

South Caucasus' Unresolved Past and the Nagorno-Karabach Juncture

Nina Dyulgerova, Ph.D.¹, Boris Manov, Ph.D.²

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Abstract

The Caucasus region represents a clear example of an area of unresolved ethnic and religious problems that thread throughout the region's historical development. During the Soviet era, due to Kremlin's strength and ability to control the processes, these issues were suppressed by the socialist ideal of a conflict-free society and remained swept under the rug. However, the Caucasian republics in particular represent an area of preserved ethnic and religious contradictions during the nearly seventy-year period of the Soviet Union.

The paper aims at exploring the genesis and development of the ethnic and religious conflicts in the South Caucasus during the Soviet times, which after the disintegration of the USSR turned into permanent conflicts in this post-soviet space such as the conflict in Nagorno-Karabakh (between Armenia and Azerbaijan) and the ones in South Ossetia and Abkhazia, in Georgia. The study also seeks to explore the interstate aspect of those regional conflicts and the Russian role in them.

Stalin's consistent policy of active territorial redistributions deteriorated the situation, especially in the Caucasus region. Proof of the impossibility of consolidation in the region are the conflict points, South Ossetia and Abkhazia within the borders of Georgia, as well as Nagorno-Karabakh, which instigated an armed conflict between Azerbaijan and Armenia. South Ossetia and Abkhazia have been on Georgian territory for many years. Nagorno-Karabakh, despite being inhabited by over 90% Armenian population, was part of Azerbaijani territory during the Soviet era. The Soviet policy failed to create conditions for an effective integration of the separate ethnicities. Evidence of these problems in the Caucasus still echoes in the Nagorno-Karabakh military conflict in the autumn of 2020.

Keywords: Caucasus, territorial conflict, Soviet Union, post-imperialism, ethnicity

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¹ Professor at the Higher School of Security and Economics in Plovdiv, Bulgaria; e-mail address: ninaangelovad6@gmail.com

² Research Fellow at the Institute for the State and the Law at the Bulgarian Academy of Sciences; e-mail address: boris_manov@hotmail.com

Introduction

Caucasus and South Caucasus in particular is one of the world regions with turbulent past and no less turbulent present. The conflict potential of the region stems from its high level of ethnic and religious intermixing, as well as its key border position between Europe and Asia, historically at the crossroad of Russian, Ottoman/Turkish and Iranian cultural and political influences. During Soviet times the region was part of the Soviet Union and the ethnic and religious contradictions in the region further deepened in those years. Stalin's consistent policy of active territorial redistributions aggravated further the interethnic and interreligious relations in the region. Throughout that time the Soviet policy could not and would not create conditions for an effective integration of separate ethnicities in the Caucasus. Moreover, the Soviet rule spawned some, while other conflicts junctures lingered already from the Russian empire – South Ossetia and Abkhazia within the borders of Georgia, as well as Nagorno-Karabakh, a region within the Azerbaijan Soviet Socialist Republic inhabited by over 90% of Armenian population. During Soviet times under Moscow's firm control these contradictions remains latent. However, the disintegration the USSR unleashed those conflict points and turned some of them into inter-state conflicts too. Hence, this study first seeks to explore the development of the ethnic and religious conflicts in South Caucasus within the Soviet Union (USSR) with the indispensable historical detour. Second, the study also seeks to explore the interstate aspect of those regional tensions and the Russian role in the development of their conflict potential. Although the focus is mostly on South Caucasus with a special emphasis on the Nagorno Karabakh case, the role of Moscow in the reestablishment of ethnic conflicts (in some cases across state borders) is illustrated with some case from the North Caucasus too (Chechnya and Dagestan). It is argued that most of the post-Cold war conflicts in the region can be traced back to Soviet policies.

In terms of methodology, the paper is based on the historical analysis of the formation of political entities within the USSR, the way in which the Soviet authorities dealt with ethnic diversity and mixing and the resulting long-term conflicts and security problems. The case study is also used given the focus on the Nagorno-Karabakh conflict which embodies all the studied elements – cross-border inter-ethnic relations as well as Russian intervention in the post-USSR period. A combination of problem-oriented and chronological approach is applied. The article builds upon various sources – documents, reports of international organizations, as well as research by Western, Russian, Bulgarian and other authors. The paper is structured in three parts. The first one presents various aspects of the nation- and state-building processes after the demolition of the Russian empire in the first years of the Soviet state. The second part focuses on the genesis of the ethno-national conflict in the Southern Caucasus. In the third part, the account follows the developments after the dissolution of the USSR and the transformation of the former Soviet Republics in the South Caucasus into sovereign states.

Ethnic relations and nation-building within Soviet statehood

Retrospectively the ideas of nation-states formation on the territory of the Commonwealth of Independent States (CIS) have had deeper historical roots. They can be traced back to the times of the Russian Empire, when a purposeful course was carried out in its border territories towards the unification of the administrative management between the centre and the periphery. However, especially in regards to the Caucasus this administrative management reflected a more farsighted politics of the empire towards the region. (It should be noted, though, that these had never presented a serious obstacle to the later processes of the overall Soviet national identification). The revolutions of February and October 1917 stimulated the process of national sovereignty. The 1917-1921 saw the struggle for the establishment of independent nation-states in the "post-imperial space" with the main emphasis on the formation of state territories and borders. This struggle was echoed decades later in the USSR dissolution when the onset of sovereign state formation of former Soviet republics (Estonia, Latvia, Lithuania, Ukraine, Georgia, Armenia and Azerbaijan) was accompanied by (military) confrontations with their new neighbours and most notably the Russian Soviet Federal Socialist Republic (RSFSR).

