How Should We Understand the Claim that the 'Nagorno-Karabakh Conflict Has Ended'?

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Since the end of the second Karabakh war, many Azerbaijani officials, including the president himself, have declared multiple times that the Karabakh conflict has been ended or resolved and Azerbaijan has restored its territorial integrity. In 2020, before revealing the content of the Trilateral Statement signed on November 10th among Armenia, Azerbaijan, and Russia, President Ilham Aliyev in his appeal to the nation stressed that "an end is being put to the Armenia-Azerbaijan Nagorno-Karabakh conflict today." The government never elaborated further on this claim, and its meaning remains a puzzle for many. First of all, the international borders between Azerbaijan and Armenia remain closed i.e., these two neighboring nations are still far from having normal relations. Moreover, since May 2021 there have regularly been several breaches of the ceasefire with multiple human causalities from both sides. Second, Azerbaijan is currently not able to assert its authority over a larger part of Nagorno-Karabakh because these territories are under control of Russian peacekeepers and the separatist Nagorno-Karabakh Republic (NKR). If we take into account this second fact, then how should we understand the government's claims that *the Nagorno-Karabakh conflict has ended*.

Before answering this question let us try to clarify an issue, which at first glance seems simple, yet causes many disputes. What is the name of the disputed territory? In the first article of the Trilateral Statement, the territory is referred as "the zone of the Nagorno-Karabakh conflict." In the third article, the territory designated for the deployment of Russian peacekeepers is described as "the contact line in

Nagorno-Karabakh and along the Lachin corridor." Which areas does the Lachin Corridor connect? The answer to this question can be found in the sixth article: "the Lachin corridor (5 km wide), which shall provide a connection of Nagorno-Karabakh with Armenia and shall not affect the city of Shusha." This means that the Lachin Corridor is placed under the control of Russian peacekeepers in order to ensure a connection between Armenia and the territory called Nagorno-Karabakh. The seventh article stipulates that "Internally displaced persons and refugees shall return to the territory of Nagorno-Karabakh and adjacent districts." Therefore, the remaining territory after the exclusion of adjacent areas (there are seven of them – Lachin, Kalbajar, Aghdam, Jabrail, Fuzuli, Gubadli, and Zangilan) is called Nagorno-Karabakh. Hence according to the Trilateral Statement, the answer to the question above is as follows: the name of the conflict zone is Nagorno-Karabakh. However, we know that the term Nagorno-Karabakh usually refers to the territory of the former Nagorno-Karabakh Autonomous Oblast (NKAO), the area of which was approximately 4,400 sq. km. Currently, about one fourth of that territory is controlled by Azerbaijan. Therefore, by the term Nagorno-Karabakh, the Trilateral Statement most probably refers to about three fourths of the former NKAO – approximately 3,200 square kilometers. From now on, when I say Nagorno-Karabakh, I will refer to this area of 3,200 square kilometers.

It is likely because of this reason that in its statements concerning Karabakh, the Russian Federation calls the conflict zone *Nagorno-Karabakh*. Yet in response to Russian statements using this language, the Azerbaijani Ministry of Defense consistently claims that "there is no administrative territorial unit called 'Nagorno-Karabakh' in Azerbaijan." There was indeed no administrative territorial unit called Nagorno-Karabakh in Azerbaijan on 10 November 2020 when Aliyev signed the Trilateral Statement, so it remains unclear why then in this document the conflict territory is named as *Nagorno-Karabakh*? Why was it not called, for instance, *the*

Khankendi-Khojali-Kojavend-Aghdara conflict zone? The Azerbaijani Defense Ministry should clarify this discrepancy each time it protests the Russian Ministry of Defense. If naming the conflict territory Nagorno-Karabakh is so problematic, if this expression consisting of two words is so irritating for Azerbaijan, why then did it allow this terminology in the Trilateral Statement which it signed?

Now let us return to our main point. How should we understand the Azerbaijani claim that *the Nagorno-Karabakh conflict has ended*? Since the government has not clarified this claim, I will try to answer this question based on my personal assumption. In my view, in order to understand this claim, we should focus on the fourth article of the Trilateral Statement. That article consists of only two sentences and the first one reads as:

The peacekeeping contingent of the Russian Federation shall be deployed in parallel with the Armenian armed forces' withdrawal.

Let us try to understand the Azerbaijani claims about the end of the conflict by analyzing this sentence. There are two problematic phrases in this short sentence: *Armenian armed forces* and *in parallel*.

