



Armenian Committee of Helsinki Citizens' Assembly

Current State of Affairs and Prospects of Peace over Nagorno-Karabakh Conflict: view from Armenia

Policy Paper

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As part of the GPPAC South Caucasus Dialogue Programme 2022, the International Center on Conflict and Negotiation (ICCN) continues to develop and present Policy Papers intended for both peace organizations, government agencies, and the wider audience. In the light of the War and consequent developments in Ukraine in 2022, the Policy Papers are mainly devoted to this topic in both a regional and national context. The contents of the publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the International Center on Conflict and Negotiation.

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Introduction

In September 2020 Azerbaijan launched a war against Nagorno-Karabakh (NK) and as a result of the military offensive, which lasted 44 days, regained control of the territories in and around NK, previously occupied by Armenian forces for as long as 26 years after the first Karabakh¹ war (1992-1994), as a security zone for the local Armenian population of the NK. Ceasefire Declaration signed on 10 November 2020 between the leaders of Armenian and Azerbaijan, brokered and co-signed by Russia, established the new status quo, affirming Azerbaijani military victory on the battlefield.²

According to the Declaration, Russian peacekeepers were deployed in NK to ensure the security of the remaining Armenian population within the former Nagorno-Karabakh Autonomous Region (an entity within Soviet Azerbaijan) territories. Russian peacekeepers are also responsible for the security of the Lachin corridor, which lies within the territory of Azerbaijan connecting NK with Armenia via land. Peacekeeping mission will remain deployed in NK at least until November 2025, with this term to be automatically extended for “subsequent five-year terms unless either of the parties notifies about its intention to terminate this clause six months before the expiration of the current term” (Clause 4 of the Declaration).

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It is widely acknowledged by many in Armenia that Russian peacekeeping forces are the sole guarantors of the security of the NK Armenians, and for that matter also Armenia, especially along the south and, to some extent, the eastern and north-eastern borders of Armenia. Azerbaijan, on the other hand, would rather establish full control of NK and speed up the withdrawal process of Russian troops there. Therefore, the top-security question today in Armenia is what will happen if/when Russians leave NK, when/if Azerbaijan refuses to extend the mandate of the Russian peacekeeping mission. In both cases, but especially in the case of Russian withdrawal, Armenia should eventually seek to normalize relations with Azerbaijan and, as stated in the White Paper: “[to] reduce or eliminate real or perceived existential threats. In this, it would certainly have support from all international players”.⁴

With the deployment of its troops in Karabakh (Azerbaijan) Russia achieved one of its long-standing goals (at least since the end of the first Karabakh war in 1994) to be the sole guarantor of peace in its ‘near abroad’. To ensure its long-lasting presence, Russia is applying all necessary means to remain the key peacemaker in the region. And for this matter, ahead of invasion to Ukraine in February 2022, Russia signed a Declaration on “Allied interaction” with Azerbaijan⁵, thus strengthening ties and promising Azerbaijan neutrality when it comes to the

¹ The terms “Karabakh” or “NK” are used in this paper for “Nagorno-Karabakh”, as shorter versions.

² See the map in Annex 1.

³ Declaration by the President of Azerbaijan, Prime-Minister of Armenia and President of Russian Federation, 10.11.2020 (in Russian): <http://www.kremlin.ru/events/president/news/64384> accessed 2 July 2022.

⁴ “White Paper: The Karabakh War of 2020 and Armenia’s Future Foreign and Security Policies”, July 2021, p.85: https://www.armeniapeace.org/wp-content/uploads/2021/09/Armenia_Foreign_and_Security_Policies.pdf accessed 3 July 2022.

⁵ AzerTac, 02.07.2022:

https://azertag.az/en/xeber/Declaration_on_allied_interaction_between_the_Republic_of_Azerbaijan_and_the_Russian_Federation-2024876 accessed 2 July 2022.

peace talks with Armenia. Armenia and Russia had signed a similar agreement yet in 1997, establishing allied partnership between the two nations.⁶

The balanced international format of the OSCE Minsk Group co-chairmanship with France and US on board, together with Russia, is no longer capable of dealing with the NK issue because of the war in Ukraine. Even though the Minsk Group continues to formally exist and remain the only mediator with international mandate approved by the UN, Azerbaijan and Russia have now emphasized that it is not possible to continue peace talks in this format because of different reasons.

