

The right of the legitimacy of South Azerbaijan's independence in international law

"The right to self-determination"

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Introduction:

The principle of self-determination embodied in the UN Charter is based on liberal and democratic values. In many international instruments, this is rapidly becoming one of the most sensitive issues facing the international community, especially for Western democracies. Although the concept of "self-determination" has been clarified in international treaties and instruments, including the Covenant on Human Rights and the Helsinki Final Act, this principle has been interpreted differently at various times and therefore applied inconsistently. Nonetheless, the rapid and free exchange of

information in the world following the collapse of the Eastern Bloc and the national awakening has heightened the distinct national groups' desire for separation allowing them to determine their own destiny more effectively. As this issue is very complex and potentially explosive, it has faced various regional and international reactions. Because of this, colonial and anti-democratic regimes generally refrain from raising the issue, and the great powers are also more inclined to take a stance based on their strategic, political, and economic interests.

This article attempts to define the legal definition of "the right to self-determination", its historical development, the difference between a declaration of independence and unilateral independence, the difference between independence from foreign and domestic colonial powers, and the process of recognition of new countries' independence in the international community. And the acceptance of the newly independent state as a member of the United Nations and the existing laws on the legitimacy of unilateral independence and the presentation of successful examples in the last three decades. In addition, I cite affirmative reasons for South Azerbaijan's independence by presenting international law documents.

On February 11th, 1918, Woodrow Wilson stated "National aspirations must be respected; people may now be dominated and governed only by their consent. Self-determination is not a mere phrase; it is an imperative principle of action."

During World War II, the principle was included in the Atlantic Charter, declared on August 14, 1941, by Franklin D. Roosevelt, President of the United States, and Winston Churchill, Prime Minister of the United Kingdom, who pledged The Eight Principal points of the Charter. It was recognized as an international legal right after it was explicitly listed as a right in the UN Charter.

Political terminology of the "right to self-determination"

Political terminology of the "right to self-determination" means that each distinct ethnicity or nation has the right to govern itself and the right to independence, as well as the right to vote. The vote must be with a majority of 50+1 in a region and not across the entire nation.

"The right to self-determination" in the academic discourse of the world

In legal terms, "determination of destiny" is an inherent right. Therefore, the question arises whether to exercise this inherent right one must ask permission and garner the consent of another or not? The answer to this question is a big no, citing the provisions of the conventions and the opinions of international jurists that will appear in the text.

Three terms are commonly used to define the "right to self-determination" in the world's academic discourse:

- 1- 'Self-government' means any person or any nation is free to govern itself or its nation without any other interference (under the rule of its national government).
- 2- 'Self-determination' refers to the act of determining one's own destiny as well as the destiny of the nation.
- 3- National self-determination refers to a nation that determines its own destiny with national will and determination. In other words, the "self-determining nation" must be freed from the external control of imperial and colonial powers as well as from the internal control of authoritarian, racist, and internal colonial regimes.

The author's definition of the "right to self-determination"

A nation's right to self-determination refers to its freedom to decide its own future political status, form its own national government, declare independence and form alliances according to its national interests. Thus, a distinct nation has the right to conduct its own affairs without being dominated by another country or influenced by another nation.

The right to self-determination and the American Revolution

Self-determination and self-government run deep in democratic history. It was the American Revolution and War of Independence against British dominance in the 1770s and the triumph in "self-determination" alongside the explicit reference to natural human rights as well as the consent and sovereignty of the people in the US Declaration of Independence, that were the foundation for the idea that inspired Europeans through the 19th century.

The right to self-determination and Europe

One of the foundations of the French Revolution (1789-99) was Jean-Jacques Rousseau's theory of self-government. "Determining one's destiny, autonomy, integrity, and self-sufficiency play a key role in a person's survival in civil society," he said.

Emmanuel Sieyès and others argued that Jean-Jacques Rousseau's theory of self-government means not only democracy but also an independent nation. The democratic understanding of international relations is that independent nations should be free of kings, aristocracy, churches, and ancient customs. It legitimized the formation of the nation-state and the declaration of independence by the countries in continental Europe. This was the theory of 'self-government,' Which legitimized the formation of the nation-state and the declaration of independence of the countries in continental Europe.

The "right to self-determination" after World War II

Since the founding of the United Nations in 1945, the right to self-determination has been one of the fundamental principles, regarded by many as a crucial element of legitimacy. The most official text that included self-determination after World War II was Article 2 of Article 1 of the United Nations Charter, which considered the right to self-determination as one of the Organization's goals. In various UN resolutions, including Resolutions 1514 and 2625, the Declaration of Independence for Colonial Nations and Territories, the General Assembly and the Security Council have referred to this principle as a foundation for decolonization. Since 1971, following Bangladesh's independence from Pakistan, this principle encompassed countries that had freed themselves from the yoke of internal colonialism and had become independent.

The right to self-determination is not only recognized as one of the core principles of the United Nations, but it is also enshrined in the International Covenants on Civil, Political, Social, Economic, and Cultural Rights. Based on its previous opinion, the International Court of Justice in 2004 recognized this principle as a foundational principle of International law and interpreted countries' adherence to it as a general obligation.

The International Covenant on Civil and Political Rights (1966)

Article 1.1: *"All people have the right to self-determination. By virtue of that right, they can freely determine their political status and pursue economic, social, and cultural development. (the International Covenant on Civil and Political Rights.)"*

The Right to Self-Determination and the International Court of Justice and UN Intervention

The International Court of Justice, which is the judicial body of the United Nations, based the principle of "determination of the destiny of nations" on the inalienable principles of customary international law in its 1971 advisory theories on the situation in Namibia in 1975. The Court also recognized sovereignty, ruling in 1995 that the people of East Timor had a right to self-determination despite their non-sovereign status.

As for the extension of this principle to include non-colonial status and internal aspects of countries, the United Nations applied this principle primarily to colonial status, racism and subjugation (e.g. Rhodesia) until 1971 (before Bangladesh's independence from Pakistan's colonialism). In practice, the United Nations is bound to intervene in such situations, but after the 1970s, the right to self-determination of nations has been established based on freedom and equality, which can only be realized under a democratic government. Therefore, the issue of UN intervention in non-democratic countries remains.

