

# Liberated Karabakh

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Fariz Ismailzade and  
Damjan Krnjević Mišković

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### Historical and Legal Aspects of the Karabakh Conflict

An Azerbaijani Perspective on A Shared  
Post-Conflict Future

*Rovshan Ibrahimov and Murad Muradov*

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On 27 September 2020, a fierce new war between Azerbaijan and Armenia erupted over the region of Nagorno-Karabakh and seven adjacent districts that constitute the internationally recognized territory of Azerbaijan but had long been under Armenian occupation. A period of 44 days of uncompromised fighting ended with the Russian-negotiated tripartite ceasefire statement signed on 10 November 2020, by which time Azerbaijan had already restored its sovereignty over the Fizuli, Jabrayil, Zangilan, and Qubadly districts as well as the southern part of the former Nagorno-Karabakh Autonomous Oblast (NKAO) that had existed during the Soviet period, including its symbolic and strategic heartland—the city of Shusha.

The tripartite statement stipulated the complete withdrawal of Armenian forces from the remaining three occupied districts (Kalbajar, Lachin, and Aghdam), while some part of the former NKAO (about 3,000 km), together with the narrow, five-kilometer-wide corridor around Lachin that connects the former NKAO to Armenia, were to constitute

a special zone guarded by a 1,960-strong Russian peacekeeping force for an initial period of five years. Both Azerbaijani and Armenian refugees and IDPs are to be returned to the conflict zone under the supervision of the UNHCR, and all transport communications between the countries are supposed to be re-opened.

The armistice agreement is the first step, not the end of the journey: the deep conflict around Nagorno-Karabakh still remains unresolved. The Second Karabakh War may have come to an end, but a lasting, sustainable peace still remains to be secured.

This article aims to understand Armenian claims over Nagorno-Karabakh in light of both history and international law. It also aims to consider possible trajectories of the negotiation process to come and lays out proposals for building an alternative, non-conflict vision for the future of both peoples and countries. Engagement is hard, objectivity harder, introspection harder still. But both sides need to start doing more of each for lasting peace to take hold.

## POLITICS AND HISTORY

The First Karabakh War (1991-1994) was fought in the shadow of the breakup of the Soviet Union. It started from an appeal by activists of the “Karabakh committee” (an Armenian protodemocratic nationalistic organization that had just emerged) to the Soviet leadership to conduct “reunification” of the NKAO (an autonomous region of Soviet Azerbaijan predominantly populated by ethnic-Armenians) with Armenia.<sup>1</sup>

From the very beginning, the historic aspect played a crucial role in the narrative the Armenian side was carefully building and using to justify its claims over territories belonging *de jure* to Azerbaijan. This narrative rested on the three major arguments: the ancient history and ethnography of Nagorno-Karabakh; the trauma of the 1915 Armenian “genocide” that took place on the territory of the Ottoman Empire; and the allegedly unfair inclusion of the region into the borders of the Azerbaijan SSR by the Soviet government.

The first argument stipulates that Karabakh—or “Artsakh,” as the Armenian side would start to call it later (ironically, this very name is most

probably not of Armenian origin but is the aberration of the initial name “Orkhistena”<sup>2</sup>)—is the historic cradle of the Armenian nation and the only place in which Armenian statehood flourished virtually uninterrupted.<sup>3</sup> These claims are predominantly based on the strong concentration of medieval Christian monuments in the former NKAO, as well as on several written sources (many of which turn out to be rather dubious after being closely scrutinized).

This argument has been instrumentalized by Armenians in order to claim “moral rights” over this land.<sup>4</sup> For most of its ancient history, however, Karabakh was populated by various tribes that trace their origins back to the Caucasian Albanian people that inhabited a continuous stretch of territory that included other parts of northern Azerbaijan. The peculiar and somewhat isolated development of Karabakh from the eighth century onwards is related to the fact that its mountainous parts remained mostly Christian for many centuries afterwards while the surrounding regions underwent deep Islamization.

However—and this is a crucial moment for dispelling the Armenian narrative—the Christians of Karabakh were predominantly of Caucasian Albanian origin.<sup>5</sup> As a matter of historical record, the Caucasian Albanian (or Aghvank) Church preserved its ecclesiastical distinctiveness from the Echmiadzin Catholicosate until 1836<sup>6</sup>—that is to say, decades into imperial Russian rule over the Caucasus; for some time, the two churches even had separate seats within the territory of the Gandzasar monastery—the best evidence that they had been clearly distinct from each other. However, growing theological similarity, as well as the gradual displacement of the original Caucasian Albanian script by the more widely used Armenian one, led to a creeping Armenization of the Christian population of Nagorno-Karabakh, which was finalized after Russia consolidated its conquest of the region. Afterwards, Caucasian Albanian heritage was mostly erased and forgotten, which paved the way for the general acceptance of the Armenian narrative as regards local history.

