



Testimony of the U.S. Azeris Network on SR9 introduced in the Senate of the State of Vermont

To the attention of Government Operations Committee of the State of Vermont

April 8, 2014

Honorable Members of the Committee,

On behalf of the members of the Azerbaijani-American community, I would like to express a grave concern over the proposed Senate Resolution 9. The bill is extremely inaccurate and factually incorrect. The actual essence of Nagorno-Karabakh problem is deliberately misinterpreted leading the members of the Committee *and* the entire Senate to disregard the basic national interests of the United States and its allies.

The following testimony outlines the main points in regards to the draft text of the resolution and addresses key issues pertaining to the Nagorno-Karabakh conflict.

It is obvious that the honorable members of the great State of Vermont were deliberately misguided by the members of the Armenian interest groups, attempting to obtain political legitimacy to an illegal occupation of territory of another sovereign state, Azerbaijan [by Armenian armed forces], by requesting passage of resolutions in state legislatures.

Historical Overview of the Conflict

The Nagorno Karabakh Autonomous Oblast was created in July 1923, following a *Kavburo* (Caucasian Bureau of Russian Communist Party) protocol adopted on July 5, 1921, where the members of the committee decided to carve out the mountainous part of Karabakh and create the Nagorno-Karabakh Autonomous Oblast (NKAO), giving the ethnic Armenians an exceptional right of self-rule. The actual name ‘Nagorno-Karabakh’ is a synthesis of Russian word ‘nagorno’ (*mountainous*) and Azerbaijani/Turkic word ‘Karabakh’ (*Black Garden*). It is important to note that Nagorno-Karabakh was never “placed under” or “transferred” to Azerbaijan, as the draft text of the bill states and Armenian groups imply, but was “retained” in Azerbaijan by Kavburo. Please refer to the Article 2 in the *Exhibit 1* (Kavburo Protocol dated July 5, 1921), which clearly states (translated from Russian):

“2. As a necessity in bringing interethnic peace between Muslims and Armenians, taking in consideration the economic bond between Upper and Lower Karabakh, its permanent ties with Azerbaijan, Upper Karabakh shall be retained within A.S.S.R (Azerbaijan Soviet Socialist Republic), having been given a wide oblast autonomy with an administrative center in the town of Shusha, located within autonomous oblast itself.”

The key word in the paragraph is “retained,” which means that a given entity (in this case the mountainous part of Karabakh) had been within the broader territory (Azerbaijan) in the first place, and not “transferred”, “passed” or “awarded” as the Armenian interest group usually maintain.

After the establishment of the so-called Nagorno-Karabakh Autonomous Oblast, its Armenian community was given exceptional rights of self-rule within Azerbaijan SSR, that included but

was not limited to having its own autonomous parliament, in which the majority of members of parliament have always been ethnic Armenians; Armenian schools; public libraries; cultural centers, etc. The same rights were denied to the Azerbaijani community of Armenia. Another interesting fact is that Azerbaijan itself was governed by leaders of Armenian, Russian and Georgian ethnicity from 1921 through 1933. For instance, Levon Mirzoyan and Ruben Rubenov, both ethnic Armenians, seated in Baku (capital of Azerbaijan SSR) by Moscow, ruled Azerbaijan from January 21, 1926 until July 11, 1929, and February 7 until December 10, 1933, respectively.

Throughout the existence of Nagorno-Karabakh Autonomous Oblast, Armenians in Nagorno-Karabakh enjoyed the highest degree of self rule and were highest per capita recipients of budgetary funds and social benefits from the central government of Azerbaijan SSR in the Soviet Union. The table below, depicting the overall allocation of resources to NKAO in comparison to the rest of Azerbaijan, is reproduced from: *"Expert Contrasts Armenia, Azerbaijan Development"*, FBIS-translated item WAI82000106, Baku, "BAKINSKIY RABOCHIY" newspaper, in Russian, (11 March 1988), pp. 2-3.

