

THE FOUNDING OF THE AZERBAIJAN DEMOCRATIC REPUBLIC AND ITS HISTORICAL SIGNIFICANCE IN TERMS OF INTERNATIONAL LAW WITHIN AZERBAIJAN TERRITORY: TOPONYM OF AZERBAIJAN

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Abstract. The article clarifies the status of the Azerbaijan Democratic Republic in terms of the components outlined in Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States, which expresses the generally recognized features of a state. Addressing the issues concerning the territory of the Azerbaijan Democratic Republic, its population, government, and their status as subjects of the international law requires analysing the emergence of the notion of “Azerbaijan”, as well as the country’s geographic, historical, and political context. It is vital to review the history of preceding states of the Azerbaijan Democratic Republic while determining the status of that state. The relevance of the study derives from the problem of specifying the status of newly formed states as subjects of international law in the contemporary world.

In the article, historical and legal study is accomplished, which aims at examining the stages of the formation of civil justice, and legislation of different epochs in the territory of Azerbaijan; the comparative legal method enabled the analysis of foreign legislation in view of identifying the main principles of normative regulation of civil procedural actions.

The result of the study is that since the declaration of independence on May 28, 1918, the Azerbaijan Democratic Republic has controlled this heritage. The authority of the Azerbaijan Democratic Republic and the subjectivity of the international law were both conditioned by the population (nation) element and expressed in the 1933 Montevideo Convention on the Rights and Responsibilities of States on the universally recognized characteristics of states. The novelty of the research lies in the detailed analysis of the status of the Azerbaijan Democratic Republic in the system of international relations. The author comes to the conclusion that the Azerbaijan Democratic Republic possesses the indispensable features of belonging to an independent state: the territory, the population living on it, the government and international relations established with a number of countries.

Keywords: treaty of Turkmenchay, declaration, international law, international relations, succession of states, property, declaration of independence of the Azerbaijan Democratic Republic

INTRODUCTION

Following the collapse of the Russian Empire in 1917, the people of Azerbaijan proclaimed their political destiny within their historical borders. This demonstrates that despite the demise of the government of Azerbaijan as a result of Russian rule, their legacy persisted, particularly in terms of the social succession of the people. Since the declaration of independence on May 28, 1918, the Azerbaijan Democratic Republic has controlled this heritage. The authority of Azerbaijan Democratic Republic and the subjectivity of international law as an objective attribute were both conditioned by the population (people) element expressed in the 1933 Montevideo Convention on the Rights and Responsibilities of States on the universally Recognized Characteristics of States. Within the area of its settlement, the Azerbaijanian People's Republic has taken the shape of a political-organizational structure. Addressing issues about the territory of Azerbaijanian People's Republic, its population, government, and status as a subject of international law requires analysing the notion of "Azerbaijan," as well as the country's geographic, historical, and political context. It is vital to consider the preceding states that served as the Azerbaijan Democratic Republic's successor while determining the status of that state.

It is also stated in the article that the conditions of the future peace treaty between the Republic of Azerbaijan and Armenia should be acknowledged unconditionally for the 97.3 km² undisputed territory of the Azerbaijan Democratic Republic. The 97.3 km² undisputed territory of the Azerbaijan Democratic Republic was also accepted as a result of the recognition of that state by the Versailles legal system. On January 10, 1920, Article 10 of the Covenant of the League of Nations, which entered into force, is under the protection of international law. The concept of the "generally accepted" territory of Armenia, which was altered by the Russian occupation in 1920 and formed by the collapse of the USSR in 1991, is not valid from the point of view of international law.

MATERIALS AND METHODS

The methodological basis of this work is common law methods and techniques. They include the formal-legal method, the use of which enhanced clarifying the meaning of the conceptual apparatus used in the study; historical and legal analysis was needed to analyse the stages of the formation of civil justice, the features of legislation of different epochs in this regard; the comparative legal method enabled the analysis of international legislation in view of identifying the main principles of normative regulation of civil procedural actions.

