

## DEMOCRATIC

### REPUBLIC OF AZERBAIJAN AND THE CESSION OF YEREVAN TO ARMENIA: POLITICAL AND LEGAL PROCESS OF 1918

### REPÚBLICA DEMOCRÁTICA DE AZERBAIYÁN Y CESIÓN DE EREVÁN A ARMENIA: PROCESO POLÍTICO Y JURÍDICO DE 1918

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#### ABSTRACT

The dissolution of the South Caucasus Sejm in May 1918 and the establishment of independence by Georgia, Armenia, and Azerbaijan marked a turning point in the geopolitical reconfiguration of the region. But in spite of the importance of these events, especially the establishment of the Azerbaijan Democratic Republic (ADR) as the first secular democratic Muslim state, there has been limited scholarly attention to the legal and political consequences of one of its most disputed decisions: the abandonment of Yerevan to the newly proclaimed Republic of Armenia. In this research it is examined the historical, legal, and political dimensions of the decision of the Azerbaijani National Council to cede Azerbaijani lands around Yerevan, highlighting the absence of duly signed bilateral agreements and the impact of external geopolitical pressures. The findings reveal that the transfer was carried out under coercion and in the absence of legal formalization, and that the conditions attached to the agreement—most significantly Armenia's renunciation of territorial claims on Azerbaijan—were later violated. Following these findings argue that the decision has lost its legal force and can be renegotiated according to international law. Correspondingly, the article emphasizes the importance of re-analyzing territorial agreements in the early twentieth-century South Caucasus in terms of contemporary legal norms and historic justice.

**Keywords:** Azerbaijan, Armenia, Great powers, Political processes, International law.

#### RESUMEN

La disolución del Sejm del Cáucaso Meridional en mayo de 1918 y el establecimiento de la independencia de Georgia, Armenia y Azerbaiyán marcaron un punto de inflexión en la reconfiguración geopolítica de la región. Sin embargo, a pesar de la importancia de estos eventos, en especial el establecimiento de la República Democrática de Azerbaiyán (RDA) como el primer estado musulmán democrático y laico, se ha prestado poca atención académica a las consecuencias jurídicas y políticas de una de sus decisiones más controvertidas: el abandono de Ereván a la recién proclamada República de Armenia. En esta investigación se examinan las dimensiones históricas, jurídicas y políticas de la decisión del Consejo Nacional de Azerbaiyán de ceder las tierras azerbaiyanas en los alrededores de Ereván, destacando la ausencia de acuerdos bilaterales debidamente firmados y el impacto de las presiones geopolíticas externas. Los hallazgos revelan que la transferencia se llevó a cabo bajo coerción y sin formalización legal, y que las condiciones del acuerdo —principalmente la renuncia de Armenia a sus reivindicaciones territoriales sobre Azerbaiyán— fueron posteriormente violadas. Tras estos hallazgos, se argumenta que la decisión ha perdido su fuerza jurídica y puede renegociarse conforme al derecho internacional. En consecuencia, el artículo enfatiza la importancia de reanalizar los acuerdos territoriales del Cáucaso Sur de principios del siglo XX en términos de las normas jurídicas contemporáneas y la justicia histórica.

**Palabras clave:**

Azerbaiyán, Armenia, Grandes potencias, Procesos políticos, Derecho internacional.

**INTRODUCTION**

In May 1918, following the collapse of the Russian Empire and the dissolution of the Transcaucasian Sejm, Georgia, Armenia, and Azerbaijan declared their independence. This historic moment was the product of internal ethnic tensions and external pressures in a context of a power vacuum. However, the new republics immediately faced territorial disputes, such as those over Nagorno-Karabakh and Zangezur (Uzer, 2024), as they sought to reassert their national identities. Each state sought to secure its sovereignty through alliances with different external actors: Georgia with Germany, Azerbaijan with the Ottomans, and Armenia with the Allies, turning the region into a focal point of international rivalry. In addition, at this time as today, the geostrategic importance of the South Caucasus was considerable due to its location at the crossroads of Europe, Asia, and the Middle East, and its rich resources, especially Azerbaijan's oil fields (Kim & Eom, 2008). This region functioned as a buffer zone between empires and attracted the interests of the Ottoman Empire, Bolshevik Russia, and Western powers such as Great Britain (Baumer, 2021; Mkhoyan, 2017).