What is meant precisely by the term *Armenian armed forces* written in this first sentence of the fourth article? Are they armed forces of the Republic of Armenia or armed forces of local separatist Armenians (in other words, of separatist NKR), or both? In the Azerbaijani and Russian versions of the Statement it is indicated as *erməni silahlı qüvvələri* and *армянских вооруженных сил*, respectively. But the Azerbaijani and Russian versions of the Trilateral Statement are not helpful in clarifying what armed forces means either, because the terms *erməni* and *армянских* are as vague as the English *Armenian. Erməni* or *армянских* could very well mean both forces of the Armenian Republic and local ethnic Armenians. What a

pity that the Trilateral Statement was not been prepared by analytic philosophers! The phrasing of the Statement could have been the following: "The peacekeeping contingent of the Russian Federation shall be deployed in parallel with the withdrawal of *the armed forces of the Armenian Republic and local Armenian separatists*" or "The peacekeeping contingent of the Russian Federation shall be deployed in parallel with the withdrawal of *all other armed forces*" (emphasis added).

The first article of the Trilateral Statement stipulates that "[t]he Republic of Azerbaijan and the Republic of Armenia, hereinafter referred to as the Parties, shall stop at their current positions." Therefore, Azerbaijan and Armenia are *Parties* while the NKR is not recognized as a Party. However, in the fourth article, the term *Parties* is not used at all. We can interpret the fourth article such that the term *Armenian armed forces* is applicable to the armed forces of the Republic of Armenia exclusively because the separatist NKR is not a party in this Statement. Yet Azerbaijani officials apply the term *Armenian armed forces* to the forces of the separatist NKR along with the armed forces of the Republic of Armenia. For instance, the statement of the Azerbaijani Defense Ministry dated 26 March 2022 reads that "members of illegal Armenian armed groups attempted provocations against the Azerbaijani Army." The Ministry of Defense could have said *armed groups of the Republic of Armenia,* yet it did not. There is another sentence of interest in the same statement: "The full withdrawal of *the remnants of the Army of the Republic of Armenia and illegal Armenian armed groups* from the territories of Azerbaijan has not yet been concluded. Therefore, it is Armenia, not Azerbaijan that breaches the articles of the Statement" (emphasis added). Look at the first sentence. Here you can see that the armed forces of Armenia and illegal Armenian armed forces are named as separate entities. Based exactly on this sentence, we can assert that the term *Armenian armed forces* used in the fourth article of the Trilateral Statement is broadly interpreted by the Republic of Azerbaijan

as the armed forces of the Republic of Armenia *and* armed forces of local separatist Armenians (in other words, of the separatist NKR).

Now let us turn to the examination of the phrase *in parallel* found in the first sentence of the fourth article. When I read this sentence, I imagine the following situation: the Russian peacekeepers should enter Azerbaijan from Armenia via the Lachin corridor at the same time or *as near as possible* to Armenian armed forces' exit from the territory of Azerbaijan. But it would have been much better to define deadlines for both the entry of the former and exit of the latter. For instance, it could have been stipulated that the withdrawal of Armenian armed forces should be completed by the end of 2020.

Yet the deployment of Russian peacekeepers in Nagorno-Karabakh and the Lachin Corridor did not occur this way. Eighteen months after the signing of the Trilateral Statement, according to the Azerbaijani Ministry of Defense, there are *remnants of the Army of the Republic of Armenia and illegal Armenian armed groups* in Nagorno-Karabakh. So, who is guilty? Who was responsible for the supervision of the withdrawal of Armenian armed forces from Nagorno-Karabakh? Above I mentioned the following quote from the Azerbaijani Ministry of Defense: "The full withdrawal of the remnants of the Army of the Republic of Armenia and illegal Armenian armed groups from the territories of Azerbaijan has not yet been concluded. Therefore, it is Armenia, not Azerbaijan that breaches the articles of the Statement." The Azerbaijani side blames Armenia, not Russia for the failure to withdraw Armenian armed forces.

However, there are three problems here. First, if in reality the armed forces of Armenia are still in Nagorno-Karabakh, as the Azerbaijani side claims, then of course, Armenia is responsible for having those troops within the internationally recognized borders of Azerbaijan. Yet the question is where should the armed forces of local Armenians, that is, the armed

forces of the separatist NKR be withdrawn? To Armenia? If the Azerbaijani side accepts local Armenians as its (potential) citizens, why then should they withdraw elsewhere? Would it be better do disarm them? If their disarmament instead of their withdrawal is needed, then how can Armenia be blamed for not disarming the local Armenian separatists in Nagorno-Karabakh i.e., in Azerbaijani territory? Should Armenia deploy its army to, let us say, Khankendi to disarm local Armenians? Is it what Azerbaijan would want? I suppose not. If disarming local Armenians is necessary it should be carried out by some other power other than Armenia. Second, who is that power? The language of the Trilateral Statement does not clarify who is responsible for disarmament. If we take into account the fact that the only the armed forces in Nagorno-Karabakh apart from the local separatist Armenian armed forces are Russian peacekeepers, then we can conclude that the disarmament is Russia's responsibility. Third, suppose that Russian peacekeepers or some other force disarmed the local separatist Armenian armed forces, or that the separatists were forced to hand over their weapons to some power (Russian peacekeepers, Armenia or Azerbaijan). On the one hand, if Azerbaijan or other parties believe that the *Armenian armed forces* also include the local police forces of separatist authorities in Nagorno-Karabakh, then who will ensure the security of the population and public order in Nagorno-Karabakh after disarmament? For example, if there is an ordinary theft in Khankendi, who will be responsible for catching and punishing the perpetrator? Do Russian peacekeepers have such authority and power? On the other hand, if *Armenian armed forces* are not taken to include local police forces in Nagorno-Karabakh, but are taken to include only, for example, the *Artsakh Defense Army*, then after disarmament, does the Azerbaijani side guarantee the security of the local Armenian population? After the disarmament process, what would the Azerbaijani state do to ensure that the local Armenian civilian population is not afraid of the Azerbaijani Army?