Table II: Comparable Indicators of Social Development as of 1988

Items	Azerbaijan SSR	NKAO	USSR	Armenia SSR
1. Number of hospital beds per 10,000 persons	97.7	101.7	130.1	86.2
2. Number of physicians of all specialties per 10,000 persons	38.4	29.1	42.7	38.6
3. Number of middle-level medical workers per 10,000 persons	93.5	122.7	114.7	93.5
4. Number of public libraries per 10,000 persons	6	13	4.8	4.1
5. Number of clubs per 10,000 persons	5	15	4.8	3.8
6. Number of movie projectors [movie theaters] per 10,000 persons	3	11.2	5.4	2.9
7. Number of children served by preschool institutions (in percentages of size of population of the corresponding age)	20	35	57	39
8. Number of students attending first shift (in percentages of overall number of students)	74.3	92.5	78.2	87.8
9. Housing fund per inhabitant (square meters)	10.9	14.6	14.9	13.7
including:				
in urban localities	12.2	14.6	14.3	13.1
in rural localities	9.2	14.6	16.1	15.0

The contemporary Nagorno-Karabakh conflict started in late November 1987. On November 16, 1987 the advisor to Soviet Secretary General Mikhail Gorbachev, Abel Agambekyan – an ethnic

Armenian – met with the Armenian community in Paris and published an appeal to the Armenian diaspora to launch a separatist movement in Nagorno-Karabakh, Azerbaijan.

At the behest of Armenian nationalist circles, the Armenians launched the so-called “Miatsum” movement (means ‘reunification’ in Armenian) and petitioned to transfer Nagorno-Karabakh from Azerbaijan SSR to Armenian SSR. It’s noteworthy that Armenian SSR itself had a sizeable Azerbaijani minority, numbering 220,000 people as of November 1987. To prevent them from reciprocating and asking for the same self-rule rights, they were forcibly expelled from Armenia in 1987-1988. By January 25, 1988 up to 4,000 Azerbaijani refugees were expelled from Kafan district of Armenian SSR and arrived in Sumgait, Azerbaijan.

On February 22, 1988, after Armenians in Nagorno-Karabakh declared they were uniting with Armenia, two Azeri youths, Ali Hajiyev and Bakhtiyar Guliyev, were killed in an interethnic clash by the town of Askeran, which in turn, led to further clashes in the city of Sumgait, resulting in deaths of 26 Armenians and 6 Azeris. It is noteworthy that the criminal case launched after those events by the Soviet Union Prosecutor’s Office convicted several Soviet citizens, among them Eduard Grigoryan, the primary instigator of the clashes - a person of Armenian ethnicity and with criminal record who was sent to Moscow prison and was never heard of again.

On June 15, 1988 the parliament of Armenian SSR unilaterally voted to accept Nagorno-Karabakh as part of Armenia in violation of the Constitution of USSR. On June 17, Azerbaijan reaffirmed that Nagorno-Karabakh is a constituent part of Azerbaijan. On July 18, Presidium of Supreme Soviet of USSR ruled that Nagorno-Karabakh was to remain in Azerbaijan SSR. In defiance of these rulings, on December 1, 1989 Armenian SSR declared Nagorno-Karabakh a part of Armenia.

As the tensions grew with influx of Armenian militants coming from other countries, most of Nagorno-Karabakh had already been occupied and its Azeri residents expelled, except for two towns: Khojaly and Shusha, which were ethnically cleansed on February 26, 1992 and May 8, 1992 (Khojaly Massacre remains the bloodiest event of the conflict with 613 Azerbaijani civilians exterminated by Armenian detachments aided by the 366th Motorized Regiment of the Russian Armed Forces), respectively.

Therefore, by September 2, 1991 when the so-called declaration of independence was announced by the Armenian separatists in Nagorno-Karabakh, as the draft bill states, there were virtually no Azerbaijanis left in the region. The declaration violated the Constitution of Azerbaijan SSR, Constitution of the Soviet Union and international law. Just like in Crimea, where the Russian majority that was aided by the Russian military detachments (presented to the world by President Putin as the “self-defense” forces), declared unification with Russia, the Armenian separatist leaders in Nagorno-Karabakh, aided by the Armenian militants who also identified themselves as “self-defense forces,” expelled the Azeri minority and announced themselves independent.

