# The Karabakh Peacekeepers' Legitimacy Problem

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On the basis of the trilateral declaration signed by Azerbaijan, Armenia, and Russia on November 10, 2020, Russian peacekeepers were deployed in Karabakh and the Lachin corridor. The declaration stipulated only the number of peacekeepers and military equipment at their disposal, as well as the duration of the mission. There are no provisions in this document that define and regulate the activities and powers of the peacekeepers. In other words, the legal status and mandate of the peacekeepers is unclear. Armenian Prime Minister Nikol Pashinyan's statement at a meeting of the government on July 29 that Azerbaijan had not signed the document on the mandate of the peacekeepers, and the misunderstandings and contradictions in Russian-Azerbaijani relations which followed, have made the issue relevant. This article examines the situation around the mandate of the Russian peacekeepers in Karabakh and the relationship between Russia and Azerbaijan, as well as the principles on which the mandates of peacekeeping forces have been determined during Russia's peacekeeping operations in the post-Soviet space.[1]

**The legal framework of Russian peacekeepers' activities in the post-Soviet space prior to Karabakh**

According to the *Agreement on the Principles of a Peaceful Settlement of the Armed Conflict in the Transnistrian Territory* signed between Moldova and Russia on July 21, 1992, a tripartite peacekeeping force was established, consisting of 12 battalions, 6 from Russia and 6 from the parties to the conflict. The peacekeepers were placed under the Unified Oversight Commission, which includes six people from Moldova and Transnistria (three each) and six from Russia. The peacekeepers' status was determined by this commission. On

July 29, 1992, a meeting of the Unified Control Commission approved the *Provisional Regulations on the Basic Principles of Establishment and Operation of Military Contingents and Groups of Military Observers to End the Armed Conflict in the Dniester Region of the Republic of Moldova*. At the same time, this model was implemented to resolve the conflict in South Ossetia. On June 14, 1992, the presidents of Russia and Georgia signed an agreement on the principles of resolving the conflict at a meeting in Sochi. According to the agreement, a Joint Oversight Commission consisting of representatives of the three parties was established to oversee the ceasefire and ensure security, and a decision was made to create Joint Peacekeeping Forces, along with a group of military observers, and place them under the commission's control. Incidentally, the Russian co-chair of the Joint Oversight Commission at that time was the current Minister of Defense Sergei Shoigu. On December 6, 1994, the commission adopted the *Regulations on the Basic Principles of the Activities of Military Contingents and Military Observation Groups for the Normalization of the Situation in the Georgian-Ossetian Conflict Zone*.

In both sets of regulations, the rights and responsibilities of peacekeeping forces (military contingents and military observers) are the same. Russia has applied the legal framework developed in the principles of peacekeeping operations and the peacekeepers' mandate in the Transnistrian region to the analogous operation in South Ossetia. Accordingly, the responsibilities of the peacekeeping forces include:

1. To fully ensure the ceasefire, prevent and eliminate the activities of all armed groups beyond the control of the parties, resolutely prevent any group conflict (including an armed one); to monitor the implementation of the agreement reached on the withdrawal of heavy military equipment, weapons, and manpower to the limits agreed upon by the parties; to prevent the entry into the conflict zone and adjacent territories of armed groups and other uncontrolled

units that could destabilize the situation;
2. To prevent the unauthorized movement into and out of the conflict zone of weapons, military equipment, other military supplies, explosives, poisonous substances, and other means that may be used in terrorism, sabotage, and military operations;
3. To facilitate the movement of persons, cargo, and vehicles into and out of the conflict zone at designated sites; to restrict the movement of vehicles in this zone and adjacent areas if necessary; to inspect said vehicles;
4. To assist law enforcement agencies in maintaining law and order and combating crime in the conflict zone and adjacent areas.

*Rights of peacekeepers:*

1. To maintain troops (patrols, guards, observation posts, surveillance, etc.); to stop traffic on roads (to set up checkpoints); to move freely throughout the area without damaging houses, gardens, fields, roads, and other facilities;
2. To pursue, detain and, if they resist, to liquidate armed gangs, groups, and individuals who do not comply with the requirements of the state of emergency in the conflict zone;
3. To conduct combat operations when ordered to by the Joint Command with weapons and military equipment at the disposal of motorized infantry units (the document regarding Transnistria also mentions Mi-24 helicopters – SJ);
4. To check documents confirming the identity of citizens and their right to enter, leave, and move about the territory, as well as to inspect persons, cargo, and vehicles;
5. To detain citizens who violate the rules of the state of emergency in the conflict zone.

