

RIGHT OF ARTSAKH TO INDEPENDENCE (SELF DETERMINATION)

The **historical** facts are that:

- (1) Artsakh is part of the historical Armenian homeland; and
- (2) Stalin committed an egregious act on 05 July 1921 to appease the Turkic people, when he pressured the Central Committee of the Communist Party to reverse the decision it made the day before that Nagorno Karabakh (N-K) and Nakhichevan was included in the Armenian SSR. However, the Turkic people also argue that they inhabit these lands (although they invaded from Central Asia).

Therefore, the main focus for recognition of Artsakh is arguably the **legal status** of N-K's declaration of independence as at 26 December 1991. On that day the Soviet Union was dissolved and thus all Soviet laws, including the definition of its provinces, became null and void. This meant that the Azerbaijan SSR and the Armenian SSR no longer existed, and it allowed acts of self-determination. The Armenians, Azerbaijanis and the people of N-K had all previously declared their independence after referendums on 21 September 1991, 18 October 1991 (affirmed by a referendum in December), and 10 December 1991 respectively, but these had no legal effect until the aforementioned dissolution of the USSR by the Supreme Soviet.

At that time, Artsakh had the same right of self-determination as Azerbaijan did, as these were both new entities, with no former sovereign State in existence. Kosovo is an example of this, when another federal State, Yugoslavia, fell. Turkey and Azerbaijan hypocritically recognise Muslim-majority Kosovo, not Christian-majority Artsakh, although the circumstances of Kosovo's right to self-determination are less compelling than Artsakh, as Kosovo was still largely under the control of the Serbian authorities at the time of Yugoslavia's dissolution.

Moreover, there are recent cases of self-determination that didn't even result from the dissolution of a State: South Sudan and Timor-Leste. This demonstrates that the right of self-determination overrides the rights of a State seeking to retain power over a people, if they can demonstrate that the central authority no longer governs them.

Azerbaijan can't claim to be a 'successor State' that automatically took over a former sovereign State, because the Azerbaijan SSR was only a non-sovereign province of the USSR. Even if the SSR was a sovereign State, then Azerbaijan didn't automatically have rights to the same boundary, as was the case when Turkey succeeded the Ottoman Empire. To be sovereign, a new State must exercise complete control over its borders and its people. Thus in the case of Turkey, it didn't control parts of the former Ottoman Empire such as Syria and Iraq, so these weren't included in its territory.

Therefore using the same principles, as Baku couldn't demonstrate control of the territory and people of N-K and the surrounding seven districts comprising Artsakh, these can't be considered the sovereign territory of the **new** nation of Azerbaijan created in 1991. The assumption that the Azerbaijan SSR's boundary had some legal basis for the creation of the new nation of Azerbaijan is false, as the boundary didn't legally exist. This misnomer is reflected when many sources talk about Artsakh being 'occupied Azerbaijan territory'.

Many Azeris and Turks like to quote the UN Security Council 'Resolutions' on N-K as being 'international law', inferring that these are compulsory; yet Turkey clearly demonstrates that they aren't, because it would've left Cyprus after its illegal invasion in 1974. The UN Security Council has agreed to no less than 62 Resolutions that relate to Turkey's involvement in Cyprus.

Finally, people shouldn't use the name 'Karabakh' or 'Nagorno Karabakh', which is the invader's term for 'black garden', imposed by Armenia's Soviet coloniser. Using these names reinforces the false notion that Azerbaijan has a valid legal claim to Artsakh that somehow justifies its invasion. It doesn't.

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