

THE DANGER OF NO PEACE, NO WAR IN NAGORNO-KARABAKH

The Armenia-Azerbaijan Nagorno-Karabakh conflict started at the end of the 1980s, following Armenia's territorial claims for Nagorno-Karabakh and, in parallel, the systematic expulsion of Azerbaijanis from the Armenian Soviet Socialist Republic. Between 1992 and 1993, a considerable amount of Azerbaijani territory was occupied by Armenia, including Nagorno-Karabakh and seven adjacent districts. Despite the fact that the active phase of the conflict was ended by a Russia-brokered ceasefire in 1994, violations of this ceasefire along the border have been commonplace. This article argues that failure to reach a peace settlement under the aegis of the OSCE Minsk Group is due to Armenia's unconstructive position and the political procrastination of the mediators. The four-day war in April 2016 proved that this dangerous no peace, no war situation can lead to a renewed war which may carry serious regional and global security implications.

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he end of the Cold War and the collapse of the Soviet Union conditioned a serious change in the global political landscape and led to the emergence of a new geopolitical environment.

One of the regions in the world that is consistently considered to be a priority of the daily international agenda is the South Caucasus. Its geopolitical importance keeps it on the table for discussions concerning global security, economic integration, international transport projects, and unresolved ethno-territorial conflicts which pose a threat to peace, security, and stability in the region.¹

Among these conflicts in the South Caucasus, the Nagorno-Karabakh conflict is the most complex, dangerous, and the bloodiest one. The conflict started at the end of the 1980s, following Armenia's territorial claims over Nagorno-Karabakh. In parallel, the systematic expulsion of Azerbaijanis from the Armenian Soviet Socialist Republic started in 1987. At the end of 1991 and the beginning of 1992, when the Soviet Union ceased to exist and both Armenia and Azerbaijan gained independence and was recognized by the international community, the conflict gradually evolved into a full-scale inter-state war. Between 1992 and 1993, a considerable amount of Azerbaijani territory was occupied by Armenia, including Nagorno-Karabakh and seven adjacent districts.

The international community has consistently condemned the use of military force against Azerbaijan and the resulting occupation of its internationally recognized territories. In 1993, the United Nations Security Council (UNSC) adopted four resolutions (822, 853, 874, and 884) in connection with the armed seizure of Azerbaijani territories. The resolutions demanded the unconditional and immediate withdrawal of the occupying forces from Nagorno-Karabakh and other occupied regions of Azerbaijan. The resolutions also called for the restoration of economic, transport, and energy connections in the region, and the return of refugees and internally displaced people (IDPs). In fact, the UNSC in these resolutions clearly established that the territory of Azerbaijan was the object of military occupation with all legal consequences that this determination entails.² Despite the legally binding nature of the Security Council resolutions, Armenia has not complied with its terms and continues to occupy Azerbaijani territories.

Since 1992, the Organization for Security and Co-operation in Europe (OSCE) has

¹ Ramiz Mehdiyev, Foreword, "The South Caucasus 2021: Oil, Democracy and Geopolitics," *The Jamestown Foundation*, 2012, <http://sam.az/uploads/The%20South%20Caucasus%202021%20-%20Text.pdf>

² Ministry of Foreign Affairs of the Republic of Azerbaijan, "The Report on the Illegal economic and other activities in the occupied territories of Azerbaijan," 2 March 2016, mfa.gov.az/files/file/MFA_Report_on_the_occupied_territories_March_2016_1.pdf

engaged in efforts to achieve a settlement of the conflict under the aegis of the Minsk Group, which is co-chaired by France, Russia, and the US. Despite international mediation, the policy of the Armenian side demonstrates its intention to secure the annexation of the Azerbaijani territories that it has captured through military force and in which Armenia has carried out an ethnic cleansing on a massive scale.³

“Since 1992 OSCE has engaged in efforts to achieve a settlement of the conflict under the aegis of the Minsk Group.”

