



## THE ESSENCE OF NEGOTIATION PROCESSES ABOUT UPPER KARABAKH

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### Abstract

The Upper-Karabakh conflict should be resolved within the international principles. Naturally, all these are the result of the successful foreign policy of the Azerbaijani government, which protects the interests of the Azerbaijani people, as a result of which the settlement of the Upper-Karabakh conflict on the basis of the principles of territorial integrity of Azerbaijan has become a necessary task.

As a result of peaceful negotiations, the Nagorno-Karabakh conflict should be resolved on the principles of international law in favor of the territorial integrity of Azerbaijan, which is the result of the successful foreign policy of the Azerbaijani government, which always defends the interests of the people, proving the historical identity of Nagorno-Karabakh to Azerbaijan.

**Keywords:** *Upper Karabakh, negotiating process, Minsk group of OSCE.*

### DAĞLIK KARABAĞA DAİR MÜZAKERE SÜREÇLERİNİN ÖZÜ

#### Özet

Dağlık Karabağ sorunu uluslararası ilkeler çerçevesinde çözülmelidir. Doğal olarak hepsi, Azerbaycan halkının çıkarlarını koruyan Azerbaycan hükümetinin başarılı dış politikasının sonucu olarak, gerekli bir görev haline gelmiştir.

Barışçıl müzakerelerin sonucu olarak Dağlık Karabağ sorunu uluslararası hukukun ilkeleri üzerinde Azerbaycan'ın toprak bütünlüğünün lehinde sonuçlanacak ve bu da Azerbaycan hükümetinin başarılı dış politikasının sonucunda ortaya çıkmış ve her zaman çıkarlarını savunan Azerbaycan hükümeti tarafından ve Dağlık Karabağ'ın Azerbaycan halkına tarihsel kimliğini ispatlamakla çözülmelidir.

**Anahtar Kelimeler:** *Dağlık Karabağ, müzakere süreci, AGİT Minsk Grubu*

### Introduction

"Every evening I look in the direction of the occupied territories, and my heart is torn from the sight of the lands destroyed by the enemy. In each house there was a light, and people could hear



voices. And now in that direction there is only a dead, ominous silence, which always reminds me of how the enemies have outraged my Homeland. " (**National hero of Azerbaijan Mubariz Ibrahimov**)

After the collapse of the Soviet Union, the new independent states of the South Caucasus, both in domestic and political relations, found themselves in a qualitatively new position. The system of power, social relations, ideology, characteristics of the economy, vital values and priorities, place and role in the structure of the world community were subjected to change (Hüseynova, 2003: 163).

Among the conflicts that raged in the Caucasus since 1988, the conflict over Nagorno-Karabakh occupies the second place (after a significant margin) after the Chechen cause, caused by human suffering and material destruction. But in terms of its geopolitical significance and the risk of developing into a war that covers the whole region, it obviously takes first place among all the conflicts in post-Soviet Eurasia.

This is the only conflict that was talked about with a certain foundation, as a conflict that carries the threat of a "third world war".

#### **International organizations in the settlement of the Nagorno-Karabakh conflict and the essence of negotiation processes**

The Nagorno-Karabakh conflict rages in the immediate vicinity of the three states, each of which claims to be the "regional center of power" - Russia, Turkey and Iran. At different times, both Turkey and Iran seriously considered the possibility of their direct involvement in the conflict, which each time caused sharp protests from Russia. Russia constantly interfered in the conflict, when it believed that this helps achieve its cherished goal - the restoration of its control over the South Caucasus (Фурман, 200: 468).

The Nagorno-Karabakh conflict arose in connection with territorial claims to Azerbaijan from Armenia, which tried to tear away and annex a part of the primordially Azerbaijani land - Nagorno-Karabakh. The conflict began in 1988, when Armenia and Azerbaijan were still part of the Soviet Union as union republics. As a result of the unjust position of the leadership of the Soviet Union towards Azerbaijan and the unwillingness to prevent this conflict, it developed and developed into a war (Məmmədov, 2009: 135).

Since 1992, the Nagorno-Karabakh conflict has turned predominantly into a problem of international importance. On 30 January 1992, the Republic of Azerbaijan became a member of the Council for Security and Cooperation in Europe (CSCE) and on 8-10 July of the same year at the CSCE summit in Helsinki signed relevant documents. After Azerbaijan became a member of the CSCE, in accordance with the principles of this organization, the resolution of the Nagorno-Karabakh conflict was at the center of attention of the state participants (Гасанов, 2007: 883).



After coming to power Heydar Aliyev, the Armenian-Azerbaijani Nagorno-Karabakh conflict by peaceful means, take the main place in the foreign policy of the President of the Republic of Azerbaijan Heydar Aliyev (Гасанов, 2007:885).

