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THE PROCESS OF PROCLAMATION OF THE INDEPENDENCE OF THE REPUBLIC OF NAGORNO- KARABAKH (ARTSAKH)

Key words: an independent statehood, Republic of Artsakh, Declaration of Independence, Artsakh liberation struggle, USSR law of April 3, 1990, a right to self-determination, a historical and legal basis.

Introduction

From the History of Artsakh Liberation Movement and Freedom Struggle.

35 years ago, on February 20, 1988, the Parliamentary Council of the Nagorno-Karabakh Autonomous Region, guided by the constitutional right of nations to self-determination, adopted a decision to withdraw Nagorno-Karabakh from the administration of Azerbaijan and join it with Armenia. This was actually the new stage of the Artsakh movement¹.

The emergence of the movement was facilitated by the policy of radical “reconstruction” of society adopted in 1985 by the initiative of M. Gorbachev, the general secretary of the Central Committee of the CPSU.

One of the inevitable consequences of the reconstruction policy was the rise of national self-awareness and the expansion of the Artsakh liberation movement. The Artsakh Armenians, inspired by the “reconstruction” policy, again raised the Karabakh issue, which had been simmering since the 1920s. Nagorno-Karabakh was annexed to Azerbaijan by the illegal decision of the Caucasian Bureau of the Central Committee on July 5, 1921. In 1923, the Nagorno-Karabakh Autonomous

* Հոդվածը ներկայացվել է 20.04.23, գրախոսվել է 20.04.23, ընդունվել է պաշտոնապես 28.04.23:

¹ Սովետական Ղարաբաղ, 21 փետրվարի, 1988:

The Process of Proclamation of the Independence of the Republic of Nagorno...

Region was created according to the administrative division. 94 percent of the local Armenian population had, in fact, fallen under the colonial yoke of Azerbaijan for about 70 years². In those years, the Azerbaijani authorities implemented an anti-Armenian policy in Nagorno-Karabakh, having the goal of completely depopulating the region and settling it with Azerbaijanis, as was done in the autonomous republic of Nakhichevan. In Nagorno-Karabakh, the human rights of Artsakh Armenians were violated, their national dignity was insulted, and the emigration of the Armenian population from its historical motherland was accelerated. However, Artsakh Armenians did not bear this burden silently. From time to time, they protested, revolted, demanded restoration of justice.

The liberalization, publicity and openness provided by the reconstruction gave the Artsakh Armenians the opportunity to speak about the national discrimination, humiliation and violence inflicted on them by the Baku authorities in the previous 70 years, to publicly express their desire to leave Azerbaijan and join Armenia.

The Artsakh movement went through several stages. The first phase essentially began from February 20, 1988. From the beginning of the movement up until April-May 1991, the movement began to rise gradually, and ended with the forced displacement of the Armenian population of northern Artsakh and the policy of ethnic cleansing through the special forces of the Azerbaijani Police (OMON) with the help of Soviet troops. It turned into Azerbaijan-Karabakh War. With the establishment of the independence of Artsakh, the second stage began on September 2, 1991, which lasted until 1994 and ended with the ceasefire of May 12, 1994, with the mediation of the Russian Federation, the liberation of the seven Armenian regions of Artsakh, the territory of Artsakh from 4.4 thousand sq. km became about 12 thousand sq. km. The third stage of the Artsakh liberation struggle was in 1995–2016, when the independent Republic of Artsakh, proclaimed on September 2, 1991, gradually developed, implementing socio-economic reforms. The phase ended with the Four-Day War unleashed by Azerbaijan. The fourth, final phase includes the 44-Day War and the brief offensive of September 2022. With heavy consequences, territorial and human losses, the territory of the Republic of Artsakh became about 3000 sq. km.

From the very beginning, the Armenian people unanimously supported the just demand of their compatriots in Artsakh. The Artsakh movement in both

² Нагорный Карабах в 1918–1923 гг. 1992, 650.

Artsakh and Armenia had an exclusively peaceful and civilized character (demonstrations, meetings, rallies, strikes and other forms). The Armenian people, believing in Gorbachev's "reconstruction", went to demonstrations and rallies with "Lenin-Party-Gorbachev", "Union" and other slogans. However, that decision was greeted with bayonets by both Soviet Azerbaijan and Moscow authorities. The movement was described as "extremist" and "nationalist"³. In fact, as a result of the connivance of the latter, at the end of February 1988, a massacre of the Armenian population took place in the city of Sumgait, Azerbaijan, as a result of which about 30 Armenians were tortured to death by a ferocious mob, several hundred people were seriously injured, and a large amount of looting and destruction was committed⁴. This crime of Sumgait was later followed by massacres and deportation of Armenians from Ganja (Gandzak), Baku, Shamkhor, Getashen, Khanlar and other places. Mass emigration of Armenians began. A similar migration, but creating safe conditions for the migrants, also took place in Armenia. The Azerbaijani population emigrated from here.

The Rise of the National-liberation Struggle.

The brutal violence in Sumgait, Baku, Ganja and other regions neither intimidated the Armenian people, nor stopped them from their just demands. On the contrary, the movement gradually gained momentum. In order to organize and manage the Artsakh movement, in May 1988, the "Armenian Committee of the Karabakh Movement" was established ("Karabakh Committee"), which included V. Manukyan, L. Ter-Petrosyan, R. Ghazaryan, D. Vardanyan, B. Ararktsyan and others⁵. The Artsakh movement had a popular character, although the Center continued to describe it as an extremist movement of a group of people. Troops were brought into Yerevan and Stepanakert. The official authorities of Armenia showed their inability to lead and give direction to this spontaneous movement. In order to derail the movement, using the "opportunity provided by the earthquake", the members of the "Karabakh Committee" were arrested in December 1988 and locked up in Moscow prisons for six months by order of the Center. But the popular movement did not fade. The people demanded the release of the illegally arrested leaders of the Karabakh movement

³ Սովետական Հայաստան, 27 փետրվարի, 1988:

⁴ Сумгаит ... Геноцид ... Гласность 1989, 20

⁵ Հայոց պատմություն 2016, 176:

The Process of Proclamation of the Independence of the Republic of Nagorno...

and a legal solution to the Karabakh issue. Russian intellectuals raised their voices in defense of the Armenian people: A. Sakharov, E. Bonner, G. Starovoitova, M. Dudin, A. Nuykin and others⁶. But the central authorities, led by M. Gorbachev, had no intention of solving the Karabakh problem positively, because such a precedent could become contagious and dangerous for other regions of the empire, where national liberation movements had also started. The supreme authorities of the USSR tried to change the management status of the autonomous region (by creating a special management committee headed by A. Volsky), but it did not give the expected result⁷.

The New Rise of the Artsakh Liberation Struggle.

The Declaration of NKR Independence and the Statehood Formation Process.

In 1991, when it was already obvious that the USSR was going to collapse, the Armenian-Azerbaijani tension turned into a real war. The authorities of the Republic of Azerbaijan tried to depopulate the ancient Armenian territory by force and subjugate by reconquering it. Soviet troops were used to subdue the Artsakh Armenians.

On December 10, 2006, the NKR constitution was adopted through a popular referendum, which was one of the most important events in the social and political life of the republic.

The main law of the not yet internationally recognized, but de facto independent republic gave a legal formulation to the changes made in all spheres of public life, defined the rights, freedoms and responsibilities of NKR citizens. The first article of the Constitution announces that NKR is a sovereign, democratic, legal, social state, that the names of NKR and Artsakh Republics are identical. The NKR Constitution established the legal foundations of the second Armenian state. Gradually, the judicial system was formed, following the example of the Republic of Armenia. The victorious NKR army was formed.

