.cfm?CFID=308495052&CFTOKEN=56098720&jsessionid=84304e2765947933b66b59554d211d2e195e> (September 28, 2009).

main principles in the interview to a contributor of the “Voice of America” radio Khadija Ismayilova Bryza enumerated those principles like that: “The main principles meant to return back to Azerbaijan in the near future five districts around the Nagorniy Karabakh with a condition of immediate withdrawal of the Armenian armed forces from there, to station the peace-making forces over there and to return back the refugees. The negotiations were going on still in regard to returning Kalbajar and Lachin within which terms. But we were very close to understanding on this issue too. It was also included in the principles providing a passageway connecting the Nagorniy Karabakh with Armenia which would be used for trade and civilian purposes. And then a status of the Nagorniy Karabakh would become established by a continuation of the negotiations and conducting a general voting at some stage. The Azerbaijani party was against usage of a referendum word, because it was in contradiction with the country constitution. So we were conducting discussion on holding voting some time.”

Making a visit to the region on May 2007, the co-chairmen in the press-conference conducted in regard to the results of the visit in Baku on May 25 both stated an agreement on a meeting of the presidents, and emphasized “an acceptance the Nagorniy Karabakh as a content part of Azerbaijan” and their wishes on “each of the seven districts around the Nagorniy Karabakh to be liberated.”

A first meeting between the Azerbaijani and Armenian presidents in 2007 took place in St. Petersburg on June. It was arranged first a private meeting between the presidents, going to St. Petersburg for informal meeting of the CIS countries’ heads of state, in “Baltic star” hotel of “Congress palace” state complex in St. Petersburg on June 9. Then the OSCE Minsk group co-chairmen (the co-chairmen made a visit to the region at the beginning of the month again) and the ministers of foreign affairs also joined to the negotiations.²⁰⁷ In the statements given after the

²⁰⁷ “Azərbaycan Prezidenti İlham Əliyevin Sankt-Peterburqa səfəri: Azərbaycan Prezidenti İlham Əliyevin və Ermənistan Prezidenti Robert Koçaryanın görüşü” (A visit of Azerbaijani President Ilham Aliyev to Saint-

meeting it was noted a continuing of divergence of opinion and absence of progress.

A few days later after the meeting of the presidents it was appeared a next newness in regard to a solution of the problem. According to the spread information “a group of the Armenian and Azerbaijani intelligentsia” made the joint visits to Khankandi, Yerevan and Baku. Tough who made the visit and the Azerbaijani officials claimed that the visit “had for an object to intensify trust between two nations”, the visit was met with a serious protest in particular in the Azerbaijani social opinion. Besides that minority of the people emphasizing an importance of the visit, the most of the mass-media, the different NGO and experts criticized the visit strongly; a press-conference held in connection with the results of the visit also stayed in memory with a scandal. Because all three people carrying out the visit from the Azerbaijani party had an official rank (an Azerbaijani ambassador in Russia Polad Bulbuloghlu, a chancellor of the Baku-Slavonic University Kamal Abdulla and a president of the Music Academy Farhad Badalbayli) and they “got a reception” of Arkadi Ghukasyan, claimed representing a self-constituted body on the Azerbaijani territories occupied by Armenia. It was a policy somewhat a different from the position of Azerbaijan till that moment. The officials, not considering positively a carrying out a popular diplomacy till that time, now made themselves a visit to the occupied territories and took part in “an official reception” in “the official work rooms” of them who were trying “to legalize” that occupation. To note that the delegation “consisted of the intelligentsia” was received by the Armenian and Azerbaijani presidents too.

After the meeting held between the presidents in St. Petersburg on 13 July 2007, the Minsk group co-chairmen spread the statement estimating a situation appeared in a solution process of the conflict. The co-chairmen stated that during the presidents’ meeting mainly it was discussed a limit number of obstacles in connection with an agreement on “the main principles” of a solution of the conflict by peace way and the parties

Petersburg: a meeting of Azerbaijani President Ilham Aliyev and Armenian President Robert Kocharyan), *Xalq qəzeti*, 10 June 2007.

couldn't come to understanding over the difference of position. Dealing in their statement with a joint visit initiative of "a group of the intelligentsia" of Azerbaijan and Armenia to the Azerbaijani territories occupied by Armenia, to Iravan and Baku the co-chairmen remarked upon their approval and high appreciation of it, estimated that initiative as "a first trust-making step".

After the month of August passed comparatively calm, September stayed in memory with the meetings of the co-chairmen between themselves and with both countries' Ministers of Foreign Affairs, and then with the large visits to the region. Another nuance in connection with the problem on September was a putting the GUAM countries' problems (and the Karabakh problem within that framework) on the UN General Assembly's agenda.²⁰⁸ Though in the speech in the UN the Armenian minister of foreign affairs Vardan Oskanyan said the problem to be solved just by mediatory of the OSCE and no need for the discussion in the UN (Oskanyan even claimed that they could abandon the negotiations as a protest to that process) and though the Minsk group co-chairmen didn't not show either a positive position about putting the problem on the agenda of the UN (they supported almost Oskanyan's opinion too), Azerbaijan stated that the efforts made upon the discussion of Karabakh conflict in the UN was not an alternative to the peace negotiations.²⁰⁹

The Azerbaijani and Armenian ministers of foreign affairs Elmar Mammadyarov and Vardan Oskanyan met with the OSCE Minsk group co-charmen in Madrid, a capital of Spain, on 29 November 2007. Before that, meeting in Paris with Mammadyarov and Oskanyan, the co-chairmen reached an agreement on continuing the negotiations in Madrid. Besides Elmar Mammadyarov, Vardan Oskanyan and the co-chairmen, the Russian and French ministers of foreign affairs, a deputy of the US minister of foreign affairs on political affairs took part in the meeting

²⁰⁸ "Protracted Conflicts in the GUAM Area and Their Implications for International Peace, Security and Development", <http://www.guam.org.ua/en/node/403>, (September 8, 2009).

²⁰⁹ "Qarabağ münaqişəsinin BMT-də müzakirəsinə söylər sülh danışıqlarına alternativ deyil" (The efforts of a discussion of Karabakh conflict in the UNO are not alternative to the peace negotiations), <http://www.azadliq.org/content/article/415042.html>

arranged within the framework of the sitting of the OSCE member countries' Ministers of Foreign Affairs Council. The Minsk group co-charimen presented a new project (named afterwards as "Madrid principles") on the main solution principles of Karabakh conflict to Mammadyarov and Oskanyan in that meeting.²¹⁰ After the meeting the Minsk group co-chairmen spread the special statement. It was said in the statement that: "Within last three years of the negotiations aimed at a solution of the Nagorniy Karabakh conflict by peace way, disagreement in the position of the parties diminished considerably and it was just a few issues to be agreed." Madrid principles intended nearly the following:

- "It was recommended to the Azerbaijani and Armenian leadership that,
1. To make agree with a document consisting of the following principles until the 2008 elections:
 - a) to guarantee security and a stationing of the international peace-makers,
 - b) the withdrawal of the armed forces of Armenia and Nagorno Karabakh from the all occupied territories adjacent to Nagorniy Karabakh, with special modalities for Kalbajar and Lachin,
 - c) return of the refugees and the displaced persons,
 - d) the determination of a final status of the Nagorniy Karabakh by a voting at the end; to determine an interim status to be settled until that time, to reopen all the transport and trade routes.
 2. In case of a failure of a consensus on whole document, to make agree with which possible and to point at the debatable issues exactly.
 3. To offer the conditions for a positive approach of the political figures during the election campaign 2008, to peace and to importance of the compromise.

²¹⁰ "Madrid prinsipləri üzə çıxdı" (The Madrid principles have appeared), *Mediaforum*, 13 November 2008, http://www.mediaforum.az/articlep.php?lang=az&page=02&article_id=20081113031018073, (September 9, 2009).

It was recommended to the governments of Armenia and Azerbaijan, as well as to the de-facto administration of the Nagorniy Karabakh that,

4. To respect the cease-fire treaty of 1994, avoid a use of force, put end to an increase of the military budget, to the mutual blames, as well as to an irreconcilable and incendiary rhetoric.

