

A Year of Missed Opportunities for Resolution of the Armenia-Azerbaijan Conflict (Commentary)

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The change of regime in Armenia had revived Azerbaijan's hopes that the new Armenian government would take a more constructive approach toward the settlement process for the Armenia-Azerbaijan (Nagorno-Karabakh) conflict. Albeit the latest talks between Azerbaijan's and Armenia's officials promised humanitarian cooperation, the short-term quiet on the frontline and the peace-building process have deteriorated with Armenia's ceasefire violations and its government's counter-productive discourse. From Azerbaijan's perspective, creating an atmosphere of peace and trust-building requires motivating steps such as the withdrawal of Armenian forces from Azerbaijan's occupied territories. This commentary discusses Armenia's over-reliance on the status-quo, which creates systemic problems for the achievement of a breakthrough in the negotiation process and demonstrates that the process is hampered by their attempts to sustain the occupation through provocative steps.

Nagorno-Karabakh Autonomous Oblast (NKAO), where Azerbaijani (25%) and Armenian (75%) populations lived together before the conflict, and seven surrounding districts of Azerbaijan are under occupation by Armenian armed forces. As a result, the entire Azerbaijani population was expelled from NKAO and the seven districts, creating more than 700,000 IDPs. The United Nations Security Council's (UNSC) four resolutions (822, 853, 874, 884) - requiring the immediate and unconditional withdrawal of Armenian forces from these territories, condemning the use of force against Azerbaijan, reaffirming Nagorno-Karabakh as an integral part of Azerbaijan, supporting its territorial integrity, sovereignty and the inviolability of its borders, and underlining the inadmissibility of gaining territory by the use of force - have not up to now been fulfilled by Armenia.



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Post-April 2018

The popular revolution in Armenia in April 2018 that resulted in the overthrow of the previous regime composed of the

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“Karabakh Clan” brought Nikol Pashinyan (with no roots in the Nagorno-Karabakh region) to power. Azerbaijan’s government has been watching this change optimistically in terms of its impact on a possible earlier resolution of the Armenia–Azerbaijan (Nagorno-Karabakh) conflict. In 2019, Azerbaijan’s President Ilham Aliyev and Armenia’s Prime Minister Nikol Pashinyan and their foreign ministers met each other several times and pledged to prepare their populations for peace.¹ At the CIS summit in Dushanbe in 2018, President Aliyev and Prime Minister

Pashinyan reached a verbal agreement on the establishment of direct operative communication links (conducted at low structural levels when necessary) between the two countries in order to prevent the risk of escalation and frontline incidents.² After that, the number of ceasefire violations along the Line of Contact (LoC) separating Azerbaijan’s armed forces from Armenian forces in the occupied territories and on the Armenia–Azerbaijan state border decreased significantly. The partial deployment of paramilitary forces from both states (Azerbaijan’s State Border Service (SBS) and Armenia’s police detachment) for the protection of frontier posts on the Azerbaijan–Armenia state border was seen as a reciprocal confidence-building attempt to reduce ceasefire violations along the borderline.³

However, the 25-year-old “ceasefire agreement” signed between Armenia and Azerbaijan has failed to transform itself into a sustainable peace, since its key point was not the long-term consolidation of the status-quo through military build-up or

1 Osce.org (2019), *Press Statement by the Co-Chairs of the OSCE Minsk Group*, 16 January, Available at: <https://www.osce.org/minsk-group/409220> (Accessed: December 20, 2019).

2 Azertag.az (2018), *Hikmat Hajiyev: St. Petersburg informal meeting of CIS heads of state was held in an efficient and sincere atmosphere*, 7 December, Available at: https://azertag.az/xeber/Hikmet_Haciyev_MDB_dovlet_baschilarinin_qeyri_resmi_Sankt_Peterburq_gorusu_iguzar_ve_semi_mi_seraitde_kechdi-1222133 (Accessed: December 10, 2019).

3 Gurbanov, I. (2019), “Karabakh Peace Talks Break Down as Azerbaijan and Armenia Operate at Cross-Purposes”, *The Jamestown Foundation, Eurasia Daily Monitor*, Volume 16 Issue: 29, 4 March, Available at: <https://jamestown.org/program/karabakh-peace-talks-break-down-as-azerbaijan-and-armenia-operate-at-cross-purposes/> (Accessed: December 10, 2019).

unconstructive engagement, but setting measures for complete de-occupation.⁴ Therefore, 2019 was a year of missed opportunities⁵ as no tangible breakthrough was achieved because of the current Armenian government's controversial statements and a position similar to that of the previous government. These tendencies frustrated Azerbaijan and unveiled the Armenian government's real intentions toward the negotiations.