In those years, Azerbaijan faced political fragmentation and social unrest, but under the leadership of Mammad Emin Rasolzade, the Azerbaijan National Council was established, becoming the primary body channeling aspirations for self-determination. The main objective was to unify diverse regions, emphasizing secularism and modernization. The Declaration of Independence of the Azerbaijan Democratic Republic (GDR) on May 28, 1918, created the first secular and democratic state in the Muslim world. The GDR's founding document outlined a vision of equal rights, universal education, and international cooperation, inspired by European democratic ideals (Kheybat & Mikayil, 2022):

- The political system of Azerbaijan is that of a democratic republic.
- The Azerbaijan Democratic Republic seeks to establish friendly relations with all members of the international community, particularly with neighboring nations and peoples.
- The Azerbaijan Democratic Republic guarantees full civil and political rights to all citizens within its territory, regardless of nationality, religion, gender, or social status.

- The Azerbaijan Democratic Republic will ensure the necessary conditions for the free development of all peoples residing within its borders.
- Until the convening of the Majlis (parliament), the supreme authority in Azerbaijan shall rest with the National Council, elected by the people through voting, and the Provisional Government, which is accountable to the National Council.

However, the GDR faced immediate obstacles, including internal differences (Sukuroglu, 2024), territorial consolidation, ongoing conflicts with Bolshevik and Armenian forces (Rahimli, 2023; Shikhaliyev, 2020), and dependence on Ottoman and later British support to maintain its sovereignty. Despite its brief existence, the GDR established fundamental principles for Azerbaijan's national identity and statehood that have influenced its modern trajectory. However, at the same time, on May 28th, 1918, the establishment of the Republic of Armenia was proclaimed, with Yerevan, the ancient land of Azerbaijan, as its capital.

But the issue of Yerevan as a disputed territory dates back to the Iravan Khanate (Aliyev, 2023), a political entity that existed until the early 19th century under Persian rule and whose ownership is claimed by Azerbaijan under various arguments. Among these, the Iravan Khanate had a predominantly Turkic population, and its incorporation into the Russian Empire following the Treaty of Turkmenchay (1828) did not automatically imply its transfer to the Armenians. This choice of Yerevan as the Armenian capital has been viewed by Azerbaijan as a historical dispossession. This was aggravated by the geopolitical interests of external forces, where global powers sought to advance their strategic agendas—such as containing Russian and Turkish influence. This complex web of external interests left the region in a complicated position that would influence subsequent development and exacerbate territorial disputes that persist to this day. With these foundations in mind, the aim of this paper is to analyze the historical, legal, and political grounds for the cession of Yerevan to Armenia in 1918, questioning its legitimacy in light of international law and the political agreements reached within the framework of the dissolution of the South Caucasus Sejm.

**DEVELOPMENT****A brief historical excursion**

Armenian historian and priest Hovhannes Shahkhatunyan writes: "All 49 khans who ruled the Iravan Khanate for 390 years (1441-1828) were Azerbaijani Turks. Even the priests of the Armenian Catholic churches located in the territory of the Iravan Khanate, which still function as a den of robbers today, were appointed by the Iravan Khans.

The list with the names of the khans is reflected in the 'Armenian Soviet Encyclopedia'. Ronald Grigor, a professor of political science at the University of Chicago, writes: "Irevan was a Muslim city until the Batumi Conference" (Holmes, 1996, p. 5).

The territory where the city of Yerevan is located was at various times part of the Urartu, Sassanid, Arab Caliphate, Sajids, Shaddadids, Seljuks, Eldeniz, Ilkhanids, Timurids, Garagoyunlu, Aggoyunlu, Safavids, Afshars, and Qajar states. The socio-economic development of the city of Yerevan as a center date back to the periods of Chukhur-Saad Beylerbeyli and the Iravan Khanate. In medieval historical sources, the city is named as Ravan and Iravan. European travelers Jean Tavernier, Jean Chardin, Kerr-Porter, James Morier, Montperre, Cameron, Lynch, and others visited Yerevan at various times and described the Khan's Palace, its Mirror Hall, mosques in the fortress and in the city, pools and baths, and the underground marble staircase leading down from the Zangi River in their works.

