



EXAMINING THE KARA-SU TREATY AND THE TURANI CORRIDOR FROM THE PERSPECTIVE OF INTERNATIONAL LAW: THEIR IMPLICATIONS FOR IRAN AND THE CAUCASUS SECURITY

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ABSTRACT

The strategic area of Kara Su in the northwest of Iran was one of the areas where there was a dispute between Iran and Turkey regarding ownership, and it has yet to be investigated in any research. The importance of this area is due to the fact that the Republics of Azerbaijan and Armenia connect Iran and Turkey. The Ottoman government, Iran's most important Western neighbour, signed the first and second *Erzurum treaties*¹ with Iran to settle territorial disputes, but the territorial disputes with Iran persisted. Today, the importance of the Kara Su Corridor for Iran is twofold regarding Turkey's plan to build the Turani Corridor. Based on this, it is necessary to examine the two countries' historical territorial disputes following the collapse of the Ottoman Empire and the formation of the new Republic of Turkey, as well as the issues and measures that led to the separation of a region of Iran known as Kara Su. The goal of this study is to examine the Karabakh and Turani Corridor crises, as well as their relationship with the interests of the region's countries, particularly Russia, China, and Iran, and ask why such a plan could become the basis for causing a major crisis in the Caucasus region.

1 The Treaties of Erzurum were two treaties of 1823 and 1847 that settled boundary disputes between the Ottoman Empire and Persia.

INTRODUCTION

The Aras River was designated the primary criterion for distinguishing the border between Iran and Tsarist Russia in the Treaty of Turkmen Chai. Since Tsarist Russia had sovereignty over Mount Ararat and the area known as Iğdir (to the west of Iran's territory in the area of Small Ararat at the time of the Turkmen Chai Treaty's conclusion in Iran), and the Aras River did not flow in this area either, the Kara-su River flowed from source to mouth. The connection to the Aras River was determined as the beginning of the borderline between Iran and Russia, and the Aras River was determined as the borderline for the rest of the border after the connection of Kara-su to Aras.

The border protocol of the Turkmen-Chai Treaty was drawn up one year after the treaty's conclusion, and border signs were installed based on this protocol. The Kara-su region faces Armenia to the north, Iran to the south, Azerbaijan's Nakhichevan to the east, and Turkey to the west. This small 3.5-kilometre narrow strip, which was a part of Iran before 1310, today threatens more than 700 kilometres of Iran's transit route in the South Caucasus.

When the Nagorno-Karabakh ceasefire agreement was signed between Armenia and Azerbaijan on November 9, 2020, there were rumours of Turkey and Azerbaijan establishing a project called the Torani Corridor in this area. As a result, NATO could reach the northern borders of Iran and the western borders of China and thus pave the way to reach the southern borders of Russia and create an energy corridor towards Europe to weaken the activism of Iran, Russia, and China. Consequently, it is obvious that Iran, Russia, and China will not allow geopolitical changes in Armenia's southern borders to implement the Zangzor Corridor, citing the UN Charter, which prohibits any change in international borders. However, another point that should be mentioned and addressed is the situation in Armenia.

It is true that today Armenia has almost found the legal status of an impotent state and is under severe pressure from Turkey (to deny the Armenian Genocide) and the Republic of Azerbaijan (to determine the exact borders and not to grant autonomy to Karabakh). However, according to historical experiences and the approach, Armenian expatriates can say that this approach of Ankara and Baku

will lead to the establishment of a nationalist and possibly radical government in the future. This will have stronger positions than the Sargsyan and Kocharyan governments, which will not adhere to the agreements of the Pashinyan² government and will probably be strongly supported by France, America, and even Russia.

Based on this, in the end, instead of pursuing tension-causing issues in the form of the Zangzor Corridor and the Lajordi Corridor while respecting the United Nations Charter, the North-South Corridors, the transit connection corridor between the Persian Gulf and the Black Sea, as well as the Eco Corridor, can create wonderful fields. Provide for transit cooperation between Iran, Turkey, Russia and the three Caucasus countries in the 3+3 format. Moreover, Turkey is currently connected to Pakistan, Afghanistan, and Central Asia with the existing rail lines through Iran through the Eco Corridor, and from this point of view, there is no need to create the Zangzor Corridor.

HISTORICAL BACKGROUND OF IRAN-TURKEY DISPUTES

Since the formation of the *Safavid*³ government in Iran, due to various reasons, including religious differences, there have been many political and military conflicts between the governments of Iran at the time (*Safavid et al.*⁴) and the Ottoman government. We briefly mention the events related to these conflicts:

After capturing the southern regions of the Ottoman Empire, including Syria and the cities of Mecca and Medina, and claiming the Muslim caliphate, Sultan Selim⁵ Ottoman noticed the Safavid territory in the east. In 1516, Sultan Salim's army in Chaldaran Plain defeated Shah Ismail Safavid's army⁶. This defeat resulted in the capture of Di-

2 President of Armenia.

3 Safavid Iran or Safavid Persia, also referred to as the Safavid Empire, was one of the greatest Iranian empires after the 7th-century Muslim conquest of Persia, which was ruled from 1501 to 1736 by the Safavid dynasty.

4 was an Iranian royal dynasty of Turkic origin, specifically from the Qajar tribe, ruling over Iran from 1789 to 1925.

5 Selim I known as Selim the Grim or Selim the Resolute, was the king of the Ottoman Empire from 1512 to 1520.

6 The Battle of Chaldiran took place on 23 August 1514 and ended with a victory for the Ottoman Empire over the

Yarbakir and a part of Kurdistan from Iran, which was generally under Ottoman control in almost all subsequent periods, but Mesopotamia remained under Iran's control.

After the battle of Chaldaran, no peace treaty was established, and a state of war was established between them. *The contract of Amasiyah*⁷ was concluded in 1555, during the time of Shah Tahmaseb Safavid⁸ and Sultan Suleiman. This treaty was the first treaty signed between the two governments of Iran and the Ottoman Empire and ended the wars between the two countries, known as the Twenty Years' War. According to the Amasiyah Agreement, the states of Azerbaijan, Eastern Armenia, and Eastern Georgia were given to the Iranian government, Western Georgia, Western Armenia, and Mesopotamia (Arab Iraq) were handed over to the Ottoman government, and the city of Kars was declared a neutral zone. During the time of Shah Safi, Sultan Murad IV decided to attack Iran due to the defeat he suffered from Shah Abbas to recapture Baghdad and know about the chaotic situation in the Safavid bar. First, in 1635, he captured Yerevan, the centre of Karabakh, and in 1638, after capturing Diyarbakir and Mosul, he reached Baghdad and conquered there.

After the conquest of Baghdad, Zahab Agreement was concluded between Shah Safi and Sultan Murad. The boundaries of the occupations in the Caucasus region were determined according to the Amasya Agreement, but the border areas were not clearly and precisely determined. Nader Shah Afshar, in 1737 and the following years, fought with the Ottoman Turks, and since none of the parties achieved a decisive victory, he ended the hostilities by signing the "Kordan" peace treaty in September 1766. They ended themselves.

Both sides agreed that their borders would be established based on the *contract Zahab*⁹, which

was concluded between the Safavi Shah and Sultan Murad. The payment. In these battles, Eastern Armenia and Mesopotamia were captured by Iran. At the request of Ottomans, peace was established between the two countries and the first Erzurum treaty was concluded in July 1823 with an introduction, basis, conditions and eight articles. During the time of Mohammad Shah Qajar, due to the confusion of the Iranian states, Alireza Pasha, the ruler of Baghdad, attacked Muhamra (now Khorramshahr) in 1837 and caused a war between Iran and the Ottomans. With the intervention of Russia and England, on May 31, 1867, Muhammad Shah Qajar and Sultan Abd al-Majid Osmani signed the Second Treaty of Erzurum. Iran had arisen, used and occupied Qatar¹⁰, a part of Iran's territory, and changed the border marks to its liking and considered this area part of its territory.

In the meantime, the Treaty of Berlin was concluded between Russia and the Ottoman Empire on July 13, 1873, at the behest of England, and according to its article 90, the Ottoman government returned the Qasur region to Iran. The previous differences between Iran and the Ottoman Empire were the issue of determining the borders and insecurity in the borders. The previous treaties and the second treaty of Erzurum between Iran and the Ottoman Empire were able to end the territorial and border disputes between the two countries. On November 4, 1913, the Istanbul Protocol was concluded with the intervention of Russia and England between Iran and the Ottoman Empire to resolve territorial disputes, including an introduction and eight articles. The points' names and the border route were clearly defined and known. This protocol never took legal form in Iran and the Ottoman Empire and was not approved and signed by the responsible authorities because the First World War did not leave an opportunity for its approval and implementation. It did not take long before the First World War started, and Thai forces once again occupied a part of Iran. Until the end of the First World War in 1918, the northern and northwestern regions of Iran were occupied by Ottoman forces and other governments.

Safavid Empire.