However, since claims based on ancient history are hardly enough to justify ethnic separatism in the twenty-first century, the proponents of Armenian irredentist claims (it has a special term, *miatzum*, in

the Armenian language) also eagerly pointed to the traumatic events of the twentieth century that, as they believe, constitute irrefutable evidence about the primordial and intractable character of the Armenian-Turkish/Azerbaijani conflict.

This narrative is based, first, on the 1915 events in the Ottoman Empire that are recognized as the “genocide” of Armenians by the parliaments of several dozen countries around the world. It must be noted that the “genocide” issue is viewed by official Yerevan largely through a political, not historical lens—one reason why Armenia has consistently referred to Turkey’s offer to establish a joint fact-finding commission of historians as unacceptable.<sup>7</sup> The “genocide” issue is a “sacred cow” of contemporary Armenian statehood, which has defined its strategy and political orientation since its establishment. The cultivated memory of the “genocide” has also instilled a semi-official Turkophobia in Armenia, which is most vividly expressed in Armenia’s unconcealed hostility to Azerbaijan and Azerbaijanis (the latter are often referred to derogatively as “Turks”).

Thus, prior to and especially during the Second Karabakh War, Armenian state propagandists constantly referred not only to 1915 but also engaged in baseless and unfounded speculation about the imminent launch of an ethnic cleansing campaign against Armenians living in Azerbaijan-proper as well as in the former NKAO. The point, of course, was to claim that the independence of “Artsakh” represented the sine qua non for the security of Armenians.

At the same time, in order to delegitimize the Soviet period in the history of Karabakh, the Armenian side has claimed that Moscow—through a 1920 decision of the Caucasian Bureau of the Communist Party—*handed over* this region to Azerbaijan. However, the Russian original of the text unequivocally states, “Nagorno-Karabakh shall be *retained* within the borders of the Azerbaijan SSR,”<sup>8</sup> which reinforced the unbreakable political but also socioeconomic ties between this region and the rest of Azerbaijan. Based on this narrative, the irredentism advocates claim that Karabakh has never been part of an officially recognized independent state named Azerbaijan and hence had no obligation to respect the latter’s territorial integrity.<sup>9</sup>

This view, while disguised in the parlance of international law, is in fact purely political—ideological, really—and simply tries to paint over a “moral right” claim that has no credence in the contemporary international system. However, the circumstances of the period when the conflict over Karabakh was simmering, must be properly contextualized. It was the time when the Soviet Union—which had been founded upon the ideology of internationalism and “friendship of peoples”—started to crack: the suddenly rising national movements in the Soviet republics badly needed an ideological core to uphold and gain legitimacy. Armenians back then tied the fate of their new identity to Karabakh; for Azerbaijanis, reaction to Armenian separatism and aggression triggered the rise of national feelings and a sense of self. The psychological significance of the conflict-related narratives made it so difficult to resolve, or at least to find a peaceful breakthrough.<sup>10</sup>

This historical-political narrative in favor of Armenian irredentism has had recourse to randomly-selected and sometimes misrepresented or downright false chunks of history to establish an artificial security dilemma that precludes the peaceful existence of an Armenian community within Azerbaijan (the fact that more than 30,000 ethnic-Armenians live in Azerbaijan—or, for that matter, more than 100,000 ethnic-Armenians and around the same number of Armenian citizens still live and work in Turkey—is conveniently ignored). With very few exceptions, Armenian politicians have consistently insisted that the security of Armenians is predicated on a grant of self-determination—understood in its extreme form as independence—for the “people of Karabakh,” defined exclusively as ethnic-Armenians from Karabakh, thus excluding the Azerbaijani population from the narrative; one may add here that this is consistent with the awful fact that they were ethnically cleansed down to zero in the First Karabakh War by Armenian forces.

The issue of the cultural ownership and heritage of Nagorno-Karabakh and the seven surrounding territories is today subject to widespread debate—but not widespread appreciation of the historical facts. It cannot be disputed that both Azerbaijani and Armenian, Muslim and Christian, history and culture have run deep across this region for a millennia and a half. Naturally, the farther

back we delve into history, the more likely that it becomes subject to mythmaking. Unfortunately, unbiased scholarship and thinking have fallen prey to the politicians' desire to heavily load the discourse of Armenian nationalism with a narrative of a historic injustice and conspiracy, helping to radicalize and mobilize Armenians against numerous "enemies."

### LEGALITY

The Armenian-Azerbaijani conflict has been historically so laden with bitter inter-ethnic and personal hostilities that its international law aspect has been inevitably pushed to the back burner. Since it was the Armenian side that, beginning in 1988, committed an actual aggression against the legally recognized status quo, this omission served to create the false impression of "equating" both sides—the aggressor and the victim—which suited Yerevan very well.