In his letter dated July 8th, 1787, Colonel S. Burnashev informed General P.S. Potemkin that according to his information, the Ottoman Sultan would always defend the Azerbaijani khans and would never agree to the transfer of the city of Iravan to Georgia, since it belonged to Azerbaijan. In addition, the Sultan ordered the Pasha of Erzurum and other bordering Pashas to confront the Russian troops at any cost. Due to the tense political situation in the region, Omar Khan, Ibrahim Khalil Khan of Karabakh, and other Azerbaijani khans united to definitively save Iravan from Georgian pressure (Legkobytov, 1836, pp. 156–165).

The policy of patronizing the Armenians, which was founded by the Russian Tsar Peter I, was later continued by other Russian Tsars and Soviet Russia. As early as 1776, Catherine II signed a decree on the special patronage of the Armenians, and in 1802, Tsar Alexander I, in a letter to General Sisyanov, expressed his attitude towards the Armenians as follows: "No matter what, the Armenians must be settled in these or other khanates of Azerbaijan and used."

This policy was continued in the following years. On March 21st, 1828, by order of Tsar Nicholas I, a temporary "Armenian province" was created in the territory of the Nakhchivan and Iravan khanates, and the city of Iravan (Yerevan) was "gifted" to the Armenians as its capital. In the same year, 40,000 Armenians from the Iranian cities of Maragha were resettled to Nagorno-Karabakh, and 40,000 Armenians were resettled to the territory of the Iravan khanate.

### Interests of great powers

During the Russo-Iranian War of 1804-1813, the lands of Azerbaijan became a battlefield for the interests of three parties - Persian-Russian forces, Europeans and local Turks. The plan to systematically pursue a policy to remove Azerbaijanis from their national consciousness and make them indifferent to their lands bore its first fruits in 1918. First of all, let us note that the states interested in the dissolution of the South Caucasus Sejm and the creation of three independent states in its place had their own interests.

### Russia

Seizing the Iravan Fortress, which was strategically located between the Ottoman Empire and the Qajar Empire, was of great importance to Russia. However, the attempts of the Russian troops to seize the Iravan Fortress in 1804 and 1808 were in vain. The Iravan Fortress, which bravely withstood the intermittent attacks of the Russian troops for more than 20 years, finally fell on October 1st, 1827, as a result of the Armenians pointing out the weak points of the fortress walls to the Russian command. The dark days of the city of Iravan began. After that, Russia planned to take advantage of the Armenian factor and cut off the connection between the Ottoman Empire and the Turkish road, figuratively speaking, in an area extending from Azerbaijan to China, including Central Asia. Russian General S. Dovidich writes in his book "L'Europe Sans Turquie" published in French in 1913:

"In the discussions that began between European states on the Armenian issue, there were four main ideas:

1. Turkish reform under European control.
2. Complete Independence.
3. Semi-Independence.
4. Joining Russia.

Russia's main goal was the creation of an Armenian state under their control, not an independent one, and they proposed to the Armenians that "joining Russia is the only way for the prosperity, happiness, and preservation of Armenian traditions." It was after this stage that the Armenians embraced Russia with all their might and acted with the dream that if they supported it, they would become an independent state thanks to it.

In the Russian Federation State Archives, F. 841, L. 7, D. 290, p. 38; RFDTA, F. 821, L. 7, D. 220, page 41, it is noted:

The governor of Yelizavetpol (Ganja) A. Kachalov writes in the character profile offered to him regarding the Armenians: "Racism is the main feature of the Armenian nation. Every Armenian considers himself superior to everyone, Russian, Georgian and Tatar (Azerbaijani Turk),

intelligent, cunning, brave and capable. The racism of the Armenians is in the form of devotion to their religion, greed, caution, all-seeing, faith in money, and servility to wealth and capital. These are the main features of the Armenians that Russia can take advantage of.