At the end of 1917-beginning of 1918, the ethno-national groups that stood at the core of the new national formations have all had different starting points. For instance, Estonians, Latvians and Ukrainians did not have their own previous modern statehood, Armenians had lost it as a result of foreign conquests, and some peoples and territories were included into the Russian Empire as part of other state formations like Georgia preceded by the kingdom of Kartli-Kakheti and historical state in Georgia (such as the principalities of Guria, Mingrelia, Abkhazia and some of the Azerbaijani khanates).

In North Caucasus, Cossack societies declared themselves against Soviet rule, leading to their mass repressions by the Bolsheviks. Furthermore, during the 1920s and 1930s there was deportation of Cossacks from the North Caucasus and their lands were given to the mountain peoples, including the Ingush and the Chechens. The final blow against the Cossacks in the North Caucasus was inflicted in the 1930s, during a period of collectivization, where the richest peasants were arrested and deported. More than 50,000 "dispossessed" Cossacks were deported from the rural area of the North Caucasus (Agaev, 2004).

The establishment of Soviet power in the North Caucasus was legitimized by the creation of the Mountain Autonomous Soviet Socialist Republic, which united the population of the region. By a decree of 20 January 1921, the Autonomous Republic became part of the Russian Federation. The Constituent Congress of the Mountain Autonomous Soviet Socialist Republic, which included Kabardians, Balkars, Karachays, Circassians, Ossetians, Ingush, Chechens and Russians, excluding the Cossacks, was held from 16-22 April 1921. The first months of the union were accompanied by serious clashes between the Balkars, Karachays and Kabardians over the distribution of land. The mountainous republic lasted a little more than three years and was replaced by the Kabardino-Balkaria Autonomous

Republic, Karachay-Cherkessia, Chechen, North Ossetian and the Ingushetia Autonomous Regions.

During this period, the main contradictions of the future Ossetian-Ingushetian conflict of the 1990s were formed. Within the disintegration of the Mountain Republic, the most difficult problem was the establishment of the border between Ingushetia and North Ossetia, as the most serious disagreements were fuelled by the division of the Vladikavkaz region. The issue was then peacefully resolved. The Chechen leadership took advantage of the conflict to expand the boundaries of its autonomy and include a number of areas of the Sunzhensky Cossack district. Even during the existence of the Mountain Autonomous Republic, the leadership of the Chechen Autonomous Region persistently insisted on the unification of Chechnya with Ingushetia, arguing for the ethnic closeness between the two peoples. The indifferent attitude of the Ingush for a decade left the question unresolved. It was not until 1934 that their unification took place in the Chechen-Ingushetian Autonomous Region, which under the USSR Constitution of 1936 received the status of an autonomous republic within the Russian Federation (Kukushkin and Chistykov, 1987).

The South Caucasus, the Nagorno-Karabakh conflict is another example of complex mixture of interethnic and territorial relations – an Azerbaijani territory is populated by Armenians. The divergence of the region has historical, political and ethnical roots dating back for more than two centuries already. It should be mentioned, that in a larger historical span, the Armenian population is a relative late-comer in the region. It came largely from Persia (and not from the Ottoman Empire) to the eastern part of South Caucasia only after the Russo-Persian War of 1826-1828 as a result of the activities of Russian diplomacy (see Aliev, 2022: 21-25; Herzig and Kurkchiyan, 2005: 66; Payaslian, 2008: 111-112). Thus, the Armenian population in the region preceded Soviet rule and is part of the Russian Empire legacy. Regardless of the territorial redistribution in the Caucasus region within the Soviet Union, ethnic and religious conflicts in this region were fully settled or reconciled. The Soviet and post-Soviet policy proved ineffective in the unification of region between the various ethnicities represented.

In the Soviet ties, during World War II, the situation in the North Caucasus was complicated by several circumstances. Nazi Germany was active in the region already prior to the war assisting local insurgents against the Soviet government (Abramyan, 2006). After Germany attacks against the Soviet Union in June 1941, the Committee of the Chechen Mountain National Socialist Underground Organization was established, and different groups were formed from the various peoples of the North Caucasus, to carry out terrorist actions against Soviet troops and the Soviet power. Moscow's reaction was the mass deportation to the outermost regions of Siberia, Central Asia, and Kazakhstan of some of the North Caucasian peoples (Karachays, Chechens, Ingush, and Balkars), whose representatives were among the Nazis' collaborators. The deportation took place in the Chechen-Ingushetian Autonomous Republic. It was launched in February, but the Decree did not come out until 7 March 1944. Much of its territory was part of the Stavropol region of the Russian Federation, some of the eastern regions were assigned to the Dagestan

Autonomous Republic, and some of the western regions, inhabited mainly by Ingush, were handed over to the North Ossetian Autonomous Republic. The mountainous southern regions of the Chechen-Ingushetian Autonomous Republic eventually became part of the Georgian Soviet Socialist Republic.

The decisions of the Soviet leadership, led by Joseph Stalin, today still impact negatively the whole spectrum of international relations in the Caucasus part of the Russian Federation. Only in 1957, by a decision of the Presidium of the Supreme Soviet of the USSR, the Chechen-Ingushetian Autonomous Soviet Socialist Republic was restored, but with limited territorial boundaries. A significant part of the Ingush region remained in North Ossetia, whose leadership stubbornly defended its rights to the region of Vladikavkaz, which belonged to the Ingush. North Ossetia also included a large number of former Ingush villages. After the rehabilitation, the Ingush returned to their native places, despite the fact that some of them were in the North Ossetian administrative region.