The current rules of interstate behavior that were elaborated during, and entered into force after, World War II prohibited the "use of force against the territorial integrity or political independence of any state"—to quote from Article 2 of the UN Charter—and excluded warmaking as a legitimate instrument of international politics. At the same time, to prevent possible future aggression against any member state, the "inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations" was clearly spelled out in Article 51 of the same document.

The legal justification for self-determination in the context of the contemporary international system was also first indicated in the UN Charter. Article 1 of the UN Charter states that one of the goals of the UN is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace." The main idea here is that the presence of dependent territories and colonies seriously complicates the achievement of this goal. Based on this Article, various UN organs, including the General Assembly and the Trusteeship Council, gave a clear interpretation of this concept,

according to which only former colonies have the right to achieve independent statehood through a process of what the UN Charter called "self-determination."

In addition, self-determination is addressed, directly or indirectly, in various other parts of the UN Charter, including Article 55 and from Article 73 to Article 91. An important agreement regarding self-determination is the General Assembly's 1960 resolution,<sup>11</sup> entitled Declaration on the Granting of Independence to Colonial Countries and Peoples and known colloquially as the "Declaration on Decolonization," which clearly states that this right can only be exercised by the colonies.<sup>12</sup>

Limiting the scope of self-determination was vitally important, because otherwise this process could not have been controlled, which would in turn have led to a systemic threat to global stability. Indeed, in the case of a broader interpretation of the principle of self-determination, only in Europe could there have resulted in the establishment of, say, 1,000 independent states. For comparison: in 1920 the number of states in Europe was 23, reaching 44 only in 1994. Considering that there were about 500 political structures in Europe in the 1500s, it can be argued that under favorable conditions this trend may continue.<sup>13</sup> Such a development of events would in no way serve to ensure one of the main goals of the United Nations, namely, international peace and security.

It is for this reason that Kosovo's February 2008 unilateral declaration of its independence, and its subsequent recognition by some UN member states, does not comply with international law and thus did not change the contemporary international system and the framework of the concept of self-determination. As a result, it did not provide a new opportunity for existing separatist regimes. The countries that recognized Kosovo as an independent state have repeatedly stated that this kind of procedure cannot be considered as the basis for the formation of new states in the future. To emphasize this aspect, a number of states, including the United States, in the act of recognizing Kosovo, openly stated that it could not become a precedent.<sup>14</sup>

Considering the issue in practical terms, it is unlikely that one of the countries that recognized Kosovo as an independent state will reuse it in similar conditions. Kosovo, in the interpretation of international law, will remain *sui generis*—and it seems unlikely that the recognition will become universal (and that Kosovo will become a UN member state) unless Serbia itself chooses to recognize the territory and Security Council permanent members Russia and China change their position on this question. Interestingly, Kosovo is presently recognized by a little under 100 UN member states, which makes it the global leader among “partially recognized” states, and not so long ago the number had been higher (it peaked at a little under 120 UN member states): so 20 or so UN member states have either withdrawn or have not completed their respective recognition processes. Unsurprisingly, Azerbaijan remains a stalwart non-recognizing country. Regarding representation, only 22 UN member states are represented by embassies in Priština.<sup>15</sup> Thus, although the idea of using the Kosovo case as a precedent for the independence of “Artsakh” is sometimes voiced in Armenia, what is called the “international community” does not subscribe to this view.

In fact, when it comes to understanding the principle of self-determination within the framework of international law, there is no disagreement regarding the question of which territories can be considered colonies. The UN even issued a list of territories that were supposed to enjoy this right, many of which went on to become independent states.<sup>16</sup> Therefore, the principle of self-determination existing in international law does not apply to the former NKAO or “Artsakh” since this region is not on that list, or any similar one. Thus, from the point of view of this cornerstone document of international law—namely the UN Charter—the territory under discussion does not have the right to independence, since it was not listed by the UN as ever having been a colony.

Moreover, international law does not provide for any other legal option for the emergence of new states. In present times, the emergence of new states can be possible only if such a possibility is provided by the state itself (within the framework of domestic law), as was the case of the Soviet Union and Yugoslavia with respect to their constituent

republics, or based on a state’s consent to self-disintegration, as was in the case with such countries as Czechoslovakia and Sudan.

As this article concerns itself with the topic of the possible legality of the self-determination of the former NKAO within Azerbaijan SSR, the legal framework of the Soviet Union must be considered. According to Article 72 of the USSR Constitution, the right to self-determination was given only to the 15 Union Republics, including Azerbaijan SSR and Armenia SSR. Using this right, Azerbaijan and Armenia ultimately became independent and sovereign subjects of international law. They were recognized as independent states by the “international community” and became UN member states. It is a simple matter of legal fact that the former NKAO, which has been nothing more than an autonomous region (*oblast*) within Azerbaijan, did not enjoy such a right under the USSR Constitution.