Legal Aspects

The principle of self-determination along with the principle of territorial integrity is enshrined in the Helsinki Final Act of 1975. However, there are limits to self-rule and there are due processes to obtain independence. In accordance with the Constitution of Azerbaijan SSR *and* the Constitution of USSR, the borders cannot be changed without consent of the constituent republic of Soviet Union, which Azerbaijan and Armenia both were. It must be noted that on September 23, 1991, a few months before the collapse of the Soviet Union, the Armenian government intending to annex Nagorno-Karabakh, formally denounced the claims of Armenia to Karabakh and switched from the strategy of outright annexation to using the principle of self-determination

for obvious purposes. The reason is that the international community as well as the international law does not approve occupation, violability of borders and annexation of parts of sovereign territories. The aggression of Saddam Hussein against Kuwait in 1990, which subsequently led to the Operation Desert Storm by the United States, restoring the territorial integrity of Kuwait, is a testament to the international community disapproving annexations and/or partitions of sovereign states. Similarly, the United States and its allies have expressed firm stance on territorial integrity of Ukraine today and of Georgia following Russian-Georgian war in 2008.

Once both Armenia and Azerbaijan became independent states following the collapse of the Soviet Union on December 25, 1991, the conflict transformed into an international interstate conflict, with Armenian troops waging an undeclared war on Azerbaijan. Upon dissolution of the Soviet Union, Azerbaijan was fully recognized by the international community, including United States and became a full member of the United Nations in its entirety, within the internationally recognized borders, with Nagorno-Karabakh as its constituent part. To this day, not a single state, including Armenia itself, recognizes the so-called "Nagorno-Karabakh Republic" in any shape or form.

In 1992-1994, the war waged against Azerbaijan by Armenia with backing of Russia, resulted in occupation the entire territory of the former Nagorno-Karabakh Autonomous Oblast and seven adjacent districts of Azerbaijan proper. More than 600,000 Azerbaijani civilians from Karabakh region were forced out in the process, fleeing for their lives. Azerbaijan has the highest number of refugees in the world per capita. (*See Exhibit 2 for factsheet on refugees and internally displaced persons (IDPs) in Azerbaijan.*)

Therefore, when the draft text of the SR9 refers to the "the people of Nagorno-Karabakh," it ignores 600,000 Azerbaijani IDPs as the Armenian community of Nagorno Karabakh does not hold the exclusive right to be "the people" and the residents of the area are not just the people of Armenian origin, but that of Armenian, Azerbaijani, Russian and Kurdish origins, all having rights to live in peace side by side.

As a result of Armenian aggression, the United Nations Security Council passed four resolutions 822, 853, 874, 884 in 1993, all condemning Armenian aggression against Azerbaijan, demanding the withdrawal of all occupying forces, return of refugees and reestablishment of peace. The position of the international community was reiterated in the United Nations General Assembly Resolution 62/243 adopted on March 14, 2008, reaffirming "continued respect and support for the sovereignty and territorial integrity" of Azerbaijan "within its internationally recognized borders", demanding the "immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories" of Azerbaijan and emphasizing that "no state shall render aid or assistance" to maintain the occupation of Azerbaijani territories. A similar resolution on territorial integrity of Ukraine was recently adopted with support of the United States.

Despite the passage of these and other resolutions by several international organizations condemning occupation of Azerbaijani territories by Armenian armed forces, Armenia continues to ignore the calls of the international community and sustains its occupation policy in the South Caucasus.

Furthermore, since the ceasefire agreement was signed in May 1994, Armenian government has continued to artificially change the demographics of the occupied territories by resettling Armenians in the occupied areas in violation of Article 49 of the Fourth Geneva Convention of 1949, which forbids the Occupying Power to transfer parts of its civilian population into the occupied territories under its military control.

What are Armenia and Azerbaijan for the United States?

Armenia remains the only state in the region and greater Europe which voluntarily hosts Russian troops on its soil. Russia's 102nd Military Base is located in Gyumri, Armenia, standing guard against our NATO allies. Armenia is also the largest recipient of Russian military aid in the former Soviet Union. It periodically receives military hardware including tanks, armored vehicles and sophisticated S-300 surface-to-air missile systems from Russia free of charge (!) and continues to execute Russia's foreign policy in South Caucasus. Armed forces of the Republic of Armenia along with the 127th division of Russian armed forces have conducted joint military operations in occupying territories of Azerbaijan (see Human Rights Watch Report 1994 titled "Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh", p.116) and are deployed in Nagorno-Karabakh to this day.