7 The Treaty of Amasya is the name of the treaty that was concluded between Shah Tahmasab I and Sultan Suleiman I in 1555 AD, after the war between these two countries, in the city of Amasya. This treaty marked the border of the Safavid and Ottoman Empires, ending the long-term wars between the two countries. This treaty brought 20 years of peace between the two countries. This treaty ended with Mustafa Pasha's campaign to the Caucasus (1578) and the start of the Chalder War.

8 Tahmasp I was the second Shah of Safavid Iran from 1524 to 1576.

9 The Zahab Agreement or the Shirin Palace Agreement is

an agreement that was signed between the Safavids of Iran and the Ottoman Empire on May 17, 1639 in the city of Qasr Shirin.

10 Qatur is a city in Qatur section of Khoys city in West Azerbaijan province of Iran. Qatour city is the center of Qatour district, one of the Sunni districts of Khoys city.

REVIEW OF THE FOREIGN POLICY OF THE NEW REPUBLIC OF TURKEY

Peaceful coexistence and peace at home and abroad were Atatürk's party slogans. The Turks avoided the idea of another victory or revising the borders.

Atatürk's foreign minister, Tawfik Rushdi Bey¹¹, determined his country's foreign policy, in which the new Turkey did not want to capture an inch of foreign territory and was unwilling to surrender and lose an inch of Turkish soil. The basis of the foreign policy of this nascent government was neither border expansion nor retreat into the country.

Long before 1921, Mustafa Kemal¹² said:

«Let us recognise our borders by keeping Turkey small» (Herrera, 2016)

The Republic of Turkey only wished to preserve the integrity of its free territory. From the beginning of the formation of the government of the new Republic of Turkey, its foreign policy was based on the principle of neutrality and unity and friendship with all the governments of the world, especially the neighbouring countries. This principle, diligently implemented and followed by Turkey, constituted the program of Turkish foreign policy and was very different from the previous method of the Ottoman Empire. Atatürk now gained the freedom and independence of his foreign policy and followed a peaceful policy to complete the national reforms of his new country with peace of mind.

TURKEY'S OCCUPATION OF IRAN'S BORDER AREAS AND THE DARKENING OF RELATIONS BETWEEN THE TWO COUNTRIES

The governments of the Republic of Turkey and Reza Shah Pahlavi inherited the previous differences between the Ottoman Empire and the Qajar Kingdom after the collapse of the Ottoman Empire

and the change of monarchy in Iran¹³. According to their interests in foreign relations and having special relations with their neighbours, both governments sought to establish and maintain peace and tranquillity for internal reforms. One of the important factors that strained the relations between Iran and Turkey was the aggression that Turkey had committed towards the villages and lands of Iran. At the beginning of the establishment of their republic, the Turks occupied the areas of "Bolangh Bashi¹⁴", "Jozer¹⁵", and "Ghori Gol¹⁶", and despite Iran's official protests, they were not willing to evacuate those areas.

The reasons that the Turks expressed their legitimacy were that the mentioned areas belonged to the Turkish government. They did not accept the certificate of the border commission in 1913 and declared that the commission was formed under the pressure of Russia and England. The National Assembly of Turkey (Ottoman) did not approve it, which is invalid. The Turks also took over the pasture that belonged to the Kurds of "Jikanlu¹⁷" in the past and prohibited the cattle of the said Kurds from grazing in that pasture and sought to arrest their cattle. For this reason, the Ministry of Foreign Affairs of Iran contacted the Turkish ambassador in Tehran. After announcing the protest, he said:

"Initiating these aggressions and operations is completely contrary to the expectations of the Iranian government and will have no other result than the darkening of the good relations of the parents of the government who have always avoided it."

Ultimately, he asked the Turkish ambassador to take quick action to evacuate the mentioned points. Among the other areas of Iran that were captured by the Turkish military forces and brought protests from high-ranking Iranian officials were the villages of "Siro"¹⁸ and "Sar Tik"¹⁹, where the Turkish army had established a military post. Following this incident, the Ministry of Foreign Affairs of Iran, in a letter, expressed its protest against the encroach-

11 Turkey's foreign affairs were during Atatürk's government.
12 Mustafa Kemal Atatürk, or Mustafa Kemal Pasha was a Turkish field marshal, revolutionary statesman, author, and the founding father of the Republic of Turkey, its first president from 1923 until his death in 1938.

13 Reza Shah Pahlavi was an Iranian military officer, politician (who served as minister of war and prime minister), and first shah of the House of Pahlavi of the Imperial State of Iran and father of the last shah of Iran.
14 A mountainous region located in Ardabil province of Iran.
15 Jozer is a village in Iran.
16 A region in the southeast of Tabriz city in Iran.
17 A region in Kurdistan.
18 A Village in Turkey.
19 A Village in Turkey.

ment of the Turkish forces on the mentioned vil-
lages and other places, such as "Bulagbashi", and
demanded the evacuation of those places.

The aggressions carried out by the Turkish forc-
es were in the circumstances that, according to the
Treaty of Constantinople (Iran-Ottoman et al. dat-
ed 1913), the areas of Bulagbashi, Siro, and Sar Tik
belonged to Iran. During a correspondence with
the Iranian ambassador in Istanbul on November
21, 1929, the Ministry of Foreign Affairs of Iran high-
lighted Turkish aggression in Bulagbashi, Siro, and
Sar Tik. The Iranian ambassador also drew atten-
tion to Turkish aggression in the regions of Bulag-
bashi, Jozer, Nafto²⁰, Farzah Qalandari²¹, Beldesor²²,
Sheikh Silavi Alia²³, Ghasouk²⁴, Velik Alia and Se-
fali²⁵ in the vicinity of Maku.²⁶ Moreover, Awajiq²⁷
points out that the Turkish authorities have yet
to respond to Iran's request to evacuate the men-
tioned areas. He requested the Iranian ambassa-
dor to take the necessary action in this regard, the
same year and the occupation of the Ibek Heights
in the year on the side of the military forces of the
Turkish government. It resulted in strong protests
from Iran's foreign minister at the time, Moham-
mad Ali Foroughi.²⁸ Other incidents also increased
the intensity of the differences between the two
countries.

In April 1926, to express goodwill and strength-
en mutual peaceful relations between Iran and
Turkey, the *Treaty of Vedadie and Tamini*²⁹ was
concluded between the two countries. In the in-
troduction of this agreement, it is stated that *"the
needs and duties that the present age creates and
demands for the two nations have been taken into
account, and as they believe and firmly believe that
strengthening the friendship and brotherhood ex-
isting between them is obligatory. Therefore they*

20 A Village in West Azerbaijan.

21 A region in West Azerbaijan.

22 A Village in West Azerbaijan.

23 A Village in West Azerbaijan.

24 A Village in West Azerbaijan.

25 A Village in West Azerbaijan.

26 A City in West Azerbaijan.

27 Awajiq is one of the cities of the West Azerbaijan province
of Iran. Avajik is one of the northern cities of West
Azerbaijan, located in the Dashtak section of Chaldaran
City, on the border of Iran and Turkey.

28 Mohammad Ali Foroughi, also known as Zoka-ol-Molk
was a writer, diplomat and politician who served three
terms as Prime Minister of Iran.

29 The border treaty between Iran and Turkey in 1926.

*decided that the material conditions of relations
Let them light up their intimacy".*

In the same treaty, the conclusion of customs
and border agreements and postal exchanges
were also foreseen. However, the border incidents
and measures taken by the Turkish government
to destroy the Kurds in the border areas between
the two countries caused the situation to become
complicated, and the relations between the two
countries became darker. In this way, in October
1927, the Turkish government darkened its rela-
tions with Iran in a note expressing its resentment
and in a harsh statement.

In that statement, Turkey claimed that some
Turkish soldiers were captured by the Kurds in Tur-
key and were taken to Iran, and demanded the re-
lease of the captives along with their weapons and
an apology from Turkey within ten days. Clive, in a
note to Chamberlain in October 1927, states that ac-
cording to the information he received from Azer-
baijan, the attackers of the Turkish military forces
were Turkish Kurds who did this in response to the
offensive actions of the Turkish forces against the
Kurds. In the following, he confirmed the content
of the announcement of the Iranian government,
which denied the accusation against him.

After receiving Turkey's statement, which had
threatened Iran to cut off political relations, the
Iranian government appointed Mohammad Ali For-
oughi, with full authority, to conduct negotiations
and sign contracts related to border demarcation
and border security issues. Iran's ambassador to
Turkey, In his confidential report to Tehran, during
the meeting and conversation with the Turkish
Foreign Minister Rushdi Beyk in Ankara, he point-
ed out the daily problems of Iran and Turkey and
considered their roots to be the greed and fanta-
sies of Russia. He also warned that we should use
the opportunity that has now been obtained and
in the situation where Tsarist Russia has also dis-
appeared and unite, because there is a possibili-
ty that Russia will return to its former imperialist
policy.

To prevent danger from Russia, we must agree
on a plan. Rushdi Beyk and Foroughi also confirmed
this opinion, which listed the problems that have
hindered the establishment of friendly relations
between Iran and Turkey. One of these problems is
the issue of borders, which was resolved after pro-

longed conflicts but has now been renewed by the Turkish government. It is still being determined whether they are aware that it has already been resolved.