Despite the fact that the active phase of the conflict ended in 1994 with the signing of a ceasefire agreement in Bishkek, violations of the ceasefire have always been fairly commonplace along the line of contact (LoC) between the armed forces of Armenia and Azerbaijan. In April 2016, an unprecedented escalation of the conflict – known as the four-day war – claimed the lives of over a hundred soldiers on both sides and dispelled the myth about the “frozen” nature of the Nagorno-Karabakh conflict.

Due to the successful counter-attack of the Azerbaijani armed forces in response to the provocation of the Armenian armed forces, some strategic heights that had been under occupation were recovered for the first time since the ceasefire agreement of 1994.⁴ This created a remarkable opportunity to restore the Jojug Marjanli village of Azerbaijan’s Jabrayil district.⁵

Militarization of the Line of Contact (LoC)

After the escalation in April 2016, the LoC between the forces of Armenia and Azerbaijan around Nagorno-Karabakh became the most militarized area in the whole post-Soviet space. Immediately after the escalation, Armenia pushed forward with the delivery of new weapons and sophisticated equipment, which Armenia acquired from Russia through the 200 million dollars military loan agreement signed in July 2015. Furthermore, Armenia strengthened its military alliance with the Russian Federation by establishing a joint military group.

³ Ministry of Foreign Affairs of the Republic of Azerbaijan (2016).

⁴ Najiba Mustafayeva, “The myth of the ‘frozen’ Nagorno-Karabakh conflict,” *Hurriyet Daily News*, 2 March 2017, <http://www.hurriyetdailynews.com/the-myth-of-the-frozen-nagorno-karabakh-conflict--110332>

⁵ İşğaldan azad edilmiş Cəbrayıl rayonunun Cocuq Mərcanlı kəndinin bərpası ilə bağlı tədbirlər haqqında Azərbaycan Respublikası Prezidentinin Sərəncamı // [Order of the President of the Republic of Azerbaijan on measures for restoration of Cocuq Marjanli village of Jabrayil region, liberated from occupation], 24 yanvar, 2017-ci il, <http://president.az/articles/22533> [An Order of the President of the Republic of Azerbaijan on measures to restore the Jabrayil District’s Jojug Marjanli village, liberated from the Armenian occupation // Official web-site of President of Azerbaijan Republic, 24 January 2017].

The Armenian military received Russian Iskander-M ballistic missile systems, some of which were demonstrated at the military parade for Independence Day in Yerevan on 21 September 2016. The acquisition of Iskander-M tactical missiles is usually justified by Armenian officials through misleading arguments about trying to tie it to the Nagorno-Karabakh conflict. But Armenia's ability to wield military might does not allow Armenia to abscond international law within the framework of the conflict.⁶

During one of the regularly held illegal military drills in the so-called Nagorno-Karabakh Republic (NKR), Armenian President Serzh Sargsyan declared:

In one year [after April 2016], we fortified our border and armed our troops to the extent that today our frontline is simply unrecognizable. Today, our guys are following the movements of the enemy in the depth of its own territory. Today, super modern, devastating striking power aims at the entire territory of our belligerent neighbor, including its vital infrastructure. And today, the commander-in-chief of Armenia, without batting an eyelid, will give, if needed the order to strike with the Iskander-M [theater ballistic missile system]. In the neighboring country [i.e. Azerbaijan] they know it all too well.⁷

Armenia's provocative warlike gestures and the bellicose rhetoric of its high-ranking officials contrast sharply with the Armenian government's stated commitments, both under international law and within the ongoing political process toward the resolution of the conflict with Azerbaijan. Armenia's military drills in occupied Karabakh as well as President Sargsyan's aggressive statements during his illegal visits to this internationally recognized Azerbaijani territory are clear manifestations of the continuing illegal use of force by Armenia against Azerbaijan. Azerbaijan appealed to all OSCE members to act in unity to reverse such flagrant violations of the Helsinki Final Act. The Armenian president's statement contradicts the Bishkek Protocol of 1994 – the basis for the ceasefire in Karabakh. Whereas by entrenching and building up its military positions as well as transferring military equipment and hardware to the occupied territories, Armenia is taking advantage of the cessation of military operations to consolidate the occupation.⁸