In various documents, especially the 1992 Convention on the Rights of Minorities, the United Nations and the international community recognized the rights of minorities and obligated the government to respect them. This key document states: The promotion and realization of minorities' rights are integral parts of the transformation of society in the framework of a democratic rule of law.

The theory and practice of international law are examined in relation to the principles and rules in the conventions, the Covenant on Civil and Political Rights, the United Nations Charter, and the practice of international law post-World War II, which shows that the principle of self-determination for independence does not necessarily conflict with the principle of territorial integrity (both internal and external) of the colonial country.

Article 2.4 of the Charter of the United Nations

The Charter of the United Nations (Article 2.4) is the main source of support for the "principle of territorial integrity of countries".

Article 2.4

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Therefore, if a part of a state's territory is being partitioned by force or aggression from a foreign state, it is in violation of Article 2.4 of the Charter of the United Nations. However, if the separation is the result of a conflict within a country, it will not be considered a violation of the Charter since the people of the country have no obligation to follow the Charter.

South Azerbaijan's independence from Iran is not contradicted by this principle; reasons include:

Firstly, the issue of South Azerbaijan lies with the domestic colonizer, not between two UN member states (such as between North Azerbaijan and Iran).

Secondly, in June 1946, a treaty was signed between the Prime Minister of the Central Government of Iran (Ahmad Ghavam) and the Prime Minister of the National Government of South Azerbaijan (Jafar Pishevari), which was unilaterally broken by the Central Government of Iran after six months.

Thirdly, in December 1946, Iran's military forces invaded South Azerbaijan and overthrew the people's elected national government. South Azerbaijan was the victim of genocide perpetrated by the Persian fascist regime, which murdered between 25,000 and 30,000 of its innocent people.

As part of the UN Charter clause, "No to the use of force", the government of Iran used force and violence against the government of the "other state" (National Government of South Azerbaijan) that has been committed to cooperation and coexistence. Consequently, it was known as an aggressor and occupying state.

Since separatism and independence are not crimes under international law, no state has the right to resort to force in response to separatist demands, unless the separatist group first resorts to force, as in the case of the Kurdish terrorist group PKK or the Tamil Tigers.

South Azerbaijan's National Movement is civil, and its protests are peaceful and oppose the use of violence. Despite this, the current Iranian regime has been resorting to violence from day one, killing dozens of national activists, injuring hundreds, imprisoning, and causing thousands to flee the country in the last 15 years alone. However, the National Movement of South Azerbaijan does reserve the right to self-defense while rejecting armed struggle.

Self-determination vs. Territorial Integrity

From a legal standpoint, the right to self-determination is more significant and logical than the principle of territorial integrity, since the first is a "principle" and the second is a "right." One of the major disadvantages of the territorial integrity principle is that it ignores the fact that many internationally recognized borders between countries are arbitrary and derived from unequal wars and occupations; these borders are not

permanent. As a result of artificial borders, a nation has become split into two or more and has slowly deteriorated under the control and hegemony of a totalitarian government of another nationality.

The principle of territorial integrity is a "conditional principle"

The principle of self-determination is a "legitimate right"

According to the UN Charter, territorial integrity is not an absolute principle, but one that is conditional, while the right to self-determination and independence is a legitimate right. As stated in the United Nations Charter: no state may violate the territorial integrity of another state, except under certain conditions, to stop widespread violations of human rights, threats to peace and national security, after all, other options have been exhausted. This intervention is intended to halt the countless violations of human rights and create the conditions for negotiation and peace. Under certain circumstances, the principle of territorial integrity can be temporarily suspended with the permission of the Security Council.

Territorial integrity is a border agreement between neighboring countries

Determining the destiny of a nation is a natural right of nations, not a contract

People and nations have an inherent right to determine their destiny, which is by no means a contract, whereas the principle of territorial integrity of countries is a contract agreed between neighboring countries to determine borders. Nevertheless, borders can be changed and are not eternal; civilized nations such as the Czech Republic and Slovakia were able to redraw their borders without trouble.

In the event of a conflict between these two principles of international law, the "right to self-determination of nations" will always prevail and take precedence over the "principle of territorial integrity of nations". It was the result of the breakdown of major countries that raised the number of UN member states from 51 in 1945 to 193 in 2021.

Two basic conditions for respecting the territorial integrity of a country

International law stipulates that a country's territorial integrity can be protected by observing two conditions. First, the ruling government must be representative of all the people living in the country. Second, the ruling government must not discriminate against ethnic groups.

Essentially, if the ruling government discriminates against other nationalities and minorities seeking political participation. These minorities and nationalities will not

have any obligation to respect territorial integrity. The United Nations took this measure in South Rhodesia and South Africa to reject the white minority rule over the black majority and urged other governments not to recognize a discriminatory government.

As a rule, the people of South Azerbaijan, who are increasingly exposed to systematic racial, identity and linguistic attacks by the Iranian government, have no obligation to respect Iran's territorial integrity.

The obstacles to the exercise of "the right to self-determination"

Over the past two centuries, colonial, totalitarian, and fascist countries have posed the greatest obstacle to determining nations' fates. Till the late eighteenth century, the right to self-determination was just a slogan. With the fall of empires and the retreat of colonial powers followed by the enactment of modern laws within the international community, the determination of destiny has increasingly become a political act. The obstacles, however, have not been completely removed, and countries that have totalitarian and fascist systems, such as Iran, China, and Russia have resorted to denial and violence and refuse to face the realities of the 21st century. Hence, the "right to self-determination of nations" only applies in democratic countries without violence, through a referendum, and through the ballot box, not in countries such as Iran that are totalitarian, racist, and fascist.

The advantages of the "right to self-determination" principle

In addition to seeking to promote democracy, the principle of self-determination has many advantages. As a defender of the people's will, this principle must be implemented without interference from external factors, which is in line with modern democracy. It is a useful principle for modern governments striving to implement democracy and the will of the people.

Socialism and the "right of nations to self-determination"

Karl Marx supported independence movements and argued that such nationalism could be a "precondition" for social reform and international unions. In 1914, Vladimir Lenin

wrote: "[It is] wrong to interpret the right to self-determination as anything other than the right to exist as a separate state". But after Lenin gained power in the Soviet Union, he and other assertive communists prohibited non-Russian nations from implementing their own self-determination and only recommended it to other nations, including the Irish people in Britain.