RESULTS AND DISCUSSIONS

Since ancient times, the name "Azerbaijan" has been used to refer to the region that stretches from Darbend in the north to Hamadan and Zanzan in the south, from Iberia in the west to the Caspian Sea in the east (Zeynaloglu, 1992; Ismayilov, 1993). The famous historian Abu Jafar Muhammad al-Tabari (839-923), who lived in the 9th-10th centuries, stated that "the city of Hamadan, including Ahar and Zanzan, is considered the beginning of the borders of Azerbaijan, and the end of it is the Caspian Derbend." (Aliyarli, 2012; Chamanzaminli, 1993). The region of Azerbaijan was said to have spanned from

Hamadan, Azhar, and Zanjan in the south to Darband in the north, according to records from the time of the Arab Caliphate (Bunyadov, 1989). In 1921, Muhammad Hasan Valiyev (Baharli) wrote: "Since ancient times, the region has been known as Azerbaijan (Caucasus and Iran), and it is situated between the Samur River and Bagraudag, between $61\frac{3}{4}^{\circ}$ and $68\frac{1}{5}^{\circ}$ east and $41\frac{5}{6}^{\circ}$ and $36\frac{1}{2}^{\circ}$ north longitude or between the Caspian Sea and the western shores of Lake Urmia" (Valiyev, 1993). The word "Azerbaijan" means "Land of Fire" (Valiyev, 1993; Shukurov, 2004).

In the 3rd millennium BC, the first state institutions were established in the territory of Azerbaijan, and in the 1st millennium BC, the states of Manna (middle of the 9th century BC - 590 BC) and Atropatena (323 BC – 20s BC), which are more advanced and covering larger territories, were established in the southern territories of Azerbaijan, and the state of Albania (second half of IV century BC - 705) was formed in the territories north of the Araz River and these state institutions played an important role in the military and political history of the region. Azerbaijan had enslaved by the Sassanid Empire in the third century. The north of Azerbaijan (Albania) was able to maintain its independence at that time, though it is nominally, unlike the south (Atropatena). The Sassanid Empire fell in the seventh century, and the areas it ruled, including the entire land of Azerbaijan, were incorporated into the Arab Caliphate. The mention of Azerbaijan as a single state and economic area, a single religion, and culture has not been lost despite the terrible effects of 600 years of Sassanid and Arab caliphate servitude; on the contrary, the development of a single nation and language has continued.

The old statehood traditions were restored in Azerbaijan around the middle of the 9th century, when the Arab caliphate started to experience a period of decline. The states of Shirvanshahs (861-1538), Sajis (879-941), Salaris (941-981), Ravvadis (981-1054) and Shaddadis (971-1075) were established on the territory of Azerbaijan. From Darbend to Zanjan, from the Caspian coast to the cities of Ani and Dabil, the Saji state encompassed the entire territory of Azerbaijan (Mahmudov, 2005). These lands were slightly enlarged by the Salaris state, which took the place of the Sajis. During this time, the Azerbaijan Renaissance period begins, which is defined by a strong awakening in all areas of the nation's political, economic, and cultural life. States replacing each other in Azerbaijan in the 9th-11th centuries joined the Great Seljuk Empire of the Oghuz people, who shared the same origins, in the middle of the eleventh century. This empire spanned a vast territory from Central Asia to the Mediterranean Sea coastlines and from the Darband Pass to the Persian Gulf. The state of the Shirvanshahs is restored in northern Azerbaijan during the weakening and fall of the Great Seljuk Empire. Concurrently, the Atabays (Eldeniz) state (1136–1225), which covered the regions of Azerbaijan south of the Kura River, was established. The states of Shirvanshahs and Atabays played a very important role in the history of Azerbaijan statehood.

The Hulaki (Elkhani) state (1258–1357), which was established in 1258, included the region of Azerbaijan from the 20th century, which had been subject to the campaigns of the Khwarazmshahs and the Mongols. In addition to Azerbaijan, the Hulaki state included Iran, Iraq, Kerman, Khuzistan, Khorasan, Diyarbakr and other territories. In the 13th-14th centuries, the total territory of unified Azerbaijan consisted of approximately 400 thousand km² (Piriyev, 2003).