⁶ Ilgar Gurbanov, "Will violence increase between Armenia and Azerbaijan?" *The National Interest*, 14 June 2017, <http://nationalinterest.org/blog/the-buzz/will-violence-increase-between-armenia-azerbaijan-21154>

⁷ President of the Republic of Armenia, "President handed high state awards to the services who excelled in the course of combat duty," 25 March 2017, <http://www.president.am/en/press-release/item/2017/03/25/President-Serzh-Sargsyan-awarded-Soldiers-in-Artsakh/>

⁸ Ministry of Foreign Affairs of the Republic of Azerbaijan, Letter by the Permanent Mission of Azerbaijan to OSCE on military exercises and illegal visit of Armenian President to the occupied territories of Azerbaijan, 2017, <http://mfa.gov.az/en/news/909/4783>

Illegal military exercises of the Armenian army in the occupied territories of Azerbaijan are held periodically. Unfortunately, the OSCE Minsk group does not react to these provocative actions. It is noteworthy that in December 2017 Armenia recognized for the first time the fact of its participation in the illegal drills in Nagorno-Karabakh, calling it the “united group of troops” of Armenia, an unrecognized entity. In fact, “Armenia exposed itself, acknowledging that its armed forces occupy the internationally recognized territories of Azerbaijan.”⁹

“After the escalation in April 2016, the line of contact became the most militarized area in the whole post-Soviet space.”

Armenian President Serzh Sargsyan’s illegal visits to the occupied territories and his recent statements pertaining to Armenian military drills there demonstrate Yerevan’s unwillingness to settle the conflict through peaceful means.¹⁰ Azerbaijan repeatedly stated that it prefers to resolve the conflict through a negotiation process, based on the principles of international law and respecting the territorial integrity, sovereignty, and internationally recognized borders of Azerbaijan. However, as a result of the continued failure of the peace process, Baku could increasingly see military means as the only option to restore Azerbaijan’s territorial integrity.

On the anniversary of the April 2016 victories of the Azerbaijani army over Armenian forces in Karabakh, Azerbaijani President Ilham Aliyev met with a group of servicemen. He pointed out that the Armed Forces of Azerbaijan possesses the weapons capable of destroying any strategic and military facility. “Azerbaijan demonstrated merely a small percentage of its capabilities during the April [2016] battles, and this once again shows that the April battles were a provocation by Armenia,” the President asserted.¹¹ He also stressed that international organizations monitor everything in the occupied territories. “They know the capability of our long-range rockets and drones. We mostly did not use them,” Aliyev added.¹²

⁹ Фархад Мамедов, “Армения саморазоблачилась, впервые признав, что именно ее армия оккупировала территории Азербайджана,” [Farhad Mammadov, “Armenia exposed itself, acknowledging that its armed forces occupy Azerbaijani territories”] 2017, *Inews.az*, <http://www.1news.az/news/armeniya-samorazoblachilas-vpervye-priznav-chto-imenno-ee-armiya-okkupirovala-territorii-azerbaydzhana>

¹⁰ Najiba Mustafayeva, “Risk of further serious hostilities in Karabakh remains high,” *The Jamestown Foundation*, EDM program, 7 April 2017, <https://jamestown.org/program/risk-serious-hostilities-karabakh-remains-high/>

¹¹ President of the Republic of Azerbaijan, Ilham Aliyev received group of servicemen on anniversary of April victories of Azerbaijani army, 31 March 2017, <http://en.president.az/articles/23230>

¹² President of the Republic of Azerbaijan (2017).