Throughout its discourse, the Pan-Persian communists including the "Tode Communist Party, Fadaei, Rahe Kargar" and other groups distorted and abused the principle of "right to self-determination of nations", which was proposed decades ago by western liberal democracies and was falsely dubbed by those communists as a Lenin and Mao innovation. In order to quell the anger ignited by the none Persian national liberation movements, they recruited members from ethnic nationalist activists for their own organizations using empty promises.

Using deceptive slogans like "eliminate discrimination and oppression of ethnic nationals", they claimed by establishing the rule of the proletariat in Iran would guarantee the rights of oppressed non-Persian nations to self-determination. However, they never mentioned the fact that Lenin and Mao banned the principle of the "right to self-determination of nations" within Soviet territory and China. Actually, their aim was simply to infiltrate and control non-Persian ethnic national movements in order to maintain the territorial integrity of Iran and continue the Persian ethnic minority rule.

It is unfortunate that most of these communists instead of seeking refuge in "Communist haven" Cuba or North Korea, they were taken refuge in capitalist countries "Western imperialism", and despite decades of living in democratic countries, they didn't learn the fundamentals of democracies. Nevertheless, to distort the national movement of South Azerbaijan, some of them infiltrated it with deceptive slogans of so-called "Stalinist justice and equality, elimination of national oppression, and so on."

Luckily, the movement's activists exposed the deception of those brainwashed communists at the right time and marginalized them and minimized their influence in the movement. Among activists, I was the first to stand up to these traitors and charlatans. Even for the first time, I rejected applying the principle of "the right to self-determination" in Western democracies within the context of the fascist system of Iran's Persian-centered thought. This principle can only be applied to countries like Canada, Britain, and Belgium that have sustainable democratic thinking.

supported the Shu'ubi Velayat-e Faqih and voted for it. However, Azerbaijani Turks did not vote and rejected.

Moreover, the Persian fascism regime attempts to spread the Persian Shu'ubi-Shiite among non-Shu'bi Shiites throughout the region under the name Shiite Crescent. They are also, trying to spread Shu'bi-Shia to non-Shu'ubi Turks in South Azerbaijan in order to undermine the National Movement by homogenizing Shia-Shu'ubiyah. Luckily, because of the revelations of the nature of the Persian Shu'ubi Shiites by intellectuals and theorists of the national movement and hostile stances were taken by the Persian Shu'ubis against Azerbaijan during the Armenian occupation of Nagorno Karabakh. In addition, as a result of the Persian shu'ubi regime's comprehensive assistance to Armenia, the Persian Shu'ubi-crescent lost its final card of deception among Shiite Turks of Azerbaijan.

Rights of self-determination and the Mehran Bahari network of the Iranian regime deception

There are many parallel groups and various networks created by the Persian minority regime to undermine the National Movement of South Azerbaijan including Shbeke Azariha, Sahar TV, Mehran Bahari and Yeni A. Birligi, etc. One of the most deceptive networks, which operates for more than two decades is Mehran Bahari. A team of the Iranian regime's secret service, under the name Mehran Bahari, which is anonymous to observers, has some known sympathizers and members mostly Armenian-origin Muslims and Persianized Azerbaijani Turks (Manqurtlar), members of the Tudeh Party and other pan-Persian Communist groups.

The network's deceptive theory of the "Turkic Ummah of Iran" or so-called "Turks tribe of Iran" is based on the cosmopolitanism of the "Islamic Ummah" and "Communist Ummh Workers Cosmopolitanism." The new cosmopolitanism was not invented to glorify the Turkic world but by the deceptive claim of the "Turkic nation of Iran" to deny the right to self-determination of the people of South Azerbaijan.

Mehran Bahari network claims to be pro-Turkic, but its anti-Azerbaijani and anti-Turkish theology proves otherwise. They attempt to create a theoretical rift within the Azerbaijan National Movement and want to separate the two inseparable concepts of "Tü?rkçülük", and "Az?rbaycanç?l?q", or pro-Turkic and pro-Az?rbajani ideas, which both are based on the Azerbaijani center of thought.

In addition, Mehran Bahari's gang cannot hide its enmity for the name of Azerbaijan, referring to "northern Iran" rather than South Azerbaijan, using the phrase "ruling nation" instead of the usurper and occupier minority Persian regime, and using the phrase "condemned nation" instead of the nation under internal colonization and occupation by the Persian minority regime. They attempt to make South Azerbaijan appear as a nation that capitulated! Nevertheless, the nation of Azerbaijan has never surrendered to the fascist regime of the Persian minority and continues to fight for its independence.

The theory of "the right to separation" in Failed States

If the ruling government is on the verge of collapse for any reason, it has lost the legitimacy of running the country as a failed state. The United Nations may agree to a region's secession from the central government of a failed state on moral and humanitarian grounds to provide security for the disputed areas in light of Buchanan's theory of self-determination, known as the "remedial right to secession". (Allen Buchanan 1997). If the newly independent regional government is able to provide better security than the central government, then its legitimacy has been established and it has a better argument for recognition. In some cases, the United Nations can act pragmatically by accepting the legality and independence of separatist regions from failed states, in order to reduce and end conflicts.

Self-determination in the case of dissolution

In the event of dissolution or collapse, the right to self-determination and to declare the independence of regional states does not require the consent of either the central government or the government claiming to be the heir of the former regime. Due to this, 15 former Soviet Union countries and 7 former Yugoslavian countries have been declared legitimately independent without the consent of Russia and Serbia. Although the independence of the former Soviet republics was recognized internationally and joined the United Nations without opposition from the Russian state, the Serbian government opposed the independence of the former Yugoslav republics, which claimed all of Yugoslavia. A succession claim to the former Yugoslavia was never accepted by the international community.

Indeed, the international community never recognized the succession claim of Serbia over the former Yugoslavia. In accordance with international law, "the dissolution of a state" means that that state no longer has legitimacy or legal personality. **Therefore, after the dissolution and collapse of the fascist regime in Iran, the remnants of the Shah and Mullah regimes or the Persian opposition will not be able to claim succession.**

Factors contributing to the growing demand for self-determination and independence worldwide.