The other is the aggressions that the border tribes of Turkey have made on Iranian soil and deprived them of security. One is some actions outside the rules of your officers that you should prevent. Rushdi Bey emphasised the necessity of agreeing with Iran and added: the security of our borders is important to us so that we do not have to maintain a large military force and spend much money on our common borders, so we expect your support. Iran's opinion at the beginning of the work is to determine the borders on the ground. However, the task of border security must be determined first. However, because we want to conclude, we are ready to solve both the issues of securing and determining the boundaries simultaneously. Foroughi stated that border security would only be achieved once the new demarcation is implemented.

In response, Rushdi Bey declared: "We do not accept the border and the 1913 protocol for fundamental reasons; in addition, our parliament did not approve it, and after the collapse of the Ottoman Empire, we renewed all our previous agreements with all countries. And Iran should not refrain from renewing agreements with the Republic of Turkey".

The basis of Rushdi Bey's argument was that the Iranian-Ottoman border was based on the Treaty of Erzurum, and this border was not by it. In response, Foroughi said: "Border agreement" is related to the recognition of the country's identity; it is not like a commercial and political agreement that can be cancelled at will. Further, Foroughi brought up the arbitration issue and said: "When two governments have a dispute, if they do not come to terms with each other, they must either resort to arbitration or go to war."

Rushdi rejects the Big War and says: "We do not impose any burden on you, neither do we want you to fight with Akrad³⁰ nor disarm. We just want you not to let your nomads come to our land and destroy our nomads. Do not let them into your land, and if they come, do not look in the border area.

For example, drive a hundred kilometres or fifty kilometres. In another confidential report that Foroughi sends from Istanbul to the high-ranking

officials of Iran, he announces that since he has entered into negotiations again regarding Bulagbashi, the Turkish authorities have raised the issue of Aghri Dag³¹ (Ararat) and the Jalali³² tribe, and the issue of clearing the boundaries. Furthermore, they have considered the suppression of the rebel Kurds as vital for themselves. Referring to these cases, Foroughi advises the Iranian authorities that "it is obligatory for Iran to think about border security in any case and to prevent Jalalis from helping the rebel Kurds of Turkey and to be careful from the Jalalis of Iran or Turkish nationals." Who have come to Iran, the Turks, will not be harmed "because with these actions, our relations with Turkey have become very close, and the problem will be solved" (Pütter, 2017).

In May 1928, the Ministry of Foreign Affairs of Iran announced to Foroughi that recognising all the borderlines determined according to the 1913 protocol is extremely important for us, and we cannot ignore it in any way regarding Bolagh Bashi... In addition to all other reasons, the issue of the dignity of the government of His Majesty Humayun Shahshahi³³ is at stake, and we cannot in any way ignore the smallest part of Iran from the point of view of public opinion. The Iranian government wants to resolve security and boundary issues before starting cooperation in Aghri Dagh.

THE ISSUE OF AGHRI DAGH (LITTLE ARARAT MOUNTAIN)

Another case was the Turkish military forces' aggression in Iran's territory while suppressing the Ararat Kurdish rebellion.

During the conflict with the Kurds of Aghri Dagh (Ararat), under the pretext of suppressing the Kurds and needing to enter a part of Iran's territory in that area, Turkish forces occupied Iran's territory in Mount Ararat without permission and sufficient reason. Even after the end of the issue, the rebel Kurds of Ararat refused to evacuate the said point. In relation to these events, the Ministry of Foreign

31 It is a mountain located in Agra Province, on the border of Armenia and Turkey.

32 Jalali is the name of one of the Kurdish tribes of Iran in the north of West Azerbaijan province in the cities of Maku, Shot, Poldasht, Chaipareh, Chaldaran and Khoi.

33 A title given to the kings of Iran.

30 Kurds.

Affairs of Iran, on February 28, 1931, addressed the Turkish ambassador in Tehran in a protest note and announced that during the same days of the Kurds' repression, the Iranian government did not hesitate to cooperate with the Turkish forces and in operation took part against the Kurds. However, the Turkish officers were not satisfied with this. After the suppression of the rebel Kurds, they remained in Iran, and despite repeated objections from the Iranian government and the demand for the return of Turkish military forces, the Turks did not take any action. Iranian officials looked friendly, hoping all these issues would be resolved when the borders were determined, but Turkish military forces remained in Iran.

The Iranian government expected that the Turkish government would respect the rights of the Iranian government and return its military force from Iranian soil and the places where Turkey's ownership had not been determined. It is proof that the suppression of the Ararat Kurdish rebellion was not a mutual agreement and sincere cooperation between Iran and Turkey and that the issues of its neighbouring country unintentionally influenced Iran.

THE ISSUE OF OWNERSHIP OF KARA-SU

Another area where there was a dispute between Iran and Turkey regarding its ownership was the strategic area of Kara-su. The region's importance after Tsarist Russia's collapse was that, like Dalani, it connected the fledgling republics of Azerbaijan and Armenia with Iran and Turkey. The source of the Kara-su River flows in the southern slope of Ararat (Agri), and after passing through the Ararat region, it goes to the south of Boralan³⁴ village and connects to the Aras River.

According to the Turkmen Chai Treaty, the Aras River was the basis and main criterion for distinguishing the border between Iran and Russia. Iqbal al-Sultaneh³⁵, in April 1923, wrote a letter to the

agency of the Ministry of Foreign Affairs of Iran and the governor of Azerbaijan, requesting the government to take action to protect Iran's ownership of the Karasu River against the possible aggression of Turkey.

Following this letter, the Ministry of Foreign Affairs, in correspondence with Motamid Al-Waz-areh³⁶, the border commissioner of Iran in Maku, asked for information about the Kara-su area. On April 1, 1923, Motamed al-Sultaneh wrote a letter to Iqbal al-Sultaneh and asked him eight questions about the Kara-su area. On April 25, 1923, Iqbal al-Sultaneh presented a detailed report to Motamed al-Sultaneh about the reasons for Iran's ownership of Kara-su. The report answered his eight questions and mentioned the names of six villages in the Kara-su region, the population of these villages, the types of their products, the history of the occupation by Russia in this region, the presence of Iranian nomads in Qara-su, the question of ownership of the region and its owners, opinions Ottomans mentioned about this area, and the claims of the Ottomans for the ownership of Kara-su.

Despite the efforts of the Ministry of Foreign Affairs, Iran's rapid political developments in 1923 prevented the pursuit of Iran's ownership of Qara-su.

The issue of preventing Mohammad Hasan Mirza, the crown prince of Ahmad Shah, from settling in Azerbaijan became the main program of the Ministry of War and the Northwest Army. In Tehran, severe political differences between Reza Khan, the Minister of War, Mushir al-Dawla, the Prime Minister, and Ahmad Shah postponed handling these matters. It was determined by the conducted investigations that Reza Khan emphasised to Amir Lashkar³⁷, Abdullah Khan Amir Tahmasabi³⁸ the following:

"Do not lose Kara Su." However, he suddenly changed his position at the end of 1923. In a letter on February 27, 1924, he implicitly ordered the

34 A part of Maku City in Iran.

35 Morteza Qolikhhan Iqbal al-Sultaneh Bayat Makoi was the son of Timur Khan Iqbal al-Sultaneh, the ruler of Mako, border guard of Iran and the head of the Mako Bayat tribe. It is said that Iqbal al-Sultaneh was killed in prison by the order of Reza Shah.

36 The highest-ranking minister.

37 The title of the army commander during Reza Shah's time.

38 Abdullah Khan Amir Tahmasbi was the commander of Ahmad Shah Qajar's bodyguard and for some time he became Reza Shah's superior before the reign. He was the governor general of Azerbaijan for a while. Then he became the war minister of Reza Shah and Foroughi government.

termination of the pursuit of Iran's ownership of Qara-su. Reza Khan stated in this letter that the villages of Kara-su have belonged to Russia since the Treaty of Turkmen Chai. Following Reza Khan's order to Amir Tahmasbi, the issue of Iran's ownership of the northern region of Kara-su was no longer pursued, and after that, Turkey occupied this region. In the 1931 Iran-Turkey border agreement, Turkey's ownership of the said region was officially recognised. The Iranian government approved it.

LEGAL REASONS FOR IRAN'S OWNERSHIP OF KARA-SU

According to the Treaty of Turkmen Chai, the border between Iran and Russia was the Kara-su River. Iqbal al-Sultaneh's claim from the Iranian authorities that the border between Iran and Russia should be the Aras River is not true. Concerning the first and eleventh chapters of the 1921 Iran-Soviet Agreement, the Turkmen-Chai Treaty can be considered officially invalidated. Due to the invalidity of the Turkmen Chai Treaty, an agreement was signed between the two governments of Iran and the Soviet Union with the title "Agreement of Trust between the Government against Iran and the Soviet Socialist Republics of Azerbaijan, Caucasus, Georgia and Armenia." The Iranian government delegation established and approved it in the April 5, 1922, meeting. Based on this temporary agreement between Iran and the Soviet republics, the borderline was drawn and fixed according to the fourth chapter of the cancelled Turkmen Chai Treaty.