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Never-ending negotiation process

Azerbaijan has demonstrated its patience for achieving a political settlement. However, Baku cannot accept the process lasting forever,⁶ as Armenia makes no concrete commitment to move to substantive negotiations, maintains an unclear policy, sabotaging the resolution,⁷ and disregards the fact that de-occupation of Azerbaijan's territories constitutes the negotiations' cornerstone.⁸

Azerbaijan's Foreign Minister Elmar Mammadyarov's speeches at the UN General Assembly session in September and at the OSCE Bratislava meeting in December attested that, despite direct contacts between the two countries' officials and the relatively calm situation at the frontline, no progress has been achieved in the conflict settlement due to the lack of genuine interest of Armenia's leadership, who defend the war outcomes

4 1news.az (2019), *Khikmet Gadzhiev: Osnovnoy prichinoy otsutstviya ustoychivogo mira yavlyayetsya prodolzheniye okkupatsionnoy politiki Armenii*, 12 May, Available at: <https://1news.az/news/hikmet-gadzhiev-o-tom-pochemu-prekraschenie-ognya-ne-prevratilos-v-prodolzhitel-nyy-mir>; Mfa.gov.az (2019); *Statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the 25th anniversary of the establishment of cease-fire between Armenia and Azerbaijan* No:134/19, 11 May, Available at: <http://www.mfa.gov.az/en/news/909/6158> (Accessed: November 29, 2019).

5 President.az (2019), *Ilham Aliyev received delegation led by Slovak Minister of Foreign and European Affairs*, 28 November, Available at: <https://en.president.az/articles/34996> (Accessed: November 29, 2019).

6 Mfa.gov.az (2019), *Speech by the Minister of Foreign Affairs of the Republic of Azerbaijan Mr. Elmar Mammadyarov at the meeting of the CIS Council of Foreign Ministers in a narrow format*, 10 October, Speech No:315/19, Available at: <http://mfa.gov.az/en/news/909/6392> (Accessed: November 11, 2019).

7 Interfax.com (2019), *V peregovorakh po Karabakhu yest nekotoryy progress, no on na slovakh - glava MID Azerbaydzhana*, 11 November, Available at: <https://interfax.com.ua/news/general/623888.html> (Accessed: November 12, 2019).

8 Azertag.az (2019), *MID Azerbaydzhana: Logiku Pashinyana trudno ponyat*, 31 January, Available at: https://azertag.az/ru/xeber/MID_Azerbaidzhana_Logiku_Pashinyana_trudno_ponyat-1240564; *MFA: The party interested in the peaceful settlement of the conflict must demonstrate the political will and determination*, 28 June, Available at: https://azertag.az/xeber/XIN_Munaqisenin_sulh_yolu_ile_hellinde_maraqli_olan_teref_siyasi_irade_ve_qetiyet_numayis_etdirmelidir-1300287 (Accessed: December 11, 2019).

and the unacceptable status-quo created through the unlawful use of force towards Azerbaijan's territories and derail the peace process by resorting to provocative statements.⁹

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Armenia voices different concepts to frustrate the negotiation process. Instead of working on concrete steps (e.g., troop withdrawal – a key element of the resolution), Armenia prolongs the negotiations by proposing artificial measures such as "incident investigation mechanisms" on the LoC, "strengthening control over the ceasefire" and "withdrawal of snipers." Azerbaijan does not endorse such cosmetic measures that consolidate the status-quo and create a safe environment for the Armenian forces in the occupied territories, but prefers to implement such steps in parallel with substantial negotiations, envisaging the troops' complete withdrawal from these territories.¹⁰

Armenia's political leadership is trying to impose a new concept for conflict resolution by using the expression "the people of Nagorno-Karabakh,"¹¹ denying the existence of the indigenous Azerbaijani community of this region. None of the international documents adopted as part of the settlement process refers to this region's population as "the people,"¹² because before the conflict the population of the Nagorno-Karabakh region consisted of both Azerbaijani and Armenian communities.¹³

Armenia wanted to change the negotiations' format by involving

9 Mfa.gov.az (2019), *Statement by Elmar Mammadyarov Minister of Foreign Affairs of the Republic of Azerbaijan at the General Debate of the 74th session of the United Nations General Assembly* No:304/19, 29 September, Available at: <http://mfa.gov.az/en/news/909/6381>; *Statement by Elmar Mammadyarov, Minister of Foreign Affairs of the Republic of Azerbaijan 26th Ministerial Council of the OSCE* No:389/19, 5 December, Available at: <http://www.mfa.gov.az/en/news/909/6484> (Accessed: December 6, 2019).

10 News.day.az (2019), *Armyanskoye lobbi pyatayetsya vyanut amerikantsev v igru protiv Azerbaydzhana*, 4 July, Available at: <https://news.day.az/politics/1134901.html>; Azertag.az (2019), *Hikmet Hacıyev: Vienna meeting gives new impetus to negotiations on settlement of Armenian-Azerbaijani conflict*, 30 March, Available at: https://azertag.az/xeber/Hikmet_Haciyeve_Vyana_gorusu_Ermenistan_Azərbaycan_munaqisəsinin_həlli_istiqamətində_dənisiqlara_yeni_impuls_verdi-1263373 (Accessed: December 15, 2019).

11 Trend.az (2019), *Leyla Abdullayeva: Ritorika MID Armenii o «podgotovke narodov k miru» yest ne chto inoye, kak litsemeriye*, 5 October, Available at: <https://www.trend.az/azerbaijan/politics/3128833.html> (Accessed: November 11, 2019).

12 Mfa.gov.az (2019), *Rukovoditel Upravleniya press-sluzhby MID AR otvechayet na vopros SMI*, No:308/19, Available at: <http://mfa.gov.az/az/news/909/6385> (Accessed: December 9, 2019).