Aside from historical causes, factors contributing to the recent demand for the "right to self-determination" and independence include the following:

- a) The emergence of the unique technology of the free flow of information via the Internet and social media
- b) The adoption of Western democratic values that have raised national consciousness.
- c) Considering religion as a private matter and rejecting superstitions.
- d) Over the past three decades, successful examples of nations that have achieved independence and thus liberated themselves from dominant powers have emerged as the only solutions to end colonization, exploitation, plunder, and economic discrimination, as well as fascist policies, the eradication of national identity and mother tongue.
- e) Increase capacity and willingness to create a national-democratic government.
- f) Develop new international laws on the right of separation and declaration of independence, including unilateral declarations of independence.

Self-determination and Unrepresented Nations and Peoples Organization(UNPO)

UNPO is an international organization whose aim is to facilitate the participation of marginalized peoples and unrepresented nations in international institutions(Hague, Netherlands 1991). As a means of consolidating the "right to self-determination," which is applicable to nations without an official representative in the United Nations. As well as the legal preparation for political independence and international recognition for its members.

The organization has several dozens of members including Tibet, Uighuristan, Al-Ahwaz, Catalonia, and South Azerbaijan.

The Provisions of the Montevideo Convention

Article 1 of the Montevideo Convention on the Rights and Duties of States (December 26, 1933) states:

The state as a person of international law should possess the following qualifications:

- a) a permanent population;
- b) a defined territory;
- c) a government, and

d) capacity to enter into relations with other states.

Recognition of South Azerbaijan under the Montevideo Convention

The international legitimacy of the government of South Azerbaijan cannot be questioned despite a thousand years of statehood and having a genuine, democratic government (1324-25). Because of the substantial experience of statehood in South Azerbaijan, it has more qualifications than those stated in the Montevideo Convention. The last national government of South Azerbaijan in 1946, was overthrown by Iran's fascist regime, and the territory has been occupied since.

Upon the collapse of the totalitarian and fascist regime in Iran and the expulsion of the occupying forces, the people of South Azerbaijan will regain their democratic state, declare their independence, and establish reciprocal relations with the rest of the world.

Undoubtedly, it will be recognized by the seven independent Turkic states, as well as other friendly countries, and the last UN requirement of "capacity and ability to establish relations" will be effectively removed, and it will get a permanent membership in the UN without any problems. Many newly independent states, including Eritrea, Kosovo, East Timor, and South Sudan, have declared their independence, even without meeting the requirements of the convention and recognized by most countries and the United Nations.

Breaking the taboo about legitimating independence by the international community

In the past, regional states' separatism within countries and independence were seen as fundamentally difficult due to UN charters' principles of territorial integrity, which ensures a nation's sovereignty (the central government). However, this has changed over the past three decades. Many ethnic groups around the world have sought separation and independence from the central government, citing the right to self-determination. Among them are Eritrea, East Timor, Kosovo, and South Sudan, all of which gained their independence under international supervision and UN approval.

Unilateral declaration and de facto independence

The Greek military coup and Greece's annexation of Cyprus, strongly opposed by the Turkish population of Cyprus, led North Cyprus, backed by Turkey, to unilaterally form a de-facto government in 1974 and unilaterally declare independence in 1983. South

Ossetia and Abkhazia also achieved de facto independence from Georgia through a different process based on the people's right to self-determination.

As with North Cyprus, South Ossetia, and Abkhazia, South Azerbaijan can declare independence and be recognized under special conditions. Support and recognition from North Azerbaijan, Turkey, and other Turkish states and friendly countries will make it easier for South Azerbaijan to obtain UN recognition.

The doctrine of 'separation solution and new developments in international law

The international arena is witnessing the emergence of new theories and fundamental shifts in the world order that have given independence seekers more hope; this makes them more determined to take the final step, which is to achieve their independence goal. However, without a doubt, the most important development in this field took place in 2008; when Kosovo Albanians unilaterally declared independence from the Serbian government.

With increasing support for Kosovo's unilateral secession from Serbia, so does the UN General Assembly, with a mandate from the International Court of Justice approving Kosovo's unilateral secession from Serbia based on international law. By breaking the taboo, the United Nations accepted Kosovo's declaration of independence on July 22, 2010. The independence of Kosovo was recognized immediately by 43 countries, including the US, Turkey, Germany and the Netherlands (so far 112 countries). Several countries, including Serbia, Russia and Iran opposed Kosovo's independence.

In the aftermath of Kosovo's independence (2008), the doctrine and theory of 'solution separation' and 'remedial right to secession' became part of international law. Therefore, according to new international Law, a nation within an internal colony declared independence when its fundamental rights are widely and openly violated by the central government.

Thus, a decisive separation and declaration of unilateral independence or a decisive separation mean going beyond the Leninist slogan of "the right to self-determination of nations" and enacting that right. The international legal system does not prohibit separation or unilateral declarations of independence. It doesn't matter how much the dominant central government (like Serbia) opposes it. Although Quebec's conditions bear no resemblance to those under the oppressive Serbian regime, the Supreme Court of Canada has accepted the exercise of the right to secede. Therefore, in similar circumstances, South Azerbaijan can unilaterally declare independence in accordance with new provisions of the international law system.

Conditions that apply for "Separation Solution"

- a) Separation may occur if the central government does not act within the principles of equality for the right to self-determination and does not have a government that represents the whole people.
- b) When the right to self-determination is denied, the right to self-determination can be the only way to compensate. According to this amendment, a place in such a situation is not only against international stability but the continuation of the previous law, that is, the denial of one's right to determine one's destiny can endanger international peace and security.
- c) When governments ignore the right of their citizens to self-determination, the integrity of their borders cannot be guaranteed.
- D) Prolonged repression and not exercising the right to self-determination can justify separation as a last resort.

"Exceptional solution, the last solution"

This theory holds that the only way to end gross human rights violations is through the secession of a part of the country. Accordingly, the right of inevitable secession must be recognized.

The reasons for secession and independence

It has been established that the following causes lead to secession and independence:

- a) The illegitimacy of the rule of state
- b) Lack of security for citizens
- c) Violating collective rights
- d) Violations of human rights
- e) The use of military force and occupation
- f) Reaching a deadlock in the negotiations

The requirements for setting up an independent state, and South Azerbaijan's capacity to achieve it

To ensure the running of an independent state, the international community considers the following conditions essential.

