

Armenia and Azerbaijan Make Diplomatic Progress: Can Brussels Facilitate the Sustainable Peace?

*Fuad Chiragov, Head of Regional Security Department
Center of Analysis of International Relations (AIR Center)*

Introduction

The conflict between Armenia and Azerbaijan over the occupied Nagorno-Karabakh region and seven surrounding districts¹² remained relatively frozen since 1994 with sporadic outbreak of violence until September 27, 2020. The two conventional armies had been sitting and preparing against each other in the trenches for 26 years and waiting for another round of battles. The international community, the Minsk Group and its three Co-chairs failed to bring the conflicting parties to common denominators and peaceful resolution. The 44-day war in 2020 was unprecedented in the past 26 years and costed thousands of lives, billions of dollars and wounds that would be hard to heal for reconciling two societies in the coming decades. As a result of this war the status-quo that existed for 26 years was erased. In other words, the status-quo that had been created as a consequence of illegal use of military force against international law was repaired by legal use of force according to the Article 51 of UN Charter.³

Background of the Issue

During the First Karabakh War in the 1990s, Armenia was able to occupy 20% territories of Azerbaijan and expel people from those territories. According to the United Nations High Commissioner for Refugees in 2009, “the number of internally displaced persons from occupied Nagorno Karabakh and the seven adjacent districts was more than 600,000”⁴ and the Azerbaijani Government estimated that there were 1 million naturalized refugees and internally displaced persons as result of this conflict. During the past 26 years, the four United Nations Security Council Resolutions (822⁵, 853⁶, 874⁷ and 884⁸) had not been implemented that demanded

¹ Makili-Aliyev K., Nagorno-Karabakh Isn't Disputed Territory—It's Occupied, May 16, 2016,, <https://nationalinterest.org/blog/the-buzz/nagorno-karabakh-isnt-disputed-territory%E2%80%94its-occupied-16141>

² Popjanevski J., International Law and the Nagorno-Karabakh Conflict, February 2, 2017, https://link.springer.com/chapter/10.1057/978-1-137-60006-6_2

³ Gibson B.S., Article 51 of the Charter of United Nations, India Quarterly Vol. 13, No. 2 (April-June 1957), pp. 121-138, <https://www.jstor.org/stable/45067909>

⁴ Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced People (IDPs), by European Commission and UNHCR, October 2009, <https://www.unhcr.org/4bd7edbd9.pdf>

⁵ UN Security Council Resolution 822 (1993), <http://unscr.com/files/1993/00822.pdf>

⁶ UN Security Council Resolution 853 (1993), <http://unscr.com/files/1993/00853.pdf>

⁷ UN Security Council Resolution 874 (1993), <http://unscr.com/files/1993/00874.pdf>

⁸ UN Security Council Resolution 884 (1993), <http://unscr.com/files/1993/00884.pdf>

“complete and unconditional withdrawal of the occupying forces” from the territories of Azerbaijan. During the 44-day War, the Azerbaijani army forced the military forces of Armenia to leave from Zangilan, according to the UN Security Council Resolution 884. After the war, the military of the Republic of Armenia withdrew from Kalbajar district, as it was required by the UN Security Council Resolution 822 and from Aghdam as it was required by UN Security Council Resolution 853.

The end of the war between Armenia and Azerbaijan created a new reality and opportunity for peaceful development in the region. In the past two years since the end of the war, Azerbaijan and Armenia have been searching the ways to arrange the post-conflict order and relations in the region. However, the two parties have not reached to compromise. The main obstacle remains revanchists and radical groups in Armenia, which will be analyzed later in this article.