For Azerbaijan, the Minsk Group did not fulfil its responsibility of finding peaceful solution to the conflict and after regaining most of its internationally recognized territories during the 44-day war there was no need to continue peace talks with Armenia in this format. For Russia, the key issue with this respect is the Western engagement in the war in Ukraine (through military aid and imposition of sanctions against Russia) and impossibility to continue joint efforts with France and US to work on peace agreement between Armenia and Azerbaijan.

Therefore, Russian mediation support is currently the main channel for peace talks between Armenia and Azerbaijan. And should the talks fail or even stall, the risk of the new war initiated by Azerbaijan is pretty high. Armenian officials openly speak about creating “legitimacy for new war” by Azerbaijan⁷, thus arguing for the importance of talks despite all the difficulties and further concessions.

In this paper, we will discuss peacemaking efforts of the direct parties to the conflict together with the third parties, as well as the peacebuilding potential to reach long-lasting peace by outlining recommendations for official and non-official tracks.

The context of conflict

On different occasions since the end of the war in November 2020, Azerbaijani officials have declared that the Nagorno-Karabakh conflict is now solved⁸ and that Armenia and Azerbaijan should work on the peace agreement. According to the official Azerbaijani standpoint, there is no longer such a political entity as ‘Nagorno-Karabakh’⁹ and the two nations should find a way to normalize bilateral relations, rather than work to find any modality for the status of NK. Before the war in 2020, negotiations between Armenia and Azerbaijan always included a reference to the ‘interim’ and ‘final’ status of NK. As a result of the war, Azerbaijan now refuses to even mention the term ‘Nagorno-Karabakh’, let alone discuss its status at some point during peace talks.

⁶ Treaty on Friendship, Cooperation and Mutual Assistance, 29.08.1997: <https://www.mfa.am/en/bilateral-relations/ru> accessed 2 July 2022.

⁷ “Azerbaijan is trying to build up legitimacy for new war”, 28.06.2022: <https://www.civilnet.am/en/news/666489/azerbaijan-is-trying-to-build-up-legitimacy-for-new-war-says-pashinyan/> accessed July 3 2022

⁸ “President Aliyev: Nagorno-Karabakh Conflict Has Been Resolved”, Caspian News, 11.05.2021: <https://caspiannews.com/news-detail/president-aliyev-nagorno-karabakh-conflict-has-been-resolved-2021-5-11-49/> accessed 2 July 2022.

⁹ “Aliyev: There is no word Nagorno-Karabakh, and the last Brussels meeting once again demonstrated this”, 27.05.22: <https://news.am/eng/news/704307.html> accessed 3 July 2022

Armenia, on the other hand, insists that the political settlement of NK conflict and the status of Karabakh is still among the core issues between the two countries.¹⁰ It is evident, that Armenia cannot push this through, due to the current significant asymmetry in power balance, as compared with Azerbaijan. The idea presumably is to simply stick to the narrative of the ‘status’ and at least keep it on the agenda of Armenia-Azerbaijan normalization process and in the diplomatic communication with international community. There are other important issues though that can be discussed in the peace talks, such as the security of the borders, opening of transport routes, establishment of economic ties, etc.

It is certainly important that officials on both sides have made statements in support of mutual recognition of territorial integrity, importance of border demarcation and delimitation process, and opening of the transport and economic routes aiming for long-lasting normalization of relations. However, the cornerstone of the conflict between Armenia and Azerbaijan has been and still is the aspiration of the Armenians of Nagorno-Karabakh to live and prosper securely in what was the former Nagorno-Karabakh Autonomous Region and eventually unrecognized Nagorno-Karabakh Republic.

According to the Azerbaijani perspective, the status quo established as a result of 44-day war in NK and formalized by the Declaration of ceasefire in November 2020, should be augmented by peace agreement between the two countries, and that Armenia’s only option is to agree to the current reality as the losing party of the war, as the party who was dictated the terms of ceasefire.

Such approach is unacceptable for the Armenian side because of the lack of discussions around the future status of Nagorno-Karabakh. Even though Armenia has very limited options to resist this approach of ‘peace enforcement’, and despite continuous efforts by Azerbaijan to convince international community that the ‘problem of Nagorno-Karabakh’ has now been resolved by the military victory over Armenia in 2020, almost all of the major powers in the region, and beyond, acknowledge the need for finding a solution to the conflict where the rights of Armenian population of NK will be preserved and respected.¹¹ Moreover, Azerbaijani rhetoric claiming that the conflict is now in the past, not only is controversial but also lays the ground for future instability and violence between Armenians and Azerbaijanis.

