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**REFERENDUM ON THE INDEPENDENCE OF
ARTSAKH AS A MANIFESTATION OF DEMOCRACY
(DECEMBER 10, 1991)***

Key words: rights violation, Karabakh conflict, state-building, referendum on independence, observers, statements, falsification, war.

Introduction

The annexation¹ of Nagorno-Karabakh to Azerbaijan in 1921 marked the beginning of a prolonged phase in the Karabakh conflict. The dispute escalated into a national movement in 1988, when an extraordinary session of the 20th Convocation of the Nagorno-Karabakh Autonomous Oblast (NKAO) Regional Council decided to petition both the Supreme Soviet of the Azerbaijan SSR and the Supreme Soviet of the Armenian SSR for the transfer of Nagorno-Karabakh from Azerbaijan to Armenia². While the Supreme Soviet of Azerbaijan and the Supreme Soviet of the USSR rejected this request, the Supreme Soviet of Armenia responded favorably.

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¹ Փաշայան. 2014, 30:

² Ավագյան. 2010, 19:

The Armenian struggle in Artsakh for justice through democratic and legal means was met with state-organized massacres in Azerbaijani cities, as well as in the Shahumyan district, Getashen sub-district, and various villages of the NKAO. As a result, thousands of Armenians were forced to flee. Faced with the imminent threat of physical annihilation under Azerbaijani rule, the population of Artsakh had no choice but to hold a referendum, in accordance to the principles and norms of international law, to determine their state-legal status. This step was crucial to ensure their security and right to peaceful existence.

This article aims to analyze the historical significance of the referendum held in Nagorno-Karabakh on 10 December 1991.

The main objectives are:

1. To identify the purpose and results of the referendum.
2. To examine the Azerbaijani falsifications regarding the referendum.

The research was conducted through a comprehensive study of relevant facts. As a result of this analysis, it was concluded that the establishment of the Nagorno-Karabakh Republic (NKR) was a decisive and practical step, which was followed by legal, political, military, and diplomatic actions for self-determination and self-assertion.

Referendum on Independence as a Way to Statehood

Under difficult conditions – opposition from the Soviet authorities, pogroms, ongoing clashes in Artsakh, and the deportation of the Armenian population from Azerbaijani towns and Armenian villages in Northern Artsakh – significant steps were taken. On 1 December 1989, the Supreme Soviet of the

Armenian SSR made a historic decision to recognize the region as part of Soviet Armenia³. However, on 1 March 1991, the Supreme Council of Armenia decided to hold a referendum on Armenia's independence from the USSR, notably without mentioning Artsakh. These events significantly influenced the further development in Artsakh.

Following the failure of the attempted coup d'état in Moscow in August 1991, the independence movements of the Soviet republics gained momentum. In this context, Azerbaijan unilaterally declared its independence. On 30 August 1991, the Supreme Council of Azerbaijan adopted a declaration on “Restoration of State Independence of the Republic of Azerbaijan”⁴. However, this was done in violation of the USSR law “On the Procedure for Resolving Issues Related to the Secession of Union Republics from the USSR”.

According to Soviet law, Azerbaijan was required to hold a referendum on its independence, allowing its autonomous regions and districts with ethnically diverse populations the right to vote separately. Azerbaijan failed to conduct this referendum.

In this situation, a joint session of the Nagorno-Karabakh Regional and Shahumyan District Soviets of People's Deputies adopted the Declaration⁵ of the Independence of NKR in accordance to the USSR law “On the Procedure for Resolving Issues Related to the Secession of a Union Republic from the

³ **Բաբայան.** 2005, 29:

⁴ **Ավագյան.** 2010, 17:

⁵ Լեռնային Ղարաբաղի Հանրապետություն (1991 թ. օգոստոս-1992 թ. հունվար) փաստաթղթեր. 2011, 92:

USSR”⁶, adopted on 3 April 1990. According to this law, autonomous entities and national groups with compact population had the right to decide independently whether to remain within the republic leaving the USSR or to determine their state-legal status by referendum. In line with these provisions, it was decided to hold a referendum on NKR’s state independence.

Thus, the law provided a legal foundation for both the referendum and the declaration of independence, which was to be confirmed democratically.

Notably, the highest authorities of the USSR tacitly accepted the decision of the Armenians of Artsakh to proclaim the NKR, whereas previous decisions concerning the NKAO, made by the Supreme Soviets of Azerbaijan and Armenia, were often considered unconstitutional and invalid. This acceptance was not accidental, as the decision made on 2 September was legally sound and constitutional⁷. In response, the Azerbaijani leadership viewed this move by the citizens of Artsakh as a betrayal, claiming that it was aimed “against the sovereignty and independence of Azerbaijan”.