Considering that in the agreement between Iran and the Soviet republics, the nullity of the Turkmen Chai treaty is also specified, and it is emphasised that the borderline between Iran and the Soviet republics would be temporarily normalised. The Treaty of Turkmen Chai is invalid outside Iran's border region with the Soviet republics. Accordingly, that part of the borderline resulting from the Turkmen Chai Treaty, which was removed from the control of the Soviet republics and was given to Turkey, had no validity and formality. The third important point is that Turkey's claim to the ownership of the Kara-su region was based on the Kars Treaty and the transfer of the Igdir and region

Aralig³⁹ states from this state to Turkey by the Soviets. However, during the Kars Treaty, the Soviet government had no ownership of the region. The north of the Kara-su stream did not have any because these areas were assigned to Tsarist Russia without any historical, geographical, or cultural reasons and only based on the Treaty of Turkmen Chai. The treaty of Turkmen Chai was officially cancelled on February 27, 1921, with the conclusion of the agreement known as the Iran-Soviet Agreement of 1921. *The Ghares Treaty*⁴⁰ was concluded between the Soviet Union and Turkey on March 20, 1921. That is when the Treaty of Turkmen Chai and all its effects, including the ownership of Russia or its successor, the Soviet Union, on the border area between Kara-su and Aras were officially cancelled, and the mentioned area was under Iran's practical and objective control. Therefore, the Soviet Union had no ownership over the said region, neither by contractual origin nor practical occupation. It lacked any authority to cede and donate this part of Iran's territory to Turkey. According to the stated cases, the Kars Agreement did not create any obligation for Iran.

The fourth important point from the analysis of the Qajar flood is that considering that the Turkmen Chai Treaty and the Kars Treaty are worthless for determining the ownership status of the Kara-su region. To determine the ownership of this region, the ownership of the said region should be considered before the Turkmen Chai Treaty because before the Treaty of Turkmen Chai, without a doubt, the Khanates of Ordubad⁴¹, Nakhchivan⁴²,

39 It is a village in the central part of Urmia city, West Azerbaijan province, Iran.

40 It was a treaty that was signed on October 13, 1921 between Bolshevik Russia led by Vladimir Lenin and the Grand National Assembly of Turkey led by Mustafa Kemal Atatürk, with the presence of representatives from the Soviet Socialist Republic of Armenia, the Soviet Socialist Republic of Azerbaijan, and the Soviet Socialist Republic of Georgia in Kars.

41 It is the second city of Nakhchivan Autonomous Republic in the Republic of Azerbaijan. This city is located on the northern bank of the Aras River and at a distance of 94 kilometers northwest from the city of Tabriz. The city is 948 meters above sea level.

42 The Nakhchivan Autonomous Republic is a landlocked exclave of the Republic of Azerbaijan. The region covers 5,502.75 km with a population of 459,600 bordered by Armenia to the east and north, Iran to the southwest, and Turkey to the west.

and Yerevan were part of Iran's soil. It is obvious that the region of Kara-su in the south of the mentioned khanate was also located in the territory of Iran.

The fifth point in the valuable explanation of the Qajar Bahmani⁴³ is that the inhabitants of the northern region of the Kara-su River were all Iranians, and the tribe that lived in this region, that is, the "Khalikanlu⁴⁴" tribe, were a citizen of Iran. According to all the explanations given about the ownership of Kara-su, in this part of the research, it can be concluded that the area between the Aras River and the Kara-su River, that is, the strategic corridor of Kara-su, later became the only way to connect Turkey to the Nakhchivan region. In this way, it became the Republic of Azerbaijan, it should be considered a part of the territory of Iran, which was divided in the border agreement of 1932 and joined to the territory of Turkey. The reason for the loss of this strategic region is Iran's political turmoil during the transfer of power from the Qajar to Reza Shah and, after that, the weakness and indolence of the Iranian government. Additionally, the reasons were the indifference of the relevant officials regarding the invalidity of the Turkmen Chai Treaty and the Kars Treaty for Iran, following the conclusion of the 1921 agreement between Iran and the Soviet Union, and ignoring the importance of the former owner of Kara-su.

1932 BORDER TREATY

Finally, after many years of interruptions and disagreements, the final demarcation of the border between the two countries was done during the trip of Tawfiq Rushdi Beyk, the Minister of Foreign Affairs of Turkey, to Tehran. The borderlines were determined with the signing of a new border treaty in January 1932. In this treaty, how to use the water of Borolan⁴⁵ Lake was also determined.

On May 26, 1936, the National Assembly approved the agreement to determine the borderline between Iran and Turkey. The provisions of this agreement, including three articles, along with a declaration on the use of border-military borders

of the parties, from the waters of the springs of Bordlan Salib⁴⁶, Qazlo⁴⁷, Bukhari Yaram Kaya⁴⁸, and pastures located in the south and west of the borderline, which was on the 23rd, was signed between Iran and Turkey in January 1932. In the official announcement of the government about the border demarcation agreement, which was published on January 23, 1933, it was announced that they are going to resolve the existing differences in the way that "... Iran in the region of Aghri Dagh, a piece of land from the said mountain to the Turkish government hand over and in exchange in Barj [Barj Geh⁴⁹] area, the Turkish government surrenders some of its lands to the Iranian government. In addition, in the area of Qatar, which has been a dispute between the two governments for many years and the boundary remained unclear, the Turkish government agreed to hand over some of the disputed lands of FIMA to the Iranian government, and the borderline was recognised there as well. The territorial dispute between the two governments is resolved entirely. It was decided that a joint boundary commission would begin the work of delimitation in the spring of the following year (1932). The Iran-Turkey Delimitation Commission finally started its work after an interruption in late 1932. He started delimiting and marking the border from the confluence of the Aras and Kara-su rivers. He finished it in the middle of 1933 at Dalamper Mountain, the common border between Iran, Turkey and Iraq.

According to this agreement, small Ararat, captured by the Turkish military during the Turkish campaign against the forces of Ehsan Nouri, was handed over to the Turkish government. On the other hand, the Turkish government gave up its claims on the Qatur region, which was initially handed over to Iran based on the 1913 protocol. The amount of land in the Bargh Geh area that the Turks gave to Iran, according to the 3rd Bahman notification, also means a part of the areas south of Bargh Gah (southern borders of border marks 167 and 168 in approximate parallels to northern Urmia⁵⁰).

In the case of the exchange of Aghri Dagh (Ar-

43 from ancient Iranian tribes.

44 A Village in West Azerbaijan.

45 Region in Maku.

46 River in Maku.

47 Iranian tribes.

48 Turkish tribes.

49 A part of Kurdish region in Iran.

50 Center of West Azerbaijan.

arat), Colonel Riaz⁵¹, an Iranian military expert in Paris, had sent two reports to high-ranking Iranian military officials about the importance of the military position of the small Ararat Mountain, which dominated the Aras valley and the Jolfa⁵² railway and the adjacent plateau. Further, in the report he sent to the Ministry of Foreign Affairs of Iran, he announced that if one day the Turks do not have a reasonable opinion of us, their goal would be to destroy the Kurdish barrier between Azerbaijan and Erzurum. Continuing his report, he added that it is not in our interest for this barrier to be destroyed. Therefore, having the small Ararat Mountain in our possession would better establish our arbitrariness in the Kurdish conflicts. If we lost this mountain, we would lose an important strategic point, and the Kurds would slip away. They would notice the attention and help of others.

Another noteworthy point is that the Turks have occupied Mount Ararat illegally and are currently bargaining in the exchange. Their only advantage is to delay us so much that we will be satisfied with little or nothing if the Ministry of Galilee Before agreeing to any exchange, the foreign ministry should insist that the Turks vacate Iran's territory and then enter into a dialogue. If for the sake of peace, sometimes the decision of the government's elders against Ararat's surrender should be made a condition first. In the future, military fortifications should not be built from that mountain in any way so that one day it will not be used as a base for offensive operations against Azerbaijan, and international agreements will not be useless for this purpose.

Despite the foresight, recommendations, and warnings that Colonel Math had presented to Iran's high-ranking political and military officials regarding the exchange of the eastern slope of Mount Ararat, the outcome of Reza Shah's opinion was decisive. With his passing, this strategic mountain was removed from Iran's territory. It was taken out and given to the Turks. After the suppression of the Ararat Kurdish rebellion in 1930, the Turks became embroiled in constant conflict with the Kurdish rebellion in eastern Turkey. To prevent future re-

bellions and suppress them promptly, Turkey demanded that Iran hand over the eastern slope of the small Ararat Mountain, which is currently part of Iran's territory. In return, Turkey would give Iran a piece of land with a settlement. In addition, it was placed on the borderline of the two countries, which was fixed in 1916 by a commission consisting of Russia, England, Iran, and the Ottoman Empire. They should reconsider and return the points that the Turks had captured to Iran.