5. To aid to informal diplomacy and to the discussion on compromise decisions including the above mentioned principles, to stimulate the country parliaments to open such discussion and to simplify the relations between Azerbaijanis and Armenians.

6. The de-facto administration of the Nagorniy Karabakh should put stop to settling Armenians in the occupied territories, as well as to carrying out a privatization in those districts, to an infrastructure development and to an establishment of local institution.

7. Azerbaijan has to give an opportunity to Karabakh Azerbaijanis to elect a leader of their community, has to make common efforts in direction of decreasing corruption and increase transparency for benefits of all citizens, as well as the deported persons from the oil incomes.

It was recommended to the Minsk group co-chairmen (France, Russia and the USA) and to the large international community that,

8. To grow the joint efforts for achievement of an agreement of the main principles. To continue the negotiation process after the 2008 presidential elections in Armenia and Azerbaijan and to note any difference of opinion could rise in that process.

9. The co-chairmen to intensify a mediatory level, to make a main element a regulation of Nagorno Karabakh problem during the bilateral and multipartite relations with Armenia and Azerbaijan.

10. To spread more information about a content of the negotiations and avoid to exaggerate artificially the expectation with excessive optimistic statements.

It was recommended to the European Union that,

11.

a) To increase a role of the European Union's special representation on South Caucasus; let the representation to follow a progress of the Minsk process, to keep in touch with all parties, to make visits to Nagorno-Karabakh, to meet with the refugee citizens in Azerbaijan and to appraise together with the European Committee a quantity of important financing within the framework of the conflict,

b) Using the Neighborhood Strategy in Europe program and its financing mechanisms, to create conditions for establishment of the institutions aimed to intensify trust and as well as to provide a respect to the human rights and superiority of law.”

At a stage after proposing of the Madrid principles, at the end of November and during the months of December 2007 a main place both in public opinion and in the official statements in both countries took the opinions towards those principles. And making a visit to the region next time on January 2008, the co-chairmen called the parties to come to agree upon the presented principles.²¹¹ And in the press-conference on the results of the visit, it was stated that the co-chairmen would prepare a new version of the main principles on basis of the suggestions gotten in Baku and Iravan.²¹²

It was conducted the presidential elections in Armenia on February 2008. In place of Kocharyan, who couldn't take part in the elections already because of finishing a legal term, Serge Sarkisyan was participating as a candidate of the power in the presidential elections. Though his victory in the elections was estimating by some people as a beginning of a new stage in a solution process of Karabakh problem, it was more exact to consider as a continuation of the previous process a

²¹¹ “Həmsədrilər Yerevana gediblər. Onlar yanvarın 18-də yenidən Bakıya qayıdacaqlar” (The co-chairmen have gone to Yerevan. They will come back to Baku again on January 18), http://www.mediaforum.az/articlep.php?article_id=20080114084632388&lang=az&page=00; “OSCE MG set no time limitation to Kocharian and Aliyev”, <http://www.panarmenian.net/news/eng/?nid=24587&date=2008-01-17>, (September 10, 2009).

²¹² “Tezliklə sülh sazişi imzalanacaq: Həmsədrilər baza prinsiplərinin yeni variantını hazırlayacaq” (It will be signed a peace agreement soon: The co-chairmen will prepare a new version of the basis principles), *Yeni Müsavat*, 19 Yanvar 2008.

coming to power of Serge Sarkisyan, whose “being a candidate of Robert Kocharyan” was very obvious and a continuation of his policy was evident.

Declaration of independency of Kosovo on February 17, a process of recognition of its independency did not treat without effective upon solution initiatives of Karabakh problem. As a matter of fact that point had always been on the agenda and in particular since the end of 2006 in connection with Karabakh problem, an effect of a solution process of Kosovo problem upon it was a discussion point between the officials too. It was experienced the severe debates and discussions between both the officials and the experts in connection with would a model proposed for a solution of Kosovo problem make an example in a solution process of Karabakh problem or not, that process was continuing a time more after the declaration of independency by Kosovo in 2008. The Armenian party claimed that a model intending an independency of Kosovo would make an example for Karabakh problem, but not agreeing with that thesis the Azerbaijani party was putting forward a thesis of specificity of every single problem. As the issue troubled Georgia, not being able to control its two separatist regions too, it had taken place on the global agenda more. More for that reason, both the NATO and the EU representatives emphasized that a model of solution of Kosovo problem would not make up an example for any other problem and would reflect a specificity of that problem at all. The OSCE Minsk group co-chairmen also had opinion that in mainly Kosovo model wouldn't be an example for a solution of other problems. For example, Bernard Fassier the OSCE Minsk group co-chairman from France in the press-conference held on 8 March 2007 stated that “Kosovo model could not be a precedent for the Armenian-Azerbaijani conflict. “Even an alternative accepted by Prishtina and Belgrade could not be applied for Nagorno-Karabakh. There was a double problem here. First, it was a problem happened within Azerbaijan. Second, it was a conflict happened between two countries in connection with the region. Nagorno-Karabakh was also a region with an autonomous

status within Azerbaijan. But a situation in Kosovo was not like it.”²¹³ And just the OSCE Minsk group co-chairman from Russia Yuri Merzlyakov saying “each problem had the specific features. But a solution process of Kosovo problem would have influence upon Karabakh problem too, as the solution processes of all other problems”, appeared a thesis of Russia once again.

In spite of Serbia's strict opposition, as well as two members of the UN Security Council (Russian and China) being strongly contrary to independency of Kosovo, its recognition by the most of the countries was creating a threat of appearing a new negative tend concerning territorial integrity of the countries. But after a declaration independency by Kosovo, in the interview spread by the Reuters agency on February 18 even Serge Sarkisyan, the prime minister of Armenia already won in the presidential elections stated that “Kosovo and Karabakh problems were different.” And in the statement spread on February 19 the US embassy in Azerbaijan were stating that “a situation raised in Kosovo distinguished by its specification and didn't create a precedent for other regions, including Nagorno-Karabakh too.”²¹⁴ Saying that an independency decision of Kosovo would make an example for Abkhazia, South Ossetia, and even for the North Cyprus Turkish Republic (taking into consideration a policy of Russia in regard to Ciprus problem, it was especially interesting), even the Russian officials didn't enter the Azerbaijani territories under occupation into that list. And it was weakening a chance of Kosovo to make up an example for a solution of Karabakh problem.

As the discussion was continuing, it was observed a case of violation of the cease-fire regime between the parties at high level starting from morning hours on March 4. By the information of the Ministry of Defense

²¹³ “Azərbaycan və Ermənistan xarici işlər nazirləri martın 14-də Cenevrədə görüşəcəkdir” (The Azerbaijani and Armenian ministers of foreign affairs will meet in Geneva on March 14), <http://www.voanewp.com/azerbaijani/archive/2007-03/Aze-azerfransafasye.cfm?moddate=2007-03-08>, (September 14, 2009).

²¹⁴ “Kosovo Dağlıq Qarabağ da daxil olmaqla, digər bölgələr üçün presedent yaratmır” (Kosovo doesn't create a precedent for other regions including Nagorno Karabakh), <http://www.voanewp.com/azerbaijani/archive/2008-02/Aze-sefirlikkosvoqarabaq.cfm?moddate=2008-02-19>, (September 17, 2009).

of Azerbaijan, 4 Azerbaijani soldiers were died and one man was wounded in a result of that event even considered as a possibility of restart of the war too. It was informed that 12 soldiers of the Armenian army were died and 15 were wounded hard. To note that at the same time that event happened at a moment that a political-social situation in Armenia after the elections was tensed too much. Many experts claimed that to attract the international attention from a tension inside and human rights violation into the war with Azerbaijan, that event might created by the Armenian leadership.

