

The issue of autonomy of Nakhchivan in Heydar Aliyev's legacy

Introduction

Heydar Alirza oglu Aliyev is the most famous and outstanding statesman of modern Azerbaijan. He headed the Azerbaijan Soviet Republic for 13 years (1969-1982), and in the 1982-1987 years, while working as the First Deputy Chairman of the Soviet of Ministers of the USSR, as a member of the supreme governing body of this super state - the Political Bureau of the Central Committee of the Communist Party, with his extraordinary leadership ability he had gained great reputation all over the world. On the eve of the collapse of the USSR, Heydar Aliyev, who was forced to return to his native land - the Nakhchivan Autonomous Republic due to political persecution, played an exceptional role in the defense of this exclave area of Azerbaijan. Heydar Aliyev, who was re-elected as the political leader of Azerbaijan in 1993, in the course of his 10-years presidency, did great work in strengthening the legal basis of the autonomous status of Nakhchivan and improving the socio-economic situation of the region.

Nakhchivan autonomy is one of the unique forms of government in the world. Unlike most autonomous formations, which are based on ethno-national factors, the political and legal status of Nakhchivan is determined by the state-territorial features of this region. On the other hand, the Nakhchivan autonomy for its origin also differs significantly from other autonomies, since Nakhchivan acquired its autonomous status not as a result of the settlement of relations between the territorial subject and the central government of the country, but as a result of the international legal agreements of four states (the RSFSR, Turkey, the Azerbaijan SSR and the Armenian SSR, fixed in the Moscow and Kars treaties of 1921. Thus, the Nakhchivan autonomy has not only an internal, but also an international character.

The article deals with the geopolitical peculiarities of the Nakhchivan Autonomous Republic, illuminates the activity and role of Heydar Aliyev in expanding the status of the autonomous region.

Main part:

The Nakhchivan Autonomous Republic, being an integral part of Azerbaijan, went through a complex and difficult path of development in the 20th century, played an active and significant role in the struggle of the Azerbaijani people for national liberation and state independence.

Nakhchivan, as a region of great geopolitical and strategic importance, was at the center of attention of neighboring states at all historical stages, and was included in the circle of interests of big powers.

The socio-political processes that took place at early 20th century, in particular the collapse of the Russian Empire, the formation of independent states in the South Caucasus, the results of the First World War, left a deep mark on the fate of Azerbaijan and its constituent part - the Nakhichevan territory. According to a number of specific features, Nakhchivan has become one of the main centers of socio-political changes taking place in the South Caucasus.

After the establishment of Soviet power in Nakhchivan, Armenia opposed the idea of independence of Nakhchivan. But on December 28, 1920, in its statement, the Revolutionary Committee of Armenia recognized Nakhchivan as an independent Soviet Republic. In fact, the recognition of the region not as part of Azerbaijan but as an independent republic, was a well-thought-out step that serves the further plans of Armenia.

However, the persistent struggle of the Azerbaijani population of Nakhchivan and the military-political, diplomatic efforts of Turkey, its resolute support for the position of Azerbaijan destroyed all the plans of the Armenians to tear away this territory from Azerbaijan.

In a survey conducted by representatives of the Azerbaijan SSR, the Armenian SSR and the RSFSR at early 1921, in connection with the attitude of the population of the Nakhchivan region to the statements of the Revolutionary Committees of Azerbaijan and Armenia, 90 percent voted to leave the Nakhchivan Autonomous Republic within Azerbaijan as autonomy.

Having failed to subjugate Nakhchivan, Armenia achieved its other goal - with the help of the Soviet government, it annexed another primordially Azerbaijani territory - Zangazur. As a result, the Republic of Nakhchivan was territorially separated from Azerbaijan and fell into an enclave position, which determined its autonomy.

On the whole, the announcement of Nakhchivan's autonomy is a unique event in history. Unlike other autonomous entities, Nakhchivan's autonomy is not national, but territorial. The Nakhchivan Autonomous Republic (NAR) was formed as a geopolitical factor, as an enclave territory remote from Azerbaijan.

As Russian researcher Oleg Kuznetsov notes, in the specific historical conditions of the early 1920s, the autonomization of Nakhchivan became an original for its time (and unique in the history of international relations) form of international legal protection of the national and political rights and interests of one ethnic group in the face of aggression from the side of the other at the moment these two peoples acquire their national (in the sense of state-legal) identity⁴²⁹.