The unresolved Soviet-era border issues pre-determined the armed conflict between Ossetians and Ingush in the early 1990s, which turned many Ingush into refugees. The Nagorno-Karabakh conflict proved as another consequence of ineffective state policy. Moreover, a situation of rebirth of the smouldering contradictions is being created, the escalation of which can no longer be prevented without the use of radical means.

Genesis

The February Revolution in Russia in 1917 was a strong stimulus to the autonomist movement in the Caucasus. Proponents of autonomy in Georgia (Menshevik Social Democrats), National Democrats and Socialist Federalists; in Azerbaijan (representatives of the Turkic Democratic Party of Federalists "Musavat"); and members of the nationalist Dashnaksutyun party in Armenia raised the slogan of autonomy for the Caucasian peoples, but within the Russian Empire. The October Revolution the same year radically changed the situation, due to the refusal from the Caucasus Autonomy to support the Bolsheviks. The representatives of these parties, together with the movements of the Transcaucasian Commissariat, convened the Transcaucasian Assembly, which on 22 April 1918 proclaimed the independent Transcaucasian Democratic Federal Republic (TDFR).

The establishment of the TDFR was necessitated by the demand of a legal entity which had to sign the peace treaty with the Ottoman Empire. The demand was declared officially by the Ottoman Empire and the Tiflis Sejm did its best to respond. Unfortunately, the advance of the Ottoman troops in Georgia at that moment went further and the Georgians turned to the German military command for protection. The answer of the Germans was that they need definitely somebody to ask them officially. This was the reason for the very fast declaring of the independence of Georgia literally days after the establishment of the TDFR. The Georgian Independence led almost automatically to the independence of Azerbaijan and Armenia (Detchev, 2019).

In less than a month, however, sharp differences and power struggles between the Georgian, Armenian and Azerbaijani local governments led to the disintegration of the TDFR into three independent states – the Democratic Republic of Georgia, the Republic of Armenia and the Republic of Azerbaijan. As a result, two new state formations appeared on the border of the RSFSR in the North Caucasus – the Democratic Republic of Georgia and the Republic of Azerbaijan.

The Bolshevik government of Soviet Russia successfully used the aspirations of the peoples of the former Russian Empire for national self-determination for the final destruction of the old state apparatus and in the struggle against the White Guards fighting for a “united and indivisible Russia.” The announced slogan for the rights of nations for self-determination, with the right to secede, managed to attract a significant part of the population of the newly independent nation-states, fearing for their state and national future (Degoev, 2001: 35).

The success of the Bolsheviks was accompanied by the overthrow of some of the bourgeois-liberal national governments in the Russian Republic. Among the reasons that led to their collapse were the occupation of their territory by Germany, Austria-Hungary and Turkey, the Entente intervention, the Russian Civil War, the economic devastation, weak structure of state power, the existence of border and territorial-ethnic differences (between the Democratic Republic Georgia and the Republic of Armenia, between Poland and the Ukrainian Peoples Republic, etc.).

The support received from the Entente, saved the Baltic republics from Sovietization. Other republics, however, fell to Soviet power, and the next stage of consolidation was their unification in 1922 into a federal state – the USSR. The complex reasons behind this unification set up trends, that less than a century later outlined the contours of the opposite processes, i.e. the disintegration of these territories back into separate states. The version of the “Russian Soviet intervention” had been repeatedly circulated, for the path of which had cleared the mistakes of the other participants in the events. The success in Ukraine and the Caucasus was guaranteed to the economically weak and exhausted by the wars Russia. This was further stipulated by the prolonged aggressive actions of their neighbours (Poland and Turkey) and through growing territorial-ethnic and border problems (Avalishvili, 1940; Lewin, 1985).

In the period 1918-1921, a situation was created where Caucasian societies were in serious danger of denationalization by their neighbours. The borders of Georgia, Armenia and Azerbaijan were constantly violated by Ottoman Empire, which in 1918, together with Germany, occupied the South Caucasus. Additionally, territories were seceded from Armenia and Georgia, becoming part of the Russian Empire after the last Russo-Turkish war of 1877-1878.

From the very beginning of its existence as a state, Georgia had strived to expand its territory. The Georgian government abolished Soviet rule, established in the fall of 1918 in Abkhazia, and occupied its territory. Between June and September 1918, Georgian troops reached the city of Sochi and declared the territory “temporarily annexed to Georgia”. In

February 1919, the White Guard army of General Denikin pushed Georgian troops out of the Sochi region (Neporoshin, 2006).

The defeat of the White Guards during the Civil War led to the consolidation of Soviet power in the North Caucasus. On 7 May 1920 the Bolshevik government signed the Treaty of Moscow, between the Russian Soviet Federative Socialist Republic and the Democratic Republic of Georgia, which defined the state border between the two countries recognizing the "independence and autonomy of the Georgian state". The state border between Russia and Georgia was declared along the Psou River, the mountain ranges north of it and the northern border of the "former Black Sea, Kutaisi and Tiflis provinces to the Zakatala district and along the eastern border of this district" (Klyuchnikov and Sabanin, 1928: 22-23).

