



Արեւմտեան
Հայաստանի



Համագումար
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RESOLUTION FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND THE RETURN OF ARMENIAN REFUGEES TO NAKHITCHEVAN

ARMENIAN NATIONAL COUNCIL DEPARTMENT OF JUSTICE – DEPARTMENT OF FINANCE – DEPARTMENT OF CIVIL PROTECTION

**In accordance with the National Declaration approved on December 17th 2004,
In accordance with the Charter of United Nations and the Universal Declaration of Human Rights,**

This request is signed by at least five members of the Armenian National Council.
The roll call of signatories is going to take place.
Please proceed with the roll call.

(The roll call takes place.). Five members at least signed the request and are present :

Dear colleagues, the presence of at least five signatories being reported, the request for immediate discussion is going to be posted, request on which the Armenian National Council is required to rule, during the current session, after expiry of the minimum period of one hour and after the end of the examination of the last text inscribed by priority on the agenda.

The National Council of the Assembly of Armenians from Western Armenia, being in session in

Yerevan, on January 20th 2006 ;

Whereas the controversy between the Armenian populations of Nakhitchevan and the “Azeri Rpublic” relating to the territory of Nakhitchevan dating back to 1921, is still unsolved (a comprehensive document on the historical context is annexed) ;

Whereas the “Azeri Republic”, as demonstrated by the destruction of the medieval cemetery of Djughha, conducts a policy of ethnic destruction carried out by its army within an unsolved context of war against the Armenians ;

Whereas the Article 67 of the Resolution of the European Parliament on the European Neighbourhood Policy (2004/2166(INI)) voted on January 19th 2006, denounces the acts of vandalism against the cemetery of Djughha in Nakhitchevan composed of almost 10,000 tombstones.

Historical context :

The Nakhijevan Region is an enclave between Armenia and Iran with an area of app. 5500 sq km, now known as “NAKHUJEVAN AUTONOMOUS REPUBLIC”.

The area has been inhabited mainly by Armenians from ancient times. It has always formed part of Armenia until its alienation from Armenia by the unlawful Treaty of Moscow on 16 March 1921 between Soviet Russia and the Turkish Republic under the pretext of “placing the region under Azerbaijan’s mandate”. Later it was arbitrarily annexed to Soviet Azerbaijan with the connivance of Soviet authorities.

The area forms part of the “Sharour” district of “Ayrarat” region of “Mets Hayk” province of historical Armenia and has always been part of Armenia. After the conclusion of the Treaty of Turkmenchay between the Tsarist Russia and the Persian empire in 1828, it became part of the “Armenian district” created by Russia. After the dissolution of the district in 1849, the area was incorporated into the Yerevan Province and remained as such until 1918. Since the end of 1919, the present area of Nakhijevan Autonomous region formed part of the First Republic of Armenia which lasted until November 1921.

After the formation of the Armenian Soviet Socialist Republic in 2 December 1920, Nakhijevan formed, de jure, part of the Soviet Socialist Republic of Armenia until the conclusion of yet another unlawful Treaty, named Treaty of Kars in 13 October 1921.

The fact that the area constituted part of Soviet Armenia, has been confirmed by a special declaration adopted by the Revolutionary Committee of Soviet Azerbaijan, the highest level of the leadership of that republic, on 30 November 1920, in which the Nakhijevan and Karabakh regions were declared to be inalienable parts of Soviet Armenia. This declaration has been validated in different occasions by the leaders of Soviet Russia as well during the months of December 1920 and January 1921.

As mentioned before, in disregard of the fundamental rights of the Armenian people and especially of the Nakhijevan inhabitants, Soviet Russia and the Republic of Turkey concluded the unlawful Moscow Treaty of 16 March 1921 without even the presence of a representative on the part of Armenia.

Following this, under the brutal pressure of Soviet Russia, the Caucasian three republics were forced to sign an agreement with Turkey, known as the Kars Treaty of 13 October 1921, which “legalised” as it were the partition of the Republic of Armenia and the illegitimate alienation of the Nakhijevan area from Armenian homeland.