The declaration of NKR and the formation of state power greatly contributed to the success of the Artsakh movement and the victorious end of the war unleashed by Azerbaijan (1991–1994). With the mediation of the Russian Federation, on May 12, 1994, a ceasefire agreement was signed between the two sides. As a result of the Artsakh Liberation War, the ancient Armenian Artsakh got rid of

⁶ Հայոց պատմություն 2016, 185, 186:

⁷ Հայոց պատմություն 2016, 186:

the hated 70-year rule of Azerbaijan. Moreover, not only the territory of former Nagorno-Karabakh (4.4 thousand square kilometers), but also a significant part of the territories of Artsakh, the seven regions, which were deliberately occupied by the Azerbaijani “internationalists” during the formation of the autonomous region (1923) and were left out of its borders, were liberated. Thus, the liberated territory of Artsakh totaled 12,000 square kilometers, which is fixed by the NKR Constitution. After the declaration of NKR independence, the political powers operating in the republic started the process of establishing statehood. Following the example of the Republic of Armenia, socio-economic reforms began in Artsakh in 1995, which contributed to the development of the second Republic of Armenia.

The Process of Proclamation of the Independence

At the end of the 20th century, the restoration of Armenia’s independence and the creation of two Armenian republics (Republic of Armenia and Republic of NKR) was a turning historical event in the life of our people.

NKR, the Republic of Artsakh and the Third Republic of Armenia were created as independent states.

The process of independence of the two Armenian republics took place in extremely difficult, internationally complex and tense conditions. In the second half of the 1980s, believing Gorbachev’s policy of “Perestroika”, the Armenian people tried to achieve the realization of the national aspirations of the liberation of Artsakh. However, after two years of hard trials, the Armenian people, convinced that the totalitarian regime and democracy are incompatible, simultaneously directed its nationwide struggle to the establishment of independent statehood. That struggle was underway in extremely difficult socio-economic conditions.

The newly independent country, which had not yet recovered from the catastrophic earthquake of Spitak in 1988, as a result of military and political conflicts, faced the harsh realities of the closure of communication channels and economic blockade by neighboring Turkey and Azerbaijan.

Moreover, as a result of the long-term blockade, the energy crisis caused by the lack of own energy sources, the changes imposed by the economic policy of integration into the foreign market, and the severance of previously formed economic ties, the already difficult situation of the republic became even graver.

The Republic of Armenia, which was in a hard socio-economic situation, helped Artsakh in its liberation struggle against Azerbaijan with all possible means.

The Process of Proclamation of the Independence of the Republic of Nagorno...

Taking advantage of the absolute support of the leadership of the USSR, the Azerbaijani authorities continued to occupy the Armenian villages and expel the inhabitants from their homeland.

The Process of the Establishment of the NKR Independence

In April-May of 1991, the special forces of the Azerbaijani militia (OMON in Russian) with the support of the Soviet army started an open war against the Armenian population of Shahumyan region and Getashen sub-region.

In fact, in May of 1991, the Karabakh-Azerbaijani war was provoked by Azerbaijan. In July 1991, a national self-defense committee and a headquarters of the self-defense forces were established. Armed detachments were organized in all places of the region, which were later consolidated under one unified command. This war of liberation showed that only a free and independent Artsakh, with the help and support of the Republic of Armenia, could struggle against the aggressor Azerbaijan. Therefore it was necessary to strive for independence.

When the inevitability of the collapse of the USSR became evident, the extraordinary session of the Supreme Council of Azerbaijan convened in Baku on August 30, 1991 adopted a declaration on the restoration of the independence of the Republic of Azerbaijan⁸. It meant that Azerbaijan was leaving the USSR, having a goal to take Nagorno-Karabakh along the same path. The declaration stated that the Republic of Azerbaijan will be included in the borders of the 1918-1920 Musavat Republic of Azerbaijan. In fact, Baku refused to be the successor of Soviet Azerbaijan. It meant that neither Nakhichevan nor Nagorno-Karabakh could be part of it, so it was necessary to hurry and not miss the convenient historical moment, especially since by the law of the USSR "On the Procedure for Solving Issues Related to the Withdrawal of the Union Republics from the USSR"⁹ (effective April 3, 1990), the autonomous republics and autonomous formations within the borders of the republic leaving the Soviet Union, as well as the national groups living together and making up the majority of the population in the given area, were given the right to decide the issue of their state-legal status independently. Therefore, that law allowed the Armenians of Nagorno-Karabakh to legally separate from Azerbaijan and become the master of their own destiny, since in 1918–1920, Karabakh was never part of the Musavat Republic of

⁸ НКР 1998, 9.

⁹ Золян 2001, 111.

Azerbaijan¹⁰. In addition, with the Constitutional Act on Independence of October 18, 1991, Azerbaijan recognized the acts adopted during the existence of the Soviet Union as invalid. With that, all the acts related to Nagorno-Karabakh were also recognized as invalid by Azerbaijan.

Guided by the Constitution of the USSR and the mentioned law, on September 2, 1991, a joint session was held in Stepanakert with the participation of deputies of all levels of the Nagorno-Karabakh regional and Shahumyan regional councils. The decision on the “Declaration on the Proclamation of the Nagorno-Karabakh Republic” was adopted. An independent Armenian state, the Republic of Nagorno-Karabakh (NKR), was declared on the territory of the former Nagorno-Karabakh Region and Shahumyan Region¹¹. Until the adoption of the NKR constitution and laws, the USSR Constitution and legislation, as well as other existing laws that do not conflict with the goals and principles of the mentioned declaration and the features of the republic, would be in force on its territory.

In fact, after the declaration of Azerbaijan’s independence, Nagorno-Karabakh as an autonomous entity, and Shahumyan Region as a territory populated by a national minority, until the end of the legal existence of the USSR, carried out legal steps aimed at determining their state-legal statuses, defined by the current legislation of the Soviet Union. Therefore, Azerbaijan’s claims to Nagorno-Karabakh have no legal basis within the framework of the USSR legislation.

From the point of view of international law, there are no such grounds either, because Azerbaijan, proclaiming independence, declared itself the successor of the Azerbaijan Republic that existed in 1918-1920, which was not recognized by the League of Nations due to the difficulty of determining the clear borders of the territories included in that republic.

Azerbaijan’s ambitions towards Nagorno-Karabakh also lack historical foundations, as the latter has never been a part of independent Azerbaijan. For decades, in response to all the peaceful initiatives of the Artsakh Armenians to use the right of self-determination of nations, Azerbaijan has always exerted violence, violated the rights and interests of the Armenian population, so Azerbaijan’s ambitions towards Nagorno-Karabakh have no moral basis.

¹⁰ Մինասյան 2018, 85–86:

¹¹ «Հայաստանի Հանրապետություն», 3 սեպտեմբերի, 1991:

The Process of Proclamation of the Independence of the Republic of Nagorno...

Thus, the self-determination of the people of Nagorno-Karabakh was carried out on a territory to which Azerbaijan cannot have either legal or historical or moral ambitions. However, Azerbaijan does not want to accept this reality in any way. Therefore, it was no coincidence that immediately after the declaration of the Nagorno-Karabakh Republic, the Presidium of the Supreme Council of Azerbaijan adopted a decision by which it considered what happened to be a conspiracy against the integrity and independence of Azerbaijan and instructed the power agencies of the republic to thwart any resistance against the implementation of that declaration, holding the initiators accountable¹². At the same time, the Republican Organizing Committee was instructed to take additional measures to speed up the disarmament of the population of Nagorno-Karabakh. However, it was practically impossible to carry out these instructions, because most of the region, being under the control of Armenian forces, was inaccessible to Azerbaijani officials, so Azerbaijan intensified military operations in Nagorno-Karabakh.