In mid-March 1921, almost the entire territory of Georgia was in the hands of the Georgian Bolsheviks and units of the Red Army, hence Soviet power was proclaimed. On 21 May 1921, a Treaty of military and economic union was signed between the Georgian Soviet Socialist Republic and Soviet Russia (RSFSR, 1922: 22-23). Since 1922, the Georgian SSR had been part of the Transcaucasian Socialist Federal Soviet Republic, which was part of the USSR.

In 1920, hostilities between Yerevan and Ankara, which ended in failure for Armenia, called into question the existence of the Armenian state. The salvation came from the Bolsheviks who came to power in Armenia and did not ratify the Treaty of Alexandropoulos, according to which, a large part of modern Armenia would have been seceded from the country and gone to Turkey. Through the Treaty of Kars in 1921, between Turkey, Armenian SSR, Georgian SSR and Azerbaijani SSR, the former three regained their state territory, with the help of Soviet Russia.

After the establishment of Soviet power in the national state formations (Ukraine, Georgia, Azerbaijan), national autonomous regions and republics were created, with the purpose of achieving a solution to the ethnic and territorial-ethnic problems. This was the beginning of the specific Soviet system, based on the hierarchy of national autonomies.

The process of nation-building did not end with the creation of the USSR. The final formation of the territories of the Soviet republics and the clear division of the inter-republican administrative borders became one of the most important tasks of the Soviet government. The whole imperial type of power hierarchy was modified 'according to local conditions'. The status of distribution of the peoples of the Soviet Union was formed by the criterion of territorial-political autonomy: 1/ not having territorial autonomy (until the end of the 1930s, they developed within the framework of extraterritorial national-cultural autonomy); 2/ holding the status of a subject of a national district; 3/ forming an autonomous region; 4/ creating an autonomous republic; 5/ forming a union republic; 6/ forming a state based on people.

Such a system of statutes, up to a certain period of time had its advantages, as it was based on the absolute or relative numerical majority of the ethnic group in one or another territory, as well as (until the late 1980s) the real power structure, where there were two main units: The Central Committee of the Communist Party of the Soviet Union

and the republican (regional, district) party committees. "The rooting of Soviet power" (known in Russian as *korenizacija*), proclaimed in April 1923 at the XII Congress of the All-Russian Communist Party (RCP) as the most important principle of national policy, led to the formation of educated personnel, incl. managerial, which later became a reserve for local nationalist movements. The formation of national elites was carried out through the training of local party cadres. In some republics (for example in Dagestan) the practice of quota principle of the representatives of the ethnic municipalities in the power structures was established. It is no coincidence that the national elites, supported by the centre for the system of indirect government, in the late 1980s already had claims to all power in the Caucasus region (Demetradze, 2000: 161).

In 1923, the Soviet government issued a decree laying down the rules for the transfer of territories from one administrative unit to another and the legal formation of these shares. The aim was to minimize permanent territorial disputes between provinces, national autonomous regions and autonomous republics, with frequent cases of independent inclusion of parts of neighbouring territories in the composition of a national district or republic. In the same year, the preparation for conducting a broad program for a new administrative-territorial division was announced. The main focuses of the program were on the tasks of national-state division in Central Asia and the North Caucasus, the settlement of territorial and border disputes between the republics (some of which escalated into serious conflicts on ethnic-territorial grounds), the criteria for transferring a number of territories from the composition of one republic to another, etc. Its implementation ended in the mid-1920s and was a sort of culmination in the process of forming territories and borders of the national Soviet republics (Bogoljubov, 1978).

The practical implementation of the program was supplemented by numerous discussions, proving the unwillingness of any of the republics to voluntarily cede their territories to another republic. The Soviet government affirmed the national character as the main criterion for territorial division. According to this criterion, the decision on the affiliation of the respective territory was determined by the desire of the national majority living there. The complexity of the issue stemmed from the lack of compactness of the national population, which made it difficult to solve the problem, but strengthened the conjuncture of the political factor.

In the same year, 1923, a zoning commission was established at the highest body of state power in the USSR - the All-Russian Central Executive Committee (ARCEC). Similar commissions were set up in each union republic. But if in the process of the new union administrative-territorial zoning between the republics, a new dispute arises that cannot be resolved by the union or autonomous commissions, then special commissions are created under the Central Executive Committee of the USSR. In the following decades, territorial and ethnic conflicts were localized and resolved according to the legislation of the Soviet Union.

In the year of the adoption of the Soviet constitution, 1936, another modification took place in the Soviet geopolitical space. One of the changes was related to the liquidation

of the Transcaucasian Republic, and the three state entities (the Georgian Soviet Socialist Republic, the Armenian Soviet Socialist Republic and the Azerbaijan Soviet Socialist Republic) were incorporated directly into the Union of Soviet Socialist Republics.

The borders between the Georgian SSR and the Russian Federation under the 1920 Treaty of Moscow were preserved, but in an administrative rather than state nature. The absence of a clearly defined border in the Treaty, allowed the process of development of national autonomies of the North Caucasus and the Georgian SSR. Moreover, it led to constant territorial adjustment and adjustment, retrospectively to the political and economic interests of the neighbouring republics and autonomous regions. Legally, these territorial changes were invariably formed in accordance with the current USSR legislation.

However, the changes in the borders between the RSFSR and the Georgian SSR in 1943-1944 were significant, after Georgia received a number of territories of the peoples of the North Caucasus, subjected to Stalinist repression. Georgia received a large part of the territory of the Karachay-Cherkessia Autonomous Region, as well as a number of regions of the Chechen-Ingush and Kabardino-Balkaria Autonomous Republics. In 1957, the border status quo was restored from the time before the forced deportations and relocations. De jure the problem was solved by a treaty between the Russian Federation and the Georgian SSR on 7 March 1944 (Verkhovnyy Sovet SSSR, 1957: 531-533, 744).