The "Decisions on Turkish Armenia" adopted by the Provisional Government on May 9th, 1917, states: "Until the formation of civil administration in the occupied territories, the territory of "Turkish Armenia" will be administered by the Russian military forces under the control of the Provisional Government, the powers given to the Governor-General for the administration of "Turkish Armenia" by the law signed on June 18th, 1916, together with the powers specified in Article 1, shall be transferred to the Chief Commissioner appointed by the Provisional Government for "Turkish Armenia", the staff of the Deputy Chief Commissioner of "Turkish Armenia" who will be the liaison with civilians shall be established, and the Chief Commissioner, when receiving information from his deputy regarding civilians, shall inform the Provisional Government about any additions or changes he wishes to make to the temporary law signed on June 18th, 1916 on the administration of the territories of "Turkish Armenia".

### England

Three main factors underlying Anglo-Armenian relations attract our attention: first, to protect the interests of Great Britain related to its economy and colonies; second, to break up the Ottoman Empire and get a good share in this way; and finally, third, to maintain control of the routes to oil reserves.

The Rosebery cabinet in England, as well as the Salisbury government that followed it, were extremely interested in protecting the Armenians. On the other hand, although Austria-Hungary and Italy did not pursue an active policy on this issue, they were not in a position to oppose England's policy, so England also had their say. The main interest of the British in the creation of the Armenian state was to export Baku oil to the world not through the Ottomans, but through the territory of the new Armenian state that would have their say (bey, 2001, pp. 40–123).

The British Foreign Office wrote: "Just as Arabism was a response to Turkish Islamism, so the 'Armenian question' is a truly powerful measure against Turanism." With the departure of the Russians from the scene, the Armenians began to attract all attention to themselves. The British "war cabinet" was trying to bring Armenian soldiers to the Caucasian front and for this purpose asked the American government to mediate in sending Armenian volunteers from this country to the Caucasus. It itself was re-equipping the Armenian volunteer regiments in the Caucasus

and making them fight against the Turkish troops. Despite all this, England was hesitant to do anything concrete for the Armenians (Uras, 1976, p. 36).

### Germany

German General Bronzaf Schellendorf made the following statement about the Armenians in the "Deutsche Allgemeine Zeitung" newspaper on July 24th, 1921: "There was no need to create a new state based on Armenian oppression and rebellion. The oppression of the Armenians against the Turks that I witnessed was even more terrible and horrific."

Germany was showing that it was in favor of granting independence to Azerbaijan and Georgia among the European states. However, Armenians and Georgians, who hoped for the tension that appeared in German-Ottoman relations during this period, resorted to diplomatic moves aimed at involving the German delegation more closely in the conference. This was clearly evident in the package of proposals put forward by the South Caucasus delegation in response to Khalil Bey's project. The proposals that the South Caucasus conclude an agreement not only with Turkey, but also with other states of the Quadruple Alliance (Center), etc. were attractive from the point of view of Germany's interests. Because in this case, firstly, Enver Pasha's Eastern policy would be hindered by all means; secondly, the opportunity would arise to subjugate the North Caucasus to Germany; thirdly, German influence in Georgia would be strengthened; and fourthly, the Ottoman state would direct all its forces to block the British path to Baku. Despite the presence of the German military advisor Otto von Lossow in the Ottoman delegation, the Georgians could not establish direct contact with the Germans.

The Germans wanted a German unit to be among the army units that were moving against Baku. However, the Islamic Army Command did not accept this because this was not military assistance. When Khalil Pasha protested against this situation, the Germans announced that they would send a battalion to protect the lives and property of the German posts in Baku. This was protested by Nuru Pasha, Khalil Pasha and the government of M.A. Rasulgade. In addition, after the liberation of Baku, the Germans also attempted to come to Baku in a special train without the knowledge of the Rasulgade government. However, the people succeeded in stopping the trains at Shamkhor station and sending the Germans back (Abilov, 2012, pp. 100–113).

It should be noted that later, in the battles with the Ottomans, German soldiers were also among the Armenian troops. With the idea of Enver Pasha and Nuru Pasha taking



control of Baku oil, they did not intend to leave Baku in the hands of the Turks.

### France

The Armenians believed in France and hoped to be rewarded for their service. France, with the help of the Vatican, was the defender of the Armenians, whom they had converted to the Catholic faith through missionaries. At that time, there was a struggle to convert the Armenians to the Orthodox (Russia), Catholic (France) and Protestant (America) faiths, and the Armenians skillfully built their own policies, bowing to all three faiths. As a result, France agreed to the creation of the Armenian state. France at that time was striving to restore a strong, united Russia, and was against the growth of England's influence here. The representative of the French military delegation, Colonel Osberg, later, on May 18th, 1919, openly declared that, in his opinion, in general, the separatism of Transcaucasia, including Azerbaijan, was a temporary phenomenon... The future of Azerbaijan was closely connected with the future decisions of the reviving Russia and its Constituent Assembly.