Bringing Karabakh problem up for discussion in the UN General Assembly on March 2008 stayed on memory as one of the most important stages. Discussing a resolution project named "A situation in the occupied territories of Azerbaijan" the UN General Assembly on March 14 approved it mainly in the offered view.²¹⁵ The resolution consisted in 9 items concerning the occupied territories was supporting the territorial integrity of Azerbaijan. The document requested a withdrawal of the Armenian forces from all occupied territories completely, without terms and reflected to create conditions for return of the displaced persons to their hearths. The permanent representative of Azerbaijan in the UNO, an ambassador Aghshin Mehdiyev made a talk in the discussion and called the UN member countries to support a resolution project presented by Azerbaijan in connection to the problem.²¹⁶ The deputy of the permanent representative of the USA in the UNO Alejandro Wolf spoke in the discussion in the name of the OSCE Minsk group co-chairmen countries. He said that the Minsk group countries would vote against the resolution project. The Pakistani representative expressing a position of the Islamic Conference Organization, the Ukraine representative speaking in the name of the GUAM countries, as well as the Turkish and Uganda representatives recognizing the territorial integrity of Azerbaijan called to support the project. The voting held at the end of the discussion resulted

²¹⁵ <http://www.un.org/News/Press/docs/2008/ga10693.doc.htm> (April 12, 2008).

²¹⁶ "Tərpaqlar azad edilməli, köçkünlər öz yurdlarına qayıtmalıdır" (The territories must be liberated, the refugees should return to their lands), <http://www.azadliq.org/content/article/439272.html> , (September 17, 2009).

by 39 for, 7 against and 100 abstainer votes. The Minsk-group co-chairmen countries' voting against the resolution caused a beginning of serious distrustfulness and protest wave against the Minsk group co-chairmen in Azerbaijan. Even Azerbaijan sent an inquiry to the OSCE for studying a procedure of change the Minsk group co-chairmen.

In the statement spread by the Russian Ministry of Foreign Affairs on March 15 it was said that "the OSCE Minsk group co-chairmen countries voted against the mentioned resolution. They substantiated their position with that such step of the Azerbaijan party was one-sided, inopportune and irrational. That position had been brought to notice of Baku time and again and at various levels."²¹⁷

During the NATO summit held in Bucharest on April 2-4, the co-chairmen and the personal representative of the OSCE Chairman-in-Office Anjey Kaspshik met separately with the Azerbaijani president Ilham Aliyev and with the new president of Armenia Serge Sarkisyan. In the meeting with the co-chairmen Ilham Aliyev wanted them to make clear the countries' they representing voting against the resolution concerning a situation in the occupied territories of Azerbaijan in the UNO. After the serious protests, in the statement spread on April 3 the Minsk group co-chairmen underlined supporting the territorial integrity of Azerbaijan once again.²¹⁸ It was also noted in the statement that for a solution of the problem by peace way it should be necessary to make political compromise on a final status of Nagorno-Karabakh. It was then said in the document that the heads of state of both countries and the co-chairmen came to agree on taking additional steps to continue the negotiations on present basis, to make more definite the proposal discussed now and to move forward the peace process. The negotiators underlined an importance of conducting a meeting at high level between the parties as soon as possible for that.

²¹⁷ For full text this declaration see:
[http://www.mid.ru/bl.nsf/78b919b523f2fa20c3256fa3003e9536/5a37ffb8d3e36dd4c325741000257db8/\\$FILE/17.03.2008.doc](http://www.mid.ru/bl.nsf/78b919b523f2fa20c3256fa3003e9536/5a37ffb8d3e36dd4c325741000257db8/$FILE/17.03.2008.doc), (September 16, 2009).

²¹⁸ "Co-Chairs of OSCE Minsk Group release statement", <http://www.osce.org/item/30513.html#>, (September 16, 2009).

It was arranged the meeting of the ministers of foreign affairs of the Azerbaijani Republic and the Armenian Republic with a participation of the OSCE Minsk group co-chairmen in a city of Strasburg, France on 6 May 2008. Though it was notified officially an introduction purpose of that meeting, it was also noted that the ministers fixed the next rounds of the negotiations and made preparation for a next meeting of the presidents.

A first meeting of the Azerbaijani President Ilham Aliyev and the Armenian President Serge Sarkisyan took place within the framework of the XII Petersburg international economical forum and the CIS countries' heads of state informal summit in St. Petersburg on June 6.²¹⁹ The Minsk group co-chairmen also participated in the meeting. The ministers of foreign affairs giving the statement after the meeting estimated a first meeting of the Azerbaijani and Armenian presidents as a positive and constructive event.

At the next stage the Azerbaijani and Armenian ministers of foreign affairs held the multipartite meeting with a participation of the OSCE Minsk group co-chairmen on June 31–August 01 in Moscow, and the tripartite meeting with a participation of the Turkish minister of foreign affairs within the next session of the UN General Assembly in New-York on September 27.

In the meantime, it took place an event carrying very serious importance from the viewpoint of global relations if even on the regional plane and straight connected to a solution process of Karabakh problem. In a result of the military intervention of Russia an operation started on August 8 by Georgia to eliminate separatism in South Ossetia and to provide the territorial integrity, turned to a real catastrophe for Tbilisi. Charging on an official Tbilisi for breaking the peace negotiation process and for “committing genocide” against Ossetian people, after the liberation Tskhinvali city, a capital of the South Ossetia region by the Georgian army at a first day of the operation, Russia made the military meddling into the

²¹⁹ “Sargsyan, Aliyev agree to continue talks”, <http://www.panarmenian.net/news/eng/?nid=26258&date=2008-06-06>, (September 17, 2009).

conflict zone under name of “the operation for defending its citizens and forcing Georgia to peace.” Russia disregarded the cease-fire calls of an official Tiflis supported by the US and the EU too and repeated more than once and continuing the operation advanced towards western Georgia. At midday August 12, declaring “an achievement of the fixed targets” the President of the Russian Federation Dmitri Medvedev gave an order to the Russian army to stop the military operation. Only one day later a cease-fire provided just after that by a mediatory of France, Russia plundered incessant bombed Gori city entering it, bombed Poti seaport. By a claim of “preventing an occurrence similar to South Ossetia” an official Moscow sent a military force consisting of 9 thousand soldiers, 350 equipments into Abkhazia and actually the Russian Black sea navy took under control the maritime boundary of Georgia. Since morning time on August 12 the separatist Abkhazian forces with a support of the Russian military airplanes had also waged an attack from a direction of Kodor canyon towards the Georgian positions and captured it on August 13. After a short time, recognizing “independency” of Abkhazia and South Ossetia Russia had signed a treaty with them and stated stationing the military bases in those two regions.

That process was a cause of both appearing evidently a connection of Russian existence in the region with the problems and a danger of it for the problems, and raising the questions about “how frozen” was actually “the frozen problems” and “if they were frozen indeed, what could cause defrosting of them.” Of course, the process was intriguing Azerbaijan very closely not just losing already the territorial integrity of its close neighbor and partner in many projects, but also (as a matter of fact even more) from the viewpoint of having the similar problem. It had begun to be talked with a loud voice about the possibilities of beginning a war between Azerbaijan and Armenia both in the region and beyond the region. Within that panorama, a situation had been trying to be kept under control with the visits of the international organizations’ heads and representatives, some countries’ ministers of foreign affairs to Armenia and Azerbaijan and with the conducted negotiations. After New-York meeting of the Azerbaijani

and Armenian ministers of foreign affairs, it also made a preparation for arranging the meeting of the Azerbaijani and Armenian presidents in Moscow with a mediatory of Medvedev (till that making the visits to Moscow the Azerbaijani and Armenian presidents met with Medvedev in private and emphasized giving a special importance to a mediatory of Russia). That meeting supported by the USA and the international organizations too, took place at the beginning of November. First the Azerbaijani President İlham Aliyev and the Armenian President Serge Sarkisyan met privately between themselves in “Mein Dorf” residency near Moscow. Then the negotiations were continued in tripartite format with a participation of Dmitri Medvedev. Later the Azerbaijani, Armenian and Russian ministers of foreign affairs also joined to the meeting. As a result of the meeting, the presidents İlham Aliyev, Setge Sarkisyan and Dmitri Medvedev signed the declaration on a condition of Karabakh problem and on the solution prospects of it by political means, by continuing a straight dialogue between Azerbaijan and Armenia by a mediatory of Russia, the USA and France as the Minsk group co-chairmen.²²⁰