The Armenian position runs contrary to this. According to such a narrative, the acquisition of independence by Nagorno-Karabakh was in fact achieved in accordance with the Law on Procedure for Resolving Questions Connected with a Union Republic’s Secession from the USSR, which was adopted by the Supreme Soviet on 3 April 1990. Based on this Law, NKAO’s ethnic-Armenian authorities announced that a referendum on independence would be held on 10 December 1991.

However, the holding of such a referendum at the *oblast* level was not envisaged either in the USSR Constitution or the Constitution of SSR Azerbaijan. Thus, the April 1990 Law was unconstitutional, and on more than one ground. For instance, Article 3 of the Law grants the right of autonomous entities within Union Republics to hold a referendum separately on “remaining [...] within the USSR or within the seceding Union Republic, and also to raise the question of their own legal status.”<sup>17</sup> This directly contradicts Article 78 of the USSR Constitution, which states that the “territory of a Union Republic may not be altered without its consent” and thus made Article 3 of the aforementioned Law unconstitutional. If an appeal had been made to the Soviet Constitutional Court (formally called the Committee for Constitutional Supervision of the USSR), then it

would have determined the unconstitutionality of this Law. But no such appeal was made, the Armenians point out.

On 26 November 1991, just two weeks before the referendum in NKAO was to be held, Azerbaijan's Supreme Council passed a law abolishing the NKAO as an administrative-territorial unit.<sup>18</sup> This legislative act was made in accordance with Article 79 of the USSR Constitution, which states that a Union Republic "shall determine its divisions into territories, regions, areas, and districts, and decide other matter relating to its administrative and territorial structure" (there are corresponding articles in the Constitution of the Azerbaijan SSR, as well). Thus, even if one interprets the April 1990 Law to have been compatible with the USSR Constitution (a dubious proposition, at best), no referendum could have been legally held on the territory of NKAO on 10 December 1991 for the simple reason that NKAO had legally ceased to exist a fortnight prior to that date.

After Azerbaijan and Armenia both regained their respective independence, each was recognized by the "international community" within the borders in which the countries existed as part of the Soviet Union because of the international law principle of *uti possidetis juris*, which provides that emerging sovereign states should retain the borders that their preceding dependent area had had before their independence. Today, a number of Armenian experts and politicians declare that Armenia did not recognize this principle: since the new status quo has been formed after the end of the Second Karabakh War and the return of the Azerbaijani territories, they are not satisfied with it. Hence postwar tension on the reestablished border between the two sovereign states and Armenia's refusal to participate in its delimitation and demarcation. However, in fact, Armenia, by the virtue of having signed the CIS Charter and the Almaty Protocol, fully recognizes the principle of *uti possidetis juris* and the borders of the USSR's constituent republics.<sup>19</sup>

That is why—notwithstanding the former NKAO's unilateral declaration of independence and the result of its illegal referendum—"Artsakh" has not been recognized by a single UN member-state, including its sponsor and defender Armenia.

Realizing that it would not be possible to gain independence by convention, Armenia and the "Artsakh" separatist regime put forward another thesis, according to which they believe the latter can become an independent state and will be recognized by the international community. In short, this principle is referred to as *separation for the sake of salvation*. This thesis was repeatedly voiced by the Armenian prime minister, Nikol Pashinyan, both during the Second Karabakh War and afterwards. According to Pashinyan's explanation, the principle is invocable "when certain regions and peoples gain independence on the grounds that they cannot survive under the rule of any other country."<sup>20</sup> It should be noted that despite Pashinyan's assurances that this principle is a "well-known international thesis,"<sup>21</sup> such a norm does not exist in international law. It is no coincidence that the Armenian side has put forward this postulate in conjunction with the example of Kosovo. But as explained earlier, Kosovo is not a precedent.

There is, therefore, only one legal route by which the former NKAO could become an independent state, and that is by securing the consent of Azerbaijan. Given the bloody history of Armenian occupation over the past thirty years, it is hard to imagine a situation in which that consent could be forthcoming.

#### POST-CONFLICT TRAJECTORIES

Despite the economic, military, and demographic superiority of Azerbaijan, this country has been trying to resolve the conflict peacefully at the negotiating table for 26 years. However, the policy chosen by Armenia was to preserve the existing status quo, in the hope that in this way Karabakh could eventually become independent or just fall from the Azerbaijani agenda. At the same time, if we compare the theses of Azerbaijan and Armenia during the period of negotiations, we can see that for Armenia there was no scenario in which Azerbaijanis from Karabakh could return to their native lands.

In this case, it is useful to recapitulate the main points of disagreement between Azerbaijan and Armenia in the period before the onset of the Second Karabakh War. We have set this out in Table 1.