As a proxy of Russia, Armenian Government has been a vocal supporter of Russia's annexation of Crimea in March 2014 and on the day of Moscow-orchestrated quasi-referendum in Crimea on March 16, Armenian President voiced approval of the annexation. The position of the Armenian government was reiterated at the United Nations General Assembly when it voted against the UN General Assembly Resolution A/68/L.39 "Calling Upon the States Not to Recognize Changes in Status of Crimea Region" on par with Belarus, Bolivia, Cuba, North Korea, Nicaragua, Russian Federation, Sudan, Syria, Venezuela, Zimbabwe – all of them having strictly anti-American stance. The U.S. government has already expressed disappointment over the Armenian vote at the UN GA.

http://www.azatutyun.am/content/article/25318938.html?utm_term=%23Armenia&utm_source=twitterfeed&utm_medium=twitter).

On the other side of the spectrum, we have the Republic of Azerbaijan, territorial integrity of which has been violated with 20% of the country's landmass under occupation of Armenian armed forces. From day one, Azerbaijan, despite its volatile location (Azerbaijan is sandwiched by Russia and Iran), has been a staunch ally of the United States and a close friend to Israel. Azerbaijan is a major oil and gas exporter, sending 1 million barrels of oil daily to the Western markets via the Baku-Tbilisi-Ceyhan (BTC) pipeline and shipping natural gas via Baku-Tbilisi-Erzurum (BTE) to Turkey and beyond. It provides 40% of the entire oil imports of Israel and helps Israel with drilling operations in the Eastern Mediterranean. With the support of the United States, Azerbaijan has also initiated mega projects such as the Southern Gas Corridor, which will be sending 16 billion cubic meters (bcm) to Europe by 2018, providing thousands of jobs for our allies in Europe and contributing to energy security of Europe in the years to come. On April 2, 2014 State Secretary John Kerry specifically mentioned the importance of and support to Southern Gas Corridor at US-EC Energy Council meeting in Brussels.

Additionally, Azerbaijan has been a reliable ally in the War on Terror and other security engagement of the United States. It was the first country in former Soviet Union to offer its airports and logistics assistance to the United States after 9/11 terrorist attacks. Azerbaijani soldiers have been deployed to Iraq and Afghanistan and served shoulder-to-shoulder with their American counterparts to secure peace and stability.

As much as 40% of NATO's non-combat military materials destined for coalition forces in Afghanistan fly through Azerbaijan. The withdrawal of US troops is also expected to be realized via Azerbaijan. Furthermore, as a reliable ally, Azerbaijan committed to post-2014 Afghanistan, pledging 3 million Euros for development of Afghanistan and its security, including educating Afghani law enforcement and troops at Azerbaijan's military, police and diplomatic academies.

The SR9 bill, debated here, is a risk to the strategic alliance and diplomatic ties between Azerbaijan and the United States.

First and foremost, whereas the United States battles the policies of annexation and so-called 'self-determination' which in fact is nothing more than mere separatism instituted by Russia and whereas President Obama repeatedly speaks of respect to territorial integrity of Ukraine and inviolability of state borders of sovereign states, approval of this bill would be a virtual testament of approval of Russia's annexation of territories of and partitioning of Ukraine.

Moreover, it would disrupt the volatile Nagorno-Karabakh peace process overseen by OSCE Minsk Group, of which the United States is a co-chair, as well as affect its image as an honest broker and neutral mediator.

So, at the end of the day, are you voting and sponsoring a resolution to favor the **Russian proxy state of Armenia** which since 1992 has done nothing but receive \$2 billion of U.S. taxpayer money and is the military guarantor of Russian interests in South Caucasus or are you voting against it so as to support **U.S. national interests in complex region bordering Russia and Iran?**

Russian has snatched Crimea and legitimized it through its armed forces. Say NO to any annexations and violations of international law!

For the facts on Russia's Armenian satellite, please click to see the factsheet:

http://usazeris.com/wp-content/uploads/2014/04/A-R-M-E-N-I-A_Proxy-1.pdf

Respectfully,

Yusif Babanly
Co-founder and Board Member,
U.S. Azeris Network (USAN)
www.usazeris.org

Further Reading:

1. Factsheet on Nagorno Karabakh region of Azerbaijan:

http://www.usazeris.org/USAN_factsheet_NKOccupationUSPolicy.pdf

2. Factsheet on Refugees and IDPs of Azerbaijan:

http://www.usazeris.org/USAN_factsheet_refugees.pdf