- 1- Having a specific land and geography:** South Azerbaijan has an interconnected historical land from Darband to Varamin and Sunghor to Maku. About one-third of this land is governed independently by the Republic of Azerbaijan, located north of the Araz River.
- 2- Having a distinct identity and language;** South Azerbaijan is distinct from other Iranian nationalities because it has a Turkish identity and Turkish language.
- 3- Having economic resources;** South Azerbaijan has rich underground resources, such as gold, copper, steel, and fertile fields with potential oil, gas, and petrochemical resources. It also has agriculture, food production, textiles, and machinery industries. Its strategic location on the Silk Road makes it important for international trade, transportation, travel, and tourism.
- 4- Having a state-oriented political force;** South Azerbaijan has a long history of rule going back thousands of years, as well as experience in modern and democratic governance.
- 5- Having a democratic policy and program based on human rights;** Accordingly, the theme of the Manifesto of Independence of South Azerbaijan emerged from the heart of democracy and is fully in line with the provisions of the Human Rights Convention and the UN Charter. It includes all segments of the population, regardless of race, creed, gender, language and ethnicity.
- 6- Emphasizing libertarian nationalism;** South Azerbaijan's nationalism is based on patriotism, defense nationalism, and libertarian nationalism.

Various forms of secession and independence of countries

- a) Separation of countries under foreign colonization;** "Accelerate decolonization through recommitment and practical solutions." The UN Special Committee has documented dozens of countries that were under foreign rule, including dozens dominated by Britain, France, Spain, the Netherlands, and Portugal. Since the United Nations was founded in 1945, 80 former colonies have gained independence, and the trend toward eradicating colonialism has intensified in the past three decades.
- b) Non-autonomous regions still colonized by foreigners;** the UN Special Committee list includes 17 non-autonomous regions. The territories dominated by France, New Zealand, Britain, and the United States are American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), French Polynesia, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, St. Helena, Tokelau, Turks and Caicos Islands, US Virgin Islands, and Desert Islands.
- c) Successful unilateral secessions and declarations of independence from internal colonization:** such as Bangladesh (from Pakistan), Eritrea (from Ethiopia), Bosnia-

Herzegovina, Croatia, Macedonia, Slovenia, Montenegro, Serbia (from Yugoslavia), Kosovo (from Serbia), South Sudan (from Sudan), the Republic of Northern Cyprus (from the Republic of Cyprus), East Timor (from Indonesia), Abkhazia, and South Ossetia (from Georgia).

d) Unilateral and failed separation from internal colonialism: Unilateral and failed attempts at secession have occurred in places such as Katanga (Republic of the Congo), Biafra (Nigeria), Chechnya (Russia), Transnistria (Moldova), and Jaffna-Tamil (Sri Lanka). It is a period during which most or all of the state autonomy has been dissolved by the central or federal government. People under military occupation suffer severe repression and their rights are violated.

e) Separation failed despite a majority vote: Despite gaining a majority vote for separation, Catalonia was unable to be separated from Spain due to opposition from the federal government. To legalize the separation, the constitution needs to be amended.

The role of foreign countries and great powers in realizing nations' destiny

The United States helped most of central and southern Latin America gain independence from Spain in the early nineteenth century. It also supported the independence of European countries like Hungary and Greece. Most European and Middle Eastern countries became independent in the first half of the twentieth century as a result of war and the intervention and support of other countries. Therefore, it will be considered normal if one day the brotherly, friendly, and allied countries support South Azerbaijan's independence.

The fate and legal status, and the right to call for UN intervention

As advocates of the "remedial right to secession," have argued, when the central government systematically violates the fundamental rights of pro-independence groups and when the central government has openly attacked these groups. In such cases, the United Nations shall give priority to the independence groups, and any foreign interference shall take place only with the permission of the Security Council.

In contrast, if the central government does not systematically violate or ignore minorities' fundamental rights, and the separatists declare independence by resorting to violence without the UN's involvement, sometimes the UN accords priority and rights to the central government. In spite of this, Serbia's central government's breaches of international law were so obvious that Resolution 1244 was passed.

UN Security Council Resolution 1244 features

Due to the significance of how Kosovo gained independence in international relations and a turning point in international law, I will briefly describe its process. Looking closely at this process, it appears that the legal path for gaining independence and its acceptance in the United Nations has been opened. Security Council Resolution 1244 was adopted on 10 June 1999. In order to administer Kosovo's climate temporarily outside the control of the Serbian central government, the organization appointed an international government called the Kosovo International Civilian and Security Council (UNMIK).

Security council resolution 1244 has the following characteristics

First, a full civic, legal, and political mandate to establish an international administration regime in Kosovo. Second, humanitarian aid for Kosovo, and restoring public order in crisis areas. Third, the Provisional Administration of Kosovo was created to prevent Serbia from imposing its internal colonial discriminatory policies on Kosovo. Fourth, to establish a special temporary legal regime to prevent Serbia from exercising its jurisdiction over Kosovo.

The declaration of independence of the "State of Kosovo" following UN Security Council Resolution 1244

The first parliamentary elections in Kosovo were held in November 2001 under the auspices of the Organization for Security and Cooperation in Europe. After the consolidation of the Kosovo national government, the Kosovo government declared its independence on February 17, 2008, despite strong opposition from Serbia, Russia, and China, which has been recognized by 112 countries as of this writing. Unlike the doctrine of the twentieth century, scholars of international law today insist that in the international legal system there are no rules or provisions that affirm or deny either unilateral separation or prohibition of unilateral separation from any part of a state's territory. Therefore, in international law, what is not forbidden is permissible. In this context, if a new independent state can exercise its sovereignty effectively, that would be recognized as a legitimate political function of international law.

According to the case of Kosovo, which unilaterally declared independence, the positive reaction of the international community and the majority of countries to recognize Kosovo indicates that "territorial integrity" no longer serves as a red line and does not have the deterrent effect it once had. Consequently, Kosovo paves the way for other captive nations, including the Turkish nation of South Azerbaijan, to gain their independence.

The International Court of Justice ruled in favor of the legitimacy of unilateral separation

For the first time, the UN International Court of Justice ruled in favor of Kosovo's unilateral independence, weighing the scales in favor of the right to self-determination. For the first time, the International Court of Justice has ruled in favor of Kosovo's unilateral independence, tipping the scales heavily in favor of self-determination.