13 President.az (2019), *Speech by Ilham Aliyev at the plenary session of 16th Annual Meeting of Valdai International Discussion Club*, 3 October, Available at: <https://en.president.az/articles/34358> (Accessed: December 16, 2019).

the separatist regime [established in Azerbaijan's occupied territories] in the negotiations as a "direct party." Azerbaijan regarded this as illegitimate according to the OSCE Helsinki Ministerial Council decision (24 March, 1992) establishing Armenia and Azerbaijan as the two principal sides to the conflict, with the Azerbaijani and Armenian communities of the Nagorno-Karabakh region as two interested parties.¹⁴ Therefore, the negotiations are conducted between the sides in direct conflict, and the Nagorno-Karabakh region's two communities might be involved as interested side-parties in the process at the relevant stage, with the consent of the principal sides, helping to define the region's status.¹⁵ By insisting on the participation of the separatist regime in the negotiations with Azerbaijan, Armenia is trying to present itself as an 'indirect party' to avoid responsibility for its direct participation in the occupation of Azerbaijan's territories. Despite Armenia's attempts to put the process in stalemate, all previous meetings have demonstrated that the negotiations' format remains unchanged.¹⁶

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N.Pashinyan's controversial statement "Nagorno-Karabakh is Armenia," made in Khankendi,¹⁷ caused significant damage to the spirit of the negotiations. This statement was denounced in President Aliyev's Valdai speech, where he stated: "Karabakh is recognized by the whole world as an integral part of Azerbaijan. Therefore, Karabakh is Azerbaijan!"¹⁸ The demonstration by the Armenian side of such an inadequate

14 Mfa.gov.az (2019), *Statement by Elmar Mammadyarov, Minister of Foreign Affairs of the Republic of Azerbaijan 26th Ministerial Council of the OSCE No:389/19*, 5 December, Available at: <http://www.mfa.gov.az/en/news/909/6484> (Accessed: December 6, 2019).

15 Trend.az (2019), *Leyla Abdullayeva: Peregovory po nagorno-karabakhskey probleme vedutsya mezhdunarodnymi uchastnikami konflikta - Armeniyey i Azerbaydzhanom*, 24 July, Available at: <https://www.trend.az/azerbaijan/politics/3095532.html>; Azertag.az (2019), *Azerbaijani community in Nagorno-Karabakh issues statement on Lavrov's comments*, 13 November, Available at: https://azertag.az/xeber/Azerbaycanin_Dagliq_Qarabag_bolgesinin_azerbaycanli_icemasi_Sergey_Lavrovun_fikirleri_ile_bagli_beyanat_yayib-1354365 (Accessed: December 10, 2019).

16 Tass.ru (2019), *Aliyev: format peregovorov s Armeniyey ostayetsya bez izmeneniy*, 29 March, Available at: <https://tass.ru/mezhdunarodnaya-panorama/6276104>; Trend.az, (2019) *Khikmet Gadzhiev: Izmeneniye formatu peregovorov po uregulirovaniyu karabakhskey konflikta ne mozhet bit moy obsuzhdeniya*, 28 February, Available at: <https://www.trend.az/azerbaijan/politics/3026401.html> (Accessed: December 13, 2019).

17 Azatutyun.am (2019), *"Dovesti naseleniye Armenii do 5 mln chelovek" Pashinyan predstavil strategicheskiye tseli k 2050 godu*", 5 August, Available at: <https://rus.azatutyun.am/a/30093790.html> (Accessed: December 10, 2019).

18 President.az (2019), *Sochi hosts plenary session of 16th Annual Meeting of Valdai International Discussion Club*, Events, 3 October, Available at: <https://en.president.az/articles/34346> (Accessed: December 6, 2019).

approach and populist rhetoric is perceived by Azerbaijan as crossing a red line and undermining the very essence of the negotiation process.¹⁹

N.Pashinyan has frequently interpreted the content of “Madrid Principles,” which constitute the basis of the current negotiations, as envisaging step-by-step regulation. However, any unilateral change of the content of the negotiations was excluded by the OSCE Minsk Group Co-chairs, as they believe that a lasting

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settlement is possible on the basis of the Helsinki Final Act’s (HFA) core principles and the additional elements (Madrid Principles) that present a clear roadmap. These Principles call for the return of the occupied territories (*rayons*) surrounding Nagorno-Karabakh to Azerbaijani control; an interim status for Nagorno-Karabakh, providing guarantees for security and self-governance; a corridor linking Armenia to the Nagorno-Karabakh region; future determination

of the final legal status of the Nagorno-Karabakh region through a legally binding expression of will; the right of all IDPs and refugees to return to their former residences; and international security guarantees under a peacekeeping operation.²⁰ If Armenia voices a different formulation contradicting this roadmap, then holding negotiations would appear to be pointless.²¹

Armenia is planning to present any negotiated agreement for nationwide debates to make decisions in a pan-national format through a referendum,²² which can obviously involve nationalists and radical stakeholders. Through this approach, Armenia

19 Mfa.gov.az (2019), *Press Secretary of the Ministry of Foreign Affairs of the Republic of Azerbaijan answers the question of the media* No: 224/19, 14 August, Available at: <http://mfa.gov.az/en/news/909/6287>; *Statement of the MFA of the Republic of Azerbaijan* No: 219/19, 6 August, Available at: <http://mfa.gov.az/news/909/6279>; *Commentary by the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan*, No:221/19, 7 August, Available at: <http://mfa.gov.az/news/909/6283> (Accessed: October 10, 2019).