After the April clashes, Baku signed additional contracts for the purchase of sophisticated weapons. “We ordered the most advanced, high-precision and destructive weapons, some of which have already been delivered to Azerbaijan. Unlike the leadership of Armenia, we do not show them off for propaganda purposes. At the right time, we will once again demonstrate what we have,” Aliyev stated.¹³

Renewed Dynamics in International Mediation Efforts

For the past quarter of a century, the OSCE Minsk Group has led efforts to advance a peace settlement, however little headway has been made on delivering peace and stability to the region. Obstructed by problems such as a lack of commitment, a focus on conflict management instead of conflict resolution, and the intergovernmental nature and rotating chairmanship of the organization, the OSCE is failing to address outbreaks of violence in the conflict. Taking advantage of deficiencies in the OSCE Minsk Group’s efforts, Armenia has refused to make any compromises for the sake of peace.¹⁴

In fact, the uncompromising position of the Armenian side, which rejects any solution short of independence for Nagorno-Karabakh, is the primary reason for the failure of the political process. Having avoided any significant damage as a result of the ongoing conflict, Armenia has demonstrated a resistant position, aimed at prolonging the conflict resolution process and preserving the status-quo in order to gradually achieve an international recognition of the self-proclaimed “Nagorno-Karabakh Republic.”¹⁵

The four-day war brought renewed dynamism to international mediation efforts, underlining the necessity of genuine conflict resolution efforts to prevent the resumption of a full-scale war. In 2016, the presidents of Azerbaijan and Armenia met in Vienna and Saint Petersburg, and the ceasefire on the LoC has largely held.

But the situation along the LoC remains explosive. A serious breach of the ceasefire occurred along the LoC on 25 February 2017 at midnight, when the Armenian armed forces attempted to penetrate positions held by Azerbaijani troops. In particular, Armenian forces were trying to seize advantageous positions in the Khojavand-Fizuli direction of the front.

Moreover, Armenia has been conducting systematic, deliberate, and targeted attacks on civilian populations in the densely-populated areas adjacent to the LoC. The recent tragic

¹³ President of the Republic of Azerbaijan (2017).

¹⁴ Farhad Mammadov, “The Armenia-Azerbaijan Nagorno-Karabakh conflict as the key threat to peace and cooperation in the South Caucasus,” *Caucasus International*, 25 July 2016, <http://cijournal.az/post/the-armenia-azerbaijan-nagorno-karabakh-conflict-as-the-key-threat-to-peace-and-cooperation-in-the-south-caucasus-farhad-mammadov>

¹⁵ Mammadov (2016).

incident occurred in the village of Alkhanli in the Fizuli district on 4 July 2017 (around 4.5 to 5 kilometers away from the LoC between Armenian and Azerbaijani armed forces) which represents traditional Armenian tactics.¹⁶ As a result of these provocations by Armenia, an elderly woman and her two-year-old granddaughter were killed, another civilian was wounded, and civilian structures were also damaged.

With the exception of these events, the frontline between Azerbaijan and Armenia was relatively quiet for the remainder of 2017, apart from a few casualties. Meetings between the presidents of Azerbaijan and Armenia in Geneva on 16 October 2017 and multiple rounds of negotiations throughout last year have not yielded substantial results.¹⁷ The relative calm on the LoC was acknowledged by the OSCE Minsk group in its recent statement on the meeting of Azerbaijani and Armenian foreign ministers in January 2018 in Krakow, where the parties and co-chairs exchanged views on core sensitive issues of the conflict resolution.¹⁸

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On the whole, during multiple rounds of negotiations both sides agreed to take measures to intensify the negotiation process and to take additional steps to reduce tensions on the LoC, creating hope that the deadlock would be broken and the peace process would be restored. Any failure in the renewed peace negotiations risks causing the resumption of violence, which can lead to a fresh war with serious regional and global security implications.