It was held the meeting of the ministers of foreign affairs of the Azerbaijani Republic and the Armenian Republic within the framework of the 16th sitting of the OSCE Ministerial Council in Helsinki, Finland on December 3. The meeting began in a format of Nalbandyan—the Minsk group co-chairmen, and 20 minutes later Mammadyarov also joined to the negotiations. It wasn't given any statement after the meeting.²²¹ In the meetings arranged by the OSCE ministers of foreign affairs too, Karabakh problem was a large discussion point. As a consequence of the discussion it was made a common statement on December 4. Giving the statement

²²⁰ “Noyabrın 2-də Azərbaycan Prezidenti İlham Əliyev, Ermənistan Prezidenti Serj Sarkisyan və Rusiya Federasiyasının Prezidenti Dmitri Medvedev "Mayn Dorf" iqamətgahında Bəyannamə imzalamışlar” (Azerbaijani President İlham Aliyev, Armenian President Serge Sarkisyan and the President of the Russian Federation Dmitri Medvedev signed a Declaration in “Mine Dorf” residency on November 2), *Xalq qəzeti*, 4 November 2008.

²²¹ “Azərbaycan və Ermənistan xarici işlər nazirlərinin görüşü açıqlamalarsız bitib” (A meeting of the Azerbaijani and Armenian ministers of foreign affairs has end without a statement), 2008-12-04, http://www.mediaforum.az/article.php?article_id=20081204104605034&lang=az&page=00, (September 17, 2009).

on it in the press-conference conducted in Iravan on December 15 the OSCE General Secretary Marc Perrin de Brichambaut appreciated highly the statement of the OSCE made on the conflict. In his statement Brichambaut emphasized that “the statement accepted by 56 ministers of foreign affairs in Helsinki was a very important document and a peak, they wished to support the negotiations parties in a matter of a solution of the conflict and a continuation of the negotiations.” To note that in the statement of the ministers of foreign affairs from December 4 it was said that the Moscow Declaration opened a new and promising stage in the general efforts on an establishment a peace in South Caucasus. And the presidents signed it, affirmed attachment to a regulation of Nagorno-Karabakh conflict by peace way in the framework of mediatory efforts of the Minsk group co-chairmen, on basis of the proposals advanced by them in Madrid last year, in terms of the basis principles on cooperation with the Azerbaijani and Armenian leaders. And one of the OSCE Minsk group co-chairmen Matthew Bryza noted on December 25 that avoiding use of force should be a first component of a solution of Nagorno-Karabakh conflict. In his opinion, “there wasn’t a military decision of the conflict.” At the same day, giving the statement the Russian officials also stated their anxiety felt from often violation of the cease-fire in the Armenian-Azerbaijani front and appealed the parties to avoid the cease-fire violation. Actually besides the other matters in the Moscow declaration it also emphasized a solution of the problem by peace way. Though it was explained by many people as elimination of a war alternative already, in the interview given during a visit to Italy to the “RAI International” television channel of that country on November 25 the Azerbaijani President İlham Aliyev stated that the Moscow declaration didn’t cast a shadow flatly on important defense right of Azerbaijan.²²² İlham Aliyev notified that “Azerbaijan was for a peace way, nevertheless in a case of

²²² “Azərbaycan Prezidenti İlham Əliyevin İtaliyanın “Rai International” telekanalına müsahibəsi” (An interview of Azerbaijani President İlham Aliyev to the “Rai International” television channel of Italy), *Xalq qəzeti*, 27 November 2008; <http://www.elibrary.az/docs/ialiyev/2008.pdf> (September 27, 2009).

failure of a solution of the problem by peace way, it kept the right to liberate its territories by any way.” Of course, a peace way is more desirable solution way for the today and the future of the region. However, as it was noted in that speech of Ilham Aliyev while a peace way not being able to set justice, authorizing the occupant, exposed to a greater danger the future of the region, it would make a country subjected to occupation to use a military way.

A next visit of the presidents Ilham Aliyev and Serge Sarkisyan was arranged within the framework of Davos Economical Forum in Switzerland (Zürich) on 28 January 2009. The presidents met on 7 May 2009 that time in Prague, in a residency of the US embassy in the Czech Republic where they went for “South passageway – A new silk way” summit. About a month later after that they held the bilateral meeting in St. Petersburg on 4 June 2009, and the bilateral and tripartite meetings on 17-18 July in Moscow, going to watch the races arranged for “The prize of the Russian President in 2009.”

It took place the visits of “a group of intelligentsia” to Baku, Yerevan and Khankandi at the beginning of July. In the meantime, it was continued in regular course the meetings of the co-chairmen between themselves and the visits, the discussion between the ministers of foreign affairs and the statements of the international organizations too. In the interview given to the “Vesti” television channel of Russia on July 6 the Azerbaijani president Ilham Aliyev said that “a chronology on a withdrawal of the Armenian forces from the Nagorno-Karabakh surrounding regions at first stage was already existed.” The president was saying that existed in the proposals of the OSCE Minsk group co-chairmen too. The matter was the withdrawal of the Armenian forces even from the Nagorno-Karabakh surrounding regions by stages: “Just after a signing of an agreement at primary stage it was carrying out the withdrawal of the Armenian army from 5 districts around Nagorno-Karabakh. But the withdrawal from 2 districts located between Armenia and Nagorno-Karabakh, from Kalbajar and Lachin was intended to 5 years later after the agreement come into force taking into consideration namely their geographical position.”

The USA, France and Russia presidents, which were the Minsk group co-chairmen, spoke with the joint statement concerning a solution of Nagorno-Karabakh conflict on June 10. It was noted in that statement that the heads of state instructed the mediatory diplomatists to present a new version on the Madrid principles proclaimed on 29 November 2007, expressing the last proposals of the Azerbaijani and Armenian presidents on the basis principles. At that stage a press service of the White House (the USA) spread the information making clear again the main essence of the principles supposed by the ministers of foreign affairs of Russia, US and France in Madrid in 2007. Those principles were based on Helsinki Final Document, non-use of force, territorial integrity, equal rights and self-determination right. The White House's press service stated the certain items at those stages as following (to mention that it was also stated making changes at some stages in regard to "Madrid principles"):

- “1. Return to the control of Azerbaijan the districts around Nagorno-Karabakh
2. Giving an interim status to Nagorno-Karabakh to warrant its security and self-governing
3. Establish a passageway connecting Armenia and Nagorno-Karabakh
4. A right of expressing wishes having legal authority on determination a final status of Nagorno-Karabakh
5. A right of the all refugees and displaced persons to return to the territories they had lived before the conflict
6. Make the international security warranty intending peace-making operations.

Talking in the conference convened in the Georgetown University in the USA on September 18 a deputy of the US Secretary of State on political affairs William J. Burns claimed that the details in connection with Karabakh problem had already been determined.²²³ “We hoped that the progress observed in the negotiations of Aliyev and Sarkisyan recently

²²³ “U.P.-Azerbaijan Relations”, <http://www.state.gov/p/us/rm/2009a/129375.htm>, (September 27, 2009).

would lead to the positive results in the meeting of them which would be arranged next month. A possible solution plan of the conflict had already evident since a while... We believed that all parties would demonstrate political will for ending of the negotiations and achieving a desired end..."