20 Osce.org (2019), *Press Statement by the Co-Chairs of the OSCE Minsk Group on the Upcoming Meeting of President Aliyev and Prime Minister Pashinyan*, Moscow/Paris/Washington, 9 March, Available at: <https://www.osce.org/minsk-group/413813>; Apa.az (2019), *H.Hajiyev: “Model for resolving the Nagorno-Karabakh conflict outside the territorial integrity of Azerbaijan, does not exist”*, 27 September, Available at: <https://ona.az/en/nagorno-karabakh/hikmet-hajiyev-model-for-resolving-the-nagorno-karabakh-conflict-outside-the-territorial-integrity-of-azerbaijan-does-not-exist-8870> (Accessed: December 13, 2019).

21 YouTube (2019), *Gromkoye intervyyu Elmara Mamedyarova CBC. Neozhidannyye otkroveniya kasatelno karabakhskego konfliktka*, 11 December, Available at: <https://www.youtube.com/watch?v=naN3yEDuMGA> (Accessed: December 12, 2019).

22 Panorama.am (2019), *Armenia’s Pashinyan rules out conspiracies in Karabakh settlement*, 4 November, Available at: <https://www.panorama.am/en/news/2019/11/04/Pashinyan-Artsakh-settlement/2191103> (Accessed: November 16, 2019).

is trying to avoid direct responsibility for the failure of the negotiations and put all the blame on Armenian society.

Armenia's push for the right of self-determination of Nagorno-Karabakh Armenians outside Azerbaijan's jurisdiction²³ is contrary to the OSCE's decisions and the UNSC resolutions. Baku has pledged to ensure the Nagorno-Karabakh Armenians' security and recognize their right for the highest level of self-governance within Azerbaijan's international borders.²⁴ The self-determination principle is not supposed to undermine Azerbaijan's territorial integrity, as according to the HFA it should at all times be in conformity with the territorial integrity of the state. Armenia constantly blames Azerbaijan for "threatening to use force," however, Armenia itself, through the occupation of Azerbaijan's territories, violated one of the HFA's key clauses, urging it to refrain from "the use of force against the territorial integrity."²⁵

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Armenia has made claims about the alleged transfer of Nagorno-Karabakh to Azerbaijan in the Soviet period, with reference to a decision of the Caucasian Bureau of the Communist Party's Central Committee (July 5, 1921). The relevant decision did not use the wording "transfer" at all, but it decided to preserve Nagorno-Karabakh as part of Azerbaijan.²⁶ Starting from the 1980s, Armenia's overt claims to the NKAO shifted to supporting violent actions and aggressive separatism to justify the NKAO's unilateral illegal separation through a so-called "referendum" on December 10, 1991, without the participation of the region's Azerbaijani population and without Azerbaijan's permission. These attempts were contrary to the USSR's Constitution (Article 78 banning a change of the union republic's territory without its consent); the USSR Supreme Soviet's resolution (January 10, 1990, "On the nonconformity with the USSR Constitution of

23 Mfa.am (2019), *Statement by Zohrab Mnatsakanyan, Minister of Foreign Affairs of the Republic of Armenia at the 26th Meeting of the OSCE Ministerial Council in Bratislava*, 5 December, Available at: https://www.mfa.am/en/speeches/2019/12/05/fm_remarks_osce_26/9996 (Accessed: December 6, 2019).

24 Mfa.gov.az (2018), *Interview of Foreign Minister Elmar Mammadyarov on the results of 2018*, No:336/18, 25 December, Available at: <http://mfa.gov.az/news/909/5985> (Accessed: December 20, 2019).

25 Gurbanov, I. (2019), "Armenia's Approach to Conflict Settlement Leads to Deadlock", *CACI Analyst*, Available at: <http://cacianalyst.org/publications/analytical-articles/item/13576-armenias-approach-to-conflict-settlement-leads-to-deadlock> (Accessed: December 15, 2019).

26 President.az, *Speech by Ilham Aliyev at the plenary session of 16th Annual Meeting of Valdai International Discussion Club*, op. cit.

the acts on Nagorno-Karabakh adopted by Armenian SSR on December 1, 1989 and January 9, 1990,” which emphasized the illegality of secession of Nagorno-Karabakh from Azerbaijan SSR); and similar resolutions of the USSR State Council (November 27, 1991) and the USSR Constitutional Oversight Committee. These documents unequivocally recognized the impossibility of changing the existing borders owing to the unlawful actions of Armenian nationalists aimed at unilateral secession of the NKAO from Azerbaijan SSR. According