By adopting the “Declaration of Independence”, the Armenians of Artsakh aimed at obtaining an internationally invulnerable and unobjectionable “Application for independence”, the main argument of which was that the Nagorno-Karabakh Republic was proclaimed on a territory to which Azerbaijan had no legal relation.

Despite the ongoing unlawful actions by the Republic of

⁶ Закон СССР «О порядке решения вопросов, связанных с выходом союзной республики из СССР», <https://sevkrimrus.narod.ru/ZAKON/-1990.htm>

⁷ **Բալայան**. 2022, 287:

Azerbaijan against Nagorno-Karabakh, the people of Artsakh continued with their state-building efforts and the process of restoring statehood. On 27 November 1991, the Council of People's Deputies of the NKR adopted the “Temporary Regulation on Holding a Referendum in the Nagorno-Karabakh Republic”⁸, which outlined the procedures for preparing, conducting, and summarizing the referendum. The session also set 10 December as the referendum date, when the population of the newly formed Nagorno-Karabakh Republic would vote on independence. The preparation and holding of the referendum were conducted in accordance with the established temporary regulations, with 81 electoral districts formed across the Republic. The addresses of the territorial election commissions were published in the newspaper “Sovet Karabakh”. Voting occurred in 70 electoral districts, while in 10 Azerbaijani districts and one military/closed district, voting did not take place⁹.

The referendum questionnaire posed a straightforward question: “Do you agree that the Nagorno-Karabakh Republic should be an independent state, independently determining the form of its cooperation with other states and associations”¹⁰. Voters were required to answer “yes” or “no”. Residents of Stepanakert, Hadrut, Martuni, Martakert, and Shahumian districts participated in the referendum, while in Shushi district, only Armenians from Karin Tak, Kirov, Metz Shen, Yekhtsahogh, and Tsakhkadzor participated. Internally displaced persons (IDPs) from Nagorno-Karabakh, as well as

⁸ **Օհանջանյան**. 1998, 4:

⁹ Խորհուրդային Ղարաբաղ. 09.12.1991:

¹⁰ ԼՂՀ ՊԱ, ֆ. 1, ց. 2, ց. 331, թ. 65:

students on business trips in Armenia, also voted, with polling stations established in Armenia by the NKR Executive Committee's decision on 4 December 1991¹¹. The referendum ballots were printed in three languages: Armenian, Azerbaijani, and Russian. However, Azerbaijanis, who made up more than 20% of the population in 1991, did not participate under instructions from Baku. In addition to abstaining from the vote, they engaged in provocative actions aimed at disrupting the referendum.

Disregarding the Armenian population's right to self-determination and the political and legal basis for its claims, Azerbaijan opted for uncivilized methods to resolve the issue, resorting to war crimes. Notably, Stepanakert was shelled for the first time using an Alazan-type rocket launcher, a tactic that would become commonplace in the future. The objective of these actions was not only to obstruct the Artsakh people's process of self-determination but also to instill fear and cause harm. Significant destruction occurred both in the capital and in the surrounding regions, resulting in ten fatalities and eleven injuries due to Azerbaijani aggression. Nevertheless, this violence did not prevent the organized conduct of the referendum.

Out of the 132,328 eligible voters, 108,736 or 82.2 percent of the total number of voters, took part in the referendum. The “yes” vote was cast by 108,615 people, or 99.89 percent of the electorate. Twenty-four people, or 0.02 percent of the electorate voted “no”, and 95 ballots were declared invalid¹².

¹¹ ԼՂՀ ՊԱ, ֆ. 1, ց. 2, ց. 331, թ. 335:

¹² Լեոնային Ղարաբաղի Հանրապետություն (1991 թ. օգոստոս-1992 թ. հունվար) փաստաթղթեր. 2011, 21:

Despite the extremely tense situation and provocative actions on the part of the enemy, the referendum was held in accordance with the accepted international norms, with the participation of the Moscow Soviet of People's Deputies, representatives of public organizations and 40 independent observers. The referendum was also monitored by journalists from the television channels of the USA, Bulgaria, Russia, Agence France-Presse, *Cotidien de Paris* (France), Spanish news agencies, British Photo Agency, *Megapolis Express*, *Izvestia*, *Moskovskie Novosti*, *Literaturnaya Gazeta*, *Radio Russia*, *Echo of Moscow*¹³.