Table 1.  
Main Points of Disagreement Between Azerbaijan and Armenia

	Azerbaijan	Armenia
The basis of claim over Karabakh:	Legal Aspect: In accordance with international law, Karabakh is recognized by the entire world as an integral part of Azerbaijan.	Historical Discourse Aspect: Armenians have lived in Karabakh since ancient times (a fact that is contested), which means Karabakh belongs to Armenians.
Conflict resolution bottom line:	Return of the seven occupied regions and granting an autonomous status to Karabakh within Azerbaijan (internal right to self-determination).	<i>Maximal position:</i> Preservation of the surrounding occupied regions as a buffer zone for security; recognition of the full independence of the former NKAO. In recent years, a discourse of “greater Artsakh,” incorporating the surrounding regions and giving them Armenian place-names (“Akna” for Aghdam, “Varanda” for Fizuli etc.), crept into the Armenian public space, radicalizing it to the point of exaltation and making any sort of understanding between the nations even less likely.  <i>Minimalist position:</i> Returning some of the surrounding occupied

		regions, further discussion on the status of the Kajbajar and Lachin regions, and recognition of the full independence of the former NKAO (under the guise of a right to conduct a referendum only among the present Karabakh population)
View of Azerbaijanis and Armenians living in the occupied territories prior to the advent of the Second Karabakh War:	Karabakh Armenians are citizens of Azerbaijan; peaceful coexistence.	Although lip service was being paid to the rights of Azerbaijani IDPs to return to their homes, a possibility of restitution and compensation for their material losses and suffering was never on the table, and the idea of an independent “Artsakh” was based on exclusive ethnic nationalism in a way to make the return of Azerbaijanis unthinkable.

As illustrated by Table 1, the demands of Armenia contradicted international law and basic human rights, as well as the values of any liberal society. Before the Second Karabakh War, Azerbaijan had been ready to grant autonomy to the Karabakh Armenians within Azerbaijan. But due to its own intractability and refusal to compromise, Armenia’s opportunities have profoundly withered. The 10 November 2020 Russia-brokered trilateral armistice agreement managed to effectively put a stop to the armed hostilities. While Azerbaijanis celebrated their military and diplomatic triumph, the mood in Armenia was understandably dour. Armenians were initially shocked by what they felt was a national humiliation, but now seem to be gradually coming to terms with the new situation.

Moreover, it is important to underline that the armistice agreement is neither a peace treaty nor a blueprint for reconciliation. It leaves open the major issue of peacebuilding and normalization between the two rival states. What, then, could be the further development of events in the Karabakh conflict? Various scenarios can be envisaged.

One option for maintaining a version of stability would be the continuation of the “renouncing relations with the other” policy, which has been the prevailing reality since the 1994 ceasefire that ended the First Karabakh War. Given both societies’ deep trauma and mutual mistrust—and the fact they see each other almost exclusively as sworn enemies—this solution does appear attractive at first glance. It would enable both Yerevan and Baku to remain within their respective comfort zones whilst abstaining from hard peacebuilding work. Events taking place over the past year—since the armistice ending the Second Karabakh War was signed—could be interpreted as a confirmation of pessimistic expectations. For instance, a group of armed Armenian raiders entered an Azerbaijani-controlled area near Hadrut and were disarmed and imprisoned in December 2020. Since May 2021, the situation along the border has remained tense, with frequent violations of the ceasefire and various accidents in different parts of the borderline region, from Nakhchivan to Tovuz, as well as near Shusha and the line of contact with the Russian peacekeeping zone. In one case, these tensions ended with the tragic death of an Azerbaijani serviceman in the Kalbajar region. The Armenian side has been stubbornly rejecting the opening of communications through what Azerbaijan calls the Zangezur corridor on the basis of a claim that such a corridor would constitute an “occupation” by Azerbaijan—an evident misreading of the text of Article 9 of the ceasefire agreement. Hence, pessimists and hardliners of all kinds have received ample evidence in their favor.

However, objective circumstances make the “renouncing relations with the other” scenario hardly plausible. Should relations remain in deep freeze, Azerbaijan and Armenia would each feel compelled to fortify their 1,000 kilometers’ long border, which mostly runs across a high, mountainous, and rugged terrain.

In some places, one side or the other could even opt to build a wall like the one the Trump Administration began constructing along its border

with Mexico or Israel did with its security barrier. Enormous costs aside, total isolation would be impossible anyway because of the Lachin corridor issue. This strip of Azerbaijani land, located in the narrowest place between Armenia and the territory of the former NKAO, has always been a key issue in all peace-resolution plans and today has fallen within the Russian peacekeeping zone in order to ensure a stable connection between them. The corridor’s long-term status will inevitably be one of the major topics in future talks. So, the option of burning all bridges is hardly viable. Similar arguments could be made with respect to the Zangezur corridor—the one envisioned to link Nakhchivan with the rest of Azerbaijan across Armenian territory along the Araz river, just north of Iran.