The Karagoyunlu (1410-1468) and Aggoyunlu (1468-1501/1503) states that emerged in the territory of Azerbaijan in the 15th century, the Safavid Empire (1501-1736) and the Nadir Shah Empire (1736-1747) that existed in the 16th-18th centuries, not only incorporated all the lands of Azerbaijan, but also included the neighboring countries into the empire, and became the most powerful empires of the time. These empires were ruled by Azerbaijanian dynasties. From the Euphrates to Kandahar and from the Caucasus to the Indian Ocean, the Safavid kingdom stretched across a massive 2.8 million km² of land. During the Safavid empire, the territory of Azerbaijan was more than 400 thousand km². This area was administratively divided into 4 beylarbeys - Tabriz, Shirvan, Karabakh, and Chukhursad (Piriyev, 2006). Nadir Shah established a unified Azerbaijan province with Tabriz as its capital in the area of these beylerbeys in 1736, abolishing the beylarbeys of Shirvan, Karabakh, Azerbaijan, and Chukhursad that had existed in Azerbaijan during the Safavid era. As a result, nearly all territories of Azerbaijan within Nadir Shah's huge empire were merged into a single administrative region. At the same time, Borchali and Gazakh territories of Azerbaijan were given by Nadir Shah to the control of Teymuraz, Tsar of Kakheti (Piriyev, 2006). Even after the Azerbaijan Democratic Republic was established, Nadir Shah's gift of Borchali's continued to generate significant issues. The agreement signed by the Azerbaijan Democratic Republic with Georgia in 1919 played no small role in Borchali's stay in Georgia.

One of Nadir Shah's key initiatives is working with Great Britain to build a naval fleet to counter Russia's hegemony over the Caspian Sea. His opposition to the Caspian Sea status provisions of the 1723 St. Petersburg Treaty, which was signed by Russia and the Safavid (Persian) state, is particularly noteworthy. With this deal, Persia gave up some of its land and acknowledged Russian military vessels in the Caspian Sea as legitimate (Mamedov, 2019). By the way, the Saint Petersburg Treaty of 1723 served as the inspiration for the notion of Russia's actual military superiority that is represented in the Convention on the Legal Status of the Caspian Sea, which was adopted on August 12, 2018.

After the death of Nadir Shah in 1747, the vast territory of the empire ruled by him collapsed and was divided into independent and semi-independent states, known as khanates. Like Iran, Central Asia and Afghanistan, the territory of Azerbaijan was divided into small feudal states - khanates. As a result, 20 khanates (in the South Azerbaijan: Urmiya, Khoy, Maku, Garadagh, Tabriz, Maragha, Ardabil, Sarab khanates; in the North Azerbaijan: Sheki, Karabakh, Guba, Darbend, Baku, Javad, Salyan, Talish, Shamakhi, Ganja, Nakhchivan, Iravan khanates), including 5 sultanates (Gutgashen, Gabala, Aresh, Gazakh-Shamshaddil, Ilisu), 5 maliks (Khachin, Varanda, Dizag, Gulustan (Talish), Chilabörd) and 1 community (Jar-Balakane community) were formed on the territory of Azerbaijan (Piriyev, 2006; Shukurov, 2004). In order to unite the country under the central superior power, a period of intermediate conflicts and feudal disarray began. Despite starting in 1747 and lasting for more than 50 years, the attempt to unite Azerbaijan into a single state was unsuccessful. A central government was attempted to be established by the Gajars (1796–1925), who came to power near the end of the 18th century, but they were not entirely successful.