On 12 May 1994, a ceasefire agreement was reached, and after that regular negotiations began within the framework of the OSCE Minsk Group (Гусейнова, 2006: 31).

No significant progress was made in resolving the conflict. However, within the framework of the Budapest summit (December 6, 1994), agreements were reached on the status of the co-chairs of the Minsk Group. It was assumed that the co-chairmen "will jointly preside over the meetings of the Minsk Group and report to the OSCE Chairman-in-Office and regularly inform the Permanent Council about the progress of their work" (2009:52).

On December 5-6, 1994, the Budapest meeting of the heads of state was held, where it was decided to establish a co-chairmanship in the process (Əhmədov, 1998: 31).

Four UN resolutions on the Nagorno-Karabakh problem were also adopted (1993 - No. 822 of April 30, No. 853 of July 29, No. 874 of October 14, No. 884 of November 12). Then the resolution of the problem was transferred to the OSCE structures. In March 1992, the CSCE Council decided to convene a conference on this issue. Azerbaijan, Armenia, Belarus, Germany, Italy, the Russian Federation, the United States of America, Turkey, France, the Czech and Slovak Federative Republic and Sweden were named participants of this conference, which was to be convened in Minsk (2009:51).

Speaking at the Lisbon summit of the OSCE, on December 2, 1996 Heydar Aliyev stated: "We can not allow the emergence of the second Armenian state in the territory of Azerbaijan" (Алиев,2007:200).

At the summit, a historic decision was made. The statement said: "The three principles that should form part of the settlement of the Nagorno-Karabakh conflict were recommended by the co-chairs of the Minsk Group (Russia, France, USA). These principles are supported by all the member states of the Minsk Group. They are the following: the territorial integrity of the Republic of Armenia and the Republic of Azerbaijan, the legal status of Nagorno-Karabakh, defined in the agreement on the basis of self-determination, which provides Nagorno-Karabakh with the highest degree of self-government in Nagorno-Karabakh and its entire population, including mutual obligations to ensure compliance by all parties with settlement provisions ... "(Шукуров,1997: 373).

Since the second half of 1997, the Minsk Group co-chairs have launched 3 proposals consisting of 2 parts - the liberation of 7 occupied regions outside Nagorno-Karabakh and the determination of the status of Nagorno-Karabakh (Алиев,2007 : 886-887).



The first proposal put forward by them in June 1997 provided for a "package" solution to the conflict (this option presupposed the achievement of simultaneous agreement on all issues, including the status of Nagorno-Karabakh) (Гасанов, 2007: 887).

In September 1997, the OSCE troika proposed a new peace proposal on Karabakh, which provided for a phased achievement of peace. In accordance with this proposal, the issues on the withdrawal of troops from the occupied territories and the return of refugees, as well as on the lifting of the blockade and the deployment of peacekeeping forces, should be considered at the first stage of the talks: the problem of the status of Nagorno-Karabakh should have been resolved at the second stage (Фурман, 2001 :462) .

On November 9, 1998, the co-chairmen put forward a third proposal, which was absolutely unacceptable to Azerbaijan, contrary to the norms of international law. It was based on the idea of a "common state" that did not exist in the world practice (Гасанов,2007: p.887).

In response to the proposal of the co-chairmen of the Minsk Group, the concept of a "common state" H.Aliyev stated that this proposal can be considered "buried", since it is aimed at the actual independence of Nagorno-Karabakh (Гусейнов,2006: 493, 494).

On June 22, 2006, the Permanent Council of the OSCE Minsk Group in Vienna issued a statement on the settlement of the conflict. The statement of the OSCE Minsk Group stated that the gradual redeployment of Armenian troops from the Azerbaijani territories around Nagorno-Karabakh, the separate status of Kalbajar and Lachin regions separating Karabakh from Armenia is envisaged. Then the demilitarization of these territories was to follow. In order to determine the final legal status of Nagorno-Karabakh, it was necessary to hold a referendum in the future. To fulfill these conditions, international peacekeeping forces should have been involved (<http://www.kavkaz-uzel.eu/articles/160309/> - "Мадридские принципы").

On July 13, 2007, the co-chairs of the OSCE Minsk Group, following a meeting in St. Petersburg on June 9, 2007 between Ilham Aliyev and Robert Kocharyan, distributed a statement in which they assessed the situation that had arisen in the conflict settlement process. The co-chairs stated that during the meeting of the presidents, a limited number of disagreements on the "basic principles" of the peaceful settlement of the conflict were discussed and the parties could not reach an agreement. Touching upon the initiative of the intelligentsia group of Azerbaijan and Armenia on joint visits to the Nagorno-Karabakh region, as well as to Baku and Yerevan, the co-chairs in their statement welcomed and highly appreciated such actions, calling them the first steps towards establishing trust (<http://www.virtualkarabakh.az>).