One of the important features of the Nakhchivan autonomy is not only that it is enshrined in the national legislation of Azerbaijan and Nakhchivan. The autonomous status of Nakhchivan was also confirmed by international treaties - the Moscow Treaty of March 16, 1921, concluded between the RSFSR and Turkey, and the Kars Treaty of October 19, 1921, concluded between Turkey and the Transcaucasian republics - the Azerbaijan SSR, the Armenia SSR and the Georgia SSR. According to these treaties, Nakhchivan was recognized as an integral part of Azerbaijan with the rights of an autonomous unit. Thus, Nakhchivan received an international legal guarantee of its autonomous status⁴³⁰.

Thus, Article 3 of the Moscow Treaty established that the Nakhchivan region is an autonomous territory under the protectorate of Azerbaijan, which cannot cede this protectorate to a third state.

Article 5 of the Kars Treaty and the 3rd addition to it confirmed the territorial belonging of Nakhchivan to Azerbaijan and categorically defined its borders.

However, in accordance with these treaties, although Nakhchivan remained within Azerbaijan and was administered as an autonomous part of it, its status has not yet been legalized by constitutional means.

The autonomous status of Nakhchivan went through several stages: from March 16, 1921 to June 16, 1923, the region was called the Nakhchivan Soviet Socialist Republic, then for a short period it was called the Nakhchivan Territory, and from February 9, 1924 it was renamed the Nakhchivan Autonomous Soviet Socialist Republic (Nakhchivan ASSR). On November 17, 1990, at the initiative of Heydar Aliyev, at a meeting of the Ali Majlis (Supreme

⁴²⁹ O. Kuznetsov Significance of international legal treaties in the institutionalization of the political and legal status of the Nakhchivan Autonomy within Azerbaijan (on the occasion of the 90th anniversary of the proclamation of the Nakhchivan Autonomous Soviet Socialist Republic), *Caucasus and Globalization*, Volume 8, Issue 1-2, 2014, p. 172.

⁴³⁰ Full text of the Moscow and Kars treaties of 1921: Collection of legalizations and orders of the Workers' and Peasants' Government of the RSFSR, December 12, 1921, No. 73. p. 731-735; Documents of foreign policy of the USSR. T. IV. Moscow: International relations, 1960. p. 420-429.

Assembly) of the Nakhchivan Autonomous Republic, the words “Soviet Socialist” was removed from the name of the republic, and it became known as the Nakhchivan Autonomous Republic⁴³¹.

The formation of the legal base of the Nakhchivan autonomy began with the adoption of the Regulations on the Nakhchivan Autonomous Soviet Socialist Republic, approved by the Central Executive Committee of Azerbaijan in April 1924⁴³².

The regulation was the main legislative act regulating the legal status and social and political life of the Autonomous Republic. Thus, Nakhchivan turned into an autonomous unit with its own legislative and executive bodies. This was also legally enshrined in the first Constitution of the Nakhchivan ASSR adopted on April 18, 1926.

These documents, as well as the second (1937) and third (1978) Constitutions of Nakhchivan also confirmed its status as an autonomous republic within the Azerbaijan SSR.

Further strengthening of the autonomous status of Nakhchivan is connected with the name and activities of the outstanding political figure, the national leader of the Azerbaijani people, Heydar Aliyev.

Heydar Aliyev, who headed the autonomous republic, in the difficult period for Nakhchivan in 1990-1993, had managed not only to protect the region from Armenian occupation, but also to defend its autonomous status.

The leaders of the Popular Front, who were in power in Azerbaijan at that time, tried in every possible way to reduce the status of the Nakhchivan autonomy, if possible, to eliminate it. Besides, they motivated their position by the fact that Azerbaijan, according to the constitution, is a unitary state, and there can be no autonomous units in a unitary state. It was during such a difficult period that the firm will and endurance of Heydar Aliyev manifested itself. Resolutely rejecting all attempts by some state and party leaders of Azerbaijan to cancel the status of an autonomous republic, the great politician firmly stated that “all attempts aimed at changing the status of Nakhchivan and encroaching on its territory will be resolutely stopped” [3, 720]. In fact, such a position of these forces was determined not by their desire to get Nakhchivan out of the most difficult situation in which it found itself, and not by the need to implement radical political and administrative reforms. Their only goal was in every possible way to limit the political activities of Heydar Aliyev, who at that time had great authority among the people.

⁴³¹ Scientific works of Nakhchivan State University. 1999, No. 4, p.88.

⁴³² Ibidem, p.89.