The International Court of Justice's final argument is as follows:

To bring its reasoning to a close, the Court summarizes its conclusions as follows:

"The Court has concluded above that the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999), or the Constitutional Framework. Consequently, the adoption of that declaration did not violate any applicable rule of international law."

The recognition of Kosovo's independence

Kosovo's independence was a taboo that was upheld by the International Court of Justice and recognized by the international community. Canada, Japan, Hungary, Bulgaria, Croatia, and Turkey recognized Kosovo as an independent state immediately (March 19, 2008). In response, the Serbian government summoned its ambassadors from some countries, including Turkey, Canada and Japan, in protest. The immediate recognition of Kosovo's independence in this brutal and difficult game would have meant Serbia's irreparable defeat and an irreversible victory for Kosovo.

What makes Persian think tanks afraid of consolidating the legitimacy of unilateral independence?

In response to Kosovo's declaration of independence, the Persian think tank could not hide its concern and fear over the consequences of the principle of "the legitimacy of unilateral independence" in the United Nations. The fascist regime of the Persian minority has officially stated that it opposes independence for East Timor, Kosovo, and South Sudan. The easiest way to understand the Persian fascist regime's anger lies in their academic distortions of international law and documents.

Knowing the "Persian thought system", I was not surprised by the inverted and undocumented analyses of a few main Persian sources in Iranian study and research centers. Among their tricks is not using new documents and not being updated. As examples;

- The false claim that: "Kosovo's declaration of independence was made without going through the United Nations and with Washington's direct command!"
- The recognition of Kosovo's independence is a mockery of the collective consciousness and human civilization!
- Washington's invisible hands can be traced back to the break-up of the Czech Republic and Slovakia, as well as the split of Yugoslavia and other economic, political, and military unions in Eastern Europe.
- The unilateral independence of Kosovo has no international value.
- Kosovo's independence represents a dormant hatred for the Orthodox of the Balkans that can have serious consequences for the Balkans with their political ups and downs. Ironically with the Muslim people of Chechnya, the Uyghurs, or even the Shiite people of Karabakh, the Persian Shu'abiyya was not concerned with Muslim or Shiite people.
- The unilateral independence of Kosovo is a threat to Iran (the fascist system of Iran) and can serve as a model for other separatist movements elsewhere in the world, It can lead to dangerous consequences for internal colonial countries like Iran.

However, the anger of Persian fascism is not new and unprecedented. A couple of years ago, US Congressman Dana Rohrabacher (R-CA) introduced a resolution to the House of Representatives that reflected Congress' understanding that the South Azerbaijani people, living under the Iranian regime, in fact, are not Persians, but Turkic people and part of one nation, geographically separated by the Araz River between Republic of (North)Azerbaijan and Iran(South Azerbaijan). Therefore, they should be allowed to decide their own destiny and have their own independent country. It is the natural right of the (South) Azerbaijani people to choose their political structure and country, and this right does not depend on the will of Washington's bureaucrats or the Islamist dictatorship in Iran. Azeri Turks have sovereignty and independence in the republic of Azerbaijan, so Iran's Azeri Turks(the South Azerbaijanis) can't have the same choice. For this to happen, we need to support the right to self-determination through free elections and the opportunity to determine their own destiny at the ballot box."

The Doctrine of non-recognition and recognition of the independence of new countries

Over the past century, we have witnessed four types of doctrines about non-recognition and recognition of countries' independence:

Over the past century, we have witnessed four types of doctrines about non-recognition and recognition of country independence:

In the first type, the old policy of non-recognition is an effective tool in the hands of central governments against declarations of independence that no country can recognize. Communist China occupied the Independent Republic of Manchuria (1932-1945) and the Independent Republic of East Turkestan (1944-1949). The country of Katanga (1956-1963) was independent for eight years before it was occupied by the Congolese government. In 1965, South Rhodesia declared independence, as did several other states, none of which were recognized by the international community.

The second type of recognition policy, which historically many countries gained independence from foreign colonial rule, including India, Pakistan and Kenya from Britain, Indonesia from the Netherlands.

The third type of recognition policy includes nations that fought their internal colonial systems and gained independence, such as Bangladesh from Pakistan, Bahrain from Iran, East Timor from Indonesia, and Eritrea from Ethiopia.

The fourth and the newest type of recognition policy is a case-by-case approach, as with Kosovo's independence from Serbia, and South Sudan's independence from Sudan, which could be applied also to other nations, such as Basques and Catalans in Spain, Tibet, Uyghurs in China, Chechnya, Tatarstan in Russia, as well as non-Persian nations in Iran, including South Azerbaijan, who seek to liberate their nation from internal colonialism and declare independence.

Globally speaking, promoting unilateral independence and international recognition of newly independent states has, on the one hand, strengthened the principle of the right to self-determination and the declaration of independence, while on other hand, it has undermined the principle of territorial integrity and non-interference by foreign countries in the internal affairs of unruly countries.

Russia - Ukraine war and misuse of self-determination

Historically, in Russia, the right to self-determination has always been denied. Vladimir Lenin and Joseph Stalin's deception of self-determination was evident by banning the principle of self-determination for non-Russians inside the Soviet Union. In the 1990s, it was Russia that denied the Chechen people their right to self-determination and invaded and massacred thousands of Chechen people. Tsarist and Soviet regimes historically denied the Crimean Tatars self-determination. Then, in 2014, Russia invaded and annexed Crimea from Ukraine, sending its armed militia into Eastern Ukraine under the pretense of protecting Russian minorities. On February 24, 2022, Russia invaded and attacked the entire country of Ukraine with the fascist aim of eradicating the Ukrainian language and identity.

Even though Russia has been threatening Ukrainian rights for centuries, the current Ukraine government has neither acted fairly nor democratically regarding the rights of its Russian-speaking minority. Kyiv's pro-West government restricted the teaching and use of Russian in government institutions and utilized Ukrainian as the sole official language(2019); It was also accused of excluding many Russian-speaking Ukrainian elites from government positions under the pretext that they were pro-Moscow. Nevertheless, none of this can justify the brutal military invasion of Ukraine by the Russian fascist regime. Instead of being intransigent, Russia and Ukraine should accept the implementation of the Minsk agreements (2014), which would have granted autonomy to Luhansk and Donetsk.