On December 10, 1991, an independence referendum was held with the participation of international observers, which confirmed the independence of Nagorno-Karabakh. On that day, despite the difficult war situation, 82% of the NKR population who had the right to vote participated in the referendum, and 99.8% of those who voted were for independence¹³.

On December 28, 1991, the elections of deputies of the Supreme Council of the Nagorno-Karabakh Republic (later the National Assembly) were held, in which the Azerbaijanis did not participate by the order of the leadership. On January 6, 1992, in the meeting hall of the former regional council in Stepanakert, with the participation of 48 of the 51 elected deputies (3 deputies did not reach Stepanakert due to the road closure) and in the presence of 80 visitors and journalists, the work of the first convocation of the Supreme Council of the Republic began with the Lord's Prayer and adopted the "NKR Declaration of Independence".

On January 8, 33-year-old historian Arthur Mkrtchyan was elected the chairman of the NKR Supreme Council. The NKR Council of Ministers was created under the Prime Ministership of Oleg Yesayan¹⁴. Later, presidential administration was introduced in NKR.

¹² Հակոբյան 2011, 21:

¹³ Արշակյան 2004, 209, Հակոբյան 2011, 22–23:

¹⁴ Աբրահամյան 2001, 151:

In December of 1994, Robert Kocharyan was elected the president of the republic by the NKR Supreme Council, and until November 1996, he was in office by popular vote. In 1992, the NKR Supreme Council approved the state flag on June 2, and the country's coat of arms and anthem on November 17. The NKR flag is tricolor: red, blue, orange, with a white five-toothed stepped carpet pattern added, beginning at the two verges of the flag's fly and meeting at a point equal to one-third of the distance from that side.

Gradually, the judicial system was formed, following the example of the Republic of Armenia.

Struggle for Preserving the Independence of the Republic of Artsakh

The NKR army was formed actually during the battles, which crowned itself with the glory of victories in the liberation struggle. The process of peace negotiations in the Karabakh conflict zone was considered a priority. The latter became the subject of discussion of the Organization for Security and Co-operation in Europe (OSCE). But the authorities of Azerbaijan rejected every proposal aimed at the settlement of the Nagorno-Karabakh problem by political methods, putting forward unrealistic demands to subjugate Artsakh to them again. Moreover, with the patronage and support of Turkey, the Azerbaijanis started constantly bombing the settlements of Artsakh from their military bases. Every day Stepanakert was bombarded from Khojalu, Shushi and Aghdam, causing destruction and many human casualties. The comprehensive blockade and day and night shelling destroyed and paralyzed the economy of Artsakh. It was not possible to ensure the safety of the population without eliminating the enemy's military bases and firing points. After fierce battles, Krkzhan, a suburb of Stepanakert, was liberated in January 1992. Azerbaijanis were attacking from the height of Shushi, but the village below remained impregnable. The National Army of Azerbaijan launched a new large-scale attack in that direction on January 25–26, 1992, but was repulsed after being defeated. The most dangerous for Stepanakert was Khojalu (now Ivanyan), which blocked the Stepanakert-Askeran highway¹⁵.

On February 26, within a few hours, the Armenian self-defense forces completely defeated the Azerbaijani forces stationed in Khojalu, causing several casualties. The liberation of Shushi is one of the glorious pages of the modern history of the Armenian freedom struggle. For two years, the civilian population of

¹⁵ Մինասյան 2018, 88–90:

The Process of Proclamation of the Independence of the Republic of Nagorno...

Stepanakert was bombarded from the city of Shushi. At the beginning of May 1992, it was decided to implement the top-secret operation “Wedding in the Mountains” for the liberation of Shushi. The military operations were led by Colonel Arkady Ter-Tadevosyan (Comandos), General Gurgen Dalibaltayan, Chief of Staff Felix Gzoghlyan and others. On the night of May 8, the main attack began under artillery fire from all directions. On May 9, the enemy fled in panic¹⁶. Shushi’s military operations were a serious experience for the NKR self-defense forces and found their definite place in the history of the Armenian national liberation struggle.

Pursuing the enemy which was in panic, Artsakh freedom fighters liberated Lachin (Berdzor) and its surrounding villages on May 18. The delivery of food, fuel, medicine and other necessary goods from the Republic of Armenia to Artsakh began through the Lachin humanitarian corridor. However, Azerbaijan did not come to terms with the defeat. In the summer of 1992, the Azerbaijani regular army with the support of foreign mercenaries launched a large-scale attack in the northern part of NKR. The enemy managed to capture Shahumyan region and most of Martakert region.

In the summer of 1992, martial law was declared in the NKR territory. On August 15, the State Defense Committee (SDC) was established under the leadership of R. Kocharyan. Taking over the executive power, the SDC organized the self-defense of Artsakh Armenians. With its efforts, the economic situation was regulated, and the army of Artsakh was organized. The measures taken soon brought positive results. By regrouping the forces, the NKR self-defense army was able to stop the advance of the enemy’s forces numbering in the thousands and launch a counterattack, liberating the occupied territories. In April 1993, under the pressure of the Artsakh forces, the enemy was forced to leave the territories of Kelbajar (Karvachar). In fact, the second turning point of the hostilities was the liberation of Kelbajar. The final stage of the combat operations of the first half of 1993 was the liberation of the city of Martakert (June 28). The enemy was defeated on July 23 near Aghdam, and the city was liberated. The regions of Fizuli, Jabrayil (August 23), Kubatli (August 31), Horadiz (October 24) and Zangelan (Kovsakan) were soon liberated¹⁷.

¹⁶ Մինասյան 2018, 91–92:

¹⁷ Մինասյան 2018, 92–98:

However, the enemy failed to make a breakthrough in military operations. From the middle of February 1994, the Artsakh forces launched a counter-attack and liberated the enemy-occupied Omar mountain pass, the surrounding areas of Martakert and Askeran. During nearly two months of fierce battles, the enemy lost more than 5 thousand soldiers and officers, 72 pieces of equipment. The Azerbaijani authorities were forced to conclude a cease-fire in May 1994 with the mediation of Russia and the support of the Minsk Group. The military operations were stopped; the negotiation phase of the conflict settlement began.

With the victory in the Artsakh war, Artsakh Armenians and all Armenians in general proved that it is possible to win with small forces, having unwavering faith in one's homeland and victory, united national will and excellent organizational work. The Armenian people remember all the heroes of the Artsakh liberation war with deep gratitude and reverence.

Thus, the declaration of the NKR and the formation of the state government greatly contributed to the success of the Artsakh movement and the end of the war activities unleashed by Azerbaijan.

The self-determination of Artsakh Armenians, the declaration of an independent republic was carried out on an Armenian territory, to which Azerbaijan could not have legal, historical and moral ambitions.

First of all, the ambitions of Azerbaijan regarding Nagorno-Karabakh (Artsakh) have no legal basis within the framework of the USSR legislation, because the law "On the Procedure for Solving Issues Related to the Withdrawal of the Union Republics from the USSR" effective April 3, 1990 allowed the Armenians of Artsakh to independently solve the issue of state-legal status, legally separating from Azerbaijan. In addition, in October 1991, with the constitutional act "On Independence", Azerbaijan recognized as invalid all the acts adopted during the existence of the USSR, including those related to Nagorno-Karabakh.

From the point of view of international law, there are no such grounds, because Azerbaijan, proclaiming independence, declared itself the successor of Azerbaijan Republic that existed in 1918–20, which was not recognized by the League of Nations. It also lacked historical foundations, as Nagorno-Karabakh had never been a part of independent Azerbaijan.