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to the USSR’s Constitution, Azerbaijan, like all union republics, had the right to secede from the Union, while autonomous entities did not have such a right.²⁷ After the USSR’s dissolution, when Azerbaijan regained its independence and joined the UN (with its USSR-period borders, including the Nagorno-Karabakh region), Nagorno-Karabakh was recognized by the international community as an inalienable part of Azerbaijan. Armenian claims of “uniting Nagorno-Karabakh with Armenia” or “granting it independence” are in contrast to

the international law’s *uti possidetis* principle that endorses Azerbaijan’s post-independence borders as set by Soviet laws before independence. The European Court of Human Rights’ decision on the “Chiragov and others vs. Armenia” case explicitly proved that the fundamentals of this conflict lie in the occupation of territories by the use of force, and the illegal regime created in Azerbaijan’s occupied territories exists thanks to the political, military and financial support of Armenia.²⁸ The international community recognizes neither the illegal “elections” nor “referendum” held in these territories.²⁹

27 Haqqin.az (2019), *Ayaz Mutalibov answers Pashinyan: “Azerbaijan had the right to leave the USSR, but Karabakh - not”*, 27 August, Available at: <https://haqqin.az/news/156982> (Accessed: December 9, 2019).

28 Mfa.gov.az (2019), *The Head of the Press Service Department of the Ministry of Foreign Affairs of Azerbaijan Leyla Abdullayeva responded to a media request No:375/19*, 21 November, Available at: <http://mfa.gov.az/en/news/909/6459>; *Commentary by the Spokesperson of the Azerbaijani MFA No:232/19*, 28 August, Available at: <http://mfa.gov.az/news/909/6295>; Azertag.az (2019), *Hikmat Hajiyev: Armenian PM has made a complete upside-down portrayal of political, legal and historical aspects of the Armenia-Azerbaijan Nagorno-Karabakh conflict from the UN podium*, 27 September, Available at: https://azertag.az/en/xeber/Hikmat_Hajiyev_Armenian_PM_has_made_a_complete_upside_down_portrayal_of_political_legal_and_historical_aspects_of_the_Armenia_Azerbaijan_Nagorno_Karabakh_conflict_from_the_UN_podium-1335376 (Accessed: December 9, 2019).

29 Mfa.gov.az (2019), *Spokesperson of the Ministry of Foreign Affairs of the Republic of Azerbaijan answers the media question*, 23 August, No:229/19, Available at: <http://mfa.gov.az/en/news/909/6292> (Accessed: December 10, 2019).

Azerbaijan does not consider any political solution to the conflict beyond the following framework: that a resolution is possible on the basis of the principles of international law respecting Azerbaijan's sovereignty, territorial integrity, and internationally recognized borders, as enshrined in the UNSC resolutions and relevant documents of the OSCE (Helsinki Final Act, Budapest Summit's (1994) and Lisbon Summit's (1996) decisions). The step-by-step solution favored by Azerbaijan envisages, as the initial stage, the immediate, complete and unconditional withdrawal of Armenian armed forces from the Nagorno-Karabakh region and surrounding occupied regions (*rayons*) of Azerbaijan; the return of Azerbaijani IDPs to their homes; and the opening of communications lines in the region. The next step is to determine the status of self-government for the Nagorno-Karabakh region's population within Azerbaijan in interaction/accordance with Azerbaijan's government and constitution with the full participation of the region's population (two communities) to ensure their peaceful coexistence.³⁰

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Most of the OSCE Minsk Group Co-chairs' statements send a direct message to Armenia's controversial policy toward the resolution process by emphasizing the importance of confidence-building measures; reducing tension; preparing the populations for peace; refraining from provocative actions, including the use of snipers and engineering works; avoiding escalation and inflammatory rhetoric; and engaging constructively in substantive negotiations without artificial delays or conditions.³¹

Humanitarian cooperation

The recent exchange of journalists between Azerbaijan and Armenia came in the aftermath of the Vienna meeting (March

30 Apa.az (2019), *Azerbaijan presents position on peaceful settlement of Nagorno-Karabakh conflict in Bratislava*, 4 Dekabr, Available at: https://apa.az/az/xarici_siyaset/Azrbaycan-Bratislavada-Dagliq-Qarabag-munaqissinin-sulh-yolu-il-hllin-dair-movqeyini-tqdim-edib-561874 (Accessed: December 4 2019).

31 Osce.org (2018, 2019), *Press Statements by the Co-Chairs of the OSCE Minsk Group*, Brussels, 12 July, Available at: <https://www.osce.org/minsk-group/387683>; New York, 27 September, <https://www.osce.org/minsk-group/397700>; Milan, 6 December, <https://www.osce.org/minsk-group/405479>; Paris, 16 January, <https://www.osce.org/minsk-group/409220>; Vienna, 1 March, <https://www.osce.org/minsk-group/412880>; Washington, 20 June, <https://www.osce.org/minsk-group/423734>; New York, 25 September, <https://www.osce.org/minsk-group/433121>; Bratislava, 5 December, <https://www.osce.org/minsk-group/441242> (Accessed: December 13, 2019).