Thus, in 1991-1993, during the period of anarchy, chaos and lawlessness in Azerbaijan, only thanks to the titanic efforts of Heydar Aliyev, it was possible not only to maintain but also to strengthen the internationally legally fixed autonomous status of Nakhchivan.

After Heydar Aliyev returned to political power in Azerbaijan in 1993, radical economic, political and legal reforms were carried out in the country under his leadership, thanks to which it was managed to stabilize the socio-political life in the country and stop the economic decline. After the truce concluded with the Armenians in the Karabakh front, positive changes in all areas of life became irreversible.

The 1995-1999 years became significant in terms of the legal strengthening of the autonomous status of Nakhchivan. On the initiative and under the direction of Heydar Aliyev, the Constitution of the Independent Republic of Azerbaijan (AR) was developed and adopted by national voting on November 12, 1995, which forever determined the status of the Nakhchivan Autonomous Republic within the Republic of Azerbaijan. H. Aliyev was the Chairman of the Commission that developed the Constitution of the Republic of Azerbaijan.

Section XVIII of this constitution is completely devoted to the Nakhchivan Autonomous Republic. Under Article 134 of the Constitution, the Nakhchivan Autonomous Republic is an autonomous state within the Republic of Azerbaijan. The Nakhchivan Autonomous Republic is an integral part of the Republic of Azerbaijan. The Constitution, laws of the Republic of Azerbaijan, decrees of the President of the AR, resolutions of the Cabinet of Ministers are obligatory on the territory of the Nakhchivan AR.

The Constitution and laws of the Nakhchivan AR adopted by the Ali Majlis of the Nakhchivan AR, correspondingly should not contradict the Constitution and laws of the AR, and the resolutions adopted by the Cabinet of Ministers of the Nakhchivan AR - the Constitution and laws of the AR, decrees of the President of the AR, resolutions of the Cabinet of Ministers of the AR.

Under article 135 of the Constitution of the Republic of Azerbaijan, the legislative power in the Nakhchivan Autonomous Republic is exercised by the Ali Mejlis (Supreme Assembly) of the Autonomous Republic, the executive power is the Cabinet of Ministers of the NAR, and the judicial power is the courts of the NAR. Ali Majlis consists of 45 deputies. Under article 136, the Supreme official of the Nakhchivan Autonomous Republic is the Chairman of Ali Majlis, who is elected at the general meeting of the AM from among its deputies.

The Prime Minister of the NAR is appointed by the Ali Majlis, on the proposal of the President of the AR, and the heads of local executive authorities of the NAR, on the proposal of the Chairman of the AM of the NAR, are appointed by the President of the AR⁴³³.

It should be noted that in the history of its autonomous existence, Nakhchivan had never had such a high status. According to the Constitution of the Republic of Azerbaijan, Nakhchivan has all the rights of an autonomous state.

The development and adoption under the direction of Heydar Aliyev of the new Constitution of the Nakhchivan Autonomous Republic gave a new impetus to the democratic, legal state building processes in the autonomous republic. Work on the draft of the new constitution of the NAR began in November 1995, with the adoption of the first constitution of the AR. By decision of the Ali Majlis on November 23, 1995, a Commission was formed to draft a new Constitution; The Commission, having developed a draft of a new constitution, in September 1997 submitted it for consideration to the Constitutional Commission of the Republic of Azerbaijan.

The draft of the new constitution was discussed several times in the Constitutional Commission of the Republic of Azerbaijan with the participation of the President of Azerbaijan Heydar Aliyev. On his instruction, the draft of the Constitution was translated into Russian, English and French and submitted to four authoritative international organizations - the Council of Europe, the European Commission, the Venice Commission of the OSCE and the International Institute of State Administration of France for positive report.

On October 8, 1997, President of Azerbaijan Heydar Aliyev addressed a letter to Commissioner of the European Commission Van Der Broek. It stated that, taking into account the policy of Azerbaijan's integration into Europe, European experts should consider the draft constitution of the Nakhchivan Autonomous Republic and express their opinion. It was noted that Azerbaijan wants if possible, to take into account the experience in matters of the legal status of Nakhchivan, and in this regard, the opinions of European experts would be important⁴³⁴.

It should be noted that the most famous European scientists and experts in the field of constitutional law studied this project, gave their opinions and suggestions, comparing it with other autonomies available on the territory of developed countries, including such as the Aland

⁴³³ Constitution of the Republic of Azerbaijan dated November 12, 1995 (amended and supplemented from July 25, 2016) https://continent-online.com/Document/?doc_id=30420395.