In addition, in response to the peaceful initiatives of the Artsakh Armenians, Azerbaijan violated the rights and interests of the Artsakh Armenians and used violence, which proved that Azerbaijan's ambitions had no moral basis either.

The Process of Proclamation of the Independence of the Republic of Nagorno...

Taking into consideration these important circumstances, on September 2, 1991, the Republic of NKR (Artsakh) was proclaimed, which confirmed its independence in a referendum on December 10 of the same year and legally created its legislative and executive bodies, its own defense army, which, with the support of the Armenian people, was able to liberate the seven regions of Nagorno-Karabakh, create a more or less reliable zone with security and secure its independent existence for almost 3 decades. Unfortunately, in the 44-day war that started as a result of the Turkish-Azerbaijani aggression in September-November 2020, the Armenian people suffered huge human losses and lost the seven liberated regions, including Hadrut and Shushi. The security of not only the Republic of Artsakh, but also the Republic of Armenia was endangered by this.

The Four-Day War

Despite the cease-fire established in 1994, the Azerbaijani side constantly violated the cease-fire for about 22 years, regularly bombing Armenian positions on the Artsakh-Azerbaijani border and Armenian-Azerbaijani border villages, or killing Armenian border guards and civilians with the help of snipers. The Armenian side often responded to all this with punitive actions. On the night of April 1–2, 2016, around 3:00 a.m., the Azerbaijani side launched an unprecedented large-scale attack against Nagorno-Karabakh along the line of contact with a pre-planned scenario, unleashing large-scale combat operations, using the entire range of weapons, including armored vehicles, heavy artillery and air force. If for Azerbaijan, the unleashing of the war was another adventure, the result of military and political miscalculations, then for the Armenian side, it was an impulse to unite all Armenians around the goal of defeating the invaders. The four-day war operations showed that the enemy's "working style" has not changed. During the 1991–1994 armed confrontation, the methods adopted by the Azerbaijani military-political leadership were also used in the days of the April 2016 attack. Civilians were also targeted by the enemy from the very first hours of the operations. The targeting and killing of peaceful settlements and civilians, including school children, and the barbaric acts of mutilation, beheading, etc. against defenseless, elderly residents and even corpses suggest that the enemy has once again relied on terror. As demonstrated by the feats of Armenian fighters on the front lines and the powerful volunteer movement, the Armenian

side effectively resisted those terrorist acts with determination to defend its motherland and a high moral and fighting spirit.

Due to the military preparations of the previous years, the military and political leadership of Azerbaijan relied on the use of modern weapons and equipment, which it had bought mainly from the Russian Federation, Ukraine, and Israel.

The combat operations that took place along the enemy's front line were more intense in the north-eastern (Talish-Martakert-Mataghis) and southern (Hadrut) directions of the front line. Everywhere, the soldiers of the Defense Army inflicted significant losses of military equipment and manpower on the enemy. Only on April 2 and 3, more than 200 enemy soldiers, 14 units of tanks and more than 5 units of armored vehicles were destroyed¹⁸. At the same time, the firing points shelling the city of Martakert and other peaceful settlements near the front were suppressed. The heavy losses inflicted on the invaders on the first days of the war showed that the Armenian soldier defending the motherland has an incomparable moral and tactical advantage over the enemy, which, just like in the first stage of the Azerbaijan-NKR war, ensured the sure victory of the Armenian side this time.

On April 4, the enemy began to use heavy artillery systems, expand the use of attack drones and other state-of-the-art equipment. Thanks to competent, skillful and purposeful actions of the soldiers of the Armed Forces, 11 enemy tanks, 4 attack drones, 1 self-propelled artillery, 2 vehicles and a large number of personnel were destroyed during the day¹⁹.

The military leadership of Azerbaijan issued an unbalanced statement, threatening to bomb the peaceful settlements of the Republic of Artsakh, particularly the capital Stepanakert. Correspondingly, the Ministry of Defense of the NKR announced in its turn that in case of such developments, the reaction will be much more painful. Increasing the caliber of weapons used day by day, on the night of April 4–5, the enemy used the "Smerch" jet system. The bombing of peaceful settlements did not give the enemy anything, because the active system of NKR civil defense allowed getting out of this ordeal with minimal losses.

Azerbaijan's sudden, lightning attack with its forward-looking objectives ("blitzkrieg") failed. RA President, Supreme Commander of the Armed Forces S. Sargsyan, on April 4, during the meeting with the ambassadors of the OSCE

¹⁸ «Հայ զինվոր», 13–19 ապրիլի, 2016, էջ 4:

¹⁹ «Հայ զինվոր», 13–19 ապրիլի, 2016, էջ 4:

The Process of Proclamation of the Independence of the Republic of Nagorno...

member states, clearly revealed the very negative role of Turkey in the war unleashed by Azerbaijan. He noted that "Turkey, which often reminds of its membership in the Minsk Group, acts from the position of inciting war in the region and, openly, encourages the adventurous policy of the Azerbaijani leadership". Azerbaijan is proud of its victory in the Four-Day War, and Turkey is congratulating it. While the international community condemns the use of force in Nagorno-Karabakh with only words, Turkey is the only one that unequivocally supports the Azerbaijani adventure. The statements made by Ankara before and after this situation, with which that country seems to be trying to compete with Azerbaijan with anti-Armenian approaches, can form a new center of regional tension, as Turkey has experience in the Middle East. All those who wanted to see Turkey among the mediators, today understand that "this country, which has adopted the security system, based on kinship, should be kept completely away from the Karabakh settlement process". RA and NKR parliaments, ministries of defense and foreign affairs, political forces, Armenian structures of the Diaspora made statements condemning the outrageous actions of Azerbaijan, many countries, international organizations, including the OSCE Minsk Group, expressed concern.

At the very beginning of the war, the feats of the Armenian soldiers in the battles against our archenemy, who faced open offensive operations with the use of air force, jet artillery and heavily armored vehicles, were widespread and massive. The heroic defenders of the motherland, as always, under the command of their officers, cold-heartedly faced the enemy's special forces and regular military units and, with the exception of a few strongholds, kept the Armenian eastern border, which was about 200 km long, unassailable. Some of them died on the battlefield, but most of them continue to serve in the Armed Forces of Artsakh, and some of them live as civilians.

Bloody battles for every inch of ground ensued. The enemy, counting on hundreds of specially trained Turkish soldiers of the mercenary army, was surprised to meet the stubborn resistance of 18-20-year-old Armenian soldiers. The Armenian servicemen, under the command of their skilled officers, bravely stood to the end and presented unrepeatably examples of heroism.

On the afternoon of April 2, enemy helicopter gunships began rocket attacks on our positions in the southern direction, with the aim of securing the advance of their tanks and infantry. At that time, a grenade launcher, conscript, Private Narek Malkhasyan, standing in the trench, with a grenade launcher in his hand,

was waiting for an opportune moment to shoot the advancing tank. Suddenly, an enemy combat helicopter appeared in his field of vision, approaching the positions like a flying monster to pour fire on the Armenian soldiers. Narek, without hesitation, skillfully and correctly calculating the wind strength and direction, aimed the grenade launcher at the helicopter. The enemy helicopter was hit by a soldier's unerring shot and exploded²⁰.