Now let us return to our main question: How should we understand the claim that *the Nagorno-Karabakh conflict has ended?* In order to answer this question, let us have a look at the second sentence of fourth article. The sentence reads:

The period of stay of the Russian Federation's peacekeeping contingent is five years and shall be automatically extended by a further five-year period if none of the Parties declares six months prior to the expiration of the period of its intention to terminate the application of this provision.

Based on its own interpretation of the fourth article, the Azerbaijani side probably believes that Armenia must withdraw its armed forces from Nagorno-Karabakh and Russian peacekeepers must disarm the local separatist armed forces. In this case, in 2025, only Russia will have its military forces based in Nagorno-Karabakh. It means that in May of that year, as one of the Parties of the Statement, Azerbaijan will likely demand the withdrawal of Russian peacekeepers from Nagorno-Karabakh and the Lachin Corridor, which would occur subsequently in November 2025. Then presumably Azerbaijani armed forces would enter the region without meeting any armed resistance and the Azerbaijani state would restore its authority over the region. In other words, the aforementioned interpretation of the fourth article helps us understand the claim of the Azerbaijani government about the resolution of the conflict. According to this interpretation, the conflict is ended or resolved and the territories will be returned to Azerbaijani control by November 2025. Until that time, Nagorno-Karabakh and the Lachin Corridor will remain under the control of Russian peacekeepers. But to what extent is this interpretation realistic or lawful? That will probably be up to political analysts and lawyers to answer.

Apart from the interpretational issues discussed above, two other problems deserve close scrutiny. First is the problem outlined in the seventh article: "Internally displaced persons and refugees shall return to the territory of Nagorno-Karabakh

and adjacent districts under the control of the United Nations High Commissioner for Refugees." This issue has not been addressed yet. Firstly, to the best of my knowledge, the Azerbaijani side has not yet publicized any plans about the return of internally displaced Azerbaijanis (that is, ethnic non-Armenians) as well as Armenians of Hadrut (ethnic Armenians who are (potentially) accepted by Azerbaijan as its citizens) to their homes. Secondly, the Azerbaijani side has declared that it accepts Karabakhi Armenians as its citizens, yet it underlines that they will not be given any political autonomy. However, the government has not revealed any plans concerning the integration of the local Armenian population into Azerbaijani society after 2025 (or later, for instance, in 2030). How will this integration process be carried out? Are there any state programs handling this?

Why is the clarification of these questions so important? From both Karabakh wars we know that when Armenians capture territory, either Azerbaijanis are expelled, or, fearing expulsion, they leave their homes, and vice versa – when new territories fall under Azerbaijani control, the same happens to Armenians. In other words, Armenians either physically cannot remain or believe they cannot remain and leave territories controlled by the Azerbaijani Army under duress, and Azerbaijanis likewise encounter the same threats in territories controlled by Armenian armed forces. Hence, when armed forces of either side take control of territories, this leads to ethnic cleansing. Ethnic cleansing in this case does not necessarily mean the killing of members of the opposite ethnic group; it also implies forced deportation or intimidation that leads to self-deportation.

Since the Second Karabakh War, the Azerbaijani government has been accused of ethnic cleansing, and it is assumed that Azerbaijan aims to expel all Armenians from Nagorno-Karabakh. As an Azerbaijani citizen I do not want to believe that Azerbaijani government has such intentions. Yet, I must regretfully admit that the Azerbaijani government has not done

enough to prove that ethnic cleansing is not part of its plan, and it has not shown that it sincerely wants to see Nagorno-Karabakh Armenians as its citizens. The future perspectives for local Armenians after Russian peacekeepers' departure of Nagorno-Karabakh are unpredictable. The Azerbaijani government should take all the necessary steps in order to refute accusations of ethnic cleansing, to show that it is going to secure the safety of the Armenian population after the departure of Russian peacekeepers, to show that there will not be any discrimination against Armenians, as well as to prepare Azerbaijanis for peaceful coexistence. It should adopt a state program and inform its citizens and others how it plans to achieve peaceful coexistence and the integration of Armenians into Azerbaijani society.