So, what is the alternative? Despite all the intransigence and bellicose statements by the Armenian side, Prime Minister Pashinyan seems to realize that in the long term, the recognition of the 2020 outcomes and the process of ultimate de-escalation is inevitable. During his latest visit to Tbilisi on 8 September 2021, he once more expressed his commitment to the restoration of communications with Azerbaijan (and Turkey) and Armenia’s readiness to commence substantial peace talks.<sup>22</sup> Moreover, since signing the November 2020 agreement, Azerbaijan’s President Ilham Aliyev has repeatedly stressed in interviews and public statements that sustainable peace with Armenia is both a desirable outcome and the best security guarantee for Azerbaijan in future. He has also underscored the point that Azerbaijan concentrated its fighting on the battlefield, neither intentionally striking Armenian civilian targets nor retaliating against population centers in the wake of repeated shelling by Armenian forces of Azerbaijani cities like Ganja and Barda, located far from the combat theater of operations. Aliyev also stressed that ethnic-Armenian citizens of Azerbaijan should be able to live peacefully in their places of residence, like all other citizens of the country.

The contrast between the actual conduct of the Azerbaijani military coupled with the public messaging of the country’s leadership, on the one hand, and the baseless and often quite feverish predictions by some international media outlets and expert analysts of the “inevitability of ethnic cleansing” of the Karabakh Armenians, on the other hand, is quite striking. Baku consistently demonstrated strategic restraint and made a conscious choice to abstain from pursuing military operations beyond

those that involved the liberation of the symbolic city of Shusha. Unlike the hundreds of thousands of Azerbaijanis that remained refugees or IDPs as a result of the First Karabakh War for nearly 30 years, the Karabakh Armenians that left their homes during the Second Karabakh War are already returning without impediment. All this provides hope that a full-fledged peace process will be possible in the foreseeable future.

Of course, mutual material interest is most often the best element that helps to surpass deep enmities and guarantees the rejection of violence. The November 2020 agreement thus contains an important clause about the unblocking of all the regional communications, including the aforementioned overland corridor between mainland Azerbaijan and Nakhchivan through the territory of Armenia. This is without doubt a very significant declaration of intent that will need to be followed up with a detailed roadmap on restoring cooperation. For example, Armenia could finally become a part of lucrative regional energy and transport projects, or purchase natural gas from an alternative source at more affordable prices. This economic integration argument was extensively made by President Heydar Aliyev during his negotiations with Yerevan in the 1990s, when the Baku-Tbilisi-Jeyhan pipeline project was still under discussion; but back then, Armenian society was too overwhelmed with its military victory in the First Karabakh War to agree on compromises.

The resolution of the conflict can thus become the basis for opening two critical borders of Armenia: the one with Azerbaijan and the one with Turkey (Ankara closed borders with Armenia in April 1993, after the occupation of Kalbajar, falling just short of an agreement in 2009).

In order to develop peaceful neighborly relations, it will be necessary to conclude a longterm agreement. The agenda forming the basis of such an agreement will need to be determined, as the previous one—centered on the Madrid Principles established by the Co-chairs of the OSCE Minsk Group—has been largely overtaken by events and is thus no longer relevant. In other words, the outcome of the Second Karabakh War is such that the Madrid Principles have either already been implemented—whether through gains on the battlefield or by the terms of the trilateral agreement—or are no longer applicable. Thus, a new basis for negotiations will need to be conceived and a new roadmap to peace will need to be established. This

time, it will be impossible for Armenia to continue challenging the territorial integrity of Azerbaijan. Not only has the Azerbaijani side repeatedly continued to stress the inadmissibility of discussing the independence of the former NKAO in any negotiating context, but so has the guarantor of the November 2020 agreement, Russian president Vladimir Putin: “Karabakh is the internationally recognized territory of Azerbaijan,” he stated in an interview in the wake of the armistice.<sup>23</sup> Moreover, it would be absurd now for Armenia to continue insisting on old solutions, since it was the Armenian foreign minister who, in April 2020, had refuted Russia’s Sergey Lavrov by confessing that there was no real conflict-resolution plan on the table back then; or, to go back a little further, given that Pashinyan had explicitly rejected the “land for peace” formula by publicly proclaiming that “Artsakh is Armenia. Period.”<sup>24</sup>

However, should the question of status for Karabakh again arise in the negotiations to come, Armenia will need to develop new proposals that may be attractive to Azerbaijan. Therefore, if Yerevan insists on championing enhanced political autonomy for the ethnic-Armenian citizens of Azerbaijan, what can Armenia offer in return?

A substantive proposal could include, for example, the offer of a symmetric status for Azerbaijani refugees from the Western Zangezur region of Armenia, which is administratively divided into two sparsely-inhabited provinces (Syunik and Vayots Dzor) that together separate mainland Azerbaijan and Nakhichevan. This would accord with one of the November 2020 agreement’s principles guaranteeing the right of return of IDPs and refugees, and is also consistent with the Madrid Principles.