⁴³⁴ "Azerbaijan" (newspaper in Azerbaijani) 1998, January 16.

Islands in Finland, the Swiss cantons, Catalonia in Spain, etc. It was discussed in the most authoritative international organizations. The experts noted that the project, in accordance with the geopolitical positions of Nakhchivan, fully meets the democratic principles of the state-administrative structure, creates the ground for the status of high autonomy and provides a weighty basis for determining the autonomy of Nakhchivan.

The proposals and recommendations of European experts were carefully studied by the working group, and a number of them were reflected in the draft Constitution.

Finally, at the meeting of the Constitutional Commission of the Azerbaijan Republic on January 14, 1998, under the chairmanship of the President of the Republic of Azerbaijan Heydar Aliyev, the improved draft Constitution of the Nakhchivan Autonomous Republic was again comprehensively and openly discussed, all proposals and recommendations were considered.

At this meeting, Heydar Aliyev, making a brief excursion into the history of Nakhchivan and its autonomous status, noted: "It can be regretted that part of the lands of Nakhchivan in some cases passed into the hands of Armenians, but in general Nakhchivan defended and preserved its territory. If at one time Azerbaijani lands - the Zangazur territory, separating Nakhchivan from Azerbaijan had not been transferred to Armenia then Nakhchivan would not even need autonomy. Azerbaijan was a country that had an integral whole territory"⁴³⁵.

Thus, Heydar Aliyev focused on the fact that the autonomous status of Nakhchivan is connected not with national-territorial, but with historical, geopolitical factors. Pointing to the importance of the Moscow and Kars treaties in strengthening the autonomous status of Nakhchivan, he noted: "It is no coincidence that the status of the Nakhchivan Autonomous Republic was determined by two international treaties. We must think why is the status of Nakhchivan determined by international treaties? At that time many people yearned to possess Nakhchivan. Precisely, in order to once again prove its being an integral part of Azerbaijan this was reflected in such international treaties"⁴³⁶.

Logically summing up the course of historical processes, Heydar Aliyev pointed out that the autonomy of Nakhchivan is our historical achievement; we must protect and preserve it. The autonomy of Nakhchivan is a serious factor that can help the return of other lost lands of Nakhchivan, serving this purpose. We must protect and preserve this factor⁴³⁷.

⁴³⁵ Aliyev H.A. Speech at a meeting of the Constitutional Commission of the Azerbaijan SSR. January 14, 1998

⁴³⁶ Ibidem.

⁴³⁷ "Azerbaijan" (newspaper in Azerbaijani) 1998, January 23.

By order of Heydar Aliyev, the last draft of the Constitution of the Nakhchivan AR was submitted for discussion in the Ali Majlis of the NAR⁴³⁸.

For public discussion, the project was also published in the central body of the NAR - the newspaper "Sherg Gapisi" (Gate of the East). Ali Majlis of the NAR at its meeting on April 28, 1998 discussed and approved the Constitution Draft. It was decided to send the Constitution Draft to the Milli Majlis (National Assembly) of the Republic of Azerbaijan for approval. After the first (June 30, 1998) and second readings (December 29, 1998), the Milli Majlis of the Republic of Azerbaijan came into legal force.

However, even after the adoption of the Constitution of the Nakhchivan Autonomous Republic, certain opposition circles in Azerbaijan, expressing opinions far from reality on the status of the autonomous republic, tried to mislead the public of the country. They argued that Azerbaijan, as a unitary state, should not have autonomous units that the autonomy of Nakhchivan should be liquidated, and its individual districts should be directly subordinated to Azerbaijan. Putting forward the thesis about the alleged contradiction between the autonomous status of Nakhchivan and the unitary state system of Azerbaijan, opponents of Heydar Aliyev argued that the leadership of Azerbaijan would thereby grant the same status to Nagorno-Karabakh in the future. Responding to their inventions, Heydar Aliyev noted that the autonomy of Nakhchivan is a historical event, the result of a long struggle, a condition for its existence and development in the future. He identified the position of the opponents of the autonomy of Nakhchivan with the position of the enemies of Azerbaijan, who put forward unfounded claims to Nakhchivan and other Azerbaijani territories⁴³⁹.

Contrary to the assertions of the opponents of the Nakhchivan autonomy, already in the first section of its Constitution is clearly stated that the Nakhchivan Autonomous State is a democratic, legal, Soviet autonomous state within the Republic of Azerbaijan; the status of the Nakhchivan Autonomous Republic is determined by the Constitution of the Republic of Azerbaijan, the Moscow Treaty of March 16, 1921 and the Treaty of Kars of October 13, 1921⁴⁴⁰.