Equal Rights and the Future Legal Status of Nagorno-Karabakh

The Heads of the Delegation of the OSCE Minsk Group Co-Chair Countries released

¹⁶ Armenia has been conducting systematic, deliberate and targeted attacks on civilian population in the densely populated areas adjacent to the LoC. Despite the signing of a ceasefire agreement in 1994, the facts on the Armenians’ killing of children in Azerbaijan continue to be recorded. According to the State Committee on Family, Women and Children’s Affairs, overall, 33 children were victims of Armenian terrorism, fourteen of them were killed and nineteen were wounded. The State Committee on Family, Women and Children’s Affairs of the Republic of Azerbaijan, 2017, <http://scfwca.gov.az/en/post/684/beynelxalq-teskilatlara-ve-xarici-dovletlere-azerbaycan-qadinlari-qadin-ve-usaq-meseleleri-uzre-feal>

¹⁷ Fuad Chiragov, “A Year in Review: Azerbaijan in 2017,” *The Jamestown Foundation*, Eurasia Daily Monitor: Vol. 15, No. 10 (January 2018), <https://jamestown.org/program/year-review-azerbaijan-2017/>

¹⁸ OSCE, “Press Statement by the Co-Chairs of the OSCE Minsk Group,” 18 January 2018, <http://www.osce.org/minsk-group/367121>

a joint statement on the occasion of the OSCE Ministerial Council Meeting in Vienna in December 2017, welcoming the resumption of high-level dialogue between the two sides on a political settlement of Armenia-Azerbaijan Nagorno-Karabakh conflict. They expressed their satisfaction with the intensified negotiations, and urged both sides to focus their efforts on finding solutions based on compromise to the substantive issues of the conflict.¹⁹

One of the key messages of this statement was the necessity of a peaceful settlement of the Nagorno-Karabakh conflict on the basis of the core principles of the Helsinki Final Act. This included for the first time – along with the main and imperative *jus cogens* principles of international law – the non-use of force or threat of force, territorial integrity, self-determination, and the equal rights. These new elements in the statement, implying that conflict resolution now rests on four principles, radically changed the process. It gives equal rights to the Azerbaijani and Armenian community to participate in the political process after the de-occupation of Azerbaijani territories – Nagorno-Karabakh and seven adjacent districts – by the Armenian military. It also determines the inalienable right of the forcibly displaced Azerbaijani population to return to their homes.

According to the Helsinki Final Act, sovereign states respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to the territorial integrity of states.²⁰ With respect to the Nagorno-Karabakh conflict, this principle implies the possibility of future status determination of Nagorno-Karabakh through the equal will expressed by both communities of the Nagorno-Karabakh region within the territorial jurisdiction of Azerbaijan. It also confirms the illegality and illegitimacy of the 10 December 1991 referendum for “independence” of the territories, in which only the Armenian community of Nagorno-Karabakh participated.²¹

Over the past few decades, Armenia has continued its military buildup and illegal economic activities. Armenia has also continued its policies of implanting settlers from Armenia and abroad, destructing and appropriating historical and cultural heritage in the occupied territories of Azerbaijan with a purpose of consolidating the current status quo, and preventing internally displaced Azerbaijanis from returning

¹⁹ OSCE, “Joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries,” 7 December 2017, <http://www.osce.org/minsk-group/361286>

²⁰ OSCE, Helsinki Final Act, 1975, <http://www.osce.org/helsinki-final-act?download=true>

²¹ Najiba Mustafayeva, “What does the equal rights principle in OSCE Minsk Group Statement mean for Nagorno-Karabakh?” 19 January 2018, <http://thelondonpost.net/equal-rights-principle-osce-minsk-group-statement-mean-nagorno-karabakh/>

to their homes and properties in the occupied territories.²²

Settlement activities in the occupied territories are carried out in a premeditated and organized way, with clearly defined objectives and geographic focus. So-called Deputy Prime Minister of the separatist regime, Artur Agabekyan, stated that “the settlement programs is a priority for the NKR Government” and confirmed that residents from Armenia are brought to settle in the occupied territories, calling this process not a repopulation, but just a settlement.²³