On the same day, our other hero, conscript soldier, student of YSU Faculty of Law, senior anti-aircraft gunner Gevorg Manukyan, shot down enemy's combat helicopter "MI-8"²¹ from the "Igla" anti-aircraft device in the northern direction. For his feat, he was awarded the NKR "Combat Cross" 2nd degree and the RA "Courage" medal. YSU student Shuli Hakobyan (Faculty of Economics and Management, 2nd year student) who was distinguished with his bravery in battles against the enemy, shot down three enemy's "T-80" tanks within 30 minutes on April 4, 2016. He is a Knight of the RA "Martial Cross" of the 2nd degree. In the southern direction, the enemy's tanks persistently tried to invade our positions, but the Armenian position guards, faithful to their oath, repulsed any attack of the enemy. During the fierce battles, the brave conscript, Private Marat Petrosyan, who was known by the nickname "Master" among his comrades-in-arms, showed himself in the best way. During the battle, he destroyed 5 enemy tanks and 1 infantry fighting vehicle in three days with the accurate shots of "Fagot", and the commander of the "Fagot" squad, Sergeant Rafael Hovhannisyan disabled 2 tanks of the enemy²². The fighters of the D-30 artillery division of the southern direction, under the order of the commander, Major Axel Grigoryan, did not lag behind his friends. During the fierce battles, under the skillful leadership of the commander of the 3rd battery, senior lieutenant Giorgi Yavryan, 2 units of the enemy's armored vehicles, considerable manpower and a number of important military objects were destroyed.

While the combat operations continued along the entire front, thousands of freedom fighters from different regions of our motherland rushed to the front line to stand beside their younger friends and sons, realizing that it was necessary to support them in their success. On April 2, the first blow of the superior forces of the enemy was taken by the crew of seven brave fighters of one of the rifle

²⁰ «Հայ զինվոր», 13–19 ապրիլի, 2016, էջ 4:

²¹ «Հայ զինվոր», 13–19 ապրիլի, 2016, էջ 4:

²² Հասարակյան 2001, 1:

The Process of Proclamation of the Independence of the Republic of Nagorno...

companies in the northeastern direction, led by the indomitable commander Armenak Urfanyan. Since then, the invaders made persistent attempts to take over our positions and were repulsed every time, having many casualties and wounded. During the fierce battles, Captain A. Urfanyan destroyed more than a dozen of the enemy's militants, as well as demining engineering equipment, with a sharp shot from a hand-held anti-tank grenade launcher. Seeing that the forces were unequal and ammunition was running out, the company commander made the decision to withdraw to a second trench, regroup there and launch a counterattack. Ensuring the movement of his soldiers with fire, Captain Urfanyan fought to the last bullet. Next to the beloved commander was a 20-year-old Private soldier Kyaram Sloyan of Yezidi nationality, who, disobeying the order to retreat, stayed until the end and fought against the enemy. The hero was horribly brutalized by the opponent, beheaded. After that, the opponent heavily bombarded the positions with various artillery means, during which Captain A. Urfanyan and gunner K. Sloyan were killed by the shell explosion. Both of them were posthumously awarded with the Order of the RA and AR "Martial Cross" 1st degree.

After Company commander A. Urfanyan's death, 19-year-old junior sergeant Robert Abajyan took command and continued the battle. He fought with the enemy until the last bullet, did not give up and did not retreat, and in the end, contacting the command of the battalion, reported the situation and said that he would not surrender alive to the enemy. With the only grenade he had, he blew himself up and dozens of enemy soldiers. With that action, he gave the Armenian soldiers the opportunity to attack the enemy from the rear positions and liberate the vanguard positions, for which the Armenian hero was posthumously awarded the highest NKR title, "Hero of Artsakh". Soon the NKR Deputy Minister of Defense, Major General Samvel Karapetyan²³ arrived there.

After a comprehensive review of the situation on the front line, a decision was made to take back the lost positions with a counterattack. On April 2, at 08:00 in the morning, an assault unit selected from two battalions of the military unit, supported by armored vehicles and artillery forces, launched a counter-attack and occupied the former position within half an hour. The enemy, giving about four dozen victims (of which 28 were left in the approaches of the Armenian positions),

²³ «Հայկական ժամանակ», 10 մայիսի, 2016, էջ 1, 3:

fled to his trench located about 250 m away²⁴. In these battles, the battalion commander Major Edik Maloyan attacked the surrendered position in the direction of Seysulan with a small group and inflicted significant losses on the enemy, pushing him back to his retreat. During the defensive and counter-offensive operations of that nature, the deputy commander of the military unit, lieutenant colonel Aram Hayryan and the head of intelligence, Captain Yuri Hovasapyan, Lieutenant Gagik Hakobyan, junior sergeant Mushegh Tovmasyan, battalion commander, lieutenant colonel Nver Nersisyan, sniper Mher Ayzvazyan, Private Edgar Galstyan, Tigran Papanyan and others fought side by side with their subordinate personnel²⁵.

There were also fierce battles in the northern direction. Taking advantage of the absolute numerical superiority, the enemy tried to break through the defensive positions of Talish village with tanks. The enemy's calculations were usually wrong, as our officers and soldiers put up an indomitable resistance. Therefore, it is not surprising that the nearby combat positions of Talish turned into a graveyard for the enemy; the trenches were covered with dozens of corpses. In the trench battles in direct contact with the enemy, the crew of one of the combat positions stood out with unparalleled heroism, fighting to the last bullet against the superior forces of the enemy. Privates Rafik Hakobyan, Aghasi Asatryan, platoon commander, senior lieutenant Meruzhan Stepanyan and others became heroes during the battles, who were posthumously awarded with the "Combat Cross" 1st degree order of the Republic of Armenia and the Republic of Artsakh. Major Ararat Baghdasaryan, the commander of the special purpose platoon who came to help his brothers in arms, destroyed two tanks of the enemy with accurate shots from a grenade launcher. Another tank was disabled by a volley of the battery crew of the artillery division captain Vasil Tsarukyan under the command of Major Armen Santryan. On April 2, Sergeant Adam Sahakyan stood out for his bravery in the trench battle in direct contact with the enemy, who was posthumously awarded the RA "Courage" and the Artsakh "Combat Service" medals²⁶.

Sasun Mkrtchyan, a scout-gunner, died a hero's death during combat operations on the contact line of NKR with Azerbaijan, and was buried in the "Erablur" military pantheon²⁷. In those days, the fallen privates Bagrat

²⁴ Հասարակական 2001, 16–17:

²⁵ Հասարակական 2001, 117–118:

²⁶ Հասարակական 2001, 97:

²⁷ «Հայաստանի Հանրապետություն», 9 ապրիլի, 2016, էջ 2:

The Process of Proclamation of the Independence of the Republic of Nagorno...

Aleksanyan, Tigran Berakchyan, Grigor Harutyunyan, contract Private Hrachya Muradyan, freedom fighter Suren Chartanyan and others stood out for their bravery in the trench battles. Thanks to the heroic battles of the Defense Army, the strengthening of the Armenia-Artsakh-Diaspora trinity, and the consolidation of the Armenian society, the enemy received a strong counterattack and was forced to go to a truce. On April 5, at 12:00, Azerbaijan proposed a ceasefire along the Karabakh-Azerbaijan contact line. However, after that, the Azerbaijani side regularly violated the cease-fire regime, firing large-caliber weapons, and deploying intelligence sabotage groups. In fact, the blitzkrieg planned by the rulers of Baku ended in disgrace. Even having at his disposal the latest military technologies and in the conditions of the 6th generation of waging war, the losses of the enemy amounted to 2.5 thousand victims (while the losses of the Armenian side amounted to 97 dead and 180 wounded). To that should be added the losses of combat equipment suffered by the enemy. The Azerbaijani army lost 29 tanks, 2 military helicopters, 12 unmanned aerial vehicles, 4 units of self-propelled artillery, a 122-millimeter rocket launcher, 1 engineering equipment, 6 armored vehicles, 1 TOS-1A heavy artillery system, 1 Grad anti-aircraft missile system, etc.²⁸

In the period of April 2–5, more than three dozen servicemen were awarded state awards by the President of RA for their exceptional and selfless bravery in defending the borders of the motherland, for their personal bravery and selflessness in performing their duty in the face of life-threatening danger. More than 50 servicemen were awarded by the NKR president for their feats in the four-day war.