When the Armenians under the protection of the French arrived in Adana, they began to oppress the people. The French, who announced that they had come to ensure the freedom of the population, acted treacherously against the Muslims in the Adana province. The Armenians committed bloody crimes against the Muslim population, established fake courts and confiscated the property of the Muslim population. They either arrested innocent people on false charges or exiled them along with the heads of families. The Armenians destroyed the villages of Sheikh Murad, Inepi, Gayali and Arapköyü and killed people. After the French occupied Adana, the Armenians killed several Muslims every night. They attacked religious figures.

### USA

In a report presented by Senator Ledge to the American President and Congress in 1918, the independent "Greater Armenia" project included the following territories:

1. The Eastern Anatolia Region of Turkey.
2. Caucasian Armenia (Northern and Western Azerbaijan).
3. Iranian (Southern Azerbaijan) Armenians.

In a work published by the Armenian National Union in the USA in 1919 under the title *"The Armenian Case"*, the decision and the map of "Greater Armenia," based on the above project, were also approved. This map included Trabzon, Erzurum, Kars, Ardahan, Iğdır, Van, Ağrı, the Caspian Sea, the Kura, the Araz River, Ganja,

Karabakh, Zangezur, Nakhchivan, Ardabil, Tabriz, Urmia, etc. However, after visiting Baku in September and meeting with Prime Minister Yusifbeyli, the American Colonel V. Haskell said in an interview with the *"Azerbaijan"* newspaper that he did not represent the Armenians and took a completely neutral position in relations between the republics. Haskell announced on behalf of the Allies that he confirmed the recognition of Karabakh and Zangezur as part of Azerbaijan, but stated that Nakhchivan, Sharur, and Daralayaz were considered a neutral zone between the Caucasian republics and Turkey. The following ideas dominated American support for Armenians at the Batum conference: Even the smallest autonomy granted to 'Armenia' will turn into a state with a population of 5 million in five years and will eventually become the dominant state in the Caucasus, becoming the 'Bulgaria of the East.' All Armenians living in Iran and America will move there.

### Iran

Iran, which sees Azerbaijan as its historical land, did not want to see an independent Turkish state on its border. That is why, when the Azerbaijan Democratic Republic was established in 1918, one of the countries in the region that did not want to recognize it as a sovereign state was Iran, which sent a note to Azerbaijan in the very first days of its independence. The document stated: "When Azerbaijan is mentioned, where is Azerbaijan?"

The Iranian side expressed its concern about the emergence of a state called Azerbaijan north of the Araz and its possible impact on South Azerbaijan. In July 1918, the Azerbaijani delegation in Istanbul, along with other representatives there, submitted a declaration on the establishment of the Azerbaijan Democratic Republic to the Iranian consulate, but the Iranian consul returned this declaration and indicated in the attached sheet that he did not recognize an independent state called Azerbaijan. At this time, the ADR added the word "Caucasus" to the document, bringing to Iran's attention that it referred to Caucasian Azerbaijan, and after that, on March 21st, 1920, Iran recognized the sovereignty of Azerbaijan.

Before the Batum Conference, an article in the Armenian newspaper "Droshak", published in Tabriz, explained that Iran was the "second homeland of the Dashnaks." The newspaper, with verses sung under the title "Yafrem Keri" (an Armenian national song: "Our homeland is ownerless and captive"), indicated that they would establish an independent state thanks to Iran. Iran wanted the creation of a state called Armenia to oppose the idea of Turkism, and even ideas were spread among Armenians that a joint Persian-Armenian army would be created in independent Armenia. General Tovmas Nazarbekov (Nazarbekyan),

the leader of the Northern Iran–Van movement in 1914–1917, was appointed commander of the Armenian army.