The War in Ukraine Changed Position of the West over the Nagorno-Karabakh Conflict

The West had a different approach to the conflict between Armenia and Azerbaijan over the former Nagorno-Karabakh region of Azerbaijan from the other territorial conflicts Abkhazia, South Ossetia, Transnistria, Crimea, Donbas and Lugansk in the post-soviet area. In the former examples, the West supports unequivocally the principle of territorial integrity and confronts position of Russia. However, In the case of Karabakh, the West has also been trying to bring into consideration the principle of self-determination at the same level as the principle of territorial integrity, thus this conflict was the unique case international affairs when the position of Russia and the West overlapped. Azerbaijan in previous decades considered this selective approach as a double-standard to itself.^{9,10} The Azerbaijani scholar, Farid Shafiyev thinks that this approach stems from the traditional Western Orientalist perspective.¹¹

Because of the overlapping positions of Russia and the West, before and during the 44-day War the US and EU were willing to give all initiatives to Russia regarding the conflict between Armenia and Azerbaijan. Even during the active phase of the 44-day war the President Macron of France telephoned the Russian counterpart several times to help stop the advancement of Azerbaijan on the battleground. Since the end of 44-day war till December 2021 and the Russia-Ukraine war, the US and EU were not competing with the Russian-led initiatives regarding the post-conflict

⁹ Mammadov F., America's Double Standard on Nagorno-Karabakh, March 16, 2018, <https://nationalinterest.org/blog/the-buzz/americas-double-standard-nagorno-karabakh-24944>

¹⁰ REVIEW ESSAY: Academic vs government discourse: different and similar views on regional conflicts in the South Caucasus, Nationalities Papers, 2018, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/FA2FA8AAB0927AC0741DC40E5291FEE9/S0090599200032451a.pdf/academic-vs-government-discourse-different-and-similar-views-on-regional-conflicts-in-the-south-caucasus-from-conflict-to-autonomy-in-the-caucasus-by-arsene-saparov-london-routledge-2015-217-pp-dollar.pdf>

¹¹ Shafiyev F., The Orientalizing of Azerbaijanis and the Armenia–Azerbaijan Conflict, Book Chapter in Nagorno-Karabakh Conflict, 1st edition, Routledge, 2022, <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003261209-6/orientalizing-azerbaijanis-armenia%E2%80%93azerbaijan-conflict-farid-shafiyev?context=ubx&refId=b5d10dd7-4fda-4d42-a0c3-80663c65caac>

normalization. The war between Russia and Ukraine has changed this approach of the EU and the US. The energy resources of Azerbaijan and wider Caspian Sea and the transportation infrastructure of the region connecting with Central Asia and China have got more strategic importance for the EU. The normalization of relations of Azerbaijan and Armenia and elimination of possibility of the new war have become more vital interest for the EU to securely reach the region. These factors pushed the EU to become more active in the region and lead to inevitable competition between Russia and the West over the future of the relations of Azerbaijan and Armenia. On April 8 (2022), after the meeting of Azerbaijan's President Ilham Aliyev and Armenia's Prime Minister Nikol Pashinian in Brussels, Russian Foreign Minister S. Lavrov said that the US and France are sacrificing the interests of Armenia.¹²

Is Peaceful Future on the Horizon?

On April 6 (2022), the European Union organized the second meeting of Azerbaijan's President Ilham Aliyev and Armenia's Prime Minister Nikol Pashinyan in Brussels. The summit of the two leaders was facilitated by European Council President Charles Michel. The two leaders first met in Brussels on December 14, 2020. The EU also organized an online summit of the Armenian and Azerbaijani leaders on February 4 (2022). The facilitation of the EU and these interactions have been generating hopes for normalizations between Armenia and Azerbaijan after the more three decades of war and animosity.

During the April 6 summit in Brussels, Armenia's Prime Minister Pashinyan and Azerbaijan's President Aliyev agreed to start work on a peace agreement. In the official statement released after the meeting, the two leaders "stated desire to move rapidly towards a peace agreement".¹³ They agreed by the end of April to launch a Joint Border Commission to demarcate and delimit the Armenia-Azerbaijan border. The Joint Border Commission should have been convened by the end of April, however, due to some developments which will be viewed below, the commission hasn't been able to convene as it was planned. The leaders also discussed the steps towards the restoration of railway lines and transport links between Armenia and Azerbaijan.

On May 22 (2022), the two leaders met in Brussels again¹⁴. Right after visit to Brussels, the two leaders signed a decree on creation of the commission on the border delimitation and already on May 24 the two commissions met on the border of the two states.