Armenia is directly involved in the settlement activities through its Ministry of Diaspora and other state institutions, charity organizations, and the puppet regime in the occupied territories, using various methods such as the provision of subsidies that are related to discounted or free utilities, free construction materials, and tax benefits. Armenia also offers employment opportunities, promotion of private entrepreneurship, and other opportunities. Moreover, the illegal settlement activities are carried out in pre-identified village clusters comprising of several villages in the so-called “strategic areas,” including those depopulated Azerbaijani territories in order to facilitate the further re-population of Armenians in the region. Their primary goal is to prevent the return of internally displaced Azerbaijanis to their homes, creating a new demographic environment and imposing a *fait-accomplis*.²⁴

“The uncompromising position of the Armenian side, which rejects any solution short of independence for Nagorno-Karabakh, is the primary reason for the failure of the political process.”

Despite the fact that the OSCE conducted fact-finding missions in the occupied territories of Azerbaijan at the request of Azerbaijani government and found evidence of the presence of Armenian settlers in the occupied territories, nothing has been done to put an end to this practice – the prolongation of which contributes to the continuation of the armed conflict. At the same time, this illegal activity could lead to a *fait accompli* that would seriously complicate the peace process and create deliberate obstacles for the determination of the future legal status of Nagorno-Karabakh.

²² Ministry of Foreign Affairs of the Republic of Azerbaijan, “The Report on the Illegal economic and other activities in the occupied territories of Azerbaijan,” 2016, mfa.gov.az/files/file/MFA_Report_on_the_occupied_territories_March_2016_1.pdf

²³ Ministry of Foreign Affairs of the Republic of Azerbaijan (2016).

²⁴ Ministry of Foreign Affairs of the Republic of Azerbaijan (2016).

“The four-day war altered the perceived frozen status of the conflict and proved that this no peace, no war situation is dangerous.”

However, the latest statement of the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries with the focus on the peaceful settlement of the conflict based on the core principles of the Helsinki Final Act generates new hope for headway in the conflict resolution process. In fact, this process, based on the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders, is hung due to Armenia’s unconstructive position and the political procrastination of the mediator countries.

Concluding Remarks

The Nagorno-Karabakh conflict remains the region’s biggest threat to peace and security, as well as the key obstacle to the solid cooperation and development in the South Caucasus. The four-day war altered the perceived frozen status of the conflict and proved that this no peace, no war situation is dangerous. The United Nations Secretary General Antonio Guterres reaffirmed that “the term frozen conflict, which is often used about conflicts in Europe, including the Nagorno-Karabakh conflict, is misleading.” He stated: “Until peace agreements are signed and implemented, the risk of renewed violence remains, as we saw last April in Nagorno-Karabakh in the South Caucasus.”²⁵

In fact, without a significant diplomatic commitment, the risks of further hostilities in Karabakh remain extremely high. The OSCE Minsk Group must do away with its passive role and increase its mediation efforts in the conflict settlement. The change in the Minsk Group’s approach must be reciprocated by a change in Armenia’s unconstructive attitude towards the conflict’s resolution.

Armenia’s policy of attempted annexation of the occupied territories of Azerbaijan as a result of the unilateral institutional secession of Nagorno-Karabakh – which was first coined as ‘reunification’ with Armenia, but then was changed to ‘self-determination’ – and the occupation of seven adjacent districts, has no chance of succeeding. The only way to achieve a lasting conflict resolution is to ensure the unconditional and complete withdrawal of the Armenian armed forces from all occupied territories of Azerbaijan and the return of internally displaced Azerbaijanis to their own lands, as the UN Security Council demands in its resolutions. This perspective opens the

²⁵ The United Nations, “Never Take Peace in Europe for Granted, Say Speakers as Security Council Holds Open Debate on Region’s Protracted Conflicts,” 21 February 2017, <https://www.un.org/press/en/2017/sc12724.doc.htm>

possibilities of communication and dialogue among both communities of Nagorno-Karabakh, which could successfully lead to the determination of the future legal status of the region within the territorial integrity and internationally recognized borders of Azerbaijan.