Aftermath

The collapse of the USSR proved the failure of the Soviet government in its attempts to fully integrate the union republics into a single state. Therefore, the problems grew exponentially. As the legal successor, though not in the domestic political aspect, the Russian Federation, faced issues of delimitation, demarcation and re-demarcation of a number of external borders of the former USSR (borders with Japan and China). The problems of drawing the borders with the former Soviet republics – the current independent state entities – were actually much more complex. The democratic reorganization of the Russian and Soviet state structures passed through the prism of the hitherto known state and political stereotypes.

However, the problems were related rather to the unpredictability of the dynamically altering situations. In the transition to a democratic form of government, all state actors in the post-Soviet space faced anarchy, coups and political disintegration. The vertical separation of powers between the public authorities was not perceived as an effective means of overcoming the weakness of the state. The separation of powers between state institutions was identified by most post-Soviet political elites as a major obstacle to overcoming the disintegration in their countries.

In Russia, however, the crisis of the horizontal separation of powers between the legislature and the executive was overcome in October 1993, when Boris Yeltsin's government used force against parliament. Russia had succeeded in re-federalizing its state structures, and managed to create a new type of separation of powers between the centre

and the regions. The relative success of Russia's constitutional reorganization of the vertical separation of powers (which does not apply to Chechnya) was in complete dissonance with the failure of the negotiation processes to regulate the issues of self-determination and sovereignty in the South Caucasus region (Coppeters, 2001: 14).

Each of the nations in the Caucasus region perceives Soviet power as a severe restriction on its sovereignty. Some nations such as Georgia defined the Soviet-era privileges of Abkhazia as restricting the sovereign rights of the Georgian majority living there. On the other hand, Abkhazians see Soviet policy as supporting Georgia's ambitions for colonization and assimilation. Both Georgia and Abkhazia agree that power should be divided between their respective communities. Additionally there are the situations in Azerbaijan and Nagorno-Karabakh, which are similar to the above mentioned. Naturally, the process of democratization that began in the second half of the 1980s revealed the negative results of Soviet national policy. The mobilization of the population, called to protect national interests, led to armed clashes throughout the Caucasus (Herzig, 1999). This process was characterized at all levels of Soviet federal hierarchy: at the level of union republics (Russia, Armenia, Georgia, Azerbaijan); at the level of autonomous republics, which were formally an integral part of these union republics (Chechnya, Abkhazia), as well as at the level of autonomous regions (Nagorno-Karabakh, South Ossetia). The governments of the Union Republics, in the event of conflict, took a firm step towards suppressing any form of independence manifested by minorities or autonomous entities on their territory.

Political movements, at different levels of the Soviet federal pyramid, emphasized the specific nature of local nationalistic sentiments. The logic of political behaviour is subject to the principle; since Moscow no longer had power, it should pass entirely into the hands of Tbilisi, Sukhumi, Baku or Yerevan. Sovereignty would not be shared or exercised jointly with anyone else. On the question of the exercise of sovereignty, which was perceived as complete, indivisible and unlimited in nature, where the compromise was perceived unequivocally: as a betrayal of one's own national society (Coppeters, 2001: 32).

The party documents adopted in the last years of the Soviet Union's existence were a stimulus in this direction. At the 16th Plenary Session of the Central Committee of 27th Congress of Communist Party of the Soviet Union (CPSU), 19–20 September 1989, General Secretary of the Central Committee Mikhail Gorbachev put forward the idea of developing further the Soviet autonomy through "expanding the rights of the autonomous republics in all areas of state, economic and cultural construction, to strengthen their economic independence" (Gorbachev, 1989: 26). In December 1989, the Second Congress of People's Deputies of the USSR adopted a decree "On the Tasks of the Supreme Soviet of the USSR and the Constitutional Commission on Certain Constitutional Issues" (SSSR, 1990: 101-109), and on the 26 April 1990, a law was adopted, "On the division of powers between the USSR and the subjects of the Federation", which unified the legal status of the autonomous and union republics (Vedomosti, 1990: 429-433). Under that same law the autonomous republics were given the right to transfer their powers to the USSR, ignoring the union republics of which they were a member. It was recommended that relations between the

autonomous republics, autonomous districts and districts in their own union republics, be formed through treaties and agreements. In this way Moscow inspired the mechanism of centrifugal forces in the autonomous republics, legislated in the late 1989-early 1990's through their own legislation. The legislative activity of the Centre managed to convince the international community, with Gorbachev's plea, of the need of reforms to maintain peace and protect the rights of individuals and minorities throughout the territory of the unified Soviet Union (Nodia, 1996: 26).

The disintegration mechanism in Russia continues to this day. Until the collapse of the USSR, it was embodied in a "parade of sovereignties" (Hale, 2000) in the autonomous republics, and the aspiration of the leaders of the autonomous entities to independently sign the founding Union Treaty. The realization of their ambitions became a real danger to the constitutional and legal unity as well as territorial integrity of Russia. After 1991, the disintegration processes in the autonomous entities caused the tragic events in South and North Ossetia, Ingushetia, Abkhazia and Chechnya, stimulated separatism in Bashkortostan, Tatarstan, Chechnya and Yakutia in the refusal to transfer taxes to the federal budget in 1992-1993. The tendencies of the treaty process intensified, in the course of which a number of republics succeeded in gaining a unilateral advantage to the detriment of the absolute majority of federal subjects (Arinin, 1997).