And the last meeting between the presidents took place, as it was expected, in Kishinev on October 2009. But another process occurred parallel to the made preparations for that meeting – the initiatives of improvement of the Turkish-Armenian relations didn't pass ineffective from a solution process of Karabakh problem. As a matter of fact, the official and unofficial approaches to a connection between an improvement in the Turkish-Armenian relations and Karabakh problem are showing differences. The Turkish party is claiming that this approach will effect positively on a solution of Karabakh problem, Azerbaijan is claiming that negatively, and Armenia is claiming no connection between two processes. However, the results appeared at the stage till now has the essence affirming an official thesis of Azerbaijan. Thus, at the stage between the last meeting of the presidents in Moscow and Kishinev meeting it was put on the agenda by the negotiators a possibility of a signing of certain treaty in the next meeting. In the last statements of both the negotiators and the parties the positive points in regard to an agreement attracted attention more. However, a process proceeding in connection with the Turkish-Armenian relations on the days before Kishinev meeting especially influenced upon the solution efforts of Karabakh problem in two directions. Taking an opportunity to improve the relations with Turkey without connection with "Karabakh condition" Armenia got rid of psychological isolation and also signing the protocols regulating the relations on October 10 it took a serious step on a way of actually escaping from the isolation. Thus, a compulsion to go to compromise on Karabakh problem had become weak; on the contrary Armenia psychologically strengthened more its position against Azerbaijan. On the other hand, advancing impossibility to take step notwithstanding a serious opposition of the public opinion on two problem issues at the same time (the Turkish-Armenian relations and Karabakh problem) the Armenian authorities refused to sign a treaty on before agreed principles concerning Karabakh problem. Accepting an approach in the Turkish-Armenian relations the good opportunity in both senses,

Serge Sarkisyan already on October 1 in the interview to the “Armenian Reporter” published in the USA stated in contrary to the expectations that they would not sign any paper with Ilham Aliyev in Kishinev.²²⁴ Speaking on phone with the US president Barack Obama too on October 5 Sarkisyan making strict his position stated that “a main stage in a solution of the conflict would be a decision of Nagorno-Karabakh people on its legal status given by a referendum way.”²²⁵ But the International Crisis Group spreading the new report in regard to the problem on October 7 emphasized that: “it was possible to get a framework agreement on Nagorno-Karabakh problem.”²²⁶

Thus, the co-chairmen made a visit to the region at the beginning of October and then it was conducted the private meeting of the Azerbaijani President Ilham Aliyev and the Armenian President Serge Sarkisyan and the tripartite meeting with a participation of Dmitri Medvedev within the framework of the sitting of the CIS Heads of State Council in Kishinev on October 9.²²⁷ According to the official statements the meeting finished without result. In the large sitting of the Cabinet Council dealt with the results of the social-economical development of nine months in 2009, Ilham Aliyev said that because of “unconstructive position of Armenia” it hadn’t gotten a result in the negotiations:²²⁸ “The Armenian party applies a tactics of a prolongation a time in the negotiations process now. It is not new. We have met it at different stages of the negotiations. At a certain decisive point they want to bring up for discussion once again the matters agreed before. It has happened before too, unfortunately we watch it at

²²⁴ “President Serzh Sargsyan answered questions posed by the editors of the Armenian Reporter”, <http://www.president.am/events/news/eng/?id=738> və <http://www.reporter.am/go/article/2009-10-01--all-the-countries-that-have-not-yet-recognized-the-armenian-genocide-will-do-so-sooner-or-later--an-interview-with-president-serge-sargsyan>, (September 28, 2009).

²²⁵ “President Serzh Sargsyan had a telephone conversation with the President of the United States, Barak Obama”, <http://www.president.am/events/news/eng/?id=743>, (September 27, 2009).

²²⁶ “Nagorno-Karabakh: Getting to a Breakthrough”, http://www.crisisgroup.org/library/documents/europe/caucasus/b55_nagorno_karabakh_getting_to_a_breakthrough_web.doc, (September 28, 2009).

²²⁷ “Kişinyovda Azərbaycan, Rusiya və Ermənistan prezidentlərinin (İlham Əliyevin, Dmitri Medvedevin və Serj Sarkisyanın) görüşü keçirilmişdir” (It has been conducted a meeting of the Azerbaijani, Russian and Armenian presidents (Ilham Aliyev, Dmitri Medvedev and Serge Sarkisyan)), *Xalq qəzeti*, 10 October 2009; “The President of Armenia Serzh Sargsyan met with the President of Azerbaijan Ilham Aliyev in Chisinau”, <http://www.president.am/events/news/eng/?pn=6&id=749>, (September 28, 2009).

²²⁸ “Azərbaycan Prezidenti İlham Əliyevin giriş nitqi” (An opening speech of Azerbaijani President Ilham Aliyev), <http://www.azerbaijan-newp.az/index.php?Lng=aze&year=2009&Pid=8244>, (September 28, 2009).

this stage as well. Sometimes, both we and the negotiators engaged in the problem have met it with a great surprise that a matter agreed one or three years ago has been put forward again, as a new point. It may have just an only explanation. That is a prolongation a time intentionally. Because, the Armenian party should take the practical steps! And these steps consist of a withdrawal of the Armenian all forces from the occupied Azerbaijani territories, from the territories around Nagorno-Karabakh. This is a matter agreed since a long years. Any other idea is impossible in this matter. An only explanation of returning back upon this matter and returning upon other matters, which have been agreed, we find in this: to prolong a time artificially at decisive moments and actually to strike a blow on the negotiations process. But we will not turn back from our principal position... In the negotiations process and in the discussed points it is not discussed to give an independency to Nagorno-Karabakh some day, even 100 years later and so will never do. It is possible to give a temporary status to Nagorno-Karabakh. But it doesn't mean an independency and two parties – Armenia and Azerbaijan will continue the discussion on a next status of Nagorno-Karabakh in the future negotiations process. Here are the main principles...”

A response of the Armenian president Serge Sarkisyan to the statements of Ilham Aliyev in regard to the process came a week later. Visiting the military positions in the occupied territories of Azerbaijan on October 21-22, Serge Sarkisyan expressed his position towards the opinion of the Azerbaijani president in regard to the agreed points like:²²⁹ “In my opinion, both Azerbaijanis and we should spend our power at actual stage of the negotiations. But shouldn't be engaged in presenting to our auditory any part extracted from the previous stages of the negotiations.” Thus, Sarkisyan both affirmed Ilham Aliyev and at the same time he advanced disagreement with the principles already.

²²⁹ “Sarkisyan Qarabağa niyə getmişdi?” (Why Sarkisyan has gone to Karabakh?), <http://www.azadliq.org/content/article/1859624.html> , (September 29, 2009).

VIII – The Essence of the Problem and the Solution Principles

We have reviewed a history and a solution process of Karabakh problem heretofore. It is obvious from the official statements and from an open part of the process that a complete solution of the problem is not such near at hand. Of course, the reasons are many that the problem can't be solved till now. Between them it is attracted a special attention a progressive complication of the problem, a sharp opposition between the views of the conflict parties (at official and public levels), "peculiar" approach (thought on solution or non-solution of the problem and how will be solve if is solved) and intervention to a solution process of the interested regional and international forces, a serious difference between reality (Armenia keeps under occupation the Azerbaijani territories) and the main principles of the international law concerning present situation of the problem. Of course, one of the important factors impeding a solution of the problem, a long-term guarantee of regional peace and security, is incorrect approach to the problem.

Since arising of the problem till today's stage, it has been claimed a contradiction of two ("territorial integrity" and "self-determination right") of the main principles of the international law in connection with this problem, and because this reason a complication of a solution of the problem. Actually, if to look at the essence of the problem, it becomes obvious that this approach is not so correct and it is a result of an approach systemized by Armenia.

In general, along with them seeing this problem named as the Karabakh problem as "the means of the policy of Russia to keep Caucasus in its ruling", seeing as "the means of the expansion policy of Armenia (a fancy to establish the Great Armenia between three seas)", claiming "being a result of a struggle of the Armenian people living in the region at the present to achieve the special rights", considering being "the means of the Christian world used against integrity of the Turkish or Muslim world", there are also ones considering the problem arisen from "oppression of Turks upon Armenians through the history" or from

“annexation of “Karabakh” region into Azerbaijan at Stalin’s period, seeing as “a part of games of imperialism in the region” or commenting being a part “of the intercultural conflict” too.