Although this is not the topic of this article, it is noteworthy to mention that this cruel and unbalanced war and the peculiar military defense tactics used by Ukraine without a single rocket attack against a military base within Russian territory are extraordinarily questionable. The key to ending this war is returning to peace talks and enforcing this agreement.

Unfortunately, Russia and the West are both hypocritical about self-determination and sovereignty. Likewise, the US and NATO violated international law by invading Iraq as well as Russia when it invaded Georgia and Ukraine. Each side relied on their own subjective arguments, in this case, the US was worried about its security after the September 11 attacks and wrongfully believed Iraq had nuclear weapons, meanwhile, Russia is concerned about NATO expansion and wrongly views Ukraine's democratization as a threat to its own security while denying Ukraine's rights to self-determination and sovereignty, as well as its right to decide whether to join the EU, NATO and any other organization, regardless of the concerns of any other nation. Therefore, the right to self-determination must be discussed in a democratic and peaceful manner at a peaceful time.

The recent incursions of Russian troops into Ukraine are reminiscent of several Russian invasions of Azerbaijan in the past 200 years, as well as the brutal invasion of South Azerbaijan by the Persian fascist regime of Iran in 1946. While world powers may use the right to self-determination for their own political ends. However, oppressed people like the South Azerbaijani Turks will never give up their fight to liberate their homeland from the occupation of the Persian fascist regime and establish their own sovereign state.

South Azerbaijan and the right to self-determination

In the years leading up to the Constitutional Revolution(1906), the South Azerbaijani people witnessed the gradual deterioration of their economic conditions, the migration of skilled labor and owners of Tabriz industries and bazaars to the capital Tehran, as well as the unprecedented decline in the influence of political leaders from Tabriz (the site of the Crown Prince at the time) in the Iranian capital Tehran. However, due to their over 1,000-year history of ruling in Iran, they believed that these problems could be solved with reform.

After Nasser al-Din Shah was assassinated by Persian terrorists (Reza Kermani-1896) and the decline of the Turk ruling elite's influence, especially those based in South Azerbaijan, the ethnic Persian ruling elite gained a greater influence in the ruling court during Muzaffar al-Din Shah's reform policy period (1896-1907). It was the beginning of an open power struggle between two ethnic political elites, the Turks and the Fars (Persians).

In South Azerbaijan and Tabriz, the Turks intellectuals and political elites were concerned that they might lose regional power to a centralized government in Tehran during the constitutional reform movement. That's why, the concept of "determining one's own destiny" was introduced for the first time using the theory of "**Turk's thought of Azerbaijan Centered**", and incorporated "the principle of state and provincial administration" to the first constitutional law of Iran(1908), but it was never implemented because of ongoing political unrest and weakness of the Qajar ruler.

Following the suspension of the constitution by the new government in Tehran and the intervention of Russia and Britain, the conflict between the Tabriz revolutionaries and the government in Tehran intensified. In spite of the heavy attacks and siege of Tabriz by the central government, the Tabriz revolutionaries were successful in keeping the constitutionalist movement alive for 11 months. In Tehran, however, the power struggle between the Russian and British elements culminated in the collapse of the central government, which led to the British-affiliated forces capturing Tehran.

Unfortunately, the Tabriz constitutionalist leaders made a strategic mistake by leaving their power base and departing for Tehran. Due to conflict of interests and violations of constitutional law, which included the elimination of the powers of state and provincial governments by Tehran's centralist (the British-affiliated mostly ethnic Persian political elite, who falsely claimed to be constitutionalists). After the breakdown of the negotiation, the centralist forces in Tehran used violence, destroying the constitutional revolution's ideals. As a result, the Persians collaborated with Britain and France against the Azerbaijani Turks and prevented Tabriz

revolutionary leaders from holding any government positions. This was a huge setback for the Turkic political elites in Tehran and Tabriz, as well as unfortunate consequences for the people of South Azerbaijan. Eventually, after years of political turmoil, a British-engineered military coup overthrew the Turkic Qajar monarchy and installed the British-affiliated Tajik-Fars ethnic military man Riza Mir Panj (Pahlavi) as ruler of Iran.

Throughout North and South Azerbaijan, the fight for self-determination and independence continued in various forms according to the theory of the "Turk's thoughts of Azerbaijan Center." In the north under the leadership of Mohammad Amin Rasulzadeh during the creation of the Independent Republic of (North)Azerbaijan and during the uprising of Sheikh Mohammad Khiabani, the one-year-long establishment of the national government led by Jafar Pishavari and the Khalg e Musalman movement in South Azerbaijan against the regime of Ayatollah Rohullah Khomeini in Iran.

The current national movement is a continuation of the earlier movements, and national awakening is a very widespread phenomenon.

It is well known that no movement is successful without powerful parties or organizations behind it. However, the Iranian regime represses the formation of public parties and civic organizations, making their establishment virtually impossible. Currently, the main challenge facing the movement at the moment is the lack of any party or organization inside the country and strong parties or organizations outside the country.

But despite all difficult challenges, the national movement organizations in our country have been successful because of their cohesion and solidarity; they organize national and civic activities underground and in a network. For the sake of following the national democratic principles of the movement, devoted field activists at home take on all the risks and endure hardships, but they are only concerned with liberating their homelands from the Persian fascist regime and the freedom and welfare of their nation, and not with fame and personal interest.

Taking advantage of democracy and political freedoms, the National Movement in exile was able to spread its voice internationally, promote its program independently of the central Persian opposition, and counter the propaganda of the Persian fascists. Yet it has failed to lobby successfully and achieve organizational cohesion for a variety of reasons.

South Azerbaijan's National Movement determined its course consciously as a nonviolent and civil movement. Some infiltrators of Iran's secret service attempted to form a phony guerrilla group within the movement to divert the movement from its civil path, thus discrediting it as a violent movement, but their plans failed. Although any other resistance movements against the Iranian regime are important for weakening our common enemy. However, in contradiction with the movement's course and goals, some "Persian-driven Center" elements have attempted to align this civil movement with other violent groups under the pretext of uniting against Iran's regime, such as the Persian terrorist-fascist groups, the Mujahideen Khalq, Saltanat-Talab, Islah-Talab, Persian left-wing fascist groups, and the Kurdish terrorist groups, as well as sympathizing with some violent Al Ahvazi and Baluchi groups. [Apart from that, the South Azerbaijan Movement stands in solidarity with other ethnic nationals in their legitimate fight against the Iranian regime.](#)

Azerbaijan's enemies, including the Persian fascists, the Azerbaijani right-wing pan-Iranians, and the left-wing pan-Iranians of Azerbaijani communists, deceitfully penetrated to control the deviation of the national movement and sought to destroy the "Turk's thought of Azerbaijan's centered" through deception and lies. Nevertheless, following the revelations of national activists, their attempt to repeat their historical betrayal of the national movement failed.