The 2nd stage of the Artsakh War proved that in the April days, our people showed once again that the Armenian people are a united power not only on the pages of history (Avarayr, Sardarapat, Shushi, etc.), but with its unity and determination to stand by the soldier and the army, and be useful and supportive in various ways. That unity becomes more expressive in times of danger. It is the compulsion of the soul, listening to the call of the motherland. Our people showed their ability to come together without a call, to enlist over a cherished and nationally important issue, to stand up to the Armenian defense shield, the Armenian army.

²⁸ «Ազգ», 29 ապրիլի, 2016, էջ 1, 7:

2020 Artsakh 44-Day War and its Consequences

On September 27, 2020, one hundred years after the Turkish-Armenian war, Azerbaijan unleashed a new war against the Republic of Artsakh with the support and direct participation of its ally Turkey. It was the third war since the 1990s, making it the 44-day war in history. The Turkish-Azerbaijani forces had set themselves the task of taking control of the whole of Artsakh with a sudden blitz attack, not only returning the 7 regions liberated by the Armenians, but also expanding the borders at the expense of the border regions of the Republic of Armenia, realizing their plans of Pan-Turkism, destroying the Armenian military force and Armenia in general, which hindered the implementation of their expansionist policy. According to Azerbaijani-Turkish calculations, it should have lasted a maximum of 1 week or 10 days, but they made a mistake in their calculations, because those unequal battles continued for 44 days. The Azerbaijani-Turkish hordes and the mercenary terrorists they recruited from Syria, Pakistan and other places launched a large-scale attack along the Artsakh-Azerbaijan contact line with the use of an unprecedented amount of weapons and a large number of armored vehicles and unmanned aerial vehicles²⁹. The use of a large number of unmanned aerial vehicles by Turkish operators did not allow the Artsakh defense army to bring the entire arsenal to the battlefield, because the enemy had managed to destroy the entire anti-aircraft defense system of Artsakh from the very beginning of the war³⁰. Combat operations took place in the north: Martakert-Talish-Mataghis, in the center: Martuni-Chartar, and in the south, along the entire territory of the Araks valley, first in the directions of Fizuli, Jabrayil, and then in the directions of Vorotan (Kubatlu) and Kopsakan (Zangelan). In addition to the general frontal attack, Azerbaijani-Turkish and Islamist mercenaries, jihadists, began to carry out attacks in small subversive groups, which, meeting the strong resistance of the Armenian forces, were either destroyed or pushed back, leaving military equipment behind and suffering significant losses of manpower. On the very first day of the war, the armed forces of Azerbaijan shelled peaceful Armenian settlements, including the capital Stepanakert. There were losses among the civilian population of Artsakh. Martial law was established in Armenia and Azerbaijan, and widespread military mobilization was announced.

²⁹ «Հայաստանի Հանրապետություն», 1 հոկտեմբերի, 2020:

³⁰ «Հայաստանի Հանրապետություն», 6 հոկտեմբերի, 2020:

The Process of Proclamation of the Independence of the Republic of Nagorno...

On September 27 and 28, in the Araks Valley and Mataghis-Talish sectors, the Artsakh Defense Army managed to withstand all the attacks of the enemy, causing significant losses of personnel and equipment. In particular, 22 units of enemy tanks, 10 units of other armored vehicles were destroyed, more than 370 soldiers – killed³¹. From September 29, not being satisfied with the aggression against Artsakh, active military operations began to attack the border areas of the Republic of Armenia. The F-16 fighter jets, taking off from the Ganja airport, delivered bombs from the Dalyar airport to the Armenian settlements and the ground units of the Armed Forces located in the Vardenis region of the RA Vardenis, Mets Masrik, Sotk regions, using the Azerbaijani Su-25 and the Turkish-made Bayraktar unmanned aerial vehicles. A “Su-25” bomber of the RA Air Force was shot down by an “F-16” fighter in the RA airspace, and the pilot was killed³². At the same time, continuing the air attacks in the northern direction, the “Su-25” type attackers of the Azerbaijani air force bombarded the settlements of Hadrut and Martuni regions using “Bayraktars”. The Armenian forces, resisting the enemy’s attacks, managed to destroy a large number of personnel and “TOS-1A” military equipment, hit the “Smerch” and “Uragan” type jet installations. According to the publications of Artsakh President Arayik Harutyunyan, during the first four days of the war, Armenian armed forces destroyed as much Azerbaijani military equipment as during the first Artsakh Liberation War. According to the data of the Artsakh Armed Forces, during the first four days, the losses of the Azerbaijani armed forces were 130 dead, 260 wounded, 29 different types of armored vehicles, 3 “TOS-1A” heavy missile installations and 11 unmanned aerial vehicles³³.

On October 2, the enemy, concentrating large forces, tried to break through the defense of the Armenian troops in the northeast direction, but it failed in some areas, especially in the direction of “Yeghnikner” and Mataghis. In the area called “Yeghnikner”, the Armenian freedom fighters, under the skillful commandment of the heroic commander Karen Jalavyan, not only successfully repulsed the incessant attacks of the enemy in bloody battles, but also captured strategically important strongholds and positions, causing massive losses to the enemy. For this heroic action, the brave commander Karen Jalavyan, known since

³¹ «Հայկական ժամանակ», 10 հոկտեմբերի, 2020:

³² «Հայաստանի Հանրապետություն», 9 հոկտեմբերի, 2020:

³³ «Հայկական ժամանակ», 6 հոկտեմբերի, 2020:

the days of the April War, was awarded the title of Hero of Artsakh³⁴. Private Edgar Markosyan, a graduate of Yerevan primary school # 78, who shot down 10 enemy tanks in the direction of Talish, distinguished himself in the brave battles of the north-eastern and southern directions and was awarded the title of "Hero of Artsakh". The title of "Hero of Artsakh" was posthumously awarded to Davit Ghazaryan, a graduate of primary school # 1 in Vedi city, who conducted the battle with the principle of "no retreat". He had also participated in the April four-day war and was awarded³⁵. The next hero is colonel Sergey Shakaryan from Artsakh, who, being one of the pioneers of the Artsakh struggle for survival, organized many tank and infantry attacks during the last war, causing great losses to the enemy. A group of Armenians were awarded the "Combat Service" medal, including Harutyun Dokhoyan, a conscript soldier of the RA Armed Forces, who was seriously injured, who shot down 5 tanks, 1 Infantry fighting vehicle, 1 TOS-1A, 7 military vehicles, causing heavy losses to the Azerbaijani armed forces. Only on October 2, the enemy suffered 520 casualties, more than 700 wounded, lost about 45 units of armored vehicles, 6 planes, 3 helicopters and 6 unmanned aerial vehicles in the northeastern and southeastern sides³⁶. During this period, the enemy continued the targeted bombing of the cities of Stepanakert and Hadrut, which affected a large number of residents, collapsed hundreds of houses, as well as schools and hospitals. During the 43 days of the war, 20 civilians were killed in Artsakh as a result of the attacks of the Azerbaijani-Turkish aggressors. As a result of the unmanned aerial vehicles attack in Vardenis, the number of the wounded among civilians reached 93, of which 20 were in light or medium severity, and the others were in serious conditions. During that period, 4,600 immovable, 430 private and mobile properties were completely or partially destroyed, 750 different types of infrastructures, public and production facilities were out of order and damaged³⁷. According to the data of the Armenian United Information Center, during the 13 days of the war, the Armenian side shot down 17 enemy planes, 16 helicopters, 162 unmanned aerial vehicles, 4 TOS-1A, 1 Solntsepek, 4 Smerch rocket systems, 508 tanks, the death toll reached at least

³⁴ «Հայկական ժամանակ», 6 հոկտեմբերի, 2020:

³⁵ «Հայկական ժամանակ», 6 հոկտեմբերի, 2020:

³⁶ «Հայկական ժամանակ», 6 հոկտեմբերի, 2020:

³⁷ «Հայկական ժամանակ», 5 նոյեմբերի, 2020:

The Process of Proclamation of the Independence of the Republic of Nagorno...