¹² США и Франция жертвуют интересами Армении, 08 апреля 2022, <https://www.vesti.ru/article/2700883>

¹³ Statement of European Council President Charles Michel following the Second Trilateral Meeting with President Ilham Aliyev and Prime Minister Nikol Pashinyan, 6 April, 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/04/06/statement-of-european-council-president-charles-michel-following-the-second-trilateral-meeting-with-president-ilham-aliyev-and-prime-minister-nikol-pashinyan/>

¹⁴ Huseynov V., Opinion: Historic developments are taking place in Armenia-Azerbaijan relations, but the signing of a peace treaty will likely take a longer time, May 25, 2022, <https://www.commonspace.eu/opinion/opinion-historic-developments-are-taking-place-armenia-azerbaijan-relations-signing-peace?fbclid=IwAR2mMIBWYiu5xm0KhofYcEo5xxnbP46veBzLAiKelWZS3rKWivS-1ZtwyPA>

How Armenia's Pashinyan Communicated with Domestic Audience

On April 13 (2022), the Armenian Prime Minister Pashinyan made groundbreaking statements at the Armenian Parliament which was praised by the EU¹⁵ and the US¹⁶. One of the most important statements was about the recognition of the territorial integrity of Azerbaijan. The Armenian Prime Minister warned the dangers of being the only country in the world that doesn't recognize the territorial integrity of Azerbaijan¹⁷.

Before these statements of Prime Minister Pashinyan, on March Azerbaijan submitted a proposal containing the five basic principles normalization of relations¹⁸. As a response to the proposal of Azerbaijan, on March 15, Armenian Foreign Minister Ararat Mirzoyan said that in fact Armenia and Azerbaijan had already recognized each other's territorial integrity and accepted that they have no territorial claims towards each other, having signed the "Agreement on the Establishment of Cooperation of Independent States" on December 8, 1991.¹⁹

The proposal of Azerbaijan covers the principles of international law like mutual recognition of respect for the sovereignty, territorial integrity, inviolability of internationally recognized borders, the absence of territorial claims against each other and obligation to refrain in their inter-State relations. On April 13, on the same day when Pashinyan made statements, the President Aliyev stated that Armenia accepts the five principles of Azerbaijan. So according to the Azerbaijani President the territorial integrity of Azerbaijan is recognized and Armenia renounces its territorial claims to Azerbaijan²⁰. During a one-hour speech to the Armenian parliament, Prime Minister Pashinyan also said that Armenia faces pressure from the international community to slightly lower its claims and to "lower the bar" regarding the status of Karabakh²¹. According to Pashinyan, "otherwise, the international community says, do not rely on us, not because we do not want to help you, but because we cannot help you." In his speech Pashinyan also mentioned that it was his personal mistake that he did not return Karabakh without a war. According to him, in this case, the lives of thousands of soldiers could be saved.

¹⁵ EU Special Representative for the South Caucasus and the crisis in Georgia, <https://twitter.com/ToivoKlaar/status/1514284954783555593>

¹⁶ U.S. State Department's Bureau of European and Eurasian Affairs, <https://twitter.com/StateEUR/status/1516022818202390537>

¹⁷ Пашинян: нам говорят — опасно не признавать территориальную целостность союзника Турции, 13 апреля 2022, <https://russia-armenia.info/node/82268>

¹⁸ No:117/22, Head of the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan Leyla Abdullayeva answers the media's question, <https://www.mfa.gov.az/en/news/no11722>

¹⁹ Azerbaijan's Foreign Ministry responds to Armenian FM Mirzoyan, <https://armenpress.am/eng/news/1077979.html>

²⁰ Official twitter account of the President of the Republic of Azerbaijan - Ilham Aliyev, <https://twitter.com/presidentaz/status/1514263126279168000>

²¹ Avedian, L., Pashinyan ready to recognize Azerbaijan's territorial integrity, April 13, 2022, <https://armenianweekly.com/2022/04/13/pashinyan-ready-to-recognize-azerbaijans-territorial-integrity/>