In November 2007, in the capital of Spain, the co-chairs of the OSCE Minsk Group presented the principles of the peaceful settlement of the conflict (the Madrid Principles) to the Presidents of



Armenia and Azerbaijan, which also placed paramount importance on the immediate de-occupation of the land to advance towards a peaceful settlement (Мехтиев,2013: 216).

In November 2008, the presidents of Armenia, Azerbaijan and Russia held a meeting in Moscow, delivering a "Declaration on the settlement of the Nagorno-Karabakh conflict", which emphasized the adherence to the Madrid Principles as a project for a peaceful solution to the conflict (<http://www.kavkaz-uzel.eu/articles/160309/> - "Мадридские принципы").

In 2009, the co-chairs of the OSCE Minsk Group (USA, France and Russia) published a supplementary version of the document (within the framework of the G8 summit in the Italian city of L'Aquila). It refers to the return of the territories around Nagorno-Karabakh to the control of Azerbaijan, the provision of Nagorno-Karabakh with an intermediate status, ensuring security and self-government guarantees, opening a corridor between Armenia and Nagorno-Karabakh, determining the future legal status of Nagorno-Karabakh on the basis of a legally binding will, ensuring the right of all internally displaced persons and refugees to return to their former places of residence, as well as international security assurances peacekeeping operations (<https://regnum.ru/news/1190178.html> - Мадридские принципы урегулирования карабахского конфликта обновлены?).

There is, so-called "Prague process". "The process, called" Prague ", is one of the framework forms and on the whole creates a positive ground for reaching a peace agreement. Because the "Prague Process" provides a solution to the problem in a phased manner. The position of Azerbaijan remains unchanged - Nagorno-Karabakh is an Azerbaijani territory, and the territorial integrity of Azerbaijan is recognized by the whole world and the UN. Conflict can be resolved only within the framework of international legal norms. We can ensure the safety of Armenians living in Nagorno-Karabakh and their peace of mind. But the issue of the territorial integrity of Azerbaijan can not be negotiated. We will never agree with the separation of Nagorno-Karabakh from Azerbaijan. I expressed this position to the co-chairs of the OSCE Minsk Group dealing with this problem, "said Azerbaijani President Ilham Aliyev (<http://www.virtualkarabakh.az>).

On January 23, 2012, at the invitation of the President of the Russian Federation D. Medvedev, the Presidents of Armenia and Azerbaijan met in Sochi. The adopted Joint Statement pointed to the readiness of the parties to implement confidence-building measures in the process of the settlement of the Karabakh conflict.

In the Declaration adopted at the end of the NATO Summit in Chicago on May 20, 2012, Article 47 declares its commitment to support the territorial integrity, independence and sovereignty of Azerbaijan and to continue supporting the efforts for a peaceful resolution of this conflict on the basis of the principles and norms of international law. " A little later, in the 16th Summit of the Non-276



Aligned Movement, held on August 30-31 in Tehran, the final document was adopted, the 391st article of which was devoted to the Armenian-Azerbaijani conflict, where the importance of resolving the Nagorno-Karabakh conflict within the territorial integrity of Azerbaijan is expressed (<http://www.virtualkarabakh.az/>- Процесс урегулирования конфликта).

On May 23, 2016, the World Humanitarian Summit was convened for the first time at the initiative of RT Erdogan and UN Secretary Ban Ki-moon, with the participation of 6,000 representatives from 150 countries. During the summit, Azerbaijani President Ilham Aliyev delivered a speech, where he pointed out that the UN was in compliance with the resolutions of the last days, but 4 resolutions on the occupied territories of Azerbaijan are still not being implemented (Allahyarova, 2017: 168).

In general, the activation of the political and information busting related to the Nagorno-Karabakh conflict shows that it is able to turn into an internal geopolitical volcano for Azerbaijan, which can once again wake up and arrange an earthquake. The candidate of historical sciences Sergey Markedonov noted that the unique situation is that "if the positions of Russia and the West contradict each other in the Georgian-Ossetian and Georgian-Abkhaz conflicts, we do not see this in the Nagorno-Karabakh conflict." (<https://regnum.ru/news/2272762.html> - Tarasov S. Nagorno Karabakh: diplomats of Azerbaijan in the role of political scientists).

In May 2012 the head of the Forum of Armenian Associations of Europe (FAAE) Ashot Grigoryan made a remarkable conclusion: "The result of the foreign policy of Armenia and Azerbaijan testifies to the gradual defeat of the Armenian side in the Karabakh issue" (p.61). He also said in his speech: "If the Armenian diaspora stops being a powerful factor in foreign policy, Armenia will cease to exist" (Karavaev, 2012: 61).