The problem of exclusive and shared sovereignty was at the heart of all national projects in the late 1980s and 1990s. The aspiration of the union republics for full independence was accompanied by the desire to preserve the dependence of the autonomous republics and autonomous regions located within their borders. For these territorial units, however, the only legal way to increase their status in the federal structures was to reorganize the federal mechanism in accordance with the exact principles of the confederation. This means that each unit should defend the right of self-determination of the nation that delegates it. What these projects had in common was the fact that state-building was perceived as an immediate extension of the traditional privileges of the leading nation.

The inertia of the perception of sovereignty in Soviet discourses, finds expression in the behavioural psychology of the representatives of the leading nationalities in the respective republic. At the various levels of government, each of their representatives a priori expected the representatives of other national societies to respect traditional political norms of behaviour and to refrain from attempts to develop their culture of a national minority outside their republics (Nodia, 1996: 26; Saroyan, 1996: 408). Armenians or Azerbaijanis were not expected to engage in political activity outside their republics, with the exception of Nagorno-Karabakh, where the majority of the population was Armenian located on Azerbaijani territory. On the other hand, traditionally, Russians participated in political life outside the Russian Federation as second secretaries in the communist parties of the union republics or as deputy chairmen in republican state institutions. Nevertheless, after the collapse of the USSR, none of the nationalities managed to gain exclusive sovereignty over the territory considered their homeland, which was at the root of the numerous conflicts.

The Soviet disintegration was accompanied by unresolved ethnical conflicts in the Caucasus region. A typical example is the Nagorno-Karabakh conflict with its origins back in the beginning of 20th century. In 1918, the head of the Entente military mission, General Thomson, recognized Nagorno-Karabakh together with the Zangezur region, to be under provisional Azerbaijani administration. Khosrov Bek Sultanov, who was minister of war of Azerbaijan, was appointed Governor General of Nagorno-Karabakh and Zangezur by Gen. Thompson while expecting the final decision of the Paris Peace Conference about these territories. The resolution of Thomson was that the regions should be under provisional Azerbaijani administration. No Azerbaijani territorial jurisdiction was recognized. The Karabakh National Assembly accepted provisional and conditional Azerbaijani jurisdiction on 15 August 1919 until the official decision of the Paris Peace Conference was taken.

For three years the Bolshevik leaders J. Stalin, S. Kirov, G. Chicherin and others, were juggling the status of Nagorno-Karabakh, without a definite vital concept for regulating this delicate issue. The last decision was made by J. Stalin, who at the meeting of the Caucasus Bureau of the Central Committee of the Russian Communist Party (Bolsheviks) held on 5 June 1921 put forward the scheme (TSK RKP, 1921) corresponding to his political goals of creating territorial units in the region. His decisions also correspond to the decisions of General Thomson, whose army occupied Nagorno-Karabakh in 1918. Thereby with small adjustments, the British project became the basis of the agreement between Yerevan and Baku, which underwent many vicissitudes and fierce confrontation between Azerbaijan and Armenia. The result of the decree is an agreement with Azerbaijan adopted on 15 August 1919 by the Seventh Congress of Armenians of Nagorno-Karabakh (Libaridian, 1988: 20-22; Swietochowski, 1995: 75-76).

The examples of the Shusha, Jivanchir and Jabrayl districts, formed a special administrative unit of the Karabakh Governor-General's Office, with the Nagorno-Karabakh Territorial Administration composed of Armenians. A council of three Azerbaijanis and three Armenians was set up within the governor-generalship, the latter being elected by the Congress of the Armenian population of Nagorno-Karabakh. The functions of the council were broad enough, but issues of principle of an international nature could not be resolved without prior discussions in this governing body. The position of assistant to the civilian part was to be established at the Governor-General's Office, and held by an Armenian. The Council of Karabakh Armenians presented two candidacies to the Azerbaijani government, one of which was approved. Limited troops were stationed only in Shusha and Khankendi (Stepanakert), and their movement in the mountainous areas of the provinces of Shusha, Jivanchir and Jabrayl populated by Armenians had to be with the consent of the 2/3 of the Council (Libaridian, 1988: 21). On 5 September 1919, the *Borba* newspaper in Tbilisi praised the agreement, noting that "the Karabakh agreement may not yield much. However, it must not be forgotten that centuries of enmity cannot be experienced quickly. Maybe tomorrow it will be broken. Maybe soon the mountainous part of Karabakh will become an arena of hostilities again. Without overestimating the significance of the agreement, we cannot but welcome it and cannot fail to note that in this case we see the first serious

attempt to resolve the Armenian-Muslim [Armenian-Azerbaijani] dispute not by massacres, but rather by the way of mutual agreement ... In Karabakh, life forces the warring parties to understand that the worst peace is better than continuous massacres ... It is no coincidence that the Dashnaktsakans are trying to violate the Karabakh agreement. The party, living from national enmity, instinctively feels that in this agreement, there is, although quite insignificant, but still a base for the cessation of the eternal fateful enmity between the two peoples" (Libaridian, 1988: 22). The positive response in Tbilisi is a reaction of a winner who wants to confirm the political victory of Azerbaijan.

Out of the complex situation created in 1920 around the attempts of Azerbaijan and Armenia to become members of the League of Nations stemmed the modern Armenian-Azeri/Azerbaijani conflict. More specifically, it is the decision taken in 1921 by the Caucasian Bureau of the RCP, to remain in the composition of The Republic of Azerbaijan of Nagorno-Karabakh, although but with broad autonomy.