### **Ottoman State**

There was a disagreement within the ruling political circles of Turkey regarding the creation of an Armenian state in the South Caucasus. Grand Vizier Talat Pasha and Minister of War Enver Pasha were against the establishment of an Armenian state in the South Caucasus and advocated “cleaning the boil from the root” on this issue. If this was not possible, they proposed that “Armenia should be formed as a very weak and unviable state.” However, unlike Talat Pasha and Enver Pasha, the Chairman of the State Council and Minister of Justice Khalil Bey Mente e, who headed the Turkish delegation at the Batumi negotiations, and Ferik Mehmet Vehip Pasha, the commander of the Caucasian Front of the Ottoman Army, were in favor of creating a state for Armenians in the South Caucasus at the expense of Azerbaijani lands. They believed that this would both remove Armenians from Anatolia, establish a one-way settlement of Turkish-Armenian relations, and put an end to international condemnation of Turkey regarding the “Armenian issue.”

### **The passage of Iravan**

The idea of taking Yerevan from Azerbaijan and giving it to Armenia dates back to 1912. It was in that year that the great powers, abandoning the promises made to them regarding the establishment of a state in the territory of Turkey, were offered the proposal to establish the capital on Azerbaijani lands. The editor of the newspaper *Mshak*, A. Arakelyan, wrote: “A moment has come when the entire civilized world, especially Russia, must take on the solution of the ‘Armenian question’.” In 1912, the Armenian bourgeoisie and intellectuals gathered in Tbilisi and, taking into account that the “Armenian question” would be at the center of attention for world politicians and that the Russian government would express its goodwill towards the Armenians, proposed to come together to address the upcoming national issues. At the end of October, the First National Congress of Armenians was convened. Representatives from Tbilisi, Baku, Nakhchivan, Akhalkalaki, Yerevan, Armavir, and Batumi attended the congress. The congress decided to elect representatives from all territories inhabited by Armenians and to convene a new congress. A permanent working body was created at the congress to address the “Armenian question”: a temporary bureau consisting of seven people was elected (S. Harutyunyan, A. Khatisyan, A. Kalantar, A. Arakelyan, A. Poghosyan, O. Tumanyan, N. Aqbalyan). The bureau would handle daily current affairs and preparations for the new congress to be held in Tbilisi on November 25th.

A significant part of the Iravan province remained an administrative territorial unit of the Republic of Azerbaijan. After acquiring Iravan as a city, the Armenians continued their claims to Nagorno-Karabakh and wider territories. Even Fatahi Khan Khoyski wrote in his letter to the head of the delegation in Istanbul, Mahammad Amin Rasulzadeh, on July 31st, 1918, that if the Armenians did not give up their claims to the mountainous part of Karabakh, then Azerbaijan would refuse to cede the city of Iravan to them.

At that time, a specific condition was put forward: if three independent states were not formed after the dissolution of the South Caucasus Sejm, the region would be divided between Iran, Turkey, and Russia. If the parties could not reach an agreement at the Batumi Conference, part of Azerbaijan would be given to Iran, part to Russia, and the other part to Turkey. Georgia would be divided between Turkey and Russia, and Armenia would be given to Turkey.

To confirm our opinion, it is enough to refer to the speech of M. Papajanov, a representative of the “Armenian People's Party,” delivered at the morning session of the National Council on May 28th, 1918. He proposed halting military operations, arguing that a temporary peace could spare the people from further tragedies and that, in a time of peace, the “Armenian question” could find resolution at a pan-European congress: “The existence of peace would allow us to create our own national territory, albeit a small one. This would lay the foundation for the development of our nation in the future” (Kirakosyan, 1986, p. 14).

President Wilson, who emerged victorious in the European war and convened the Paris Peace Conference, and his supporters posed the following question to the three Caucasian republics: establish your states, define your borders, designate your capitals, and we will consider your independence. The Azerbaijani side ceded lands to Armenia under compulsion. It was forced to make this sacrifice in order to protect its primary interest—the declaration of Azerbaijan's independence and the determination of its national destiny.

This demonstrates that a compromise was made through a verbal agreement. The details are fully recorded in Protocol No. 3, adopted by the National Council, which convened at the Janish Palace in Tiflis on May 29th, 1918. The meeting, chaired by Hasan bey Agayev, was attended by 28 of the 44 National Council members. Fatahi Khan Khoyski presented a report on the negotiations between representatives of the Azerbaijani National Council and the Armenian National Council. He stated that the Azerbaijani and Armenian federations had agreed to determine their mutual borders. Khoyski concluded his report by highlighting the need for a political center for the

Armenian Federation. Until then, Armenians had considered present-day Gyumri—then called Alexandropol—as their center. However, since Alexandropol had come under Ottoman control, Armenians were left without a political center.