In general, "Armenia is one of the countries of the South Caucasus, which is in a very complicated geopolitical situation. In fact, the state exists in the conditions of the blockade, the only question is to what extent this is the result of its own policy, and how soon this can be remedied. The picture with the neighboring countries is as follows: a complete lack of relations and hostility with Azerbaijan over Nagorno-Karabakh. The war between Armenia and Azerbaijan, which began because of Nagorno-Karabakh in the early 1990s, completely destroyed both the relations of these states and the purely human contacts between the two neighboring peoples." This, according to Vesti.Az, speaks in the publication of the Latvian portal "Neatkarigas Rita Avize" under the heading Armenia - the South Caucasian captive, or how to live in difficult relations with neighbors. "

"Armenia has a complete lack of relations with Turkey because of the" genocide "of Armenians in 1915. Neutral friendly relations with Georgia, through which Armenia's supply and trade links are realized, but Georgia has bad relations with Russia, which is Armenia's strategic



partner. Armenia has normal relations with Iran, although they are influenced by the economic sanctions of the US and European countries against this state. Armenia and Russia do not have a common border, and to a large extent Russia uses the complicated situation of Armenia in the region. Armenia does not have its own oil resources, which is why it has a great economic dependence on Russia, besides, the Russian troops carry out protection of the Armenian-Turkish border under the treaty, since this is also the border of NATO, "the article reads. (<http://inosmi.ru/sngbaltia/20121122/202492575.html>). <http://vesti.az/news> - "Armenia is a South Caucasian Captive").

### **The results of Nagorno-Karabakh conflict**

As a result of this conflict, the territory of Nagorno-Karabakh was conquered (Shusha, Khojaly, Khojavend, Khadrut, Khankendi, Agdere, Askeran), as well as 7 regions adjacent to the territory of Nagorno-Karabakh (Lachin May 17, 1992, Kelbajar April 2, 1992, Agdam 23 July 1993, Jebrail on 23 August 1993, Fizuli on 23 August 1993, Kubadli on 31 August 1993, Zangelan on 30 October 1993).

### **Conclusion**

The key to resolving the Nagorno-Karabakh conflict is in the hands of the Russian Federation as the initiator of the conflict. However, pushing Russia out of Eurasia is very difficult, because of its economic and political power. True, at the present stage, the US is trying in every possible way to oust Russia from the region and to take full power in the region into its own hands. The struggle of the Titans for the region, makes the territory of Azerbaijan and its natural resources even more attractive for the co-chairing countries, which leads to the transformation of the Nagorno-Karabakh problem into one of the main aspects of the foreign policy of Russia, France and the United States.

After the creation of the OSCE Minsk Group, major countries started talking about the Nagorno-Karabakh conflict at the world level, but unfortunately, the co-chairmen of this organization were countries that are active in applying "double standards" towards the Muslim world, including number, of course, to Azerbaijan. Therefore, the activity of this organization is formal, there is no progress in resolving this conflict until now.

For the past 25 years, the OSCE Minsk Group, in the guise of the settlement of the conflict, has been maintaining the "status quo" in the territory of Nagorno-Karabakh.

Generally, following the results of peaceful negotiations, the Nagorno-Karabakh conflict should be resolved on the principles of international law in favor of the territorial integrity of Azerbaijan, which is the result of the successful foreign policy of the Azerbaijani government, which always defends the interests of the people, proving the historical identity of Nagorno-Karabakh to Azerbaijan.



An important factor in solving the problem is also the position of Turkey, which will defend historical justice, that is, it thereby protects the truthful position of Azerbaijan and the historical belonging of Azerbaijan to Nagorno Karabakh.

### **Historical Reference**

It should be emphasized that the historical documents themselves confirm the fact that Nagorno-Karabakh belongs to Azerbaijan:

1. Kurekchay Treaty May 14, 1805 (signed by the ruler of Karabakh Ibrahim Khalil Khan and the Russian Empire, Khanate took over the protection of Russia)

2. The Gulustan Treaty of October 12, 1813 and the Turkmenchay Treaty of February 10, 1828. The agreements are concluded between Russia and Iran. Azerbaijan with the Karabakh lands accepted the blood of Russia

3. "Treaty of Friendship and Brotherhood" March 16, 1921 between Turkey and Russia in Moscow. Nakhchivan and Karabakh "remained" in the composition of the Soviet Azerbaijan

4. On March 2, 1992 at the 46th session of the UN General Assembly and Azerbaijan with all regions was admitted to the UN

5. Since 1996, the UN General Assembly in the Resolution "On Cooperation between the United Nations and the OSCE" confirms the territorial integrity of the Republic of Azerbaijan (the conflict in and around Nagorno-Karabakh)

6. At the 59th session of the UN General Assembly in 2004, the document on cooperation between the UN and the OSCE included an amendment emphasizing the ownership of Nagorno-Karabakh and other occupied territories of the Republic of Azerbaijan (Nuriyeva, 2017:123, 124).

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