Subsequently, by the arbitrary decision of the highest echelons of communist leadership, Azerbaijan annexed the area to its territory making it, as an autonomous republic, part of Azerbaijan, whereby it in fact violated even the seeming agreement of all parties to the treaty i.e. Georgia, Turkey and Armenia. With this unlawful decision, The Soviet Union and Soviet Azerbaijan violated even the illicit articles of March 16 and October 13, 1921 Treaties, according to which the Nakhijevan Region would only be placed under the “mandate” of Azerbaijan and not annexed to its territory.

After the unlawful alienation of the area from the Armenian mainland, the region was subjected to a policy of gradual ethnic cleansing by the Azeri authorities. The result of these policies was that during the period between 1921 and 1989, the territory was wiped out of its indigenous population, the Armenians.

Although, as a result of the Turkish and Azeri incursions between the years 1918 –1920, the region’s ethnographic structure had changed for the benefit of the Azeri’s, still Armenians constituted a major part of the population until 1960’s and even later. They were however, eventually rooted out in the years 1988-1989 as a result of the outbreak of the Karabakh conflict.

Today, almost 400,000 Nakhijevan Armenians who have fled to the Republic of Armenia and to many other countries throughout the world, are deprived of their right to return to their ancestral land. Moreover, they are not even allowed to visit their ancestral homes, their places of worship, the historical monuments created by them and their ancestors, their churches, graveyards and so on.

It should be noted that the plight of Nakhijevan Armenians was preceded by the barbarous Genocide of the population of West Armenia by Turkey in 1915 and the subsequent occupation by the latter of the Kars province and Sourmalou area of the Republic of Armenia during the Armeno-Turkish war of 1920. The plan to destroy and annihilate the Armenian people was further carried on, this time, with the complicity of Soviet Russia who was trying to cultivate good relations with the new Republic of Turkey at the expense of Armenia. Hence, its willingness to sacrifice Nakhijevan and Karabakh to appease Turkey and Azerbaijan. Thus, The Russian Federation, as the legal successor of the Soviet Union i.e. the initiator of the above mentioned unlawful treaties which caused the present situation to exist, bears special responsibility for this extraordinary injustice to the Nakhijevan Armenians.

But, the Russo-Turkish conspiracy went further to weaken Armenia and to destroy the historical rights of Armenians. Assuming that the question of Western Armenia was definitely “solved” now that there were no Armenians there anymore, Turkey and Soviet Russia renounced the international Treaty of Sevre concluded between the allies on 10 August 1920, whereby a part of the historical Armenia under Turkish control, an area approximately 90,000 sq. km, would be returned to Armenia.

The Treaty of Sevre did not get the chance of enforcement mainly because of the hostile attitude of Soviet Russia and the Republic of Turkey to it.

Thus, the infamous Moscow Treaty of March 16, 1921 served as a basis for the partition of Armenia, whereby, as mentioned before, the Nakhijevan region was finally annexed to Azerbaijan and wiped out of its indigenous population by the latter.

Now, in the present negotiations being conducted over Nagorno Karabakh (Artsakh), Azerbaijan consistently sets forth the condition of return of refugees, requests the return of the land historically belonging to Armenia which unlawfully had come under its control, but which it has lost in a war unleashed by itself, requests a passageway through Armenia to the Nakhijevan enclave and finally continues to systematically destroy the Armenian monuments in the territory of Nakhijevan, especially thousands of Armenian medieval stone-cross monuments (Khatchkars) of the old Armenian city of Jugha (also known as Julfa).

By this, Azerbaijan aims at the destruction of all traces of Armenian civilization and all evidence of Armenian belonging of the area after it has cleansed the area of its indigenous population.