In January 1932, Tawfiq Rushdi Beyk came to Iran with his delegation to negotiate and sign the border demarcation agreement. After the argument between Colonel Turk and Colonel Hasan Arfa about the fate of the western hill of Qatur, he recommended Reza Shah as a mediator.

Reza Shah asked Hasan Arfa: ⁵³"What is the importance of this? I mean that this centuries-old rivalry and enmity between Iran and Turkey should be ended, and we two eastern states should be close and united; the Turks should be with us; I am not afraid of the Russians or the British." Finally, the border was drawn from the ridgeline. However, the Kurds of the Ararat revolt were not incited to correct the border. That revolt provided a suitable opportunity and excused for Turkey to claim the Ararat area from the Turks. To strengthen the territory of Iran (the eastern domain of Little Ararat) and, in the end, to annex that important area to its territory, the Pahlavi government raised two issues in justifying the division of Little Ararat.

First, the issue of land exchange was raised, and nothing has been reduced from Iran's soil, but an exchange has taken place in two parts of the border, and instead of small Ararat, "Bargh Geh Valley" has been handed over to Iran. Of course, such an argument was incorrect due to the disparity of the exchanged items and the low value in those above compared to small Ararat, which was strategically important. The next issue was resolving the long-standing territorial disputes between the two countries. Such a necessity cannot be denied, but it was unjustifiable and unwise for Iran to bear all the costs of settling the disputes. However, the conclusion of the border agreement on January 23, 1932, brought a new chapter of friendly relations for the two countries.

51 He is a gendarmerie officer born in Kazerun in 1262 and educated in Europe. After reaching the ministry, Sepahdar Azam was sent abroad and became Iran's military attaché in France.

52 City in West Azerbaijan.

53 An Iranian soldier and chief of staff of the Iranian army was one of the collaborators against the August 28 coup.

In November 1939, Jamal Hassan⁵⁴ travelled to Iran with the Turkish delegation, and the Iranian Foreign Minister said in his speech to the Turkish delegation: "... the relations between Iran and Turkey... have never been better and more certain than today. This is not unless the conclusion of the delimitation agreement around 1932 as well as the agreements that were concluded between Iran and Turkey in the same year, put a definitive end to all the disputes that disturbed the good neighbourly relations between the two countries and what about the field of cooperation between Iran and Turkey. It has provided political issues and economic and spiritual affairs." In short, for whatever reason and justification, small Ararat was separated from Iran's territory, the new borderline between Iran and Turkey was drawn, and the differences between the two countries ended. In the meantime, there is an important point to consider: Iran did not benefit from Turkey's cooperation in suppressing the Kurdish rebels in Ararat. Iran did not gain anything but losses for its cooperation.

1937 BORDER LINE AMENDMENT AGREEMENT

Another case of agreement between Iran and Turkey on border issues was the amendment of the Iran-Turkey borderline in 1937. When defining the borders of Iran and Turkey in 1923, in a part of the border, near Marmisho,⁵⁵ the implementation of the borderline according to the rules of the border agreement of the mentioned year did not match with the land situation. For this reason, that part of the border was not demarcated and marked. Finally, on May 26, 1937, an agreement was signed between the representatives of the two countries to amend this part of the border, which the Iranian National Assembly approved on June 10, 1937. By the Turkish National Assembly on January 19, 1937, and after that, there was no dispute in the state of the border and the location of signs between Iran and Turkey did not exist.

54 Iranian officials who were sent to Turkey in 1939.

55 Marmisho is located in the west of Urmia city in West Azerbaijan province of Iran.

THE DREAM PROJECT OF HALLWAY TURANI⁵⁶ AND ITS EFFECTS ON THE EQUATIONS OF THE CAUCASUS REGION

From a legal point of view, the corridor is considered a corridor over which the sovereignty of the host country does not exist or is very limited. If we want to look at the issue from a historical perspective, the corridors are proposed along with political, security and mainly territorial aspirations by the applicant country.

Like the Danzig Corridor⁵⁷ in 1939 when Hitler requested Poland to connect Germany to the Baltic Sea through the Danzig Corridor. This issue faced Germany's territorial ambitions and became one of the reasons for the world war. Therefore, the corridor is defined in terms of international law in the framework of international straits. After the law of the sea was developed in the form of the 1982 Convention of the Seas, parts of international straits and waterways within the territorial limits of coastal countries were included in a special legal regime, and so-called harmless passage or transit passage was taken. It meant that the coastal country could not simply prevent the passage through the international strait, and the limitation of that country's sovereignty over the international corridor or strait would be established.

In fact, the Zangzor⁵⁸ project is known as Turani, which is pursued with regional and international goals. In general, four main goals have been defined for this project. The most important is the transit discussions, in which the Republic of Azerbaijan and Turkey are looking for the connection point for the disruption in the North and South Corridors. Another important is the disruption in the transit corridor between the Persian Gulf and the Black Sea which makes the border between Iran and Armenia difficult or creates restrictions for it through the corridor. As a result, the control of the north and south corridor on the path of communication between Iran and Russia will be entirely in the hands of the so-called Turani Corridor.

56 Turkish generation.

57 The Polish Corridor, also known as Danzig Corridor, Sea Corridor, or Gdańsk, was a territory located in the Pomerania region that gave the Second Polish Republic (1920-1939) access to the Baltic Sea.

58 Zangzor is a historical and geographical region in Armenia.

At the same time, regardless of the North and South corridors, the vast project (One Belt-One Road) will disturb China and make it fail. Because we know the danger of China's One Belt, One Road project is far greater than the military risks of China. This is why Turkey proposed the Lapis Lazuli Corridor⁵⁹ as part of the Turani project. It means connecting Turkey to Nakhchivan through the Turani project to the Republic of Azerbaijan and from there to the Caspian Sea and from this sea to Turkmenistan, Afghanistan and Pakistan and finally access to the Gwadar Dam and the Oman Sea.

The second function of this corridor is related to energy issues. Because one of the goals pursued in this project is the construction of a pipeline from three Central Asian countries, namely Kazakhstan, Uzbekistan and Turkmenistan, from the Caspian Sea to the Republic of Azerbaijan and through this fake corridor to Turkey and Europe.

Pipelines are ready from the Republic of Azerbaijan to the European Union. The South Caucasus pipeline, "Tap and Tanap,"⁶⁰ has cost more than 30 billion dollars, and its Tanap section (Gasim, 2019) which the Republic of Azerbaijan built in Turkey, has cost more than 11 billion dollars.

First, this pipeline currently does not have enough gas to reach Europe. Unless Turkmenistan, Uzbekistan, and Kazakhstan join it. The goal of the Turani Corridor is to achieve such a thing so that, in this case, the Central Asian gas will be sent to Europe instead of to China and Russia. Second, with the construction of this project, the discussion of Iran's gas transfer to Europe will be ruled out forever, and third, the issue of Iran's gas transfer from Nakhchivan to Armenia and Turkey will also be overshadowed by this issue in the future. Regarding Iran, as one of the countries, such a project will suffer. It should be stated that until the Iranian Parliament approves the Convention on the Legal Regime of the Caspian Sea, Turkmenistan and the Republic of Azerbaijan do not have the legal right

to pull the pipeline from the Caspian Sea bed. Another function of this project is in security issues and NATO's direct presence in the Caucasus region, the Caspian Sea and Central Asia, that is, up to the western borders of China and the southern borders of Russia. With the creation of such a project, Turkey as a member of this project, NATO can practically be present in the Caspian region and Central Asia without any restrictions. In this case, it can be said that a blockade against Russia, which is from the Black Sea side, and against China, which is from the Black Sea South China, will be followed and will be established. With such a trend, Iran's security interests will also be in danger from the northwest and northeast. By examining more issues, we find that this project can also be a geopolitical, geo-economics, and even ecocultural threat from a cultural point of view to create a culture of Iran with the Caucasus.

Issues that can invalidate this treaty today by presenting historical documents, including the Treaty of Turkman Chai, can be proven in the International Court of Justice that Iran's ownership of the Kara-su area is entirely legal and can be returned to Iran. This small three and a half kilometres of a narrow strip, which today has endangered more than 700 kilometres of Iran's transit route in the South Caucasus region, plays a vital role in realising the dream of the "Turani Corridor" of Recep Tayyip Erdogan,⁶¹ who has been striving for in recent years its implementation. Kara-su is the starting point and the primary source of drawing and implementing the Turani project, which the current Turkish government is pursuing in the framework of the view of neo-Ottomanism.

The advancement of Erdogan's Turani Corridor project, which is not mentioned in the recent developments in the South Caucasus and the open, semi-open and hidden positions of the high officials of Turkey and Azerbaijan and others, has currently encountered problems in Syunik⁶², Armenia. The insistence of Azerbaijan and Turkey's government to implement the so-called Zangzor Corridor in this area is aimed at removing the "most important obstacle" in front of the Turani Corridor.

59 A corridor that connects Afghanistan to the Black Sea through Turkmenistan, the Republic of Azerbaijan and Georgia, and finally to the Mediterranean Sea and Europe via Turkey.