Russia launched an aggressive battle to conquer the regions of Azerbaijan by taking advantage of the ongoing conflicts between the Gajars and the Ottomans. The regions of Azerbaijan were partitioned between Russia

and Iran by the 1813 Gulistan and 1828 Turkmenchay treaties following Russia's victory over Iran. The Ottoman Empire was compelled to acknowledge Russian occupation of the whole Caucasus, including Northern Azerbaijan, when the Russo-Turkish War of 1828–1829 came to an end with the Treaty of Edirne, which was signed on September 14, 1829. After then, Russia starts annexing the territory of Azerbaijan. The old administrative territorial framework is being altered along with the elimination of regional statehood organizations and religious institutions. Political institutions for the Armenian population that has moved to the area are developed in place of the local statehood entities that are currently in place in Azerbaijan. Creating a religious institution is one strategy to politicize the Armenian population in Azerbaijan. By order dated March 11, 1836, the Echmiadzin (Three Muezzin) Patriarchate was designated as the religious and political hub of Armenians.

Echmiadzin was initially established as a place of worship, but with time, as was customary at the time, it evolved into an Armenian political and administrative authority. The Russian government adapts the modification of its political structure to its administrative-territorial structure. In the lands of the Nakhchivan and Iravan khanates, "Armenian province" was established as an administrative-territorial subdivision in 1828. The administration of the South Caucasus was radically altered by the law of April 10, 1840. The districts of Baku, Karabakh, Guba, Tsar-Balakane, Yelizavetpol, Nakhchivan, Iravan, Talish, Sheki, and Shirvan were established on the territory of Azerbaijan. The law passed on April 10, 1840, which dissolved the "Armenian province" and replaced it with the provinces of Iravan and Nakhchivan, was progressive in this regard. Shirvan, Karabakh, Sheki, Talish, and Baku districts, as well as Darbend and Guba districts included in the military district, were included in the Khazar province from the districts created on the territory of Azerbaijan. Jar-Balakane, Yelizavetpol, Iravan, Nakhchivan, and Jar-Balakane districts were included in the Georgian-Imeretia governorate. This governorate included Tbilisi, Gori, Telav, Kutaisi, Alexandropol, Akhalsikh, and Guriya districts in addition to Azerbaijan districts (Complete collection of laws of the Russian Empire, 1840). The regions of Azerbaijan were divided into two administrative centres, as can be seen here, rather than being unified in one. This administrative management, though, did not last long. The aforementioned reforms persisted until 1917, and their major objective was to undermine the sovereignty of the country that had historically owned Azerbaijan's territory. The annexation of the territory, however, was not possible despite all the political and organizational preparations that were put in place.

The South Caucasus Commissariat was founded in the South Caucasus on November, 15, 1917, following the collapse of the Russian Empire. This organization was replaced on February, 23, 1918, by the South Caucasian Seim (Parliament). The South Caucasus Seim declared the independence of the South Caucasus and established the South Caucasus Federative Republic on April 22, 1918 (Ismayilov, 1993). Thus, the process of separation of the South Caucasus from Russia, which started in November 1917, was completely completed. The South Caucasian Federation, however, only lasted 34 days before collapsing on May, 26, 1918. Georgia on the same day, Azerbaijan on May 28 and Armenia on May 30 proclaimed their independence, thereby creating three new republics in the South Caucasus. Since the South Caucasian Federation collapsed during the Batum conference with the Ottoman state (May, 11–June, 4, 1918),

the newly established republics carried on and brought the Batum negotiations to an end.

After the collapse of the South Caucasus Seim on May 26, 1918, the Muslim faction of the Seim proclaimed itself the Provisional National Council of Azerbaijan on May 27 and took over the task of governing Azerbaijan (State Archives of the Republic of Azerbaijan). The issue of "Azerbaijan's situation in connection with the dissolution of the Seim and Georgia's declaration of its independence" was widely discussed during the first meeting of the National Council of Azerbaijan held in the former Janish Palace in Tbilisi next day, that is on May 28. As a consequence, the National Council of Azerbaijan makes a decision on the declaration of Azerbaijan's independence without delay. Proclaims the "Declaration of Independence" consisting of six articles (State Archives of the Republic of Azerbaijan).