[While faced with the terrible consequences of cultural-linguistic assimilation in South Azerbaijan for so many decades and unequal confrontation in all areas, including propaganda and lack of active staff with the national thinking of Azerbaijan center in the early stage, the National Movement of South Azerbaijan managed to repel the plague of Persianized right-wing and left-wing communist Azerbaijanis who were more Pan-Persian than Persian nationals themselves. After years of struggle, Azerbaijan's national movement, once again placed 'self-determination' on the true path of the 'Azerbaijan center thought system'.](#)

Throughout decades, South Azerbaijan's people have protested and patiently demanded just their 'basic rights' from the oppressive Persian minority regime of Iran. Unfortunately, they received nothing but denials. Since the uprising of May 2006, they have sacrificed tens of martyrs, hundreds of wounded, thousands of prisoners, and exiles. In February 2013 after hundreds of thousands demonstrated under the banner, 'South Azerbaijan is not Iran' they reached a point where the only way to decide their own destiny is by asserting their right to secede and declare independence.(2)

Any movement, including the National Movement of South Azerbaijan, has its own tactics, strategy, and goals, so having a solid ideology is crucial to ensuring the faith and belief system's stability and preventing it from slipping. Along with religious and personal convictions, there are also collective and national beliefs. In terms of national ideology, the National Movement of South Azerbaijan adheres to 'Turk's thoughts of Azerbaijan Centered', which embraces freedom and independence, liberal democracy, universal human rights, and patriotic nationalism. It opposes racism and ultranationalism (or blind nationalism).

Azerbaijan's National Movement is not a party-led or individual-led movement. As a truly national movement, it advances in a civil and pluralistic manner, and to achieve its goal of forming a national government and declaring independence, it continues to use different political tactics to mobilize people. Despite using different tactics, all the sincere efforts of the national activists are very valuable and part of the national movement, including the effort to implement Article 15 (lifting a ban on teaching in the mother tongue), the acquisition of autonomy and federalism, and the maximum demands of con-federalism and independence.

In order to prevent the deceptions of the fascist regime, for the implementation of each of these tactics, even the minimum demand of Education in the Mother Tongue (Article 15) must be based on the '**Turk's thought system of Azerbaijan center**' and its ideology of '**Independence driven and Azerbaijan driven**'. As well as to prevent the enemies within Azerbaijan's national movement who are using the pretext of defending Article 15 and all forms of deviant federalism and appeasing the regime's criminal apparatus.(1)

I strongly believe that creating a mindset and mentality of '**independence-driven thinking**' as an ideology of the national movement is the only way to achieve the sacred aspirations of the South Azerbaijan people.

In conclusion

Rising awareness among oppressed nations about their rights and the belief that international law, democracy and human rights conventions, the United Nations will stand up for them in today's world. South Azerbaijanis are more determined than ever before to seek liberation and independence. Nations that have been dominated undergo their own processes of recovery and restoration of their national identities. In light of the current favorable international conditions for dominated and occupied countries, these nations do not have to endure intolerable conditions. In addition to recognizing that

Persian fascism is their main enemy, the South Azerbaijani people recognize that the fascist Persian mindset is inherently hostile toward the principles of the right to self-determination, democracy, and universal human rights.

In addition to international institutions, it is expected that those who consider themselves progressive and support fundamental human rights will demonstrate their true faith and defend the right to self-determination and independence of South Azerbaijan regardless of their ethnicity or nationality.

While adhering to international law and advancing civil resistance methods, the Azerbaijani National Movement will never wait until the massacre and genocide of its people have occurred before international organizations arrive to weep crocodile tears over the graves of their loved ones! Wrongly calling victims for compromise on the negotiating table with the killer! Therefore, the fascist regime of Iran was given a warning in November 2018 when tens of thousands of people in Tabriz raised the banner "Either Czechoslovakia or Yugoslavia; the choice is yours". (3)

Consequently, in the event of unbearable repression and killing by Iranian regime, South Azerbaijan's people will exercise their right to legitimate defense and take up arms in order to prevent their nation from being massacred by hostile occupying forces of the Persian fascist regime. There is no doubt that the national will and the strong presence of the Turkic countries alongside the people of South Azerbaijan and the support of friendly and allied countries, the Persian fascist regime will not dare to repeat its historical crimes.

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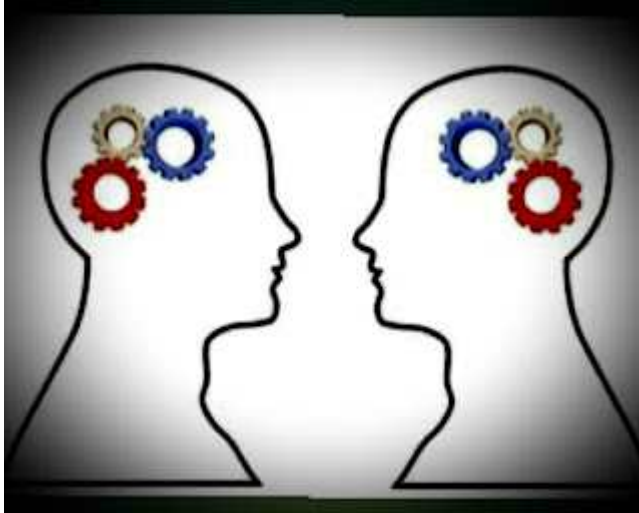
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(1) Turk's thought system of Azerbaijan



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(2) South Azerbaijan is not Iran



Link: <https://ayiq-eller.blogspot.com/search?q=South+Azerbaijan+is+not+Iran>

**(3)"Either Czechoslovakia, OR
Yugoslavia :the choice is yours "**



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