29) of President Aliyev and Prime Minister Pashinyan, at which they agreed to develop confidence-building measures, and the subsequent Moscow meeting (April 15) of Azerbaijani and Armenian foreign ministers, when they endorsed the establishment of bilateral humanitarian contacts through mutual visits of journalists. In the Moscow meeting, the foreign ministers also agreed to take measures to stabilize the situation in the conflict zone during agricultural activities and to allow families

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to have access to their relatives held in custody.³² In June, the exchange of two hostages (one from each country) was conducted.³³ Azerbaijan has repeatedly offered to exchange the prisoners of war on the “all for all” principle (which Armenia fiercely opposes), which could create favorable emotional circumstances for both societies in preparation for peace.³⁴

In fact, without confidence-building supported by constructive steps, the process is certainly doomed to failure. The Armenian government, while advocating for the people’s right to self-determination, completely neglects the rights of Azerbaijani IDPs from the surrounding *rayons* and the Azerbaijani community from the Nagorno-Karabakh region.³⁵ Armenia’s current government, similar to the previous one, prevents contacts between the Nagorno-Karabakh region’s Armenian and Azerbaijani communities. The region’s Azerbaijani community has repeatedly called on the Armenian community to reconcile peacefully, but their messages have not receives a constructive response.³⁶

32 Osce.org (2019), *Joint Statement by the Foreign Ministers of Armenia and Azerbaijan and the Co-Chairs of the OSCE Minsk Group*, Vienna, 29 March, Available at: <https://www.osce.org/minsk-group/415643>; *Joint Statement by the Foreign Ministers of Azerbaijan, Armenia, and Russia, and the Co-Chairs of the OSCE Minsk Group*, Moscow, 15 April, Available at: <https://www.osce.org/minsk-group/417281> (Accessed: December 13, 2019).

33 Azertag.az (2019), *Information of the State Commission on hostages, prisoners of war and missing persons*, 28 June, Available at: https://azertag.az/xeber/Asir_ve_itkin_dusmus_girov_goturulumus_vetendaslarla_elaqedar_Dovlet_Komissiyasinin_melumatı-1300157 (Accessed: December 12, 2019).

34 Gurbanov, “Armenia’s Approach to Conflict Settlement...”, *op. cit.*

35 Mfa.gov.az (2019), *Commentary of the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan*, No:231/19, 27 August, Available at: <http://mfa.gov.az/en/news/909/6294> (Accessed: December 9, 2019).

36 Trend.az (2019), *Community leader: “representative” of so-called regime in occupied territories undermines negotiation process*, 13 February, Available at: <https://az.trend.az/azerbaijan/karabakh/3019016.html> (Accessed: December 20, 2019); Azertag.az (2018), *Tural Ganjaliev: Azerbaijani community of Nagorno-Karabakh is ready for constructive dialogue with Armenian community*, 26 December, Available at: https://azertag.az/xeber/Tural_Genceliyev_Dagliq_Qarabagin_azerbaycanli_icmasi_ermeni_icmasi_ile_konstruktiv_dialoqun_aparilmasina_hazirdir-1228365 (Accessed: December 20, 2019).

What if the negotiations fail?

The process is occasionally aggravated by the controversial statements of Armenian officials. Armenia's [former] National Security Director Arthur Vanetsian's statement that "none will surrender even an inch of land" was perceived in Baku as evidence of Armenia's direct participation in the annexation of Azerbaijan's territories. The Azerbaijani government, in response to Armenia's Defense Minister David Tonoyan's declaration of "new war – new territories,"³⁷ did not exclude the liberation of occupied territories through military means under the UN Charter's self-defense provision (Article 51), since the UNSC resolutions remain unfulfilled.³⁸

The conflict's effects, in the broader context, do not concern Azerbaijan's occupied territories only, but also Azerbaijan's state borders with Armenia to the north-west and Nakhchivan to the south-east.³⁹ Although the frontline situation has recently been more stable than in previous years, the fragile trust was, however, damaged by the resumption of occasional sniper shootings from the Armenian side toward soldiers, civilians, and military, medical, and vehicles.⁴⁰ Such malicious acts, which are contrary to the advancement of peace, cast doubt on the genuine intention of Armenia's elite to prepare their people for peace.

Since the Dushanbe agreement, Armenian armed forces have continuously been conducting engineering works on the state border and the LoC in order to move their positions forward to hit deep inside Azerbaijan's territories.⁴¹ Azerbaijan's armed forces

37 Gurbanov, I. (2019), "Azerbaijan's Military Exercises Send Defiant Message to Armenia", *The Jamestown Foundation, Eurasia Daily Monitor*, Volume: 16 Issue: 99, Available at: <https://jamestown.org/program/azerbaijans-military-exercises-send-defiant-message-to-armenia/> (Accessed: December 10, 2019); Gurbanov, "Karabakh Peace Talks Break Down...", *op.cit.*

38 Mfa.gov.az (2019), *Commentary by the Press Service of the Ministry of Foreign Affairs of the Republic of Azerbaijan* No:096/19, 30 March, Available at: <http://mfa.gov.az/en/news/909/6105> (Accessed: December 10, 2019).

39 Gurbanov, I. (2019), "Aggravated Situation Around Azerbaijan's Nakhchivan Exclave", *The Jamestown Foundation, Eurasia Daily Monitor*, Volume: 15 Issue: 85, Available at: <https://jamestown.org/program/aggravated-situation-around-azerbaijans-nakhchivan-exclave/> (Accessed: December 5, 2019).