Article 2 of the Declaration of Independence refers to the republican form of governance (The image and governance of the independent state of Azerbaijan prides itself on being a democratic republic) of the state as it is today. Choosing such a form of governance was the introduction of European, especially XVII century French republican values to the Ancient Eastern World. This ideological direction enabled its recognition by the international community as well as being established in the symbols of the newly emerging state.

Article 3 of the Declaration of Independence proclaims that "The Azerbaijan Democratic Republic is determined to establish good relations with all nations, especially with the neighbouring nations and states (State Archives of the Republic of Azerbaijan)". It is a declaration of a peaceful policy with neighbouring countries. The peace-loving policy expressed in Article 3 of the Declaration of Independence was also established in Article 10 – "The Republic of Azerbaijan builds its relations with other states on the basis of the principles stipulated in the generally acknowledged international legal standards" of the Constitution of the Republic of Azerbaijan with changes (Sadigov, 2003). Article 3 of the Declaration of Independence also emphasized mutual recognition and respect.

Article 4 of the Declaration of Independence states that "The Azerbaijan Democratic Republic shall provide legal, political and patriotism to all its citizens living in the country regardless of nationality, sect, class, race and gender (State Archives of the Republic of Azerbaijan)" and if the civil (own) and political rights of its citizens are guaranteed without discrimination, Article 5 declares the recognized rights of national minorities in the content "All nationalities living within the territory of the Azerbaijan Democratic Republic leave a wide space for their free development".

In the Article 6 of the Declaration of Independence (Until the meeting of the Constituent Assembly, the head of the administration of Azerbaijan is the National Council elected by universal suffrage and the provisional government responsible for the National Council (State Archives of the Republic of Azerbaijan), the republican form of government was defined as the Milli Majlis elected by the people and the government accountable to it. As can be observed, the form and political regime of the state adopted in 1918, the expressed ideology (state symbols) is sustained today in the Constitution of the Republic of Azerbaijan (in the chapters on the authority of the people, the foundations of the state, fundamental human and civil rights and freedoms).

As mentioned above, one of the main elements of the state established

in the Montevideo Convention is its territory. The establishment of the Azerbaijan Democratic Republic and the determination of its territorial boundaries began with the adoption of the Declaration of Independence. Article 1 of the Declaration of Independence stated: "As of today, the Azerbaijanian people have the right to rule, and Azerbaijan, which consists of South-Eastern Transcaucasia, is an independent state with complete rights (State Archives of the Republic of Azerbaijan). According to this article, it was stated that Azerbaijan is an independent state formed from the people's right to power and sovereignty, and its territorial boundaries are South-Eastern Transcaucasia.

On the eve of the collapse of the Russian Empire, the total area of the South Caucasus consisted of 214,693.7 verstas² (1 versta = 1,0668 km) or 244,334.8 km². The territory of the South Caucasus was divided into 11 administrative units - Baku, Elizavetpol, Yerevan, Tbilisi, Kutais, Black Sea governorates, Kars, Batum, Dagestan provinces, Zagatala and Sukhumuezd. The entire territory of Baku, the governorates of Elizavetpol and Erivan, Zagatala uezd, a part of the governorate of Tbilisi (part of Borchali, Sighnax and Tbilisi uezd), and part of Dagestan province (Part of Gaytaq-Tabasaran uezd including Darband) were historical territories of Azerbaijan. The total area of these territories was more than 114,000 verstas² (130000 km²).

With the establishment of the Azerbaijan Democratic Republic on May 28, 1918, Azerbaijan's statehood, which had been lost at the beginning of the 19th century, was restored after more than a hundred years of colonial slavery. The Azerbaijan Democratic Republic was founded in a part of the historical lands of Azerbaijan where the states of Azerbaijan existed for thousands of years although it is stated in the Declaration of Independence that the territories covered by the Azerbaijan Democratic Republic consist of South-East Transcaucasia. After the declaration of independence, the official statement of the Azerbaijan government stated that the Azerbaijan Democratic Republic includes Baku and Elizavetpol (Ganja) governorates, Zagatala district and part of Tbilisi and Erivan governorates, and its total area is 100,600 km² (Ottoman Archives of the Republic of Turkey).