Response of Armenia's Opposition Parties to the Government Position

The statements of Pashinyan on April 13 (2022) caused a wide outcry of the revanchists headed by the former ruling Karabakh clan²² in Armenia. The mass protests of the revanchists in the streets of Yerevan already have been already taking place one month. Last year their first attempts with protests to oust Pashinyan from the power in the following months of the war were not successful. The so-called Karabakh clan or the War Party that ruled the country since the 1990s until 2018 power change in Armenia after mass protests. This group drew its legitimization from the successful war against Azerbaijan and they ruled Armenia on the basis of this legitimization. During the rule of Karabakh clan because of the conflict 83 percent of borders of landlocked Armenia remained closed with Azerbaijan and Turkey for more than 27 years that still remains closed. The rule of this group affected the lives of millions of Armenians, drained economic and human potential of the country and depopulated Armenia²³. The War Party blame current Prime Minister Pashinyan for diverting Armenia from its traditional Russian orientation²⁴ towards the West which, according to them, cost the country defeat in the war. They advocate repairing and moving closer in relations²⁵ with Russia²⁶, and preparing for a new round of war.

Last year one of the leaders of the Karabakh clan and former president Robert Kocharyan in his interview to the famous Russian journalist V. Pozner openly and very clearly said he is against the opening the borders with Turkey and normalization because according to him this will transform Armenia to another Ajaria.²⁷ Ajaria is an autonomous region in Georgia and in the main narrative of the Russian propaganda the Turkish investment to this region is presented as “an invasion of Georgian territories”.

The ongoing protests in the streets of Yerevan and increasing pressure of the revanchists challenge not only the prospects of a peace agreement and normalization with Azerbaijan but also normalization and the opening the borders with Turkey²⁸. The experts already talk about slowing down of the new attempts of normalization of relations between Armenia and Turkey. According to Carnegie Endowment for International Peace analyst Thomas de Waal thinks that

²² Whitmore B., Armenia: Crisis Spotlights 'Karabakh Clan', March 05, 2008, <https://www.rferl.org/a/1079586.html>

²³ Chiragov F., The Nagorno-Karabakh Conflict Is Destroying Armenia, June 9, 2019, <https://nationalinterest.org/blog/buzz/nagorno-karabakh-conflict-destroying-armenia-61407>

²⁴ В Армении предложили создать союзное государство с Россией, 26 декабря 2020, https://easaily.com/ru/news/2020/12/26/v-armenii-predlozhili-sozdat-soyuznoe-gosudarstvo-s-rossiey?fbclid=IwAR3lPHbAyBtQke19vvpafUOHMX2S7N7TnVbZb_OTQiEgevx2bSgGfCQeWl4

²⁵ Socor V., Armenia's Economic Dependence on Russia Insurmountable by the European Union, December 10, 2013, <https://jamestown.org/program/armenias-economic-dependence-on-russia-insurmountable-by-the-european-union/>

²⁶ Defence pact increases Armenian dependence on Russia, November 30, 2016, <https://www.emerald.com/insight/content/doi/10.1108/OXAN-ES216362/full/html>

²⁷ See, <https://rutube.ru/video/77b99a0dc9aa08600eab029b1dbdb47e/>

²⁸ Kizil N., 'Turkey-Armenia normalization may foster peace but challenges remain', May 1, 2022,, <https://www.dailysabah.com/politics/news-analysis/turkey-armenia-normalization-may-foster-peace-but-challenges-remain>

Russia fears that the normalization of Armenian-Turkish relations may call into question the expediency of a Russian military presence in Armenia²⁹ and it can be reason of the slowing down.

Conclusion

The third meeting in Brussels, on May 24, was a very significant event, since after the recent developments in Armenia the hopes about any progress in negotiation track diminished significantly. As the history of the conflict is full of unpleasant examples when the peaceful hopes failed at the final moments. The recent Brussels initiated progress is still very fragile and can fail at any moment. Whatever will happen from now on, whether Armenia and Azerbaijan continue to fight or finally to come on common denominator and normalize, this time period now we live will be the closest ever period to the normalization and peace. The Armenian society is on the horns of a very historic dilemma on which the future of the region and the Armenian statehood depend on. The rational thinking and natural interests of Armenia dictate that the Pashinyan's track will reach at its logical conclusion. However, the natural national interests of Armenia don't always converge with the third parties on which Armenia depend on too much.

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²⁹ See, <https://www.reporter.am/the-armenian-turkish-process-is-slow-one-of-the-reasons-is-russias-position-thomas-de-waal-morning/>

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