As we can see, the foundations of Nakhchivan's autonomy within unitary Azerbaijan are explained by the fact that its status was determined by international treaties, and that Nakhchivan is territorially separated from Azerbaijan. These two factors predetermine the need

⁴³⁸ "Azerbaijan" (newspaper in Azerbaijani) 1998, April 15.

⁴³⁹ "Azerbaijan" (newspaper in Azerbaijani) 1999, February 11.

⁴⁴⁰ Constitution of the Nakhchivan Autonomous Republic of the Azerbaijan Republic. Baku, 1999.

to preserve the Nakhchivan autonomy. On the other hand, in the current difficult geopolitical conditions, the autonomous status of Nakhchivan serves as an additional factor in ensuring its security, a factor that can help return its lost lands in the future.

Thanks to the historical merits of Heydar Aliyev, all these features are reflected in the Constitutions of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic. It should be noted that not a single article of the constitution of the Nakhchivan Autonomous Republic contradicts the principle of unitarity of the Azerbaijani state. On the contrary, fully in line with the geopolitical position and democratic principles, it defines and strengthens it as an inseparable territory of the country.

Summary:

Thus, the adoption of the democratic constitution of the Nakhchivan Autonomous Republic, the preservation and strengthening of its autonomous status, the provision and protection of its natural rights are directly related to the titanic activity of Heydar Aliyev.

The existence of the Nakhchivan territory as an autonomous state within Azerbaijan has a unique significance. Autonomous statehood is an important form of ensuring the territorial unity of the Azerbaijani state, when, due to unfair historical circumstances, part of its territory is separated from the main territory.

Streszczenie

W prezentowanym artykule przeanalizowano działania Gejdara Alijewa w kształtowaniu autonomicznego statusu Nachiczewanu.

W artykule naświetlono historię powstania i umocnienia Nachiczewańskiej Republiki Autonomicznej, jej status i charakterystykę w Azerbejdżanie. Szczegółowo przeanalizowano czynniki geopolityczne i historyczne, które doprowadziły do powstania autonomii Nachiczewanu. Podkreśla się, że w przeciwieństwie do innych jednostek autonomicznych Nachiczewan ma charakter terytorialny, a nie narodowy, a status ten znajduje odzwierciedlenie nie tylko w ustawodawstwie krajowym Azerbejdżanu, ale także w międzynarodowych traktatach moskiewskim i karskim z 1921 r.

Zaznacza się, że dalsze umacnianie autonomicznego statusu Nachiczewana jest bezpośrednio związane z działalnością Hejdara Alijewa. Sporządzona pod jego kierownictwem Konstytucja Azerbejdżańskiej SRR z 1978 roku szczegółowo regulowała wszystkie kompetencje Nachiczewańskiej SRR.

W trudnym okresie 1991-1993 Gejdar Alijew, kierując autonomiczną republiką, był w stanie uchronić republikę autonomiczną przed agresją ormiańską i zachować jej status autonomiczny.

Podczas jego prezydentury, w latach 1995-1999, podjęto kroki prawne w celu wzmocnienia autonomicznego statusu Nachiczewanu. Rozdział VIII Konstytucji niepodległej Republiki Azerbejdżanu, uchwalonej w 1995 roku, bezpośrednio reguluje wszystkie kwestie związane ze statusem Nachiczewańskiej Republiki Autonomicznej. Zgodnie z konstytucją Nachiczewan ma wszelkie prawa jako autonomiczne państwo w Republice Azerbejdżanu.

Przygotowano i przyjęto nową konstytucję Autonomicznej Republiki Nachiczewańskiej pod bezpośrednim kierownictwem Gejdara Alijewa.

Artykuł zawiera również dużą liczbę materiałów świadczących o wielkim wkładzie Hejdara Alijewa w zapewnienie bezpieczeństwa i rozwoju Nachiczewańskiej Republiki Autonomicznej.

Zwrócono uwagę, że utrwalenie autonomicznego statusu Nachiczewana w całości jest związane z działalnością Hejdara Alijewa.

Słowa kluczowe:

Gejdar Alijew, Republika Azerbejdżanu, Nachiczewańska Republika Autonomiczna, konstytucja, autonomia

Key words:

Heydar Aliyev, Republic of Azerbaijan, Nakhchivan Autonomous Republic, constitution, autonomous status

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