According to the official statement of the Azerbaijan government, the territory of the Azerbaijan Democratic Republic included the following territories: Baku governorate (including Baku area, Baku district, Javad district, Goychay district, Shamakhi district, Guba district, Lankaran district), Elizavetpol (Ganja) governorate (Elizavetpol (Ganja)), Javanshir uezd, Nukha uezd, Aresh uezd, Shusha district, Garyagin (Jabrayil) uezd, Zangezur uezd, Gazakh uezd), part of Erivan governorate (1/5 of Nakhchivan uezd, 1/5 of Yeni Beyazid uezd, 1/2 of Sharur-Daraleyaz uezd), a part of Tbilisi governorate (Borchali uezd, 1/5 of Tbilisi uezd, 1/3 of Sighnakh uezd) and Zagatala uezd (State Archives of the Republic of Azerbaijan).

Due to a variety of reasons, it could not cover all the lands of historical Northern Azerbaijan, which was occupied by Russia at the beginning of the 19th century, with an area of more than 130,000 km² when the Azerbaijan Democratic Republic was established. As a result, a large part of the Erivan governorate, a part of the Tbilisi governorate, as well as the territory of the Darband khanate remained outside the jurisdiction of the republic.

Defeated in the First World War, the Ottoman Empire signed the Mudros Agreement on October 30, 1918, and withdrew from the territories acquired by the Batumi Agreements. At that time, according to the official information

of the Azerbaijan government published in the “Address-calendar” of 1920, the territory of the Azerbaijan Democratic Republic was 113895,97 km². *The undisputed territory* of the Azerbaijan Democratic Republic was 97297,67 km² of this territory, and 16598,30 km² was the disputed territory.

The undisputed territory of the Azerbaijan Democratic Republic was the following territories: 1. Baku governorate (39075.15 km²); 2. Ganja Governorate (44371.29 km²); 3. Zagatala district (3992.54 km²); 4. A part of Erivan governorate (I and II police districts of Sharur-Daralayaz uezd; I, II, III and IV police districts of Nakhchivan uezd; I and II police districts of Yeni Beyazid uezd - a total of 9858.69 km²).

The disputed territories of the Azerbaijan Democratic Republic included a part of Erivan and Tbilisi governorates. The disputed areas in Erivan governorate were the following areas: 1. I, II, III and IV police areas of Erivan uezd; 2. II and III police areas of Echmiadzin uezd; 3. I, II and III police areas of Surmali uezd; Part of the III police area of Yeni Beyazid uezd (7913.17 km² in total).

The disputed areas in the Tbilisi governorate were the following areas: 1. II and III police areas of the Tbilisi uezd; 2. V police area of Signakh uezd; 3. Part of I, II, III and IV police districts of Borchali uezd (8685.13 km² in total) (State Archives of the Republic of Azerbaijan). Although this classification was not later accepted by Armenia (opened on May 11, 1918), it was also determined in the results of the Batumi Conference. During the Batumi conference, when the collapse of the South Caucasian Seim was inevitable, the Ottoman government's proposal to establish a Georgian-Azerbaijan federation without Armenians in the South Caucasus was not accepted by the Georgians, and the Georgians insisted on the position of creating an independent Georgian state. In such a case, the Ottoman government made a proposal to establish Georgian and Azerbaijanian states in the South Caucasus, and not allow Armenians to create a state. However, both Georgian and Azerbaijanian representatives insisted on the importance of establishing an Armenian state in the region after the collapse of the Seim, citing the fact that Armenians live spread over the entire South Caucasus and that it would be impossible to control them (Gafarov, 2019).