4,369. At the same time, according to the data published by the Defense Ministry, from the Armenian army 376 servicemen aged 18–61 died³⁸.

On October 6, the armed forces of Azerbaijan, moving in the southern direction, using reserve forces and large military equipment, including tanks and artillery, made some progress while continuing to subject Stepanakert and Shushi to long-range shelling. The enemy used cluster projectiles of the internationally banned “LAR-160” type volley installations against the civilian population. At the same time, a counter-attack was organized in the northern direction with the active participation of the special purpose unit of the Artsakh Defense Ministry and the “Volunteer Movement” NGO detachment, and the Varagatagh hill was returned, where the Turkish side left 6 dead bodies. In this direction, the Armenian side, conducting heavy battles, had significant progress. On October 9, the negotiations of the Foreign Ministers of Armenia, Russia and Azerbaijan started, declaring a ceasefire in the conflict zone of Artsakh for humanitarian purposes, exchanging the remains of prisoners and victims. At the end of the meeting, the joint statement of the foreign ministers was distributed, in which the parties, with the mediation of the Red Cross and according to the latter's standards, agreed to establish a 72-hour ceasefire from 12:00, October 10, for humanitarian reasons, in particular for the exchange of prisoners of war and the removal of the remains of the dead. However, this ceasefire agreement was violated by Azerbaijan, attacking the area called Karakhambeyli after 5 minutes³⁹.

At the same time, the Azerbaijani side attempted a subversive intelligence infiltration in the direction of Hadrut, killing 2 residents, a mother and her disabled son, and at the same time shelled Stepanakert. A second ceasefire agreement was reached on October 17, but it was again violated by Azerbaijan, which was also supported by Turkey in this matter. As early as October 8, the Ghazanchetsots Church in Shushi was hit twice using unmanned aerial vehicles by the Azerbaijani armed forces within a few hours. Violating the ceasefire agreement, Azerbaijan continued military operations in all three directions. In the north, the Azerbaijani armed forces made several attempts to break through the defenses, especially in the direction of Mataghis, but were pushed back, causing significant losses. In the direction of the center, several subversive groups tried to

³⁸ «Հայաստանի Հանրապետություն», 6 հոկտեմբերի, 2020:

³⁹ «Հայկական ժամանակ», 17 հոկտեմբերի, 2020:

penetrate the positions, but the artillery repelled them with accurate fire, after which they fled. The battles in the southern direction took place in the area of Jabrayil, here the enemy had some success, but could not capture the Khudaperin reservoir, which is the border reservoir of Iran and Artsakh. On October 15 and 16, the enemy opened intense fire with the use of artillery in the direction of Martuni city and Karmir Bazar ("Red Market") settlement, Berdashen community, at the same time Stepanakert, villages of Hadrut and Kashatagh regions were shelled. The enemy also attacked Khnatsakh, Artsvanik, David-Bek settlements of Syunik Province of RA with unmanned aerial vehicles, damaging civil infrastructures. Battles also took place in the villages of Shekher and Jivani of Martuni region. On October 23, the enemy not only bombarded Askeran, but also the cities of Martuni, Stepanakert and Martakert again. Shelling the villages of Kashatagh region with rockets from the Grad installation, the enemy used "Smerch" type rockets, while continuing operations of infiltration of sabotage groups. During the battles, the enemy managed to capture Jabrayil, Kubatlu and advance to Hadrut⁴⁰. The fighters of the Armenian army stood out for their personal bravery in the battles that took place in all these directions. Among them were Colonel Vahagn Asatryan, head of the special unit, who was posthumously awarded the highest title of "National Hero of Armenia", Knight of the First Degree of the "Combat Cross" Vahagn Tumasyan and others⁴¹. The legendary hero, "Black Panther" commander Rustam Gasparyan and his son from the village of Janfida in Armavir died a heroic death. Lieutenant Colonel of the Defense Army Arayik Avagimyan caused great losses to the enemy due to the skillful and organized operations of the artillery, stopping their advance, for which he was awarded the "Combat Cross" second degree.

Garik Hanamyan, Hayk Amirjanyan, Private Eduard Sargsyan, Lieutenant Tigran Karapetyan received state awards of the same rank for destroying two enemy tanks each, and Senior Lieutenant Levon Altunyan for destroying 3 tanks. Major Samvel Harutyunyan, Captain Ishkhan Karapetyan, senior lieutenants Armen Sargsyan and Monte Grigoryan, Lieutenant Noy Sghomonyan were awarded "Combat Service" medals. The same awards were given to about 5 dozen officers of the Armed Forces, who, demonstrating an excellent level of

⁴⁰ «Հայաստանի Հանրապետություն», 28 հոկտեմբերի, 2020:

⁴¹ «Հայաստանի Հանրապետություն», 29 հոկտեմբերի, 2020:

The Process of Proclamation of the Independence of the Republic of Nagorno...

individual and collective training, boundless devotion to the motherland, and resorting to counter-offensive operations in different directions, destroyed the enemy's manpower and a large amount of weapons⁴². Many of those heroic men fell on the battlefield.

Despite the heroism of the Armenian military, the enemy, undertaking new attacks in almost all directions, using the numerical advantages of weapons and military equipment, succeeded.

On the night of November 9–10, at 12:00, the leaders of Armenia, Azerbaijan and Russia made a joint statement, according to which most of the territory of the Republic of Artsakh appeared under the control of Azerbaijan – all regions outside the Nagorno-Karabakh region, and from the territories of Nagorno-Karabakh, the Lachin Corridor, the city of Shushi, most of Hadrut district, some villages of Askeran and Martakert districts. Protection of NKR borders was assigned to Russian peacekeepers. Out of the liberated 11,500 square kilometers, about 9,000 square kilometers were ceded to the enemy. About 3000 sq. km area remained under the control of the Republic of Artsakh. Because of this agreement, more than 70% of the territory of Artsakh was lost. Today, Artsakh Armenians have reached a point, when the creation of internationally guaranteed mechanisms to ensure their security and sovereignty has become more than a matter of day.

The reasons for the defeat of the war will be studied and history will give its assessment.

Conclusion

A detailed analysis of the relevant facts and process of declaring the independence of Artsakh and the Republic of Armenia has been made in the article. Due to the inevitability of the collapse of the USSR, on August 30, 1991, an Extraordinary Session of the Supreme Council of Azerbaijan was convened in Baku, at which the Declaration on the Restoration of the Independence of the Republic of Azerbaijan was adopted. According to the Declaration, Baku renounced the succession of Soviet Azerbaijan, declaring the succession of Musavat Azerbaijan in 1918–1920, including its borders.