But this certainly does not mean that as long as there is significant incompatibility of interests and goals with respect to dealing with political settlement of the Nagorno-Karabakh conflict, both Armenia and Azerbaijan should not engage in constructive dialogue around other issues enabling a conducive environment to draw up the contours of future co-existence between the two nations.

Diplomatic efforts to address the issues of conflict

¹⁰ “Armenia Says Karabakh Conflict Remains Unresolved, Despite Aliyev's Claims”, Hetq.am, 28.05.2022: <https://hetq.am/en/article/144991> accessed 2 July 2022.

¹¹ See, for example: “U.S. recognizes role of population of Nagorno-Karabakh in deciding its future—Ambassador Tracy’s interview to ARMENPRESS” 19.05.2022 <https://armenpress.am/eng/news/1083580.html> accessed 2 July 2022; “Prime Minister Pashinyan and President Macron meet at the Élysée Palace” 09.03.2022 <https://www.primeminister.am/en/press-release/item/2022/03/09/Nikol-Pashinyan-met-with-Emmanuel-Macron/>; “Putin: Status of Karabakh is not Resolved” 17.10.2020 <https://www.civilnet.am/en/news/474884/putin-status-of-karabakh-is-not-resolved/> accessed 2 July 2022.

There are at least 3 areas where Armenia and Azerbaijan are currently working to address certain issues and enhance confidence-building measures leaving the most contentious issue of the political status of NK to the future negotiations. These areas are:

- demarcation and delimitation of borders,
- opening of transport and economic routes,
- humanitarian issues.

Currently, there are two official mediation tracks supporting Armenia-Azerbaijan peacebuilding efforts. The first and the major track is the Russia-backed peace talks, which itself is conducted through two separate processes: the first one is the trilateral intergovernmental working group focusing on establishing and opening of the transport routes. The second process is the bilateral working group on border demarcation and delimitation.

The other mediation track is the EU platform under the patronage of the President of the European Council. This process was initiated by the EU to support the parties find acceptable solutions to all the issues above. Due to the incapacitated condition of the Minsk Group format, the EU is more actively engaging in the peace process with a commitment to strengthen the ties with both Armenia and Azerbaijan promoting more peaceful and secure South Caucasus.¹²

Many in Armenia believe though that Russia has the upper hand in the peace talks. While Russia deals with hard security issues, peacekeeping mission, border control, etc., as specified in ceasefire Declaration from 10 November 2020, it is widely shared among the local and international actors that the EU is capable of dealing with humanitarian issues, such as the return of PoWs and other hostages from Azerbaijan, assistance for clearing the land-mines and providing technical assistance for the border demarcation and delimitation.

Topics of the peace talks

The three aspects of peace talks are moving with different pace. While there is no significant progress around any of the issues, opening of the transport and economic communications is the one area where the parties have made certain progress by outlining the routes connecting mainland Azerbaijan with its enclave of Naxcivan, and connecting Armenia with Russia and Iran through Azerbaijan. Both these routes imply railway and automobile connection.¹³

The major obstacle for finalizing the deal with transport and communications routes is the status of the passages and corridors going through the territories of Armenia and Azerbaijan. The latter has been insisting on securing sovereign corridor through the territory of Armenia in the south to connect with Naxcivan. This narrative has been strongly supported by Turkey. They insist on the status of the corridor without Armenian customs checkpoints to control the movement of goods and people. Otherwise, Azerbaijan threatens to apply same conditions for the Lachin corridor.¹⁴

¹² "Statement by the spokesperson of Charles Michel, President of the European Council, regarding Armenia and Azerbaijan - 31 May 2022": <https://www.consilium.europa.eu/en/press/press-releases/2022/05/31/statement-by-the-spokesperson-of-charles-michel-president-of-the-european-council-regarding-armenia-and-azerbaijan-31-may-2022/> accessed 2 July 2022.

¹³ See the map in Annex 2.