On May 26, in the Ottoman-Azerbaijanian discussions held in Batumi, an agreement was reached on the issue of “Allocation of a canton that will provide for the Armenians, at least partially, on the opposite side of the territories that will be transferred to the Ottoman state.” In the Ottoman-Armenian negotiations held on the same day, an agreement was reached on the elimination of enmity between Armenians and Muslims in return for certain territories to be purchased by Azerbaijan and handed over to Armenians, and for Armenians to contact Shaumyan and ensure the security of the Muslim population in Baku (Gafarov, 2019).

On June 16, 1919, by signing the military-defence agreement between the Azerbaijan Democratic Republic and Georgia, it was decided that the disputed issues between the parties, including the territory-border issue, should be resolved through negotiations without resorting to armed clashes. In accordance with Article 4 of the agreement, the parties who signed the agreement had to resolve all border disputes through negotiations or arbitration, and that the decisions made in the arbitration would be the final and binding decision for both parties. They agree that negotiations should be continued and an agreement reached between the two republics in the direction of the

settlement of territorial and border issues, if it was not possible to reach an agreement between the parties, this issue would be handed over to the international arbitration commission of the Paris Peace Conference, and the decisions of the arbitration commission would be unconditionally implemented. The borders between the Republic of Azerbaijan and Georgia today are based on the agreements of 1919, but for the territories that were illegally given to Georgia in exchange for the Sovietization of Georgia by Soviet Russia in 1921.

CONCLUSIONS

Since its declaration of independence on May 28, 1918, the Azerbaijan Democratic Republic has been controlling its heritage. The Azerbaijan Democratic Republic's authority and the subjectivity of international law as an objective attribute were both conditioned by the population (nation) element expressed in the 1933 Montevideo Convention on the Rights and Responsibilities of States on the universally Recognized Characteristics of States.

Before the occupation in April 1920, the total territory of the Azerbaijan Democratic Republic had been 113.9 km², including the undisputed territory of 97.3 km² and the disputed territory of 16.6 km². This result provides the basis for the fact that the terms of the future peace agreement between the Republic of Azerbaijan and Armenia should unconditionally recognize 97.3 km² of undisputed territory of the Azerbaijan Democratic Republic. The 97.3 km² of undisputed territory of the Azerbaijan Democratic Republic was also acknowledged as a result of the recognition of that state by the Versailles legal system. Article 10 of the Statute of the League of Nations, which entered into force on January 10, 1920, proclaims the protection by international law. The concept of the "generally accepted" territory of Armenia, which was altered by the Russian occupation of 1920 and created after the collapse of the USSR in 1991, is not valid from the point of view of international law.

With the establishment of the Azerbaijan Democratic Republic, the territorial jurisdiction of its sovereignty was established. The 1978 Vienna Convention on the Succession of States in relation to Agreements containing customary norms, adopted 150 years after the Treaty of Turkmenchay, is also based on *the principle of tabula rasa* for emerging states. In this regard, the international agreements that led to the loss of the sovereignty of the Azerbaijani people over the existing territory, including the Treaty of Turkmenchay, was terminated for the newly formed Azerbaijan Democratic Republic. However, the demographic (migration policy) and administrative territorial division brought about by the Russian emperor's decree of March 21, 1828, based on the Treaty of Turkmenchay, remains a problem for the political territorial borders of the Republic of Azerbaijan. Although the leader of Soviet Russia, V. Lenin, formalized the collapse of the Russian Empire with the official declaration of the rights of the Russian peoples on November 2(15), 1917 and the Peace Decree as of October 26 (November 8), he also put an end to its aggressive international agreements. In other words, from a theoretical point of view, the administrative-territorial adjustments implemented by Russia in Azerbaijan were cancelled by the legal system of Soviet Russia. Territorial, initial demographic state succession of Azerbaijani khanates should be recognized for the Azerbaijan Democratic Republic. In the peace agreement expected to be concluded between the Republic of Azerbaijan and Armenia, the delimitation

of the borders should be determined by the territorial borders of the Azerbaijan Democratic Republic. Any delimitation and demarcation without taking into account historical, geographical and ethnic methods might be irrelevant in terms of ensuring future peace and security.

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