

Why is There No Peace between Azerbaijan and Armenia? A Response to Vicken Cheterian

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In his article, *Violence and Politics in Armenia-Azerbaijan Relations*, Vicken Cheterian [writes](#) that “while Azerbaijan won the 2020 war, it continues to be angry and vengeful. On the other hand, Armenia aims to turn the page on the war while continuing its internal reforms towards democratization and fight against corruption. And it quite oddly does not seek to avenge its losses.” Cheterian believes that after the war, the internal situation in Azerbaijan has turned in a diametrically opposite direction to that of Armenia. According to him, Armenian-Azerbaijani relations have failed to move from violence to diplomacy through which differences are resolved via negotiations and mutual compromises. He argues that the inability to move from violence to diplomacy has to do with internal political paradoxes, rather than any practical problems confronted in the borderlands of Armenia-Azerbaijan. Generally speaking, he approaches the conflict between Azerbaijan and Armenia from the traditional “self-determination vs. territorial integrity” and “authoritarianism vs. democracy” paradigms.

This article will review Cheterian’s approach to the conflict in Nagorno-Karabakh (NK) from the paradigm of self-determination vs. territorial integrity of states, authoritarianism vs. democracy, as well analyze views from Azerbaijan and Armenia on the conflict and how they present this conflict to the international community, as well as Armenia’s actual involvement and position in this conflict, and the international legal assessment of what happened. My main claim is that the inability to move from violence to diplomacy through which disagreements are resolved via

negotiations and mutual compromises, has to do with Armenia's ongoing occupation policy, rather than internal political paradoxes set in Azerbaijan.

Since the beginning of the conflict, Armenia has based its official discourse about the conflict on the juxtaposition of territorial integrity and self-determination. The official position of Armenia is that the NK conflict is between the state of Azerbaijan and Armenians residing in NK who want to determine their own destiny. Armenia is just a guarantor of the security of NK. Azerbaijan referred to Armenia's role as an occupation of its territory by Armenia and says that the conflict is between the two countries. But what has been Armenia's role and policy in the NK conflict during these years? On the other hand, how should we evaluate the conflict in NK according to international law? In order to determine whether the conflict is related to authoritarianism vs. democracy, as Cheterian claims, it is necessary to look at the role of Armenia in this conflict and the international legal assessment of this role.

Two categories of armed conflict are identified under the existing [treaty regime](#): (1) international armed conflicts (IAC) occurring between two or more states; and (2) non-international armed conflicts (NIAC) which occur between a state and non-governmental armed groups. However, in some cases, conflicts that appear or are presented as NIAC are actually classified as IAC under international law. For example, the [Judgement](#) of the International Tribunal *for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia* since 1991 (the Bosnian War) is an example of such a case. Between 1992 and 1995, the territorial dispute between the central government of Bosnia and the separatist *Republika Srpska* declared by Serbs residing in the territory of Bosnia-Herzegovina turned into an armed conflict. But the International Tribunal stated in its 1995 resolution that during the conflict, rump Yugoslavia had full control

over the local Serbian armed forces of the Republika Srpska, so the conflict between the local Serbs and the central government of Bosnia must be classified as an international conflict. In similar conflicts, if a third party has complete control over local armed forces, then local armed groups or other groups act as proxy forces for that third party. The factors showing a country's complete control over an armed group in a certain territory of another country are as follows: (1) a country finances a military group in a certain territory of another country, (2) conducts training, (3) provides equipment, (4) organizes their activities, (5) plans, and (6) coordinates. If these conditions are met, then that military group is fully controlled by those forces. Yugoslavia's complete control over the armed forces of Bosnian Serbs makes it a party to the conflict, and therefore the conflict on the territory of Bosnia between the local Serbs and the central Bosnian government is not considered non-international, but an international armed conflict between two states, one of which was rump Yugoslavia.

We see a similar determination in the points mentioned by the European Court of Human Rights (ECHR) in the judgment in the case of *Chiragov and Others v. Armenia* regarding the NK conflict. It is also reported in this case that "Armenia, from the early days of the NK conflict, has had a significant and decisive influence over the 'NKR [Nagorno-Karabakh Republic]' the two entities are highly integrated in virtually all important matters and [...] this situation persists to this day. [...] The 'NKR' and its administration survive by virtue of the military, political, financial and other support given to it by Armenia, which, consequently, exercises effective control over NK and the surrounding territories." Therefore, the ECHR's judgment shows that, as with the Bosnian Serbs, the NK conflict is not a non-international conflict between local forces and the central government, but rather an international armed conflict involving a third party.

According to the above-mentioned international legal

understanding, Armenia did not play the role of security guarantor of NK in the conflict, as it claimed. On the contrary, it occupied the territories of Azerbaijan through its proxy forces – its armed forces in NK. According to the norms of international humanitarian law, there are three criteria that when met determine whether a region is occupied:

- 1) A foreign military presence to which the population does not consent;
- 2) The foreign forces' ability to exercise authority over the areas instead of the territorial sovereign;
- 3) The related [inability](#) of the latter to exert their authority over the territory.

Although Azerbaijan in the Second Karabakh War reclaimed most of the territory it lost, it has not been able to regain control over the territory where Russian peacekeeping forces are currently deployed. That is because the territory is currently controlled by the local Armenian armed forces, called the *Artsakh [NKR] Defense Army*. This means that Armenia indirectly continues to occupy Azerbaijan's land. Armenian prime minister Nikol Pashinyan's [claim](#) that "there is no Armenian soldier in Nagorno-Karabakh" does not relieve Armenia of responsibility for the current occupation. That is because the NKR and its defense army are actually proxy entities of Armenia and its army, and they occupied Karabakh hand in hand.