The peacekeeping operation in Abkhazia was carried out in accordance with a decision of the CIS Council of Heads of State in June 1994, and the CIS Collective Peacekeeping Forces were deployed in the conflict zone. However, these forces were composed entirely of Russian soldiers. Unlike the

Transnistrian and South Ossetian conflicts, in Abkhazia the UN was also involved in the peacekeeping operation. By a decision of the UN Security Council, an observation mission was established in Georgia and 50 military observers were sent there. As in Transnistria and South Ossetia, there was a separate document regarding the mandate of the peacekeepers in Abkhazia. The peacekeeping forces had a wide spectrum of responsibilities and tasks, such as to monitor the ceasefire; to separate the forces of the conflicting parties and prevent the resumption of hostilities, as well as the activities of terrorists, saboteurs and other armed groups; to abolish and clear the territory of all volunteer units from outside Abkhazia; together with the UN mission, to monitor the heavy military equipment withdrawn by the Georgian side from the conflict zone; to create the conditions for the return of people who had fled the conflict zone; to assist in the rehabilitation of conflict-affected areas and the provision of humanitarian assistance to the population; to demine the area; to monitor the implementation of the agreements reached. The authority of the Commander of the Collective Forces was also noted in the document. The commander was subordinate to the CIS Council of Heads of State and reported to them.

**Why hasn't Azerbaijan signed a document regarding the peacekeepers' mandate?**

The activities of the peacekeeping forces and all of Russia's previous peacekeeping operations have been clearly based on a legal framework. Although the peacekeeping operation in Karabakh began with the declaration of November 10, 2020, no document defining the powers of the peacekeeping forces has yet been agreed to. Three articles of the declaration refer to peacekeepers: Article 3 describes the deployment of 1,960 peacekeeping contingents along the line of contact in Nagorno-Karabakh and the Lachin corridor, and the amount of military equipment, vehicles, and special equipment at their disposal; Article 4 stipulates the deployment of peacekeepers in parallel with the withdrawal of Armenian armed forces and the

period of their stay in the territory; and Article 6 deals with the future relocation of the Russian peacekeeping contingent to protect the Lachin corridor, which provides communication between Nagorno-Karabakh and Armenia, after the construction of a new route. There are no additional details in the declaration.

Based on official statements from both Armenia and Russia, as well as open sources, we can assume that a separate document on the status of the peacekeepers in Karabakh has been drafted, but Azerbaijan has not signed it. Nikol Pashinyan revealed this for the first time in December 2020. In the open part of the trilateral meeting held in Moscow on January 11, 2021, President Putin proposed that the parties should clarify the status of the Russian peacekeeping contingent in the Nagorno-Karabakh conflict zone. Following the meeting, another tripartite declaration was adopted on the restoration of transportation and communication links in the region, but no agreement was reached on the peacekeepers. On the same day, the influential Russian newspaper *Nezavisimaya Gazeta* reported that, although Armenia had signed a memorandum on the status of the peacekeepers, Baku would not sign it unless its special conditions were met. What are the conditions? According to the report, the Azerbaijani side demands the right to control Karabakh's transport communications, including the road connecting this territory with Armenia (Lachin corridor), the right to participate in the governance of Nagorno-Karabakh, and the dissolution of the Nagorno-Karabakh army. Former Armenian Ambassador to the Vatican Mikael Minasyan also stated that, along with the declaration of November 10, a document regarding the peacekeepers' mandate was on the table, and although Russia and Armenia signed it, Azerbaijan refused and put forward three conditions:

1. There should be no armed Armenian groups in Karabakh;
2. Armenian officials' visits to Karabakh must be approved by the Azerbaijani side;
3. Karabakh's institutions of self-governance must be

appointed with the consent of Baku and the peacekeepers.