¹⁴ "Yerevan Rejects Aliyev's Demands For Corridor", 14.12.2021:

Whereas, Armenia insist on opening of the transport routes “retaining sovereignty over roads passing through Armenia and Azerbaijan”.¹⁵ This approach has also garnered support by Russia and Iran.¹⁶ Even though the representatives of the joint intergovernmental commission (Armenia, Azerbaijan, Russia) announced lately that an agreement has been reached to establish a roadway linking Naxcivan with the rest of Azerbaijan via Armenia’s southern border, there is no clarity or any reference regarding the status of this passage.¹⁷

Another track of negotiations is the discussions around mutual recognition of borders. Since the end of the war in 2020 there have been numerous incidents along the newly established borders between the two countries. According to Armenian sources, Azerbaijan has violated Armenia’s internationally recognized borders in the provinces of Syunik and Gegharkunik, in the southern and eastern parts of Armenia.¹⁸ Armenia’s demands to withdraw from its territory have been denied and neglected by Azerbaijan, whereas Russia insists that in order to settle this issue and prevent such incidents in future, Armenia and Azerbaijan have to negotiate the issue of demarcation of borders.

The EU has offered its expertise for this matter and initiated several meetings with participation of Armenian and Azerbaijani leaders to find mutually acceptable solutions. The joint Armenian-Azerbaijani working group has already started working on this issue and held several meetings, including at the undisclosed location on the border¹⁹ but the outcome of these meetings have not been revealed so far.

Since the end of the war in November 2020 Armenia has been calling for Azerbaijan to release dozens of Armenian hostages (including civilians) from custody. In response, Azerbaijan calls them ‘terrorists’ who have been taken into captivity after the ceasefire declaration was signed, which means that they do not qualify as PoWs. Meanwhile, the 10 November declaration states that all captives should be released: “the exchange of prisoners of war, hostages and other detainees as well as the remains of the fatalities shall be carried out”²⁰ (Clause 8 of the Declaration).

Both, the EU and Russia have already helped to bring back a number of PoWs from Azerbaijan, but according to Armenian sources there are still 40-140 people held in captivity Azerbaijan.²¹

<https://www.azatutyun.am/a/31609077.html> accessed 2 July 2022.

¹⁵ “Armenian crossroad instead of 'Zangezur corridor”, 02.07.2022

http://arka.am/en/news/politics/armenian_crossroad_instead_of_zangezur_corridor/ accessed 2 July 2022

¹⁶ “Iran Backs Armenian Control Over Transit Roads”, 03.01.2022

<https://www.azatutyun.am/a/31637544.html> accessed 2 July 2022.

¹⁷ “Armenia, Azerbaijan Agree on Syunik Roadway”, says Izvestia, 29.06.2022

<https://hetq.am/en/article/146062> accessed 2 July 2022.

¹⁸ “Armenia accuses Azerbaijan of failing to withdraw from its territory”, 14.05.21:

<https://www.dw.com/en/armenia-accuses-azerbaijan-of-failing-to-withdraw-from-its-territory/a-57522753> accessed 2 July 2022.

¹⁹ Armenia-Azerbaijan Joint Commission To Meet At Border, 23.05.22

<https://www.rferl.org/a/armenia-azerbaijan-talks-brussels-peace-plan-pashinian-aliyev/31862535.html> accessed 2 July 2022.

²⁰ Declaration by the President of Azerbaijan, Prime-Minister of Armenia and President of Russian Federation, 10.11.2020 (in Russian): <http://www.kremlin.ru/events/president/news/64384> accessed 2 July 2022.

²¹ A year after war, Armenian prisoners still bargaining chips in Azerbaijan, 10.12.21

<https://eurasianet.org/a-year-after-war-armenian-prisoners-still-bargaining-chips-in-azerbaijan> accessed 2 July 2022.

To this day, Armenian prisoners are still being used as bargaining chip during the negotiations and Azerbaijan is reluctant to release them simply on humanitarian ground.

This humanitarian issue is one of the most essential to Armenia, and Azerbaijani approach to this issue to keeping them as hostages, as perceived in Armenia, does not help to address the issue of trust. Such deconstructive stance of Azerbaijan significantly diminishes chances for conflict settlement. Whereas, returning captivated Armenian military servicemen and civilians would create more amicable atmosphere for building trust and thereof negotiating other issues more constructively, including economic and regional cooperation issues.