December 14th 2005 : A battalion composed of 200 Azeri soldiers and mechanical engines carries out the final stage of the ethnocide, destroying the Armenian medieval cemetery of Djughha in Nakhitchevan, one of the finest jewels of the heritage of humanity, composed of 10 000 « khatchkars » (tombstones) dating back to more than four hundred years, demonstrating the existence of an important Armenian population in Nakhitchevan and a high cultural level.

Films and photos showing the destruction of the cemetery by Azeri soldiers.

Resolution 2 (2006)

The Nakhitchevan conflict discussed by the Conference held in Yerevan by the Armenian National Council

1. The Armenian National Council regrets that, more than eighty years after the beginning of hostilities, the Nakhitchevan conflict remains unsolved. Hundred thousands of persons were displaced and are still living under precarious conditions in Armenia. Vast areas of Armenian territory remain occupied by Azeri forces which keep control on the regions of Sharur and Nakhitchevan now known as “Autonomous Republic of Nakhitchevan”.
2. The Armenian National Council fears that the generalized ethnic cleansing which preceded the destruction of the Djughha medieval cemetery containing almost 10,000 tombstones, may result in the creation of monoethnic areas, thus making reappear the terrible concept of ethnic purification. The Armenian National Council reaffirms that the independence and the secession of a territory which is part of a State can result only from a legal and pacific process, based on the support democratically expressed by the inhabitants of the concerned territory ; they should not be the consequence of an armed conflict resulting in ethnic evictions and the *de facto* annexion of the concerned territory by another State. The Armenian National Council reminds that the occupation of a foreign territory by a member State constitutes a serious infringement of the obligations borne by this State as a member of the Council of Europe, and reaffirms the right of the persons displaced from the area of conflict to return to their homes in safety and dignity.
3. The Armenian National Council reminds the Resolution of the European Parliament on the European Neighbourhood Policy (2004/2166(INI) of January 19th 2006 (art. 67), demonstrating the physical aggression against the Armenians from Nakhitchevan and their cultural heritage ; it urges the Council of

Europe to get the treaties and resolutions enforced, in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, so that armed hostilities are stopped and military forces are withdrawn from the occupied territories. It emphasizes that the fact that this region was part of Soviet Armenia was confirmed by a special declaration approved by the Revolutionary Committee of the Azeri Soviet Republic, the highest authority of this republic, on November 30th 1920, according to which the regions of Nakhitchevan and Karabagh were officially declared inalienable parts of Soviet Armenia. This declaration was ratified several times by the authorities of Soviet Union during the months of December 1920 and January 1921.