Although the text of the document regulating the legal status of the peacekeepers in Karabakh is not yet known, it is likely to be based on Russia's previous experience in this area. In Transnistria, South Ossetia, and Abkhazia, peacekeepers have a wide range of rights and responsibilities in security, law enforcement, administration, and humanitarian relief, and have even been given the right to conduct military operations. Experience has shown that such a wide-ranging mandate results in the de facto Russian takeover of those territories, precluding the central government from establishing sovereignty in the conflict zone. A time limit of 5+5 years has been set for the peacekeeping operation in Karabakh. However, for comparison, none of Russia's peacekeeping operations in the post-Soviet space has resulted in the withdrawal of peacekeepers from the conflict zone, and Russia has not even accepted demands for withdrawal from the countries where the peacekeeping operations are being conducted. For these reasons, Azerbaijan is hesitant to sign any document regarding the mandate of the peacekeeping forces. Another problem is Armenia's accession to the document regarding the peacekeeping operation on Azerbaijani territory. According to unofficial sources, Azerbaijan has put forward its own terms and informed Moscow that it can sign the peacekeepers' mandate only bilaterally with Russia.

**Contradictions in Russian-Azerbaijani relations**

The foundation of the peacekeeping contingent in Karabakh is the servicemen of the 15th Special Motorized Rifle Brigade of the Armed Forces of the Russian Federation. These forces are engaged in regular military exercises in Karabakh, testing defense tactics against possible attacks on the peacekeepers' checkpoints. According to media outlets close to Azerbaijani officials, Baku is concerned about this issue. The question is: are these routine military exercises, or does the Russian command expect its forces in Karabakh to face armed attacks?

When you look at the statements of Russian politicians, it is clear that they expect a threat to their soldiers, or that they are deliberately raising the issue of such a threat. Russian Liberal Democratic Party leader Vladimir Zhirinovsky's remarks on July 30 sparked a diplomatic scandal. In an interview with the radio station *Komsomolskaya Pravda*, Zhirinovsky personally warned the Azerbaijani president that "no one has the right to look askew at a Russian soldier." Zhirinovsky is the leader of one of the controlled 'opposition' parties permanently represented in the Russian State Duma, and his son holds the post of deputy chairman of the Duma. It is widely believed that Russia's rulers sometimes convey through Zhirinovsky opinions they do not want to express at the official, diplomatic level. The fact that the Azerbaijani Foreign Ministry summoned Russia's Chargé d'Affaires in Baku and issued a note of protest in connection with these remarks shows that Zhirinovsky is taken seriously in Baku as a politician and that the concern over his position needs to be conveyed to the Russian government through diplomatic channels. On November 10, 2020, the day the declaration was signed, Pyotr Tolstoy – Deputy Chairman of the Russian State Duma and a member of the leadership of the president's party, United Russia – also issued a stern warning about the security of peacekeepers in Karabakh. Speaking on the state TV channel *Russia 1*, Tolstoy called the post-Soviet space Russia's zone of interest and warned: "Only Russia and our peacekeepers were able to stop this conflict and save Karabakh from complete destruction. Anyone who makes an attempt on the life of a Russian peacekeeper will face a fate that Saakashvili could not even imagine. Although we did not take Tbilisi last time, this time everything will be more serious." In light of his claim that Russia saved Karabakh from destruction, Tolstoy's warning was presumably not aimed at Armenia.

What has been happening recently? On August 9, the site caliber.az published an article and video called "Armenia

sends army to Karabakh, peacekeepers remain silent." The article states that Armenia sent troops to Karabakh in military trucks, other Armenian servicemen arrived in Karabakh in civilian clothes, and the Russian command did not take any action although it was aware of this. The article also expresses doubts about the sincerity of the peacekeepers and Russia more generally. It is no secret to anyone, including Russia, that this kind of media content is actually intended to convey Azerbaijan's official position through unofficial channels – similar to Zhirinovsky's role. The dispute between the two countries' defense ministries in the following days should be seen as confirmation of the lack of understanding between Baku and Moscow. On August 10, the Russian Defense Ministry's newsletter on the activities of peacekeeping forces included something new politically. Referring to a ceasefire violation near Shusha, the newsletter included the phrase "between armed units of Nagorno-Karabakh and the Azerbaijani armed forces." The trilateral statement lists the Republic of Azerbaijan and the Republic of Armenia as the parties to the conflict, and since then there has been no official statement from the Russian side using the phrase "armed units of Nagorno-Karabakh." On August 11, the Azerbaijani Defense Ministry confirmed in an official statement that Armenian armed forces personnel had been moved into Azerbaijani territory and called on the Russian peacekeeping forces to put an end to this state of affairs. Baku believes that Armenia is grossly violating the trilateral declaration, while Russian peacekeepers do nothing to prevent such incidents which contradict the agreement. The next Russian Defense Ministry newsletter, issued the following day, can be seen as a response to Azerbaijan. The official text states that the Azerbaijani armed forces twice struck the positions of armed units of Nagorno-Karabakh using a strike quadcopter. For the first time since the start of the peacekeeping operation, Russia officially accused Azerbaijan of violating the ceasefire.