Conclusion and recommendations

The key missing block of the on-going conflict settlement process proactively pursued by Azerbaijan is the issue of lack of trust. The trauma of defeat is still in the hearts and minds of people in Armenia and even the peace rhetoric propagated by Armenian policy-makers is perceived by many as yet more unilateral concessions on the road to normalization of relations and peace. When Armenia's Prime Minister mentioned about "lowering the bar"²² in the expectations for the self-determination of NK, it raised yet another turbulence in the society which is still largely in disbelief to accept the consequences of defeat and heal the trauma. Therefore, it is extremely important for the Government of Armenia **to clearly identify the potential benefits of the peace talks** and conflict settlement process for Armenia.

The best outcome for Armenia and Azerbaijan would be **activating negotiations over the border issues** (demarcation and delimitation) not only as a crucial factor for security but also as a confidence-building measure. Huge efforts will be required to work on this, but if succeeded, significant step forward toward more secure future will be made.

Most importantly, Armenians should finally understand that it is destined to build normal relations with Azerbaijan and Turkey to strive for peaceful existence and development. To do this Armenia should **enhance its security** and defense systems, alliances – to prevent future war, and **work closely with Azerbaijan and Turkey** to start normalization process by opening communication channels and boosting economic cooperation.

As the White Paper summarizes, the most viable option for Armenia is that it "accepts the causes, impact, and significance of the defeat as a matter of fact, and it focuses on healing collective and family trauma, and on rebuilding its economy, social cohesion, state institutions, educational and health systems, and a modern defense army with a well-defined, reasonable mission".²³

With regard to the political settlement of the status of Karabakh, Armenia **should work to secure the best conditions for the Karabakhi Armenians** focusing on the best alternative to the long-standing narrative of independence by using diplomatic channels with Russia, the West, Iran and others to ensure guarantees for the security. "Status in the current situation is

²² "Pashinyan's statement on lowering the bar on Nagorno-Karabakh status criticized by ex-human rights defender, ex-president and Artsakh NGOs", 03.07.2022
https://arka.am/en/news/politics/pashinyan_s_statement_on_lowering_the_bar_on_nagorno_karabakh_status_criticized_by_ex_human_rights_d/ accessed 3 July 2022.

²³ "White Paper: The Karabakh War of 2020 and Armenia's Future Foreign and Security Policies", July 2021, p.84: https://www.armeniapeace.org/wp-content/uploads/2021/09/Armenia_Foreign_and_Security_Policies.pdf accessed 3 July 2022.

not a goal, but rather a means to guarantee the security and rights of the Armenians of Nagorno Karabakh,” declared Pashinyan on Armenia’s foreign policy in response to recognition of Azerbaijan’s territorial integrity.²⁴ The problem, however, is the deconstruction of the years-long illusionary discourse embedded in public perception on ‘nothing less than independence for Karabakh’.

Last, but not least, to make concrete step to normalize relations with the neighbors, it is necessary to achieve certain level of trust on societal level. **Track 2 peacebuilding measures** could go in parallel to hard security-related confidence-building measures. Such measures could be framed as ‘preparing people to peace’ paradigm and entail:

- preservation and restoration of cultural monuments. As a result of the return of several Azerbaijani territories, many Christian churches and other Armenian cultural monuments have been left under Azerbaijani control. Similarly, many Islamic sites and monuments of Azerbaijani cultural heritage remain under Armenian control;
- Involvement of young people in dialogue processes in the form of activities, such as peacebuilding schools, conferences, youth forums and other events;
- Education and training programs for youth and other interested groups with an aim to resist mainstream nationalistic discourse within conflict divide;
- Support to the official process of border delimitation and demarcation to enhance the security of people.

²⁴ “Pashinyan ready to recognize Azerbaijan’s territorial integrity”, 13.04.2022
<https://armenianweekly.com/2022/04/13/pashinyan-ready-to-recognize-azerbajians-territorial-integrity/>
accessed 3 July 2022.

ANNEX 1. Map of Nagorno-Karabakh and adjacent territories as a result of the 44-day war

Source: www.kavkaz-uzel.eu



ANNEX 2. Transport routes between Armenia and Azerbaijan

Source: Radio Free Europe

<https://www.rferl.org/a/nagorno-karabakh-prospects-fragile/31299248.html>



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