Observers were allowed to visit polling stations and observe the voting process. The day after the referendum, once the results were clear, the observers delivered concluding remarks and issued an appeal to all parliaments and public organizations, in which they documented the validity and legality of the act that had taken place, urging support for the just demands of the NKR population.

At the referendum held on 10 December 1991, the people of Artsakh voted “yes” for the independence of Nagorno-Karabakh. As a result, the NKR not only declared independence not only from the USSR but also from Azerbaijan. It is worth noting that the USSR officially ceased to exist on 15 December of the same year.

After tallying the results of the referendum, the deputies of the NKR Supreme Council issued an appeal to the UN, the Commonwealth of Independent States, and several other countries. In this communication, they highlighted the dictatorial ambitions of neighboring Azerbaijan, the rationale behind

¹³ Հակոբյան. 2011, 23:

organizing the referendum under the prevailing circumstances, and the significance of establishing independent, democratic governance over their territory. The statement emphasized: “In addressing you, we request that you recognize the NKR as an independent state, committed to upholding all internationally recognized norms, human rights, and freedoms, irrespective of nationality or religious beliefs. The NKR acknowledges the community of independent states and expresses its readiness to join as an equal member”¹⁴.

In addition to reaching out to the international community, on 19 December, the NKR sent an appeal to the government of Azerbaijan, informing it of the constitutional and democratic referendum, while also advocating for a future built on good-neighborly relations. The appeal explicitly stated: “We express our willingness to discuss and resolve political, economic, and other matters of mutual interest to our states through negotiations and other means of interstate relations. This statement should be seen solely as an effort to end the bloodshed and restore peace and harmony between the two peoples”¹⁵. However, as subsequent events demonstrated, Azerbaijan's response was to launch a full-scale war against the newly established Republic of Artsakh.

Illegal Manifestations and False Arguments of Azerbaijan

Despite the fact that the Azerbaijani side has repeatedly made unfounded provocations, considering the referendum of 10 December 1991 as illegal, the self-determination of the Armenians of Artsakh, nevertheless, did not violate any

¹⁴ Օհանջանյան. 1998, 12:

¹⁵ ԼՂՀ ՊԱ, §. 1, g. 2, q. 332, p. 14-15:

fundamental international principle.

In response to the unfounded claims from the Azerbaijani side that the referendum was held in violation of several legislative acts, it is essential to refer to the USSR Law “On the Procedure for Resolving Issues Related to the Secession of Union Republics from the USSR”, which served as the legal basis for the referendum and was adopted on 3 April 1990. This law outlines the process of independence of the Republic of Azerbaijan and addresses the subsequent illegal decisions regarding the NKR. Article 3 of the aforementioned law granted the peoples and autonomous entities of autonomous republics the right to decide independently whether to remain within the USSR or the withdrawing Union Republic and to determine their own state-legal status¹⁶. Additionally, for national groups residing compactly in specific areas of the Union Republics, which represented the majority of the population, the voting results from these areas were to be considered separately in the final tally of the referendum. This law effectively enshrined the principle of self-determination for nations in regions with significant ethnic populations within the USSR, as well as in administrative-territorial units established by the central authorities.

Azerbaijan was particularly accused of human rights violations. In particular, the rights of the Artsakh Armenians were infringed upon by the law passed by the Supreme Council of the Republic of Artsakh on 26 October 1991, which aimed at the liquidation of the NKAO. This law contradicted Article 86 of the Constitution of the USSR, which stipulated that any legislation concerning an autonomous region must be adopted

¹⁶ Ուլուբաբյան. 1994, 332:

by the Supreme Council of the Union Republic upon the proposal of the people's deputies from that autonomous region¹⁷. Furthermore, the decree did not adhere to the requirements outlined in Article 73, Part 1, and Article 108, Part 2 of the Constitution of the USSR, nor did it comply with Article 6, Part 2 of the Law of the USSR enacted on 26 April 1990, which stated that any decision to alter the status of autonomous entities would only gain legal validity if approved by the highest authorities of the USSR. Lastly, this decision also violated the law of the Azerbaijan SSR, enacted on 16 June 1981, which prohibited any changes to the borders of the NKAO without its consent¹⁸. Additionally, the independence process of the Azerbaijan SSR was carried out amidst numerous other violations of the rights of the Armenian population.