It is possible to conduct the broad exchange of opinion separately on all above-mentioned directions concerning the problem. However, as it is shown clearly as well as in the parts of this work in regard to the history of the problem and to a solution process, the main essence of the problem at present is composed from the expansion policy of Armenia, and the occupation of the Azerbaijani territories as an application of this policy. No doubt that as it is put forward in a section on the history, a first appear of the problem stretches to the initiatives of Russia to have “an outpost” in the region, in this context to the settlements which are the results of the treaties signed as a result of the wars between Russians and the Ottoman and Russia and the Gajars. Matching the interests of the international imperial forces in the region with the initiatives of some Armenian organizations aimed to a fancy of “the great Armenia” at the end of the 19th century, and then the ethnic conflicts created by Czarist Russia were a constituent part of the essence of the problem for their time. An establishment of an artificial body (the former NGAR) inside Azerbaijan against its will at a stage of the formation of the USSR, and an application of Czarist Russia at a collapse stage of the USSR and other interests caused an ignition of the conflict.

As at all stages of the process, in the second part of the 1980s when had been flashing as well, a main point was like annexation of the historical Karabakh region of Azerbaijan into Armenia. All initiatives through the 20th century had been in that direction. The Armenian Parliament took a decision on 1st December 1989 to achieve this and have never backed down from it since. However this decision and Armenia's official requests were found to be contradictory to the USSR Constitution, the Republics' constitutions and condemned and annulled by both the Moscow and Azerbaijan administrations. When Armenia, which officially stated its expansionist policy and took the decision accordingly, became a member of the UN, made some changes in its policy, although

it did not change the aim in order not to experience difficulties against international law . The Armenian administration have previously, openly expressed the reason for armed clashes and war between Azerbaijan as that of gaining territory and expansion, but following UN membership, they felt the necessity to define events differently.

For instance, the Armenian administration started to claim that events in the region is not a war, that the Armenian people, who were escaping Azerbaijani oppression, are fighting for their independence and that Armenia is only supporting a struggle for independence. However, these claims are not enough to cover the aggressiveness and expansionist characteristic in Armenia's foreign policy. Today, this policy still continues and Armenian officials at every level do not hesitate to state that they can annex a considerable amount of occupied territory. Furthermore, occupied territories of Azerbaijan are de facto a part of Armenia. Armenians of Azerbaijani citizenship in the region officially contact the outside world through Armenia, play an active role in Armenia's domestic politics, and in the same manner, the Armenian central administration continuously pay visits to occupied territories, evaluate the situation and develop policies in various areas (military, cultural, social). Armenian money is used in the region. All of these show that Armenia did not back down from annexing and occupies Azerbaijani territories, on the contrary, despite the change of tactics, Armenia is actively pursuing its same old expansionist policy.

The end of Armenia's occupation of Azerbaijan's territory is a necessity for a settlement, which takes the nature of the problem and Caucasia's ethnic structure into consideration. In parallel to this, international organisations propose settlement plans in order to make the Armenian minority in Azerbaijan feel safe. After the end of occupation, Armenian's basic rights and freedoms, just like other minorities, will be warranted.

The following options can be followed by Azerbaijan to end Armenian occupation of its territories:

- 1) Azerbaijan and Armenia accept and swiftly put into practice an internationally guaranteed peace plan: Initiatives until now did not yield a

result and all proposals apparently were not accepted. The most important reason for this, as explained above, is the great gap in the approaches to the issue between the conflicting parties. International organisations and generally all mediators should study in detail the regions' and especially Azerbaijan and Armenia's characteristics, consider all aspects of the dispute, and prepare a realistic peace proposal based upon this investigation.

2) Azerbaijan tries to re-take occupied territories based on the right of self-defence: In this situation, problems may occur on the basis of Azerbaijan's right to self-defence. Therefore, we will examine this in more detail.

IX- Azerbaijan's Right to the Use of Force for Self-Defence

The war between Azerbaijan and Armenia can be evaluated in many ways depending on different perspectives. However, whichever perspective is chosen, the reality of occupation is there. This situation, despite being documented by various international organisations' resolutions, is generally denied by Armenian officials, claiming that there is no occupation but an "existence of independence initiatives of Armenians of Nagorno-Karabakh Autonomous Oblast". However, in some instances, Armenian state officials have accepted the occupation. An example of this happened on 17th May 2001. On that day, during the session in the Armenian Parliament, first Armenia Defence Minister Serzh Sarkissian stated these words: "There are territories that we have occupied. There is nothing to be ashamed of. These territories were occupied for our security. We were saying this in 1992 and before, now we still say it. My style may not be diplomatic, but this is the truth". After him, upon the first reactions to the previous speech, Armenia's Foreign Affairs Minister Vartan Oskanian made a clarification and talked about the occupation, but upon requests for an explanation of his speech by the Tashnag Party, he backed own.

On August 2002, while the meeting between Azerbaijan's President Haydar Aliyev and Armenia's President Robert Kocharian at the border in Sederek was ongoing, the Armenian Defence Minister (now president) Serzh Sarkissian made the statement; he officially talked about the existence of Armenia's soldiers in the occupied region and added that this is normal. In the same statement, Sarkissian expressed that the former Nagorno-Karabakh Autonomous Oblast territories were never seen as Azerbaijan's territory.

The statements of the Armenian officials against the territorial integrity of Azerbaijan have not abated even recently, at a period most dealt with a peace too. To sight how that country authorities set at naught the international law, it is enough to keep in mind besides a participation of the former president Kocharyan, the former minister of foreign affairs Oskanyan in the war, and the statements expressed repeatedly on the

Armenian army's "heroism in Karabakh" and "non-recognition of the territorial integrity of Azerbaijan", a last visit of the present Armenian president Serj Sarkisyan to the regions under occupation on October 2009 and the given statements.

To note that if it was a period before the Briand-Kellogg Treaty and an establishment of the UN, besides turning the Armenian army out from the occupied Azerbaijani territories, Azerbaijan might also interfere inside Armenia for the expansion policy presenting a danger for the region and for the world, as the examples being also met today. However, after a signing of the Briand-Kellogg Treaty and the UNO Charter, a possibility of military force usage in the international relations has been limited. On this account, Azerbaijan should use just an unavoidable defense right basing on the present-day legal values. But, how will Azerbaijan base on the international law?

First, let's inquire into a fact of being subjected to an attack, which is necessary for the unavoidable defense right. A fact of an occupation of the Azerbaijani territories is accepted today by all together in the international community and always has taken place in the international documents too. As being mentioned above, this matter has been stated obviously and with specific statements both in the resolutions of the UN Security Council, and in many international documents. A matter might be a point at issue here (though not for us, but for some category) is whether the Azerbaijani territories have been occupied by Armenia or not. Because, neither in the resolution of the UN Security Council, nor in other international papers Armenia is showed clearly as an occupation party. But it is a legal evidence of Azerbaijan's being subjected to the armed attack by Armenia that almost in each of these texts the conflict is showed as being between Armenia and Azerbaijan, in some international documents (as well as in the resolutions of the UN General Assembly and the EU Parliamentary Assembly) and in the statements of some countries Armenia is signed as an occupier country and the Armenian officials have accepted over and again an occupation issue and their soldiers being yet in the Azerbaijani territories (though they don't recognize these territories as the Azerbaijani

territories). That is, it is appeared clearly that Armenia has infringed upon the 4th point of the 2nd item of the UNO Charter. A reason of non-signing Armenia as an occupier country clearly is a fact that, as it is mentioned above, the political views of the Security Council's member-countries play important role in a process of reaching decision. To mention that the Armenian Parliament has still kept in force the decision reached on 1 December 1989 on annexation to the Armenian Republic the former NGAR of the Azerbaijani Republic and hasn't reversed it.

Furthermore, Armenia has thrown under foot evidently as well as the resolution number 2625 of the UN General Assembly. At certain period Armenia stated not wanting to annex the historical Karabakh region of Azerbaijan to itself, but supporting an invented "independence movement in the region." But even during that tactic change period, it hadn't given up to put forward the character of being aggressive. For example, on 11 October 2001 in the talk with the Azerbaijani journalists conducted meetings in the occupied Azerbaijani territories and in Iravan the Armenian Minister of Defense Serj Sarkisyan stated that they would render every help to the Armenian citizens, who wished to fight in the occupied Azerbaijani territories and to do a military service upon the whole. In that talk Sarkisyan noted his lack of information on a number of the Armenian citizens in the occupied territories and added: "Nevertheless, a number of the Armenian citizens there was enough to ensure security of Nagorno Karabakh." At the same time, the various Armenian officials have used the statements at the different times that if for the occupied territories Azerbaijan "will start a war, this time a war might end in Baku." This kind of statements denotes an open infringement of the resolution number 2625, as well as many legal papers (at the same time it also appears a paradox for Armenia: if the first war hasn't been between Azerbaijan and Armenia, why the menacing statements come from Iravan).