60 The plan to build the Trans-Adriatic Pipeline (TAP) and the Trans-Anatolian Gas Pipeline (TANAP) is one of the energy transfer plans, which, if implemented, will transfer the gas resources of the Shahid field of the Republic of Azerbaijan from Turkey and Greece to Bulgaria and Italy.

61 President of Turkey.

62 Syunik is the southernmost province of Armenia. It is bordered by the Vayots Dzor Province to the north, Azerbaijan's Nakhchivan Autonomous Republic exclave to the west, Azerbaijan to the east, and Iran to the south.

The implementation of the so-called Zangzor Corridor, which cuts off Iran's communication and borderlines with Armenia, is of such "strategic importance" for Turkey and Azerbaijan that Baku is ready to acquire this area, which is located in the Sionik province of Armenia. He even gave up part of his demands in the northern parts of Karabakh. In other words, today, the implementation of this corridor by Baku-Ankara has become a priority over the recovery of Karabakh from Armenia. The realisation of the Turani Corridor, which is currently facing an obstacle called Zangzor, and all the efforts of Turkey and Azerbaijan are focused on opening Zangzor, has several strategic consequences for Iran, Russia, and China. The consequences of the implementation of the Zangzor Corridor, which will complete the communication lines between Turkey and Azerbaijan and from there to the Caspian Sea and Central Asia for Iran, can be listed as follows:

1. Weakening Iran's political role in the Caucasus region;
2. Disruption in the trade relations between Iran and Russia in the Caucasus;
3. Disruption in Iran's trade relations with Armenia;
4. Cutting off one of Iran's important transit routes to Europe and establishing dependence on Azerbaijan and Turkey;
5. Weakening Iran's position in the North-South and East-West corridors;
6. Weakening Iran's position and disrupting Iran's cooperation in the Eurasian Customs Union;
7. Weakening Iran's position and disrupting Iran's cooperation in the Shanghai Pact;
8. Weakening Iran's position in China's "one belt – one road" line (Yayloyan, 2018);
9. Eliminating Iran's geopolitical advantage in the Caucasus by upsetting the balance of transit lines in the region.

Implementing the Turani Corridor will remove Iran from all energy and transit equations in the Caucasus region. The important strategic consequences of the Turani Corridor for Russia and China include the following:

1. Reducing Russia's geopolitical advantages in the Caucasus;
2. Ending Europe's dependence on Russia in

the field of energy and reducing Russia's leverage against Europe;

3. Strategic threats against Russia through the expansion and strengthening of NATO positions in the east and connecting NATO to the Caspian Sea;
4. Increasing China's gas demand for Central Asia;
5. Improving the level of acting of Central Asian countries against China;
6. Undermining China's \$5 trillion "One Belt-One Road" project, which is the most significant investment project in human history (Huang, 2017);
7. Violation of the Shanghai Treaty;
8. Completion of the blockade of Russia and China by America and Europe, with Turkey and Azerbaijan acting.

THE STATUS OF THE OCCUPATION OF KARABAKH IN TERMS OF INTERNATIONAL LAW

As one of the most complex ethnic and territorial conflicts in the world, the Karabakh conflict has faced different and even conflicting approaches from the countries of the region and the world. Besides the influence of political considerations, perhaps one of the reasons for this issue is the adherence of each of the parties involved in the Karabakh conflict to one of the important principles of international law and the use of these principles to justify their positions in the dispute. The existence of such a point of view shows the positions of various countries that have a role and influence in the Karabakh conflict that they consider the principles of international law in their positions regarding this conflict, but they often do not act in this direction.

In Article 1 of the UN General Assembly resolution approved in 1974, aggression is defined as "the use of force against the territorial integrity and political sovereignty of any state", and in Article 2 of this resolution, "any state that resorts to force for the first time is prima facie a transgressor." It will be considered, and it is the Security Council that, according to the case and special conditions, can-

not consider the done act illegal. According to the third article of this resolution, there are several acts of aggression: Invasion or attack, occupying or annexing the territory or a part of the territory of a state, bombings, siege, use of military force in the territory of a state in a way that is not mentioned in specific agreements, sending armed groups to the state of an orderly or irregular state, carrying out severe military operations against another government or interfering in the carrying out of such operations.

From Baku's point of view, the developments that started in 1988 in Nagorno-Karabakh and after the collapse of the Soviet Union turned into a full-scale war between the Republic of Azerbaijan and Armenia, show that the Armenian army and the Armenian paramilitaries are moving into the countryside and the countryside. In February 1992, they started encroaching on the Republic of Azerbaijan from the region of Karabakh and massacring civilians, especially in the city of Khojali.⁶³ From Baku's point of view, what makes the occupation and encroachment by the Armenian forces decisive in the Karabakh conflict is that after occupying the five important cities of Karabakh, they moved to the centre of *Khankandi*. Armenians call it "*Stpankert*"⁶⁴ to encroach on cities outside of this region. Based on this, in the period from 1992 to 1994, seven cities were occupied outside the Republic of Azerbaijan, including *Zangilan*⁶⁵, *Fozuli*⁶⁶, *Agdam*⁶⁷, *Jebayil*⁶⁸, *Qabadli*⁶⁹, *Kalbajar*⁷⁰ and *La-*

*chin*⁷¹. Even the most radical Armenian groups do not have any claim on territorial ownership, like Agdam and Zangilan.

Based on this, the Security Council, the most important decision-making body of the United Nations, issued four resolutions on the Karabakh conflict in 1993. Although most of the permanent members of the Security Council support Armenia and the political intentions of the members and interfere in the decisions of this council, a look at the content of this resolution shows the conditions of the occupation of Karabakh from the point of view of international rights.

On April 30, 1993, the Security Council passed Resolution No. 822 during the 3205 meetings. This resolution expressed concern about the increasing armed military operations between the Republic of Azerbaijan and Armenia, particularly the attack by Armenian forces on the Kalbjar sector of Azerbaijan and the relocation of many civilians in the area. The resolution reaffirmed the importance of national sovereignty and territorial integrity for all countries in the region and the inviolability of internationally recognised borders. It also condemned any attempts to acquire land through military force. In this resolution, security explicitly states that the international borders of the Republic of Azerbaijan have been violated through aggression. However, it does not explicitly mention the name of the aggressor.

The resolution supports peace negotiations through the Organization for Security and Cooperation in Europe. It calls for an immediate end to military operations and hostile actions to establish a lasting ceasefire. It also urges the immediate withdrawal of all military forces from the Kalbjar sector of the Republic of Azerbaijan. The resolution emphasises the need to resume negotiations and allow unhindered international humanitarian aid in the region. On July 29, 1993, the Security Council unanimously passed Resolution 853.⁷² The council

63 It is a city in Askran Province, Artsakh Republic.

64 Another name of Khankandi region.

65 Zangelan is a city in Zangelan city of the Republic of Azerbaijan. Between the first and second Karabakh wars (1993-2020), this city was de facto part of Kashataq province of Artsakh Republic for 27 years.

66 Fozuli is the name of a part in the south of the Republic of Azerbaijan and on the north bank of the Aras River, which borders with Iran. About one third of this part was under the control of Armenia.

67 It is an abandoned city in the Republic of Azerbaijan.

68 It is a city the Republic of Azerbaijan and is considered the center of this city. Between the first and second Karabakh wars (1993-2020), this city was a de facto part of Hadrut province of Artsakh Republic for 27 years.

69 It is the name of a part in the southwest of the Republic of Azerbaijan. This part is now under the control of Azerbaijani forces.

70 It is a city in the Republic of Azerbaijan. This city was previously located in Shahumyan province of Artsakh Republic.

71 It is a part of the Republic of Azerbaijan which was under the control of the Armenian forces since the Nagorno-Karabakh war and after the ceasefire agreement, the Azerbaijani army regained control of this city.

72 Resolution 853 of the United Nations Security Council, approved on July 29, 1993, is an international document about Armenia-Azerbaijan. This resolution was approved during the 3259th meeting with 15 votes in favour, 0 against and 0 abstentions.

expressed deep concern over the increasing military operations, including capturing the Agdam sector in the Republic of Azerbaijan. The council noted that this unrest threatened peace and security in the region, especially considering the relocation of many civilians in the Republic of Azerbaijan and the resulting humanitarian situation. The council reaffirmed the right to national sovereignty and territorial integrity of the Republic of Azerbaijan and other regional countries. The council also condemned hostile acts and behaviours in the region, including attacks on civilians and bombing and artillery attacks against residential areas. Finally, the council stressed the inviolability of internationally recognised borders and emphasised the inadmissibility of using military force to acquire lands in Agdam and other occupied parts. This resolution from the Security Council had a more forceful tone than the previous one. It acknowledged and praised the efforts of the Minsk Group from the Organization for Security and Cooperation in Europe. The resolution demanded that all military operations stop immediately and that the occupying forces withdraw entirely from the Agdam sector and other areas within the Republic of Azerbaijan. All parties involved were urged to come to a permanent agreement on the ceasefire and to follow through with it. At the same time, the Security Council did not explicitly name the aggressor in this resolution. Still, it strongly urged the Armenian government to continue exerting influence on Armenians to ensure compliance with the provisions of Resolution No. 822 (1993)⁷³ and the current resolution. The Council also has called for the acceptance of the proposals of the Minsk Group by this side.