Another issue that has upset Baku is Russia's modernization and rearmament of the Armenian army. "A few days ago, during a meeting with the Armenian Defense Minister, the Russian Defense Minister said that Russian weapons have begun to be shipped to Armenia," said Azerbaijani President Ilham Aliyev in an August 14 interview with CNN Türk. "This is a very disturbing issue. Our expectation is that Russia will not arm Armenia. We have brought this issue to Russia's attention. It causes us concern." Azerbaijani President Ilham Aliyev said in an interview with CNN Turk on August 14. Aliyev is referring to Russian Defense Minister Sergei Shoigu's statement – made on August 11 as he presented a dagger to Armenia's new Defense Minister Arshak Karapetyan – that "arms supplies to Armenia have begun." According to the Secretary of Armenia's Security Council, Armen Grigoryan, Russia's rearmament of the Armenian army began after the war last year and is not new. The Chief of the General Staff Artak Davtyan emphasized that when the time comes, they will show the modern weapons they bought from Russia.

**Conclusion**

The main reasons for the contradictions are the gaps (including those related to the activities of peacekeepers), uncertainties, and provisions that the parties interpret differently in the November 10, 2020 declaration. Azerbaijan's position is that Armenian armed forces must be withdrawn from Karabakh, and that local Armenians cannot have armed groups. Baku cites Article 4 of the declaration (*the peacekeeping contingent of the Russian Federation is to be deployed in parallel with the withdrawal of the Armenian armed forces*), while Armenia cites Article 1 (*the Republic of Azerbaijan and the Republic of Armenia will remain in their current positions*) in justifying their military presence in Karabakh. While conducting its peacekeeping operation, Russia has in recent weeks legitimized the Armenian military forces in the conflict zone by calling them military units of Nagorno-Karabakh.

A phrase repeatedly used by the Russian Defense Ministry, *the peacekeepers' zone of responsibility*, is also controversial. The trilateral statement does not mention any such zone. Article 3 identifies the areas for the stationing of Russian peacekeeping forces as the line of contact in Nagorno-Karabakh and the Lachin corridor, but the entire territory on the Armenian side of the line of contact in Karabakh is currently under the control of the Russian command. This point is also made in the Azerbaijani Foreign Ministry's response to the Armenian Foreign Ministry of August 11, but Baku is silent on this issue in its rhetoric, fearing tensions with Russia. The geographical scope of the peacekeepers' zone of responsibility may be specified in the document on the peacekeepers' mandate. Another issue is that the declaration does not impose any obligations on Russian peacekeepers in the Lachin corridor to prevent the transfer of military forces and weapons to Nagorno-Karabakh.

All this – including Azerbaijan's refusal to approve the peacekeepers' mandate – casts doubt on the peacekeepers' legitimacy, increasing misunderstandings in Azerbaijani-Russian relations. In Armenian-Russian relations, the coldness and misunderstandings due to Moscow's distrust of Pashinyan have been gradually fading since the revolution, while an atmosphere of trust has been restored. Since the parliamentary elections and the appointment of a new defense minister, a new page has been opened in the development of the military alliance between the two countries. Against the backdrop of the President of Azerbaijan's harsh rhetoric, the Pashinyan government sees the alliance with Russia as a guarantee of Armenia's security and has been expanding military cooperation with Moscow. In the regions of Goris and Sisian of the province of Syunik (Zangezur), bases have been established to support the Russian 102nd Military Base in Gyumri, and Russian border guards have been deployed to some parts of the border with Azerbaijan. Russia is trying to restore balance in the region by reviving and rearming the Armenian army, which

suffered heavy losses in the war, and is not hiding its intention. Although the President of Azerbaijan supports a comprehensive solution to all these problems through peace talks and peace agreements with Armenia, Russia does not recognize the importance of signing a peace agreement and ending the uncertainty over Karabakh's status for the implementation of the agreements of November 10, 2020 and January 11, 2021. It believes that communications can be opened and economic ties restored regardless. Therefore, the agreements signed by Vladimir Putin are likely to be implemented in the near future, albeit with delays, because that is in Moscow's interests. But this does not mean an end to the Karabakh problem.

[1] An earlier article on Russia's peacekeeping operations in the post-Soviet space was published at the Baku Research Institute.