And another fact shedding light on our subject appeared during the presidential elections conducted in Armenia in 2003. That time it was put forward the claim on illegality of candidacy of the Armenian present

president Robert Kocharyan. The oppositionists claimed that Kocharyan didn't meet the term "to be a citizen of Armenia since at least ten years ago" what was an important for the candidacy. As a respond to that, the Armenian Ministry of Internal Affairs gave to Kocharyan a paper inquired for a citizenship term, taking as a basis a decision of the Armenian Parliament from 1 December 1989. So, the Armenian Ministry of Internal Affairs accepted openly a fact of occupation of the Azerbaijani territories.

And another process drawing attention during the elections was a fact that Kocharyan's administration brought a military force to Iravan from the Azerbaijani territories kept under occupation, to prevent the opposition actions begun in Iravan. The similar processes were recurred later on April 2004 and in 2008 too. A fact of taking prisoner the thousands of the Azerbaijani citizens by the Armenian state during the war and keeping them in the jails in Armenia has been affirmed by the international organizations too. Armenia has returned some captives to Azerbaijan many times by mediation and persistence of the international aid organizations.

All these mentioned facts are the clear evidence of aggression of Armenian against the Azerbaijani territories.

Even if to put aside what they refute and to come out just from the matters that Armenia says "we have done it", it is appeared incontestability of the unavoidable defense right of Azerbaijan. For example, Armenia has accepted time and again acting according to the 3rd item of the resolution number 3314 of the UN General Assembly. Though sometimes Armenia hasn't accepted openly acting as it is signed in the a) and b) points of this item, it has always proclaimed "proudly" doing the actions signed in the g) point. During a visit to the region on April 2003, Anjy Kasphik, the special representative of the OSCE chairmen, stated "an existence of the military units connected to the Armenian Ministry of Defense, and accepting always that fact by the Armenian officials too." That action was accepted as *an armed attack* in the Nicaragua Resolution of the International Crime Court from 1986 and it had been given the unavoidable defense right to an opposing party.

Evidently, the unavoidable defense right of Azerbaijan is undeniable. Azerbaijan just should give a notification to the UN Security Council using the unavoidable defense right. It might be put forward an opinion that the UN Security Council had already meddled in the process and therefore Azerbaijan had lost the unavoidable defense right. Nevertheless, according to the 51st item of the UNO Charter, the unavoidable defense right of Azerbaijan lasts “until the Security Council takes the proper and effective actions to provide the international peace and security.” In other words, the measures ending the unavoidable defense right of Azerbaijan should be the effective, certain measures in a direction of purpose of this right. But looking at today’s situation of the matter, we stay face to face with absolutely different view. The Azerbaijani territories are still under occupation of Armenia. There is not a certain plan for removal of this occupation, and it is not clear when it will be and the time also works against Azerbaijan at certain sense. Thus, Azerbaijan can begin to use a military force to liberate its territories from the Armenian occupation just informing the UN Security Council.

Nevertheless, there are also some terms according to the international law which Azerbaijan should follow. Using the unavoidable defense right, Azerbaijan should keep the terms of the relativity principle. In other words, as the unavoidable defense right of Azerbaijan rests upon the unfair behavior of Armenia, a purpose of Azerbaijan should be just to liberate the occupied territories. If Azerbaijan goes by a way of using a military force inside Armenia considering the territory of today’s Armenian state’s territories as its historical territory (although the historical truth is like this), it might get into unjust position in front of the international community and the international law.

Some specialists on the international law put forward an idea of an equivalency against harm by harm. According to this thesis not accepted by the majority, Azerbaijan can secure the harms made by Armenia to it, by even occupying Armenia. We don’t consider expedient for Azerbaijan a usage of this way too. By this way, Azerbaijan might bring its equitable

position into questionable point. Thus, Azerbaijan should act mainly based on the principles accepted by all together in the international world.

And one of the claims might advanced against the unavoidable defense right of Azerbaijan is a time connection between the occupation and the unavoidable defense. Besides non-existence of any obligatory sentence at this point in the UNO Charter, for not keeping any questionable moment in regard to equitable position of Azerbaijan, we are dwelling on the matter. According to this principle, if it is passed a long time between an occupation and an unavoidable defense, an unavoidable defense act is not so equitable. True, that it has been passed a long while from beginning occupation of the Azerbaijani territories by Armenia. Event there is a cease-fire more than fourteen years. However, at this point it is important a first reaction of a state subjected to an occupation. Indeed, if any state doesn't make any protest being subjected to an occupation, and wants to use it over ten years, its equity will become questionably. But since a day that Armenia began the occupation policy and the attacks, Azerbaijan had given a strong reaction against it, had tried to prevent the occupation steps of Armenia as possible as it could. But, unfortunately, Azerbaijan couldn't gain success at this point and a part of the Azerbaijani territories was under occupation of Armenia.

While the occupation act grown and Azerbaijan was not able to prevent them on its own, other than to sign a *cease-fire treaty* (not a peace treaty) there was no way for Azerbaijan (it might be the various opinions on this subject, but we will not stay in present work on the nuances concerning the interior political opinions). Nevertheless, during the passed period, the Azerbaijani officials have always stated not being reconcile with the keeping its territories under occupation of Armenia, applying every ways, including a usage of the military force as well, to liberate the territories from the occupation. It is demonstrated that a time connection is not a problem for the unavoidable defense that Azerbaijan didn't have a proper force for self-defense when Armenia started the occupation and for that reason after putting up a certain resistance was under compulsion to sign a cease-fire treaty, it had continuously stated to apply every ways,

including a military method as well, to liberate the territories from the Armenian occupation, in other words it had put forward incessantly its will at that direction.

Besides all of these, the official representatives of Armenia at various ranks point out never to recognize the territorial integrity of Azerbaijan, never allow joining into Azerbaijan the Azerbaijani territories kept under their occupation (they mention by a name of “Nagorno Karabakh” a part of the territory mainly in the former NGAR geography). Just this fact gives to Azerbaijan the unavoidable defense right in today’s world where the attacks against an existence and territorial integrity of a state justify an unavoidable defense.

No doubt that mentioning this, our purpose is not to propagandize the wars and a usage of a military force in particular. Of course, it is more expedient to resolve the problems between the countries by a peace way as possible, that is without a usage of a military force. Because, it is clear that how much perilous consequences will pass for humanity and cultures a usage of a military force. Nevertheless, it also shouldn’t be forgotten that such non-attention to the occupation fact represent and will represent a bigger danger for the international peace and security, and by implication for humanity and culture too.

It is common knowledge that keeping the Azerbaijani territories under occupation by Armenia presents a danger for the regional and global peace and security, put obstacles to the development and cooperation. In addition to that, it is not so difficult to suppose that to propagandize at least with ignorance of the separatism and the character of being aggressive will cost dear for the region and the world. In a condition of the existing occupation, the Azerbaijani citizens have undergone continuously the armed attacks of the Armenian soldiers. As in the press-conference held in a residence of the European Union – in the Europam palace in Strasburg on 29 April 2004, the Azerbaijani President Ilham Aliyev stated that 20 Azerbaijani citizens were killed by the Armenian snipers only in 2003.