This meant that neither Nakhichevan nor Nagorno-Karabakh could be part of it. Therefore, it was impossible to hesitate in order to take advantage of a convenient historical moment, especially since April 3, 1990, "the procedure for

⁴² «Հայաստանի Հանրապետություն», 29 հոկտեմբերի, 2020:

resolving issues related to the secession of the Soviet republics from the USSR” was in effect. According to the law of the USSR, the Armenians of Nagorno-Karabakh had the right to legally secede from Azerbaijan and independently resolve the issue of their state-legal status, given the fact that in 1918-1920 Karabakh was not part of this state. Based on this, guided by the Constitution of the USSR and the above-mentioned law, on September 2, 1991 in Stepanakert, 19 days earlier than in the Republic of Armenia, a joint meeting with the participation of the MPs of the Shahumyan district council and the Nagorno-Karabakh region adopted the “Declaration on the Proclamation of the Nagorno-Karabakh Republic”. The article substantiates all the historical, legal and moral grounds for this decision, as well as analyzes the results of the independence referendum on December 10, 1991, which confirmed the independence of the NKR. Based on the analysis of historical facts, the results of the elections of the MPs of the NKR Supreme Council (later the National Assembly) on December 28, 1991 are presented, as a result of which the First Session of the NKR Supreme Council of the first convocation, held on January 6, 1992 in Stepanakert, not only adopted the Declaration of Independence of the NKR, but and elected 33-year-old historian Arthur Mkrtchyan as Chairman of the Supreme Council of the NKR, formed the Council of Ministers of the government headed by Oleg Yesayan, approved the state flag, coat of arms and anthem of the NKR.

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ՄԻՆԱՍՅԱՆ Է.

Ամփոփում

Քանալի քառեր՝ անկախ պետականություն, Արցախի Հանրապետություն, Անկախության հռչակագիր, Արցախյան ազատամարտ, ԽՍՀՄ 1990 թվականի ապրիլի 3-ի օրենք, ինքնորոշման իրավունք, պատմաիրավական հիմքեր:

Հոդվածում հիմնավորված է, որ Արցախահայության ինքնորոշումը և Արցախի անկախ հանրապետության հռչակումը իրականացվում էր հայկական մի տարածքի վրա, որի նկատմամբ Ադրբեջանը իրավական, պատմական և բարոյական հավակնություններ ունենալ չէր կարող:

Առաջին հերթին Ադրբեջանի հավակնությունները Լեռնային Ղարաբաղի (Արցախի) նկատմամբ ԽՍՀՄ օրենսդրության շրջանակներում զուրկ են իրավական հիմքերից, քանի որ 1990 թ. ապրիլի 3-ից գործող «ԽՍՀՄ-ի կազմից միութենական հանրապետությունների դուրս գալու հետ կապված հարցերի լուծման կարգի մասին» օրենքով արցախահայությանը թույլատրվում էր ինքնուրույնաբար լուծելու պետական-իրավական կարգավիճակի խնդիրը, օրինական ճանապարհով բաժանվել Ադրբեջանից և դառնալ սեփական ճակատագրի տերը: Բացի այդ 1991 թ. հոկտեմբերին «Անկախության մասին» սահմանադրական ակտով Ադրբեջանը անվավեր է ճանաչել ԽՍՀՄ գոյության ժամանակ ընդունված իրեն, այդ թվում ԼՂԻՄ-ին վերաբերող բոլոր ակտերը:

Միջազգային իրավունքի տեսակետից ևս այդ հիմքերը չկան, քանզի Ադրբեջանը անկախություն հռչակելով՝ իրեն հայտարարել էր 1918–20 թթ. գոյություն ունեցած Ադրբեջանական հանրապետության իրավահաջորդը, որը չէր ճանաչվել Ազգերի լիգայի կողմից:

Այն զուրկ էր նաև պատմական հիմքերից, քանի որ Լեռնային Ղարաբաղը երբեք անկախ Ադրբեջանի մաս չէր եղել: Բացի այդ, արցախահայության խաղաղ նախաձեռնություններին ի պատասխան, Ադրբեջանը ոտնահարելով արցախահայության իրավունքներն ու շահերը կիրառել էր բռնություններ, որոնք վկայում էին, որ Ադրբեջանի հավակնությունները չունեին նաև բարոյական հիմքեր:

Ահա այս կարևոր հանգամանքները հաշվի առնելով 1991 թ. սեպտեմբերի 2-ին հռչակվեց ԼՂՀ (Արցախի) հանրապետությունը, որը նույն թվականի դեկտեմբերի 10-ի հանրաքվեով հաստատեց իր անկախությունը և օրինական ճանապարհով ստեղծեց իր օրենսդիր և գործադիր մարմինները՝ սեփական պաշտպանական բանակը, որն էլ հայ ժողովրդի աջակցությամբ տանելով փառահեղ հաղթանակներ կարողացավ ազատագրել Լեռնային Ղարաբաղի յոթ շրջանները, ստեղծել անվտանգությամբ քիչ թե շատ հուսալի գոտի և շուրջ 3 տասնամյակ ապահովել նրա անկախ գոյությունը: Դժբախտաբար 2020 թ. սեպտեմբեր-նոյեմբերին թուրք-ադրբեջանական ագրեսիայի արդյունքում սկսված 44-օրյա պատերազմում հայ ժողովուրդը ունեցավ մարդկային հսկայական կորուստներ և կորցրեց ազատագրված յոթ շրջանները, նաև Հադրութն ու Շուշին: Դրանով վտանգվեց ոչ միայն Արցախի հանրապետության, այլև Հայաստանի հանրապետության անվտանգությունը:

ПРОЦЕСС ПРОВОЗГЛАШЕНИЯ НЕЗАВИСИМОСТИ НАГОРНО-КАРАБАХСКОЙ (АРЦАХСКОЙ) РЕСПУБЛИКИ

МИНАСЯН Э.

Резюме

Ключевые слова: независимая государственность, Республика Арцах, Декларация независимости, Арцахская освободительная борьба, закон СССР от 3 апреля 1990 г., право на самоопределение, историко-правовые основы.

В статье проводится подробный анализ соответствующих фактов и процесса провозглашения независимости Арцаха и Республики Армения. В связи с неизбежностью распада СССР 30 августа 1991 года в Баку была созвана внеочередная сессия Верховного Совета Азербайджана, на

The Process of Proclamation of the Independence of the Republic of Nagorno...

которой была принята Декларация о восстановлении независимости Азербайджанской Республики. Согласно Декларации, Баку отказывался от преемственности Советского Азербайджана, провозгласив преемственность Мусаватского Азербайджана 1918–1920 гг., включая его границы.

Это означало, что ни Нахичевань, ни Нагорный Карабах не могли быть его частью. Поэтому нельзя было медлить, дабы воспользоваться удобным историческим моментом, тем более что с 3 апреля 1990 года действовал «порядок решения вопросов, связанных с выходом советских республик из состава СССР». По закону СССР армяне Нагорного Карабаха имели право юридически отделиться от Азербайджана и самостоятельно решить вопрос о своем государственно-правовом статусе, учитывая тот факт, что в 1918–1920 гг. Карабах не входил в состав этого государства. Исходя из этого, руководствуясь Конституцией СССР и упомянутым законом, 2 сентября 1991 года в Степанакерте, на 19 дней раньше, чем в Республике Армения, совместное заседание с участием депутатов Шаумянского райсовета и Нагорно-Карабахской области приняло «Декларацию о провозглашении Нагорно-Карабахской Республики». В статье обосновываются все исторические, правовые и моральные основания этого решения, а также анализируются результаты референдума о независимости 10 декабря 1991 г., подтвердившего независимость НКР. На основе анализа исторических фактов представлены итоги выборов депутатов Верховного Совета НКР (впоследствии Национального собрания) 28 декабря 1991 года, в результате которых Первая сессия Верховного Совета НКР первого созыва, состоявшаяся 6 января 1992 года в Степанакерте, не только приняла Декларацию о независимости НКР, но и избрала председателем Верховного Совета НКР 33-летнего историка Артура Мкртчяна, сформировала Совет министров правительства во главе с Олегом Есаяном, утвердила государственный флаг, герб и гимн НКР.