4. The Armenian National Council reminds that the Azeri Republic, when joining the Council of European in January 2001, committed itself to use only pacific means to solve the conflict, refraining from threatening to use military force against its neighbour. In the same way, the Azeri Republic must commit itself to use its substantial influence upon the Azeris from Nakhitchevan to comply with these commitments and to refrain from using military force or carrying out military actions.
5. The Armenian National Council reminds that the Council of Ministers of the Conference on Safety and Co-operation in Europe (CSCE) had agreed in Helsinki, in March 1992, to hold a conference in Minsk in order to provide a framework for the negotiations aiming at a pacific settlement of the conflict. Armenia, the Azeri Republic, Belarus, the former Czech and Slovak federation, France, Germany, Italy, the Federation of Russia, Sweden, the Turkish Republic and the USA had agreed, at this time, to take part to this conference. The Armenian National Council invites these States to make their best efforts to obtain a pacific settlement of this conflict. With this aim in view, the Armenian National Council requests its Bureau to set up an *ad hoc* commission where would sit, among other, the heads of the delegations of Western Armenia and Nakhitchevan.
6. The Armenian National Council pays homage to the tireless endeavours of the co-presidents of the Minsk Group and the personal representative of the President of the OSCE. The Armenian National Council invites the Armenians from Nakhitchevan to take advantage of the Minsk process of the OSCE and to study, through the Minsk Group, constructive proposals for the pacific settlement of the conflict, in accordance with the relevant standards and the principles of international law.
7. The Armenian National Council reminds that Armenia and the Azeri Republic signed the Charter of the United Nations and are *ipso facto*, according to the Article 93, paragraph 1, of the Charter, part to the status of the International Court of Justice. Subsequently, the Armenian National Council proposes that, if the negotiations conducted under the patronage of the co-presidents of the Minsk Group should not succeed, Armenia should consider submitting the case to the International Court of Justice, in accordance with the Article 36, paragraph 1, of the statutes of said Court.
8. The Armenian National Council invites the Armenians and Azeris from Nakhitchevan to politically reconcile with each other by accelerating bilateral cooperation within the different authorities, such as the meetings of the presidents of parliaments and their delegations. It recommends that the two delegations of Western Armenia and Nakhitchevan should meet during each stage of session to re-examine the progress of such a reconciliation.
9. The Armenian National Council invites the Azeri authorities to establish contacts, without prerequisites, with the representatives of the Union of the Armenians from Nakhitchevan, regarding the future status of the region. It is willing to make easier such contacts in Europe under the patronage of Mr. Heikki Talvitie, the special representative of the Union for South Caucasus, in view of enhancing the progress of negotiations.
10. Reminding the Article 2 of this Resolution on the situation of refugees and displaced persons in Armenia, the Armenian National Council invites all Armenian organizations to provide humanitarian support and assistance to the hundred thousands persons displaced because of the armed hostilities and the eviction of Armenians from Nakhitchevan, and requests the Hayrenik NGO to set up a specific international solidarity fund intended for the Armenian refugees from Nakhitchevan.

11. The Armenian National Council condemns any expression of hatred conveyed by Azeri medias. It urges the Azeri Republic to take the way to reconciliation and to restore mutual confidence and understanding between the two populations, thanks to schools, universities and medias. Without such a reconciliation, hatred and mistrust will prevent any stability in the region and could result in new violent actions. The reconciliation process is the prerequisite to any durable settlement and must be the basis for it.
12. The Armenian National Council invites the Secretary General of the Armenian National Council to design a programme of action and assistance for the Armenians from Nakhitchevan, focusing on reconciliation process ; it also requests the Secretary General to take into account this resolution when making decisions about the actions to be taken regarding both parties.
13. Deeming that this conflict hinders the development of Armenia and Azerbaidjan and the regional cooperation, as well as the efficient implementation of the European Neighbourhood Policy as such, the Armenian National Council requests the Azeri authorities to avoid any unilateral actions and aggressive declarations and to work for the settlement of the conflict in a constructive dialogue with all the concerned forces, on the basis of the respect of human rights and of the principles of international law ; it emphasizes the importance of the continuation of democratic reforms for the development of the region and its relations with the European Union ; it urges all concerned parties to define the adequate means to ensure the progressive return of the refugees in accordance with the rights of minorities; it invites the heads of the delegations of Western Armenia and Nakhitchevan to coordinate their actions more efficiently with Mr. Heikki Talvitie, the special representative of the Union for South Caucasus, in order to make the negotiations progress.
14. The Armenian National Council solicits the Congress of Local and Regional Authorities of the Council of Europe to help the Armenian and Azeri elected representatives in establishing bilateral contacts and setting up an interethnic cooperation.
15. The Armenian National Council decides to analyse the mechanisms of settlement of conflicts existing within the Council of Europe, and particularly the European Convention for the Peaceful Settlement of Disputes, in order to put at the disposal of the various parties the most suitable mechanisms for the pacific settlement of bilateral conflicts, as well as the internal litigations opposing collectivities or local or regional authorities, which may represent a threat for human rights, stability and peace.
16. The Armenian National Council decides to go on following closely the evolution of this conflict towards a pacific settlement.

Text adopted by the Armenian National Council, with the official mandate of the President of the Armenians of Nakhitchevan and dedicated to the Armenians from Nakhitchevan, on January 20th 2006 (in 1st session).

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email : haybachdban@wanadoo.fr