Consider in this context the fate of Azerbaijanis who were forcibly removed from Armenia in 1988 and thus became refugees at the very start of the conflict (this includes the aforementioned Western Zangezur region). Throughout the Minsk Group-led talks, their status was not considered in detail. Yet, until that year, 182,000 ethnic-Azerbaijanis, 18,000 ethnic-Kurds, and 1,000 ethnic-Russians lived in a territory of about 8,000 square kilometers in 261 settlements, of which 172 were exclusively populated by ethnic-Azerbaijanis. The number of Azerbaijani refugees from Armenia was, according to the most conservative estimate, 250,000. By 2015, that number, according to the same source, had grown to 350,000 (taking into account demographic growth). To

this day, many settlements in Zangezur are virtually empty as Armenia does not have sufficient human resources to populate these lands.

Thus, Azerbaijan could make it clear that a discussion on the status and level of autonomy for Armenians in Karabakh can be considered only in the context of the return of Azerbaijani refugees to Zangezur (coupled, perhaps, with a consideration of their status). Such a solution could stimulate the formation of vested interests in both countries for peaceful coexistence. It would also meet the interests of Armenia itself, as Azerbaijan would surely be ready to underwrite the restoration of the settlements where Azerbaijanis lived compactly before the conflict and decrease infrastructure costs by creating shared facilities, and so on. Finally, should such a self-reinforcing positive feedback cycle be established, the return of Armenian refugees to Azerbaijan could be guaranteed at a later stage.

Another important item on the agenda for peace is the issue of compensation and reparations from Armenia for the cities, towns, and villages that were destroyed during the occupation of Azerbaijani territories. The Armenian side left virtually no stone unturned in the occupied territories. A demonstration of peacemaking goodwill in the form of extending an offer to compensate Azerbaijan for damages incurred during thirty years of occupation would go a long way towards indicating Yerevan's true intentions of goodwill and contribute to broader reconciliation efforts.

The issue of reparations and compensation must also be considered both within the framework of international common law, at the interstate level, and through international private law: in the latter category, reference is made to the judgment of the European Court of Human Rights in *Chiragov and Others v. Armenia* (2015). The case involved the forced eviction of Azerbaijani Kurds from their places of residence, with the Strasbourg Court holding that Armenia “exercises effective control over Nagorno-Karabakh and the surrounding territories” and is thus responsible for the “flight of practically all Azerbaijani citizens, presumably most of them Muslims, from Nagorno-Karabakh and the surrounding territories, and their inability to return to these territories.”<sup>25</sup> Naturally, the European Court of Rights thus ordered Armenia to pay pecuniary and nonpecuniary damages to cover legal costs and expenses to each plaintiff involved in the case. It should be noted that this demand of the Court has not yet been satisfied by Armenia.

Finally, for a conflict resolution process to succeed and reconciliation to take hold, a change of narrative must be pursued. In this article we have engaged with the major arguments to which the Armenian side has appealed in order to defend its claim over the territories of Azerbaijan, which built heavily on an allegedly perennial security dilemma, as we have seen. For a long time, Yerevan has been caught in a trap of a self-centered, maximalist view of its position and interests in its neighborhood. As recently stated by the reputable historian and former senior adviser to Armenia's then President Levon Ter-Petrosyan, Gerard (Jirair) Libaridian:

Our problem is the way we looked at the Karabakh conflict and the way we framed the questions related to its resolution: we started by the conclusion that corresponded to our dreams, and then asked only those questions that confirmed our conclusions and did not challenge our assumptions and logic. Our problem is our political culture that relies on dreams rather than hard facts; the way we strategize, the way we easily set aside what the outside world and our antagonists say and do if these disturb any of our prejudices and predetermined beliefs. We adjust political strategy to our wishes, to what will make us feel good about ourselves rather than take into consideration the simple facts that collectively make up the reality around us. Our problem is the way we allow our judgment to be obscured by the highest, noblest and ideal solutions of our problems, our illusions. Our problem is the way we insist on overestimating our capabilities so that we would not question our strategy and compromise our dreams. We thought that our strategy “not give an inch back” was the right one because our cause was just. And we believed we could bend the will of the enemy and of the international community and have them think and feel the way we do.<sup>26</sup>

We could add to Libaridian's bitter and sincere passage that the Armenian elites deliberately chose to stick to these unfounded beliefs and, frankly, dream-based thinking all-the-more as the gap between Yerevan and Baku gradually grew—in favor of the latter—as if hoping to conceal the realities on the ground.

In order to overcome the sort of harmful ways of thinking identified by Libaridian, new regional arrangements must be fixed in such a way that would bind the countries of the South Caucasus to the existing security order and promote an inclusive vision of their history and identity. Of course, the Armenian society should initiate a thorough historic-sociological analysis to recognize the roots of the conflict and the firm domination of conflict-nurturing attitudes and beliefs in the Armenian psyche. Probably the most important reevaluation should consist in taking on the imaginary security dilemma. This notion is constantly reaffirmed by the Armenian elite: it still constitutes the core of Armenian strategic thinking about its interests as a nation. This narrative tells the story of a nation surrounded by ontologically hostile Turks that had once already attempted to exterminate them as a nation and will not stop from using a second chance should it emerge. Hence, the only way of ensuring existential security for Armenians, according to this paradigm, is to constantly enlarge the nation's living space so as to improve its geographic position and gain more resources—even at the cost of violating international law and the human rights of non-Armenians.