40 Dsx.gov.az (2019), *Information from the State Border Service Press Center*, 27-28 July & 21 September, Available at: <http://dsx.gov.az/xeber/856>; <http://dsx.gov.az/xeber/854>; <http://dsx.gov.az/xeber/857>; <http://dsx.gov.az/xeber/881>; Mfa.gov.az (2019), *Head of the MFA Press Service Department Leyla Abdullayeva answers the question of the media*, No:307/19, 3 October, Available at: <http://mfa.gov.az/en/news/909/6384>; *Comment by Leyla Abdullayeva, Spokesperson of the Ministry of Foreign Affairs of the Republic of Azerbaijan*, No:207/19, 18 July, Available at: <http://mfa.gov.az/en/news/909/6262> (Accessed: December 10, 2019).

41 Lragir.am (2019), *Armyanskaya armiya vishla v Tavushe na noviye pozitsii*, 19 August, Available

have therefore carried out additional defensive engineering works to improve their positions to respond operationally to Armenia's provocations, prevent their fortification engineering works in the occupied territories, and protect the civilian areas from the sniper fire.⁴² Armenia, by organizing various provocations along the state border, wants to drag the Collective Security Treaty Organization (CSTO) into the conflict. However, most of the CSTO members have close cooperation with Azerbaijan in the military-technical fields and recognize the country's territorial integrity within its internationally recognized borders.⁴³

Armenia's incoherent rhetoric combined with the never-changing status-quo might lead to another full-scale escalation in the conflict zone.

Armenia's incoherent rhetoric combined with the never-changing status-quo might lead to another full-scale escalation in the conflict zone. Therefore, with skepticism toward the voluntary de-occupation by Armenia through diplomatic negotiations, and in anticipation of its probable front-line offensives, Azerbaijan preserves military vigilance by ensuring constant military readiness for possible large-scale counter-offensive operations. During the first Karabakh war, the then Armenian authorities bogged Azerbaijan down with 'diplomatic negotiations' while the former's troops were extending the area of occupation. Azerbaijan's commitment to a peaceful settlement does not imply negligence of security considerations; the government in Baku perceives military power as playing a special role in conflict resolution. The successful April counter-offensive in the occupied territories (2016) and the Gungut operation in Nakhchivan (2018) slightly changed the strategic map of the conflict zone in favor of Azerbaijan, liberating some portion of these territories from Armenian control and enabling the country's army to step from unfavorable military positions toward the strategic heights and to control the opposite side's military-strategic objects in the depth.⁴⁴ Moreover, Azerbaijan's

at: <https://www.Iragir.am/ru/2019/08/19/154177/> (Accessed: December 10, 2019).

42 Dsx.gov.az (2019), *Information from the State Border Service Press Center*, 29 June, Available at: <http://dsx.gov.az/xeber/843>; Mod.gov.az, (2019) *Azerbaijan Defense Minister: "The words of the Supreme Commander-in-Chief "Karabakh is Azerbaijan and an exclamation mark" assign new tasks for the Azerbaijan Army"*, 12 October, Available at: <https://mod.gov.az/en/news/azerbaijan-defense-minister-the-words-of-the-supreme-commander-in-chief-karabakh-is-azerbaijan-and-an-exclamation-mark-a-28806.html>.

43 Mfa.gov.az (2019), *Commentary of the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the speech of the Prime Minister of Armenia at the meeting of the Collective Security Treaty Organization in Bishkek*, No:381/19, 29 November, Available at: <http://mfa.gov.az/az/news/909/6475> (Accessed: November 29, 2019).

44 Gurbanov, I. (2019), "Ice is melting for Nagorno-Karabakh", *Euractiv*, 14 January, Available at:

military exercises mainly simulate counter-offensive operations in the challenging mountainous terrains and complex climate conditions and electronic environment by delivering preventive strikes and taking possession of advantageous frontiers in the occupied territories.⁴⁵

The protraction of the status-quo in the conflict zone and the lack of international enforcement mechanisms to force Armenia into substantive negotiations and to execute the international organizations' resolutions have emboldened the parties to the conflict to invest in a military build-up. Although Armenia is heavily armed and has certain countermeasures against Azerbaijan, the former cannot change the military balance in its favor. Azerbaijan has developed armed forces in all categories of troops armed with advanced weapons in large quantities (unlike the early years of the Karabakh war with Armenia, when Azerbaijan's army was poorly equipped and trained).

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In Lieu of Conclusion

Azerbaijan patiently waited for the completion of domestic political turbulence in Armenia in order to negotiate with a legitimate government while N.Pashinyan prioritized consolidating his power by crushing his domestic opponents, but not ending the conflict. The Pashinyan-led government is now unwilling to change Armenia's traditional stance on the conflict, acknowledging that the "Karabakh" card could not save the previous government and Armenia's options of maneuver are shrinking.⁴⁶

The Armenian political elite's unstable discourse and actions have disrupted Azerbaijan's hopes regarding their possible constructiveness in the post-revolution period. Azerbaijan's

<https://www.euractiv.com/section/azerbaijan/opinion/ice-is-melting-for-nagorno-karabakh/>; Gurbanov, I. (2019), "Azerbaijan Raises Military Vigilance in Response to Armenia's Unclear Karabakh Policy", *The Jamestown Foundation, Eurasia Daily Monitor*, Volume: 15 Issue: 111, Available at: <https://jamestown.org/program/azerbaijan-raises-military-vigilance-in-response-to-armenias-unclear-karabakh-policy/> (Accessed: December 5, 2019); Gurbanov, "Karabakh Peace Talks Break Down...", *op.cit.*