Another significant event occurred earlier, in March 1918, when the Brest-Litovsk Peace Treaty was signed between Lenin's government and Germany. According to the treaty, Kars, Ardahan, and Alexandropol were ceded to Turkey. As a result, Armenians requested that Yerevan be granted to them as a political center. Fatahi Khan also emphasized in his speech the necessity of conceding Yerevan to the Armenians and even noted that the transfer was inevitable. Despite some opposition, the issue was put to a vote: 16 members voted in favor of giving Yerevan, one voted against, and three abstained.

However, it is important to highlight one key point: the concession of Yerevan was not made to an Armenian state, but to the Armenian Federation. At the same meeting, a discussion was held about forming a confederation with the Armenians. Following a brief exchange of views, the proposal to unite Armenia and Azerbaijan in a confederation was unanimously accepted.

On May 28th, at 8:00 PM, negotiations began in Batumi. Vehip Pasha said: "We have to satisfy the Armenians' demands, even if only a little. In any case, we have to give them some territory." The area considered for the Armenians consisted of the Yeni Beyazid and Echmiadzin regions. The Turkish delegation began to apply these conditions as a result of the negotiations with the Armenians on May 30th, 1918. A. Khatisyan, who expressed his firm objection to this, declared that the lands given to the Armenians were too small and that these proposed borders would cause permanent hostility between the Turkish and Armenian peoples. He stated that if even a very small part of the territory where the Caucasian Muslims lived were given to them, their relations with the Muslims would improve, and the rights of the Muslims would be defended by the Armenians in these territories. Vehip Pasha proposed that the Muslim population living in the territory of Armenia be relocated to Turkey so that more territory could remain for the Armenians. He acknowledged that the "Armenian question" was an international problem and stated that their independence would be recognized by Turkey. The Armenians had no choice but to accept these conditions.

This treaty, signed in Batumi, was the first international document recognizing the independence of Armenia, and Turkey was the first state to do so. According to the signed treaty, the territory of Armenia was 9 thousand sq. km, and

the population was 326 thousand people. The territory of Armenia included the Basarkechar governorate (Nor Bayazid), three-fifths of the Yerevan governorate, part of Echmiadzin, part of Iskenderun, and its population consisted of 230 thousand Armenians, 80 thousand Muslims, 5 thousand Yezidi Kurds, and 11 thousand individuals of other nationalities. The Republic of Armenia united one-ninth of all Armenians living in the Caucasus.

A peace treaty was signed with each of the Caucasian states that declared their independence separately on June 4th, 1918. According to the peace treaty signed with Georgia, the city of Batumi and its surroundings, as well as the territories of Ahiska and Akhalkalaki, were annexed by Turkey, and the 1828 border was restored. According to the "Treaty of Peace and Friendship" (14 articles, 3 annexes) signed between the Ottoman Empire and the Republic of Armenia, the Ottoman government handed over Yeni Beyazid, Gyumri, Iravan, and Sharur-Deralayaz to the Armenians. In return, the Armenians had to recognize the rights of the Muslim population living in the area and provide religious and cultural freedoms. The Armenian government also had to liquidate the detachments sent against Turkey and prevent them from crossing into Turkish territory.

On the same day, an agreement was signed between Azerbaijan and the Ottoman Government. This agreement determined the borderline between the Ottomans and Azerbaijan, Georgia, and Armenia. According to the third paragraph of the agreement, Azerbaijan, Georgia, and Armenia were to sign a protocol defining their borders as soon as possible and inform the Ottoman Government of it (General Staff ATASE, 2008, p. 551,653).

The following are notable items from the Turkish side's statement during the Armenian-Turkish negotiations (May 1918, Batumi):

- Article 5. The Republic of Armenia shall not allow the formation of any illegal armed groups within its territory and shall prevent the illegal transfer of weapons from its territory to the territories of neighboring states.
- Article 6. The religion and customs of the Muslim population living in the territory of the Republic of Armenia shall be respected. Muslims shall have the same rights as other nationalities and shall be allowed to speak their own language and receive education.
- Article 11. The Government of the Republic of Armenia shall, upon signing this Agreement, leave the city of Baku and withdraw all its armed forces stationed there. The Armenian armed forces shall undertake not to cause any panic in Baku when they leave the city.