That's how, in a nutshell, many Armenians substantiated their claims over Karabakh despite the obvious fact that control over the territory had been gained through a total campaign of ethnic cleansing that resulted in the death of thousands of Azerbaijanis and the expulsion of hundreds of thousands more. Armenian political scientist and peacebuilder Viken Cheterian emphasized how essential the narrative of the 1915 "genocide" had been for the leaders of the Karabakh movement in triggering larger masses to support the separatist cause. He states that by constantly superimposing the 1915 events onto the very different sociopolitical situation of the contemporary South Caucasus, nationalist leaders managed to build images of irreconcilable "eternal enemies" that contributed to the protracted and bitter character of the Azerbaijan-Armenia conflict.<sup>27</sup> However, the Armenians, while never getting tired of mourning over their victims from the distant past, have largely remained deaf to the tragedies and broken lives caused by their extremist "leaders." Definitely, overcoming a vicious circle of hatred will require, amongst other things, a more critical approach by Armenians to their historical narratives.

At the dawn of the independence of Azerbaijan, Armenia, and Georgia in the early twentieth century, each state was fortunate to have produced visionary leaders like Alimardan Topchubashov—who served as Ambassador to Armenia and Georgia, then foreign minister, and then speaker of the Azerbaijan Democratic Republic's parliament whilst championing the idea of a united Caucasus as the guarantee of its independent and successful development.

We could draw on positive examples in the two nations' history as well: stress the legacy of Armenian-Azerbaijani coexistence in Karabakh in the eighteenth and nineteenth centuries; emphasize the intensive cultural exchanges and intellectual enrichment that took place in Tbilisi (the traditional cultural capital of the Caucasus); and promote the thinking of prominent figures in Armenian history like Hovhannes Katchaznoui, the first prime minister of the first Republic of Armenia who, in his memoirs, warned his nation against waging conflicts with neighbors and underscored how this mistake had already cost the young nations of the South Caucasus their independence. Moreover, positive experiences are not limited to the distant past: it is a little-known fact that Turkey was the first state to officially recognize the independent Republic of Armenia in late 1991.<sup>28</sup> Back then, Ankara was willing to lend Yerevan a hand of support and assist the South Caucasus region in its independent development; unfortunately, the nationalistic aspirations of Armenia's leadership rejected this vision, opting for a policy of unconstrained hostility towards Azerbaijan, which entrenched the logic of a zero-sum game and pushed Armenians to view their small country as a besieged fortress surrounded by enemies.

Finally, another important factor must be taken into account when thinking about the roots of the conflict. As Tevan Poghosyan wrote in his analysis of conflict resolution, the loss of the central government's monopoly over violence and a certain degree of "privatization of manpower and equipment" in the early 1990s greatly contributed to the intensification and radicalization of hostilities.<sup>29</sup> The problem of the "missing state" was splendidly encapsulated by Michael Ignatieff, as explained by Behul Ozkan: "state collapse [...] creates an unpredictable environment and 'Hobbesian fear,' [which] is followed by nationalist paranoia that creates communities of fear, groups held together by the conviction that their security depends on sticking together [...]. People become 'nationalistic' when [...] the only answer to the question 'Who will protect me now?' becomes 'my own people.'"<sup>30</sup>

However, unlike Azerbaijan, Armenia hasn't been able to build an effective, strong state since then. Various Armenian governments have always felt vulnerable against the radical—or simply opportunistic—opposition, at each moment ready to attack government leaders for their alleged “treason” should they propose the slightest compromise over Karabakh. The 2016 events, when the Sasna Tsrer paramilitaries managed to capture and hold for some time a military unit, underscored that the Armenian state didn't even fully hold monopoly over violence. This perennial state weakness can explain inconsistent and often provocative moves made by various governments chaired by Pashinyan; swinging from promising peaceful offers to absurd no-concession bravado has become his signature style, which has been greatly exacerbating tensions after the end of the Second Karabakh War, the result of which has almost paralyzed the opening of communications, dialogue over the future of Karabakh, and regional cooperation. Hence, contrary to the beliefs of Armenian alarmist nationalists, a future peace is contingent on the consolidation of Armenia's statehood.

Although conditions on the ground are obviously very different after more than thirty years of hostility—and much time will be needed to heal the wounds caused by conflict—the latest events in the region demonstrate convincingly that Armenia's aggressive nationalism has only brought war and destruction, ultimately failing to deliver on the promises made in a time no longer suited to present realities and future possibilities. Truly, it is time to start writing a new chapter in our common history.

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## NOTES

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