Taking into consideration all of these, the territorial integrity of Azerbaijan and the normal life of the all Azerbaijani citizens, regardless of the ethnic source, harmed from the occupation of the Azerbaijani territories by Armenia should be guaranteed immediately. For it, Azerbaijan can require a withdrawal of Armenia from the occupied Azerbaijani territories, admitting a *certain time* as one or two years. At this point, it might be determined an exact date and plan too, as it was made by the UN Security Council in case of the occupation of Kuwait by Iraq in 1990-1991. At this situation, it will be expedient for Azerbaijan to wait an expiration date and the results of the plan. However, if such certain plan wouldn't be advanced in a certain date (for example, 1 or 2 years), or if the advanced plan wouldn't give a proper result at a mentioned time, Azerbaijan should use the unavoidable defense right recognized by the 51st item of the UNO Charter for it. It is obligation for Azerbaijan not just from the viewpoint of its interest, but at the same time in front of the international law and the world community.

Conclusion

Unlike long lasting initiatives, Karabakh problem still keeps on being one of the important problems of South Caucasus and of the world at certain degree too. It is necessary to fill in on details the history of the problem, the solution initiatives, to reveal the true essence of the problem for a success of the solution initiatives in connection with the problem and for fair and long-term character of a solution of the problem.

If to pay attention on the history of the problem, it becomes shown that its first bases go up to policy of the great powers in connection with the region, in this context up to ethnic resettlement in the region. Though the Armenian and Azerbaijani (also were mentioning as Azerbaijani Turks or Muslims) population lived within the states existed in the region at the previous times, there hadn't been the ethnic conflicts practically. In particular, gradual strengthening of Russia since the 18th century, the attempts to extend the regional authorities and to spread towards the south, in that context a need for state bodies could be used as "outpost" in Caucasus caused the ethnic settlements implemented by that country in the region.

The wars conducted by Russia with the Ottoman and Iran (Gajars) at the first half of the XIX century and the signed treaties appeared the very serious results in the viewpoint of changing an ethnic content of the region. Turkmanchay treaty signed between Russia and Iran in 1828, intended a removal of the hundred thousands of Armenian living in the Iranian territories into the Karabakh region remained under control of Russia in a result of that treaty and into the today's Armenian territories. Near 85.000 Armenians removed to the Karabakh region by Adirna treaty too signed between the Ottoman and Russians in 1829. According to the authoritative Russian historians admitted today as the most reliably sources concerning that period, near one million Armenians in all had been resettled to today's Armenian territories and to the Karabakh region in a result of those processes until the middle of 1880's.

After forming the regions in Caucasus where Armenians lived compactly, as the second stage it was established an Armenian state at the beginning of the XX century. The beginning of the XX century attracted attention by two nuances from the viewpoint of our subject. First, the Armenian movements in eastern Turkey and in Caucasus in general were supported by foreign powers. Alongside with that, another nuance drawn attention was a tactic of Russia provoking the quarrel between each other

to weaken the national movements intensified against the central administration especially in the South Caucasus region. The conflicts experienced between Azerbaijanis (Azerbaijani Turks, Muslims) and Armenians at the beginning of the XX century occurred basically in that context and the intelligentsia of both communities estimated the occurrence also in that context. During the following period while the conflict was being frozen as the region included in the USSR, in the estimations in regard to the past it had always emphasized that the Czar power was igniting ethnic conflicts for preservation itself. However, the USSR authorities itself had applied to the Czar power's tactics for preventing elapsing of the Soviet Union.

Establishment of an institution named the Nagorno Karabakh Autonomous Region in a process of formation of the USSR, providing a compactness of Armenians within that organization and a continuation inside and abroad the USSR the large preparation for annexation the NGAR into Armenia caused flaming the conflict in the region in ellapsing process of the USSR. At first the mutual ethnic hatred grown, it was taken place the little scale conflicts in the Azerbaijani-Armenian frontier and in the NGAR territories inside Azerbaijan, the small conflicts turned to a war since July 1992. Until that period the Armenian army kept approximately 5 % of the Azerbaijani territories under control on account of the actual authorities in Azerbaijan was not approaching warm to a creation of a national army in spite of a fact that Armenia had had the national army. KHOJALI GENOCIDE committed that time, at night from February 25 to 26 in 1992, by the Armenian forces with a support of the Russian military base in the region number 366, caused a strict reaction of many foreign countries and international organizations, nevertheless who committed that genocide had not been called to account yet.

At a period from June till November 1992, the Azerbaijani army managed to liberate a great part of its territories (approximately 3.5 %) under Armenian occupation. However, Armenia could turn the war in its favor since the end of 1992, occupied much part of the Azerbaijani territories. In a result of continuing attacks of the Armenian army between 27 March and 3 April 1993, Kalbajar district of Azerbaijani was occupied by Armenia.

A first decision of the UN Security Council was gotten after that occupation. That resolution number 822 emphasized an importance of unconditional and immediate withdrawal from occupied Kalbajar district. However, over pleasure effect of the policy implemented by Armenia on

the international organization too that resolution couldn't be applied. As a result of that Armenia had gone on to occupy the Azerbaijani territories till the end of 1993, and the UN Security Council had continued to reach the (ineffective) decisions wanted those occupation to be stopped.

At the same period, the effort for a solution of the problem was continued at level of different international organizations. It was established the OSCE Minsk group as the most competent organization at that issue. In a result of special efforts of Minsk group and Russia, it was signed an agreement intending a cease-fire between Azerbaijan and Armenia on May 1994. Although being breached at some cases the cease-fire has continued up to present together with the Armenian occupation.

To note that two points specially attracted attention along the process. One of them is connected with exterior factor, and another with interior factor. It is for a first time that Russia, USA, Iran and some leading states of Europe supported the same party (Armenia) on different directions (military, political, material-moral) in any conflict. And another point drawn attention was that while it was demonstrated solidarity in all principal points in Armenia along the war, the interior problems had been able to appear in front of the war in Azerbaijan. In particular those two factors caused a result of the Azerbaijani territories to be occupied by Armenia at first stage of the war.

The efforts in regard to a solution of the problem during the cease-fire period had been continued by means of the different international organizations and different states led by Minsk group. Three peace plan proposal, "Prague process", "Madrid principles" attracted more attention in that process. In generally it had been intended by the proposed plan and principles a signing of a peace agreement, a withdrawal of the Armenian army abroad Azerbaijan, a complete withdrawal from the Azerbaijani territories other than Lachin behind of the former NGAR borders, providing a return of the Azerbaijani refugees back to the homes and an establishment of an organization within the former NGAR inside Azerbaijan. The difference between the plans had been just over a realization of that process by which stages and over a status of a new establishment.

Alongside with other points, in failure of the attempts concerning the matter up to now it has been draw attention not enough careful estimation of the condition and specification of the region, being obvious of the history and real essence of the problem, giving the main principles of the

international law at the sacrifice of reality and interests of some countries (interests connected both with interior political process and with the region). Of course, the real essence of the problem is occupation of the Azerbaijani territories by Armenia and its attempts for spreading the borders. At the same time, it is also an important point that how will be the condition of Armenian minority within Azerbaijan brought up to a state of a problem party, at which form their rights will guarantee.

To note that in all legal documentation on the minority's rights, the principles of sovereignty and territorial integrity of the states is underlined especially. Because, as all legal documentation, a main purpose of the documents concerning the minority's rights also is a guarantee of living of the people together, in free, easy, democratic conditions. It is opposite to the main legal documents to comment and apply the documents concerning the laws by way of inciting conflicts, disorder stability, peace, threat to security. We believe that it will be advantageous to estimate a subject of protection the rights of the Armenian minority within Azerbaijan in this context too.

For a solution of the problem indeed, it is important unconditional and immediate removal of the Armenian occupation over the Azerbaijani territories. Since a continuation of the occupation is bringing the problem into deadlock. For removing the occupation it is necessary or to prepare a peace plan by means of the international powers and to ensure an immediate application of this plan, either to remove out its border the Armenian army using the important rights of defense of Azerbaijan.

In conclusion, it should be taken the next steps for a solution of the problem:

1. An immediate provision of the territorial integrity of Azerbaijan;
2. In parallel to that, to intensify reforms in connection with local self-government bodies in Azerbaijan;
3. To guarantee particularly the rights of the Armenian minority within Azerbaijan, to provide a development in public, economic, cultural and other fields and transparency of this process to a control of the international organizations.
4. Realizing all of these, to take into consideration sensitivity arisen from ethnic content of the South Caucasus region.