Firstly, according to Article 3, the referendums in the autonomous entities were required to be conducted separately. However, the decision of the National Council of the Supreme Body of the Republic of Azerbaijan on the referendum referred to the NKAO as the “former NKAO” and treated it as a standard administrative-territorial unit without special status. Consequently, the results of the referendum were to be calculated based on the overall vote count from the referendum conducted throughout the republic, rather than separately as mandated by the law. The focus of the referendum was not on whether to remain in or leave the USSR, but rather on whether the population supported the Constitutional Act “On the Restoration of Independence of the Republic of Azerbaijan”¹⁹,

¹⁷ Кочарян. 2016, 16.

¹⁸ Մանասյան, Ղևոնդյան. 2011, 109-110:

¹⁹ Մանասյան. 1998, 42-43:

which was adopted by the Supreme Council of Azerbaijan. This Constitutional Act encompassed not only the issue of Azerbaijan's independence but also included several other provisions.

Azerbaijan, through a constitutional act, effectively rejected the succession of the Azerbaijan SSR (Article 3), labeling it illegal and characterizing the entry of the Soviet Red Army into Azerbaijan on 27-28 April 1920 as an occupation and annexation of the Azerbaijan Democratic Republic (ADR). Additionally, it recognized the succession of the existing Azerbaijan Democratic Republic from 28 May 1918 to 28 April 1920. It is important to note that during this period neither Nagorno-Karabakh nor Nakhchivan were part of Azerbaijan. Nagorno-Karabakh was annexed to Azerbaijan on 5 July 1921 by a decision of the Caucasian Bureau of the Central Committee of the RCP(B), while Nakhchivan was incorporated into Azerbaijan as a result of the Russian-Turkish treaty signed in Moscow on 16 March 1921²⁰.

Azerbaijan considers the referendum on the independence of the NKR to be illegal, claiming that it did not adhere to the timelines established by Article 2 of the USSR Law “On the Procedure for Resolving Issues Related to the Secession of Union Republics from the USSR”. However, it overlooks that nearly all the Union Republics that declared independence and conducted independence referendums prior to the collapse of the USSR also failed to meet the requirements of this article, and the central authority did not object to these actions. This suggests that the independence referendum held in the NKR can also be considered legal from a legal standpoint. Additionally, it

²⁰ Մանասյան. 1998, 42-43:

is important to note that the Republic of Azerbaijan, having renounced the legal succession of the USSR, cannot base its claims on the legislation of the USSR.

It should be noted that the NKAO was the only one among the former Soviet autonomies that managed to circumvent all legal deadlocks.

By choosing the path of self-determination, the population of the NKR has not violated any fundamental principle of international law. This is proved by the existence of international legal documents. Among them is the OSCE Charter for European Security, adopted in Istanbul in 1999, to which Azerbaijan also joined²¹. According to the mentioned document, conflicts concerning national minorities can be positively resolved in a democratic environment, and in the undemocratic countries that Azerbaijan has joined, the principle of self-determination takes precedence over the principle of territorial integrity²².

It is important to highlight that the legal conclusions drawn from the state and legal acts enacted in the NKR, as well as in Armenia and the Republic of Azerbaijan since 1991, indicate that the NKR was established in territories that did not legally belong to Azerbaijan prior to the international recognition of the modern Republic of Azerbaijan, which was granted by the UN in March 1992.

Conclusion

In summarizing the issue at hand, we have come to the following conclusions:

²¹ Թորոսյան. 2008, 231:

²² Թորոսյան. 2008, 231:

1. The referendum conducted on December 10, 1991, represented a logical progression of the continuous efforts of the Artsakh people to reframe the Karabakh issue within a political and legal context, aiming to avert the looming war and foster conditions for a peaceful resolution to the Azerbaijani-Karabakh conflict, grounded in international law, principles of justice, mutual respect, and the equal rights of peoples. Unfortunately, the international community did not acknowledge the will and democratic aspirations of the Artsakh population, which could have potentially mitigated the wars initiated by Azerbaijan.

2. The wars instigated by Azerbaijan in 2016 and 2020 were direct outcomes of a climate of impunity. Baku persisted in its genocidal policies, culminating in the complete expulsion of Armenians from Artsakh in 2023. A strategy of willful ignorance regarding the issue was adopted, offering the prospect of peace while one party maintained its overtly hostile stance and continued to perpetrate crimes.

3. The people of Artsakh have exercised their right to self-determination in line with international law, and Azerbaijan cannot contest this on the basis of the principles of territorial integrity. However, Azerbaijan's policy of anti-Armenian sentiment negates any possibility of the Armenians of Artsakh being under its jurisdiction. Currently, the situation is starkly different, marked by the complete expulsion of Armenians from Artsakh. In light of this, it is crucial to address the issue of the collective return of the people of Artsakh, ensuring their existence in their historical homeland under secure and sovereign conditions, supported by international protection.