The status of Nagorno-Karabakh as an autonomous region within the Azerbaijan SSR was established with the USSR Constitutions of 1936 and 1977. The legal constitution of the Nagorno-Karabakh Autonomous Region (NKAO) in accordance with the Constitution of the Azerbaijan SSR was determined by the Law "On the status of the Nagorno-Karabakh Autonomous Region" in 1924, adopted on the proposal of the Council of People's Deputies of the NKAO by the Supreme Council of the Azerbaijan SSR (Souleimanov, 2005: 204). As a national-territorial entity with administrative autonomy, the NKAO had a number of rights destined to meet the specific needs of its population. In accordance with article 110 of the Constitution of the USSR (The USSR Constitution, 1977) and article 4 of the Law of the Azerbaijan SSR, in the Council of Nationalities of the Supreme Soviet of the USSR the autonomous region was represented by five deputies, and 12 deputies represented it in the Supreme Council of the Azerbaijan SSR. In addition, according to article 113 of the Constitution of the Azerbaijan SSR and article 6 of the Law of the Azerbaijan SSR "On the Nagorno-Karabakh Autonomous Region", one of the Deputy Chairmen of the Presidium of the Supreme Council of the ASSR was to be elected by the NKAO. The highest body of state power in the district, the Council of People's Deputies of the NKAO, decided all issues of local importance, in view of the interests of the citizens, living on the territory of the district, taking into account their national and other peculiarities. The activity of all bodies of state power and state administration, the judicial bodies, the prosecutor's office as well as education were carried out in Armenian in accordance with the language needs of the majority of the population of the district. The autonomous rights of the NKAO regulated in the state legal documents were not different from the provisions set in the party decision of the RCP from 1921.

The radicalization of the Nagorno-Karabakh problem in the years of Gorbachev's perestroika did not eliminate the attempts of the opposing parties to regulate through the federal principle of shared sovereignty. The Armenian-Azerbaijani conflict began on 20 February 1988, when a decision was adopted at a session of the NKAO regional council "on a petition to the Supreme Soviets of the Azerbaijan and Armenian SSR for the transition of

the NKAO from the Azerbaijani SSR to the Armenian SSR". This decision was followed by a series of legislative decisions by Baku and Yerevan, each in defence of the status quo (Baku) or for a change (Yerevan), leading to mass emigration on both sides.

The decision of the Supreme Soviet of Armenia of 1 December 1989 to unite Nagorno-Karabakh with Armenia provoked repeated discussions in the Supreme Soviet Council and in the Presidium of the USSR. Their decisions unequivocally excluded the possibility of changing the borders and establishing a constitutional basis for national-territorial division between the Azerbaijan SSR and the Armenian SSR (SSSR, 1988: 27-28). Armenia's aim in the region was to regain its territory based on ethnicity. Furthermore, on 2 September 1991, Armenia made another attempt to legalize the secession of Nagorno-Karabakh. Unlike other decisions this was stipulated by the USSR Law "on the Procedure for Resolving Issues Related to the Withdrawal of the Union Republic from the USSR" of 3 April 1990 (Zakon SSSR, 1990: 303-308). However, this law only regulated the way of establishing a procedure that the union republics were obliged to follow when leaving the USSR. The basic principle was a referendum of each of the federal units of the USSR - an autonomous district, autonomous regions and autonomous republics. Nevertheless, the complex multi-stage procedure for the withdrawal of each of the republics, laid down in the law by a decision of the Council of People's Deputies of the USSR, remained without legal consequences. Armenia and Azerbaijan did not take advantage of the legislature, yet Nagorno-Karabakh did.

The next decisive step of the autonomous region deepened the crisis between Baku and Yerevan. On 10 December 1991, Nagorno-Karabakh declared its "state independence." The transformation of the conflict from irredentist to secessionist was carried out in form but not in content, and was imposed by Moscow's inability to satisfy the Armenian ambitions to join the Armenian SSR. This moment was a turning point for Yerevan. Armenia already interpreted the Nagorno-Karabakh conflict as a secessionist struggle of the people of Nagorno-Karabakh for self-determination.

In the last months of the Soviet Union's existence, it had become impossible to apply the federal reform proposed by Moscow to the case of Azerbaijan and the Nagorno-Karabakh Autonomous Region. Baku renounced discussions on the status of the NKAO, and on 26 November 1991, the Supreme Soviet Council of Azerbaijan passed a law revoking the autonomy of Nagorno-Karabakh, followed by a referendum and proclamation of independence. In the current situation, any form of re-federalization of relations between Baku and Nagorno-Karabakh became impossible. In the following years, the use of force was perceived as the only means of resolving the issue.

Baku's argument for the region's belonging to Azerbaijan was enriched by the international legal doctrine *uti possidetis juris* applied after the collapse of the USSR, which substantiates the international, regional and national legitimacy of the borders of the newly independent states. According to this doctrine, at the time of the proclamation of Azerbaijan's independence, the former administrative borders of the Azerbaijan

SSR, which includes the NKAO, were considered international and were protected by international law.