With the intensification of the conflict between the Republic of Azerbaijan and Armenia and the increase in the number of refugees, three months had not passed since the second resolution, when the Security Council unanimously approved Resolution 874⁷⁴ on October 14, 1993, in the 3292nd ses-

sion. The main focus of the third resolution of the Security Council on Karabakh was to welcome and support the "renewed schedule of non-delayed measures in line with the implementation of Security Council Resolutions No. 822 and No. 853, which was prepared on September 28, 1993, at the consultative meeting of the Minsk Group."

The resolution states that other unresolved issues arising from the conflict in the "renewed table" that have not been examined should be resolved as soon as possible within the framework of peace talks in line with the Minsk process, and countermeasures and irrevocable measures are mentioned without delay. In the renewed schedule of the Minsk group, including the withdrawal of troops from the occupied territories and the removal of all existing obstacles in communication and transportation.

Finally, on November 12, 1993, in the 3313th session, the United Nations Security Council unanimously approved Resolution No. 884,⁷⁵ the final resolution of this Council regarding the Karabakh conflict since 1993. In this resolution, the Security Council once again expressed its support for the activities of The Minsk Group of the Organization for Security and Cooperation in Europe. The Council has emphasised and expressed concern regarding the escalation of military operations due to the ceasefire violation and the use of excessive forces in response to these cases, including the occupation of Zangilan and Horadiz⁷⁶ cities of the Republic of Azerbaijan. The confirmation of national sovereignty and territorial integrity of the Republic of Azerbaijan condemns the occupation of these two cities and the resumption of military operations. The Armenian government is influencing Armenians living in Nagorno-Karabakh, Azerbaijan, to comply with resolutions 822, 874, and 853. They are being asked not to provide equipment and supplies to participating military forces without mentioning the involvement of the Armenian army in occupying cities in Azerbaijan. In its resolution 884,

73 Resolution 822 of the United Nations Security Council, approved on April 30, 1993, is an international document about Armenia-Azerbaijan. This resolution was approved during the 3205th meeting with 15 votes in favour, 0 against and 0 abstentions.

74 Resolution 874 of the United Nations Security Council, approved on October 14, 1993, is an international document about Armenia-Azerbaijan. This resolution was

approved during the 3292nd meeting with 15 votes in favour, 0 against and 0 abstentions.

75 Resolution 884 of the United Nations Security Council, which was approved on November 12, 1993, is an international document about Armenia-Azerbaijan. This resolution was approved during the 3313th meeting with 15 votes in favor, 0 against and 0 abstentions.

76 It is in Fozuli city in the Republic of Azerbaijan.

the Security Council addresses the interested parties. It demands immediate cessation of hostilities and hostile behaviour, unilateral withdrawal of occupied forces from the Zangilan sector and Horadiz city, and withdrawal of military forces from other parts of Azerbaijan.

The resolution asks the Secretary-General and relevant international institutions to provide humanitarian aid to civilians affected by the conflict in Azerbaijan's Zangilan and Horadiz areas. It also acknowledges Iran's role in opening its border to prevent a humanitarian disaster. The resolution aims to ensure the safe return of war veterans and residents to their homes in the southern borders of Azerbaijan. The Security Council has not mentioned Armenia as an aggressor in its four resolutions. Despite these actions, it has identified the Armenian militia as occupying part of the territory of the Republic of Azerbaijan and emphasised the territorial integrity of the Republic of Azerbaijan and the inadmissibility of violating the immunity of international borders. The Security Council's insistence on the immediate, unilateral withdrawal of Armenian forces from the occupied territories of the Republic of Azerbaijan, including Agdam, Fozuli, Zangilan and Horadiz, showed that the justifications of the Armenian separatists of Nagorno-Karabakh for the use of force were not acceptable from the point of view of the United Nations Security Council. Security did not mention the situation of Armenians in Nagorno-Karabakh and the claim that the Republic of Azerbaijan violated their rights in their resolutions but confirmed the violation of the rights of civilians and refugees. Acknowledging the reality of the occupation of the lands of the Republic of Azerbaijan in four resolutions of the Security Council is considered an excellent achievement for Baku, which strengthens the legal and political position of this country. Therefore, it is not a coincidence that the authorities of the Republic of Azerbaijan always accuse Armenia of their positions, regardless of the resolutions of the Security Council. The Security Council, especially in its third and fourth resolutions, emphasised supporting the activities of the Minsk Group under the supervision of the Organization for Security and Cooperation in Europe regarding the Karabakh conflict. America, Russia, and France form the heads of the Minsk Group, which influence all three countries of

the Armenian diaspora, and these three countries are interested in Armenia. For this reason, after the ceasefire on May 12, 1994, in Karabakh, the efforts of the Minsk Group, Karabakh, have not satisfied the authorities of the Republic of Azerbaijan. Especially since 2011, Baku has tried many times to discuss the Karabakh conflict with the UN and the Security Council, but the heads of the Minsk Group prevented it. Even because of these oppositions, Baku could not use the opportunity of its membership as a non-permanent member of the Security Council, including the presidency of this council for one month at the end of 2013, to re-propose the issue of the Karabakh conflict in the Security Council.

CAN THE OWNERSHIP OF KARABAKH CONFLICT WITH THE PRINCIPLE OF TERRITORIAL INTEGRITY?

According to most jurists, the principle of territorial integrity of countries is one of the binding rules of international law that all countries must comply with. Many international documents and the procedure of the International Court of Justice emphasise supporting countries' territorial integrity. The importance of the principle of territorial integrity in international law reaches such a point that any action against it does not have any legitimacy based on any principle, and this principle is generally accepted in international law. Of course, we should not lose sight of the fact that events such as the Iraq War in 1991, the Bosnian War in 1992, the Kosovo War in 1999, the attack on Afghanistan in 2001, the attack on Iraq in 2003, the Russian attack on Georgia in 2008, separatism in Donetsk and Luhansk in Ukraine in 2014, show that this principle has been severely neglected. Although the principle of the right to self-determination is also fundamental, the principle of the right to self-determination cannot become an excuse for violating the territorial integrity of countries. After the colonial period and the colonies' independence, the right to self-determination of minorities and ethnic groups has been supported only in the framework of the territorial integrity of the countries.

Separatists' instrumental use of the principle of the right to self-determination is synonymous with disregarding the traditional principles of the international order, such as maintaining territorial integrity and respecting the sovereignty of states. As a result, any attention to separatist requests will mean reconsidering the framework of international relations and its foundations, i.e. the principles governing contemporary international law – an issue that confronts the world and the Caucasus region, which has many ethnic groups, with the danger of chaos and disorder, and the consequences of this disorder threaten human rights.

Therefore, according to the rules of international law, an ethnic minority separating a part of a country under the pretext of self-determination is considered occupation and aggression, whether this act is supported by a foreign country or otherwise. As stated in the resolutions of the Security Council, the actions of the Armenian militias in Nagorno-Karabakh have damaged the territorial integrity of the Republic of Azerbaijan, and the separatists of Nagorno-Karabakh have violated one of the mandatory rules of international law by using force. Evaluating the relationship between the principle of self-determination and separatism regarding Karabakh, to justify the occupation of Karabakh, the separatists insist on the principle of the right to self-determination and consider the passing of the independence referendum in 1993 as a sign of independent self-determination, the same action that the separatists did in Georgia's Abkhazia. The truth is that after the end of the cold war, the idea was established that the right to determine the fate of the other does not belong only to the people of occupied and colonial lands. However, this right belongs to all the people of a land, not religious groups, internal tribes or nations.

It is precisely for this reason that the Republic of Azerbaijan has called the holding of the independence referendum in Karabakh in 1993 illegal and contrary to the rules of international law. Officials in Baku have emphasised that a referendum to determine the legal fate of Karabakh should take place throughout the entire territory of the Republic of Azerbaijan and include all residents of the country. It should not be limited to the region of Karabakh and only among its Armenian population. This is because, according to the rules of

rights groups, a tribe or nation, along with other people of a land, should have the right to determine their destiny and have the ability to exercise it. Usually, in most democratic systems, to provide more and more cultural rights to minorities, they give autonomy to their regions or use the federation and state system. Even though the Republic of Azerbaijan has faced criticism from the international community regarding democracy, it has announced to the Karabakh region that it is ready to provide the highest level of autonomy to this region.

In general, it should be said that based on documents such as Article 27 of the International Covenant on Civil and Political Rights approved in 1966 and the Declaration of the Rights of Minorities, "Persons belonging to National, Ethnic, Religious and Linguistic Minorities" approved in 1992, they have extensive rights to preserve their cultural identity. However, there is no right to the separatism of a national, ethnic or religious group. These groups not only do not have such a right, but their legitimate demands should be recognised in the framework of the right to determine their destiny, that is, to participate in the country's political, economic and social life and protect them. They benefit from it by adhering to the principle of territorial integrity of their respective countries. Based on this, the reference of the separatists of Karabakh to the principle of self-determination lacks legal validity. It is by Article 27 of the International Covenant on Civil and Political Rights approved in 1966, and the Declaration of the Rights of Minorities. People belonging to national, ethnic, religious and linguistic minorities" approved in 1992 is inconsistent (Poland, 2002).