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Ամփոփում

Տասնամյակներ շարունակ Ադրբեջանական ԽՍՀ կողմից Արցախում հայ բնակչության հանդեպ կիրառված հայատյաց քաղաքականությունը, մարդկային և ազգային արժանապատվության ոտնահարումը ծանր իրավիճակ ստեղծեց, ինչն էլ ստիպեց արցախահայությանն ընտրել սեփական պետականության կառուցման ուղին:

1991 թ. սեպտեմբերի 2-ին Ստեփանակերտում կայացած ԼՂ մարզային և Շահումյանի շրջանային խորհուրդների հա-

մատեղ նստաշրջանը ընդունեց Հռչակագիր՝ ժողովրդի կամքի ազատ արտահայտման հիման վրա ԼՂԻՄ և Շահումյանի շրջանի սահմաններում Լեռնային Ղարաբաղի Հանրապետություն հռչակելու մասին: Անկախության հռչակագիրն անհրաժեշտ էր ամրագրել անկախության մասին հանրաքվեով, ինչի անցկացման որոշումն էլ ընդունեց ԼՂՀ ժողովրդական պատգամավորների խորհուրդը:

Հարկ է նկատել, որ հանրաքվեն դարձավ այն հիմնաքարը, որով սկզբնավորվեց Արցախի՝ որպես ազատ ու անկախ երկրի պետական շինարարության գործընթացը: Հատկանշական է, որ անկախության հանրաքվեն հանդիսացավ Արցախի ժողովրդի քաղաքական հասունության, բարձր գիտակցության ու կազմակերպվածության փայլուն դրսևորումն ու նրա հավաքական կամարտահայտությունը՝ իր ճակատագիրն ինքնուրույն տնօրինելու հարցում:

Ադրբեջանի հետագա գործողությունները՝ լայնածավալ պատերազմը, ինչպես նաև դիվանագիտական հարթակում հանրաքվեն ոչ օրինական ներկայացնելը, մեկ նպատակ էր հետապնդում՝ չիրաժարվել իր ծավալապաշտ քաղաքականությունից և իրավական փաստարկների բացակայության պայմաններում խեղաթյուրել իրողությունը:

Այսպիսով, Ադրբեջանի կողմից քաղաքական ահաբեկչությունը Արցախի ժողովրդի, առհասարակ հայության հանդեպ, չկարողացավ շեղել անկախ պետականություն կերտելու ուղուց:

Քանալի քաներ՝ խախտված իրավունքներ, ղարաբաղյան հակամարտություն, պետականաշինություն, անկախության

հանրաքվե, դիտորդներ, հայտարարություններ, կեղծարարություն, պատերազմ:

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Референдум о независимости Арцаха как проявление
демократии (1991 г.) 10 декабря)

Резюме

Политика армянофобии и нарушения человеческого и национального достоинства, проводимые Азербайджанской ССР в отношении армянского населения Арцаха на протяжении многих лет, привели к крайне тяжелой ситуации, которая заставила армян Арцаха выбрать путь создания собственной государственности.

Совместная сессия областного совета и Шаумяновского районного совета Нагорного Карабаха, состоявшаяся 2 сентября 1991 года в Степанакерте, приняла Декларацию о провозглашении Нагорно-Карабахской Республики в пределах НКАО и Шаумянского района, основываясь на свободном волеизъявлении народа. Для официального утверждения Декларации независимости требовалось проведение референдума, решение о котором было принято Советом народных депутатов НКР.

Следует отметить, что референдум стал ключевым событием, с которого начался процесс государственного строительства Арцаха как суверенного и независимого государства. Референдум о независимости продемонстрировал политическую зрелость, высокий уровень осознанности и сплоченности народа Арцаха, а также их коллективное стремление к самостоятельному определению собственной судьбы и управлению ею.

Действия Азербайджана, включая широкомасштабную войну и попытки представить референдум как незаконный на дипломатической арене, преследовали единственную цель – сохранить экспансионистскую политику и исказить реальность в

отсутствии юридических оснований. Таким образом, можно заключить, что политический терроризм со стороны Азербайджана в отношении народа Арцаха и армянского населения в целом не смог остановить процесс построения независимой государственности.

Ключевые слова: нарушение прав, Карабахский конфликт, государственное строительство, референдум о независимости, наблюдатели, заявления, фальсификация, война.