- AND MOST IMPORTANTLY: The fourth article, which was the most important for Azerbaijan, stated that if requested by the Government of the Republic of Azerbaijan, the Ottoman Government would undertake to provide Azerbaijan with the necessary military assistance to restore and strengthen law and order (discipline) and internal peace in the country (Aliyev, 2020).

But shortly after, the terms of the agreement reached in Batumi were violated by the Armenians—the policy of genocide against Azerbaijanis continued. The newspaper Azerbaijan (in Russian), in its article “The Situation of Muslims in Armenia,” published on June 29–July 1th, 1919, wrote about the tragic situation of the Azerbaijani population of Yerevan:

The situation of Muslims in the Republic of Armenia is tragic. The vast majority of beautiful houses and gardens in Yerevan belonged to Muslims... When the Turkish troops approached Yerevan, the Muslim population of the city became afraid and left the city. Their homes and property were taken over by Armenian refugees from Turkey. The Muslims who accepted the Armenian government were completely robbed by Armenian armed men on the roads while returning to the city... Since the Armenian refugees did not allow the Muslims with rich gardens and beautiful houses into their homes, they have been taking refuge in mosques since winter... The Armenian government is forcing thousands of robbed, hungry, and sick Muslims to live in the open air. It is difficult to describe the torture suffered by the Muslims. Many cannot endure it and go mad... The Armenians who occupy the homes of the Muslims, after receiving a large sum of money from them, return their homes, and the Muslims are then able to return to their homes from the mosques where they had taken refuge. The Armenian government is deliberately and systematically settling Armenian refugees in Muslim neighborhoods and homes. (Aliyev, 2020, pp. 461–465).

There is a truth that the Batum Treaty did not reflect an agreement on the concession of Yerevan or any obligations on the part of the Armenians: Yerevan was given on the basis of a gentleman's agreement between the Armenian National Council and the Azerbaijani National Council. In 1918, the Azerbaijani National Council conceded Yerevan because it did not have a capital to establish the Armenian Republic. In return, the Armenian National Council undertook to renounce its claims to the mountainous part of the Yelizavetpol governorate, present-day Nagorno-Karabakh. There is no article in the Batum Treaty that contains that agreement. However, if we look at the articles mentioned above, we will see that the Armenians themselves violated the obligations they had assumed in those articles for the recognition of Armenia's independence. The territory of the Armenian state increased by 20

thousand square kilometers due to Azerbaijani lands and reached 29.7 thousand square kilometers. And according to the agreement reached during the Batum negotiations, the Armenians were to renounce their territorial claims against Azerbaijan (Aliyev, 2023, pp. 57–61). That is why Azerbaijan may refuse the Batumi Agreement and raise the issue of annulling the decision of the National Council on May 29th, 1918, to transfer Yerevan to Armenia.

## CONCLUSIONS

As was argued, both the June 4th, 1918, Batum treaties and the May 29th, 1918, Azerbaijan Democratic Republic National Council decision on the transfer of Azerbaijani territories near Yerevan to the Armenian side lost their legal effectiveness. This opened the possibility of judicial reconsideration of that ruling, including its override, especially due to the violation of the uttered conditions originally assented to. Admittedly, it is clear that the global community has grown to condone the current borders of the Republic of Armenia, but no one can take away the legal and historical connotations behind these borders. If Azerbaijan does not have any territorial claims against others, it is no less justified in compensation for territory that has been historically its own and yielded under duress. International law does take into account historical justice and precedent in similar situations. Therefore, the Azerbaijani stance is supported by a mix of historical facts, legal considerations, and political realities. Such a foundation would be a valid reason for initiating dialogue or legal investigation into the legitimacy of the 1918 decision. Finally, it needs to be remembered that several international agreements—especially those involving the strategic disposition of territory—have traditionally operated on a timeline basis, often with a period of 99 years, after which re-negotiation would become not only possible but even unavoidable against altered geopolitical scenarios.

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