Therefore, it is no coincidence that in 1993, the Declaration of the World Conference on Human Rights in Vienna emphasised, "The right to self-determination should not be used as a license or incentive for any act that leads to the division or threat of the whole or part of the territorial integrity or unity of self-determination of nations." They are in control of their affairs, and thus they have a government that is considered to be the representative of the entire people belonging to that land and without discrimination of any kind." The most significant justification of the separatists to separate from the country was to appeal to hu-

man rights issues. However, the various wars surrounding the separatists showed that this method did not help the observance of human rights but also damaged it even more. Based on this, the Anti-Discrimination Committee, in its General Recommendation No. 21 dated August 1996, states: "The Committee does not recognise the right to declare partition and separation from a state unilaterally, and declares that the state is in favour of partition". Moreover, maintaining peace and security is not only not useful but also harmful and destructive. One of the reasons for the disadvantage of this idea is that if any minority is allowed to call for secession, hundreds of new and small governments will be established in the world.

According to the mentioned cases, the reference of the separatists of Nagorno-Karabakh to the principle of self-determination for the declaration of the independence of Nagorno-Karabakh is contrary to the provisions and standards of international law, especially the Covenant on Civil and Political Rights and the provisions of the United Nations Charter on the Inviolability of International Borders and the Declaration on the Rights of Minorities. Despite holding several presidential and parliamentary elections in the last two decades, the separatists of Karabakh have not received recognition from any country in the world. The Organization for Security and Cooperation in Europe (OSCE), which is crucial in resolving the Karabakh conflict, considers these elections illegal. This election has been highlighted as a result of these circumstances.

CONCLUSION

The territorial disputes between the Ottoman Empire and Iran were transferred to the new Republic of Turkey and Reza Shah Pahlavi during the Qajar era after the collapse of the Ottoman Empire and the change of monarchy in Iran. These disputes, which intensified with new aggressions by the Turkish military on Iranian soil, caused the relationship between the two countries to deteriorate. However, because the two mentioned countries needed peace inside and outside to strengthen their power and carry out internal reforms and modernisation, they had put the prin-

ciples of their foreign policy based on adopting a policy of good neighbourliness with their neighbours and based on peaceful relations. This approach, in their foreign policy, became an important factor for the peaceful resolution of territorial disputes between the two countries, and their territorial disputes were resolved step by step with the conclusion of the Treaty of Vedadiyeh and Taminieh (1926) and the Border Treaty (1932). In the last treaty, the borderlines were defined, and the work of determining the boundaries and marking the border started from the confluence of the Aras and Kara-su rivers and ended in the middle of 1933 at Dalamper Mountain, that is, the common border between Iran, Turkey and Iraq. The ownership of the Kara-su region belonged to Iran, with the cancellation of the Turkmen Chai Treaty and Iran's lack of commitment to the Kars Treaty (following the conclusion of the 1921 Iran-Soviet Agreement). However, during the end of the Qajar period in Iran, political disturbances led to the Ministry of Foreign Affairs officials becoming indifferent towards the ineffectiveness of the Turkmen Chai Treaty. Additionally, Iranian politicians became lax, resulting in a loss of attention to the matter. After the Civil and Political Rights, the United Nations Charter and the practice of international law, especially after the Second World War, it is clear that the principle of the right to self-determination must be with the principle of territorial integrity. What is said as the conflict between the principle of territorial integrity and the principle of the right to self-determination is an apparent conflict, and this conflict is also caused by the separatists' unilateral and extensive interpretation of the right to self-determination. The existing order of the international system is based on the four principles of territorial integrity, state sovereignty, the prohibition of resorting to force and the prohibition of interference in the internal affairs of other states. These four principles are considered in the United Nations Charter. Paying attention to the separatist claims of ethnic, religious, national and linguistic groups and giving them any legitimacy means questioning the existing international order, which can have extensive negative consequences such as international anarchism, in which every ethnic group, language or national and religious can declare independence,

in such a situation, the foundations of identification will also be destroyed. Creating new governments based on each national and ethnic group will lead to a world of thousands of governments. A society with so many governments, most of which will undoubtedly be small governments, is uncontrollable and brings many irregularities. This is why, even though after the collapse of the Soviet Union, separatism intensified in regions such as the Caucasus, Central Asia, and the Balkans, none became a basis for legitimacy to disrupt the existing international order, despite the opposition of the rules of international law. With the separatism of minorities under the pretext of the right to self-determination, it seems that the existence of foreign support has caused separatist movements to continue or succeed in some parts of the world for a long time. The separatism in South Ossetia and Abkhazia has been ongoing for over two decades because Russia supports it. Moreover, Russia supports the separatists of Karabakh. Experience has shown that without foreign support, separatist movements will not succeed. Examples of this issue can be seen in Canada's Quebec, Russia's Chechnya, and Sri Lanka's Tamils. According to the rules of international law, national, ethnic or non-religious groups within a country do not have the right to seek separatism and establish an independent state, but this issue should not be interpreted in such a way that these groups cannot enjoy the right to self-determination. Rather, besides being able to exercise the right to self-determination along with other people of their land by choosing a democratic government and participating in its administration, they also have special rights. Based on this, it seems that the Republic of Azerbaijan has declared its readiness to grant autonomy at a high level to the Karabakh region to restore its territorial integrity and assure the Armenians of Karabakh that their cultural identity will be preserved and respected. The Republic of Azerbaijan has repeatedly emphasised this idea almost since 1997. The Organization for Security and Cooperation in Europe also emphasised the territorial integrity of the Republic of Azerbaijan and the autonomy of the Armenians of Karabakh. It guaranteed security in its proposal to resolve the Nagorno-Karabakh conflict at the 1996 summit

in Lisbon, Portugal. According to Professor Antonio Cases, there is no legitimacy for the actions of the Nagorno-Karabakh separatists regarding the proposal of the Republic of Azerbaijan to grant high autonomy to the Armenians of Karabakh. According to the United Nations Charter, a country's territorial integrity must not be breached except in cases of preventing severe human rights abuses, threats to international peace and security, or when no other options are available. The purpose of this intervention is to stop countless violations of human rights and create an environment for negotiation and establishing peace. Only when crimes against humanity occur and with the permission of the Security Council the principle of territorial integrity can be temporarily violated.

"Turan Corridor" is supposed to create a geographical connection from Turkey to the Republic of Azerbaijan and Central Asia by eliminating the border of Iran and Armenia, and this issue can provide the basic and vital interests of China, Russia and Iran in the following four areas. Transit field: Russia, China and Iran are currently focusing on four major transit projects, namely "Silk Road Revitalization Project or One Belt – One Road", "North-South Corridor", "Corridor connecting the Persian Gulf to the Black Sea" and They are "Eco Corridor" (Yayloyan, 2018).

Using the term "Zangzor Corridor" instead of "Turani Corridor" is wrong from a historical, political and legal point of view. Because the term Zangzor Corridor, more precisely the unconfirmed word "Zangzor West" coined by the President of Azerbaijan Ilham Aliyev, refers to Syunik province (centred in Kapan⁷⁷) in the south of Armenia, which forms the border between Iran and Armenia. This word has a territorial claim against the Syunik province of Armenia. The authorities' argument of the Republic of Azerbaijan is that this region was ceded to Armenia by a knight in 1922. If this argument is based, naturally, there are many similar examples, including the Caucasus, where the Republic of Azerbaijan is located, it was separated from Iran in 1828 and handed over to Russia.

Igdir⁷⁸, Kars⁷⁹, and corridor Qara-su, all of which

77 Kapan is a town in southeast Armenia, serving as the administrative center of the urban community of Kapan as well as the provincial capital of Syunik Province.

78 City in East of Turkey.

79 Kars is a city in northeast Turkey.

once belonged to Iran, were ceded to Turkey in 1931, or according to the 1920 *Treaty of Sèvres*⁸⁰, signed by the Ottomans, six provinces in the south-east of this country with the title "Western Armenia" belongs to Armenians. Naturally, with this argument of Baku, all these should be returned to their historical owners. This is why international law and international jurisprudence, which have

80 The Treaty of Sèvres was a 1920 treaty signed between the Allies of World War I and the Ottoman Empire. The treaty ceded large parts of Ottoman territory to France, the United Kingdom, Greece and Italy, as well as creating large occupation zones within the Ottoman Empire.

been mentioned several times in the judgments of the International Court of Justice, emphasise that: "Historical events that have resulted in future changes in international relations cannot serve as the foundation for ownership claims" (SERVICE, 2001). Accordingly, the application of Zangzor to the south of Armenia means a violation of the territorial integrity of this country and a violation of Article 4 of the United Nations Charter. Therefore, the use of the title Zangzor Corridor" which is used by Ankara and Baku officials, is wrong from a political, legal and historical point of view.

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