The reluctance to apply this position to the Nagorno-Karabakh case prompted the Supreme Council of the Republic of Armenia to adopt a special decree on 8 July 1992. It declares inadmissible to the Republic all international and domestic documents in which the "Nagorno-Karabakh Republic" was presented as part of Azerbaijan. The Armenian position did not receive support in international legal decisions and documentation. The 1993 UN Security Council resolutions on the Nagorno-Karabakh conflict were in line of the Azerbaijani position (UN Security Council, 1993/a; UN Security Council, 1993/b; UN Security Council, 1993/c). They confirmed the sovereignty and territorial integrity of the Republic of Azerbaijan by applying the wording "Nagorno-Karabakh region of the Republic of Azerbaijan". This wording is also regularly present in the annual resolutions adopted by the UN General Assembly on "cooperation between the United Nations and the Organization for Security and Cooperation in Europe". This effectively rendered null and void the numerous disputes over Nagorno-Karabakh's affiliation and the illusions about the right of its population to self-determination in the context of secession.

The legal framework and the mechanism of the existing negotiation process for the settlement of the Nagorno-Karabakh conflict, based on the above-mentioned resolutions of the UN Security Council, were the basis of the OSCE decisions. The federalist idea got a new chance in the attempts to resolve the Armenian-Azerbaijani conflict after the ceasefire agreement reached in May 1994. The various draft solutions proposed in the OSCE³ Minsk Group's negotiation process were within federalist models. It was proposed to divide the powers between Baku and Stepanakert (Khandendi, the capital of Nagorno-Karabakh) in the context of the federalist term "common state", as well as variants of an associated state (Jacoby, 2011).

The unsuccessful application of this principle was attempted by Boris Yeltsin, with the declaration of the confederation in August 1990 as a possible model for the future state structure on the territory of the former Soviet Union. The call on each subject of the federation "to take as much sovereignty as it can swallow" (Yeltsin, 1990) opened the prospect of confederate reorganization in Russia itself. An example illustrating the application of this principle is Tatarstan and more precisely the fact that "Russia concludes an agreement with the Tatar republic or state - this is as decided by the Supreme Council of Tatarstan" (Zverev, 1998: 122-123). In practice, both in the Russian Empire and during

³ At the first meeting of the OSCE Council of 24 March 1992 in Helsinki, it was decided to organize a conference for Nagorno-Karabakh, under the auspices of the OSCE in Minsk (Belarus) to ensure a permanent negotiating forum for the peaceful settlement of the crisis." The Council decided that, in addition to Azerbaijan, Armenia, Belarus, Germany, Italy, Russia, the United States, Turkey, France, the Czech and Slovak Federal Republics and Sweden, elected representatives would be invited to participate in the Conference. The legitimate authorities of Nagorno-Karabakh, were only invited as an interested party. Since May 1997, the peace process has been supported exclusively by a "shuttle diplomacy" of the Minsk Group co-chairs, who are touring the capitals of the conflict countries, Baku, Stepanakert and Yerevan, to agree on a basis for resuming the negotiation process.

the Soviet period, the question of “nationalities” is hidden behind the more neutral term “regional”. National territories of the rank of Tatarstan and the republics in the North Caucasus have been reduced to the rank of “districts”, although with the 1994 treaty Tatarstan received the so-called shared sovereignty with the Centre (*Rossiyskaya gazeta*, 1994). The latter mentioned examples help illustrate the unresolved past the Caucasus region endures for the last three decades, outlining the results of the incoherent Soviet policy.

Conclusion

The establishment of conflict zones in the Caucasus region dates back to decisions and policies implemented more than a century ago. This paper has attempted to highlight the frozen conflicts, their genesis, formation and contemporary status. Moreover, the study focuses on the Russian influence and their political effect over the Caucasus region, as well as their plans for territorial administration. In the process of Russian state-building, the confederate idea remained unrealized. However, the very precedent of raising the question of the divisibility of state sovereignty paves the way for the establishment of contractual relations within the Federation and for the process of re-federalization of Russia.

The confederate principle, characteristic of the Soviet Union, is the basis on which an international document is drawn up, according to which only the demands for state independence of the union republics are recognized as legitimate. The Autonomous Republics are not among the privileged entities. There have been numerous cases in the late 1980s and 1990s in which attempts to partially or completely solve national problems have failed. The leaders of the main nations in a number of autonomous republics and regions have repeatedly proclaimed their sovereign will to unite with a neighbouring union republic (Nagorno-Karabakh with Armenia in 1988), or to unite with the neighbouring autonomous republic by raising political status (South Ossetia, in 1989 demanded the status of an autonomous republic), or the unilateral adoption of its own constitution (Abkhazia in 1992), or the unilateral declaration of independence (Chechnya and Nagorno-Karabakh in 1991, Abkhazia in 1999). In none of the cases, however, did the state power of the republic in question perceive the specific case as a precedent that could and should violate the hierarchy of the federal structure.

The criteria applied by the Soviet leadership to differentiate between the union and their subordinate autonomous republics (such as population, geographical location, the degree of participation of local leaders in the central leadership) are determined by nationalities such as Chechens or Abkhazians, which are tendentious. This justifies them in declaring the Soviet federal structure discriminatory. The subordinate political status of Chechnya or Abkhazia proves the elimination by the Soviet authorities of essential elements related to the concept of nation such as national identity and tradition of statehood. It is no coincidence that the aggrieved nationalities assess the non-recognition by the international community of the right to sovereignty and independence of the autonomous republics and regions as

illegal, which strengthens their aspiration towards a confederate status. All propositions attempted in overcoming the ethnical and religious differences in the Caucasus region, during the Soviet era, ended in failure, consequentially observable in the last thirty years, accompanied by sporadic military conflicts.

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