⁴⁵ Mod.gov.az (2019), *Azerbaijan Army will conduct large-scale exercises*, 13 September, Available at: <https://mod.gov.az/en/news/azerbaijan-army-will-conduct-large-scale-exercises-28487.html> (Accessed: December 9, 2019); Gurbanov, "Azerbaijan's Military Exercises Send Defiant Message...", *op.cit.*

⁴⁶ Gurbanov, "Ice is melting for Nagorno-Karabakh", *op.cit.*

perception is that Yerevan, influenced by the current pro-democracy sentiments in Armenia, is trying to distract the international community from criticism toward Armenia for the occupation. The Armenian government's incoherent rhetoric also stems from the exhausting revolutionary sentiments and the deep domestic political crisis as the new leader struggles to consolidate his legitimacy vis-à-vis the previous regime's members.⁴⁷ The Armenian government's tailored declarations target specific internal audiences without having a clear communication strategy for conflict resolution, but they understand that this externally prejudices the negotiations.⁴⁸

The words and the deeds of Armenia are in fundamental contradiction to the peaceful settlement process, spoil the climate of trust, mislead the international community and its own people through populist arguments, and prolong the status-quo.

The Armenian officials' provocative statements unveil incoherence between the country's domestic establishment and foreign policy discourse. They aim to provoke negative reaction from Baku with the purpose of making Azerbaijan disrupt the negotiations first. The words and the deeds of Armenia are in fundamental contradiction to the peaceful settlement process, spoil the trust, mislead the international community and its own people through populist arguments, and prolong the status-quo.

The fragmented peace process and frozen settlement situation is not stable, because the status-quo may explode anytime. Azerbaijan expects results-oriented negotiations and meetings, where the main imperative is the withdrawal of the Armenian forces from Azerbaijan's occupied territories. Through techniques of procrastination, Armenia imitates a negotiation process and creates an illusion of loyalty to the peace process, but it is not possible to do this for a long period as the process will enter a phase of complete deadlock in which they will unlikely be able to generate a new excuse. Armenia's different ideas about the negotiation format are leading them nowhere. Nor can humanitarian measures produce any tangible result if the political process remains stagnant; they cannot substitute for

47 Report.az (2019), *Farid Shafiyev: Azerbaijan and Armenia enter 'post-negotiation' period on Karabakh*, 25 September, Available at: <https://report.az/en/nagorno-karabakh-conflict/farid-shafiyev-azerbaijan-and-armenia-enter-post-negotiation-perio/> (Accessed: December 6, 2019).

48 Trend.az (2019), *Leyla Abdullayeva: O kakoy strategii govorit Pashinyan, kogda yest risk rosta napryazhennosti v lyuboy moment?*, 30 November, Available at: <https://www.trend.az/azerbaijan/politics/3156762.html> (Accessed: November 30, 2019).

substantive negotiations.

Through its manipulative stance, Armenia gains extra time to continue its illegal economic and military fortification activities in the occupied territories, and to receive more military aid and weaponry from Russia. Armenia's conduct of wide-scale illegal activities behind the ceasefire regime in the occupied territories (settlement to change demographic composition and the infrastructural map, reconstructions, destruction of historical-cultural heritage, illicit trade in natural resources) is a clear violation of the "4th Geneva Convention on the Protection of Civilians in Time of War" (1949)⁴⁹ and demonstrates Armenia's genuine plans to consolidate the status-quo based on military occupation, to annex Azerbaijan's occupied territories, and to undermine the negotiated conflict settlement. These illegal activities have been confirmed by the report on "The Illegal Activities in the Territories of Azerbaijan under Armenia's occupation: Evidence from Satellite Imagery" (2018) of the OSCE Minsk Group co-chairs.⁵⁰

Through its manipulative stance, Armenia gains extra time to continue its illegal economic and military fortification activities in the occupied territories, and to receive more military aid and weaponry from Russia.

Generally, the new Armenian government's alignment with the non-consensus policy of the previous office fuels mistrusts of the true nature of their plans. Not only the current Armenian government, but also Armenian society sticks to the pattern of the previous government's "Karabakh" policy, disregarding the conflict's severe consequences for them. Armenia's economic development will not succeed with two borders (out of four) closed, those with Azerbaijan and Turkey, leading to economic stagnation, attrition of human and financial resources, high-level emigration, and isolation from regional energy and transportation projects. Early conflict resolution and a sustainable peace would improve the well-being of everyone in this region.

49 Mfa.gov.az (2019), *The Statement of Press Service of the Ministry of Foreign Affairs of Azerbaijan on the statement of Armenia's National Security Service Director Arthur Vanestyan* No:045/19, 1 March, Available at: <http://www.mfa.gov.az/az/news/909/6041>; *Joint press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan and "Azercosmos"*, Available at: <http://mfa.gov.az/folder/file/Azercosmos%20birge%20beyenat.pdf> (Accessed: December 10, 2019).

50 Mfa.gov.az (2019), *Press statement of the MFA of the Republic of Azerbaijan* No:216/19, 26 July, Available at: <http://mfa.gov.az/news/909/6273> (Accessed: December 10, 2019).