Armenia cannot even hide the fact that the NKR itself is a proxy entity. The most obvious example of this is the [criminal charges](#) Armenia's Investigative Committee (IC) in 2020 filed against Jalal Harutyunyan, the chief commander of Karabakh's armed forces, and Mikael Arzumanyan, who succeeded Harutyunyan. What is the legal rationale behind the initiation of criminal proceedings against the two top NKR commanders by the Investigative Committee of the Republic of Armenia? The committee filed criminal charges of negligence against Harutyunyan in "his military service" for the failed counter-offensive in the direction of Fuzuli. If the NKR minister was

negligent while defending the NKR, what gives Armenia the right to arrest him? Contrary to the claim that Armenian political leadership, as well as experts and academics, suddenly started claiming *NK is not a territorial issue*, NK for Armenia has always been a territory that it has sought to annex.

In these years Armenia's genuine policy for the conflict also shows that the conflict is a territorial issue for Armenia. The first signs that Armenia's claim to NK had [moved higher](#) on the political agenda came with Gorbachev's economic advisor Abel Aganbegyan's statement in a French newspaper about NK's annexation by Armenia. In addition, the Karabakh movement in Yerevan started with *miatsum* – a slogan of the unification of NK with Armenia. On 1 December 1989, the Armenian parliament unilaterally made a decision to annex the NK region, which was Azerbaijani territory, to Armenia. Most recently, the current Prime Minister Pashinyan, before he came to power, saw NK as an independent territory and [stated](#) openly that one day it will be annexed to Armenia. In 2016, when he was an opposition deputy of the Armenian parliament, he [claimed](#) that "Nagorno Karabakh has its own" territorial grievances, and therefore, "there is no land to hand over to Azerbaijan." When he was in the post of prime minister, he [said](#) during an hour-long speech with a crowd in NK that "Artsakh is Armenia, and that's it." The prime minister also repeatedly led the crowd in chants of *miatsum*. Also, Armenia suffered about four thousand casualties in the Second Karabakh War, and this very fact shows at what level Armenia is a party to the conflict. In other words, as Cheterian claimed, NK does not have a population intent on determining its destiny as part of the Armenian state, but a territory that Armenia tried to tear away from Azerbaijan, and this is still the case.

In general, Armenia always ignores the territorial factor in this conflict. Currently Armenia's armed forces are deployed in the territory of Azerbaijan and have officially turned the 1,000-km Azerbaijan-Armenia border into a contact line by

refusing to recognize the international borders between the two countries. Cheterian considers what happened to be “practical problems” confronted in the borderlands. Contrary to the author’s claim that “Armenia has turned the page on the war and wants peace,” in reality and according to international law, Armenia continues to occupy the territory of Azerbaijan –the territory of Karabakh where the Russian peacekeeping contingent is deployed – through proxy forces it maintains with its financial and military support. Azerbaijan does not agree with the violent occupation of its lands and Azerbaijan’s reaction, in turn, makes the relations even more violent. In other words, the reason for Azerbaijan’s supposed “inability to move from violence to diplomacy” is actually unrelated to internal political paradoxes in Azerbaijan, as Cheterian claims, but rather Armenia’s desire to continue this violence, that is, the occupation, on a smaller scale.

Beyond that, it is not clear what Cheterian actually means by saying “Armenia aims to turn the page on the war while continuing its internal reforms towards democratization.” The results of a survey conducted by the Yerevan-based *International Republican Institute* in 2021 show that the population of Armenia does not recognize the territorial integrity of Azerbaijan. 35% of them confirmed the independence of NK, while 34% pointed to Karabakh’s annexation to Armenia, and 16% favored the autonomy of NK within Armenia. In other words, half of respondents supported the unification of NK with Armenia in some form. 11% of them wanted to see NK as a territory of the Russian Federation. Consequently, 96% of Armenians want the international territory of Azerbaijan to break away from it, i.e., they want the legitimization of the occupation.

Even Cheterian himself in his article chose a very interesting mode of expression to deny the occupation of Armenia, but although he tried to hide it, he actually exposed the occupation as well. Cheterian writes that “the continuous attempts by Azerbaijani leadership to keep Nagorno Karabakh

within Azerbaijan unleashed violence which has continued now for 34 years.” The question is, who has been attempting to wrest NK through violence from the Republic of Azerbaijan for 34 years, and what is this attempt to wrest called in international law? In fact, the correct sentence should have been this: Armenia’s desire to separate NK from Azerbaijan caused violence that has been going on for 34 years.

The main argument that Armenia has put forth on the conflict is the principle of self-determination, through which Armenia is trying to hide the actual occupation by masking it with a supposed desire to protect the rights of Karabakh Armenians. Berlin-based legal scholar Heiko Krüger’s [Research](#) analyzing the secession of NK from Azerbaijan from the perspective of both international and Soviet laws shows that NK does not have the right to secede according to any of these laws and the secession was illegal and that the territory was occupied by Armenia according to international law.

Over the last 30 years and in the negotiations after the Second Karabakh War, Armenia’s goal was only to maintain and justify the occupation in some form, not to withdraw from the occupied territory. Just as international law enumerates the elements that indicate the presence of occupation, it also determines the factors pointing to the end of the state of occupation: there should be no foreign troops on the territory and the country’s sovereignty over the territory must be [restored](#). The five-point [peace agreement](#) presented by Azerbaijan to Armenia envisages exactly this kind of solution. That is, in order to establish peace between Azerbaijan and Armenia, the latter should end the occupation, withdraw its troops from the territory of Azerbaijan and recognize the internationally recognized territories of Azerbaijan.

The conflict between the two countries continues to be violent because Armenia is unwilling to accept Azerbaijan’s five-point proposal to restart peace negotiations, that is, to abandon occupation and violence.