



GEORGIAN FOUNDATION FOR  
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## PEACE NEGOTIATIONS BETWEEN ARMENIA AND AZERBAIJAN

FARID SHAFIYEV

# 198

EXPERT OPINION





საქართველოს სტრატეგიისა და საერთაშორისო ურთიერთობათა კვლევის ფონდი  
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## **EXPERT OPINION**

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Over the past two years, since the end of the Second Karabakh War (September 27 to November 10, 2020), Azerbaijan and Armenia have been engaged in negotiations on a peace treaty that could potentially create a platform for the future security arrangement between the two countries. Initiatives for such a treaty are widely championed by many local and international observers as there is a widespread belief that it has the potential to open a new chapter in Armenia-Azerbaijan relations and provide the necessary conditions for putting an end to inter-ethnic hostilities and promoting peace and reconciliation. It is certain that this conflict, which has lasted for more than a century at different stages, across empires (Russian and Soviet) and through periods of the independent statehood of Armenia and Azerbaijan (1918-1920 and the present day), has left a heavy imprint on both peoples, incurring countless human losses, extensive material damage and overarching ethnic hatred. The peace agreement might also be conducive to greater political and economic cooperation among the three states of the South Caucasus—Armenia, Azerbaijan and Georgia.

A brief review of the history of the conflict is necessary for understanding the narratives of the Armenian and Azerbaijani sides and their positions in the negotiation process. Understanding the historical background, representing the huge divide between the Armenian and the Azerbaijani narratives and the fierce debates that have been generated, enables comprehending the evolution of the conflict and suggests clues for predicting possible future directions. In this context, the approaches maintained in the works of Western and Russian academics and experts tend to be inclined towards the Armenian version of events which can be explained by several factors but above all by Orientalism and cultural bias as well as the presence of a more organized and entrenched Armenian diaspora in some leading Western countries and Russia.<sup>1</sup> Below, I present the Azerbaijani perspective which needs to be duly addressed and incorporated into any objective analysis of this conflict.

Although the first elements of the modern conflict between Armenia and Azerbaijan started to appear in 1987 and were provoked by the Armenian irredentist movement to unite the Soviet era Nagorno-Karabakh Autonomy Oblast/Region (hereafter, NKAO) with Armenia, the origins of the animosity between the two peoples date back to 1905 in the context of the Russian imperial policy in the South Caucasus. With no prior history of so-called

‘ancient hatred,’ the two ethnic groups clashed over dominance in several governorates of the Russian Caucasus. In those years, Armenian nationalists claimed several regions that became part of the Democratic Republic of Azerbaijan established following the collapse of the Russian Empire in 1918. Later, Soviet authorities rendered the Zangezur/Syunik region to Armenia and retained Karabakh and Nakhchivan within Azerbaijan, establishing an autonomy in 1923 with a hybrid name—‘Nagorno’, which in Russian means ‘mountainous,’ and Karabakh, a historical Turkic name that means ‘black garden.’ The Bolsheviks established the capital of the NKAO in Khankendi and changed the name of the settlement to Stepanakert after the Communist Armenian leader, Stepan Shaumyan. For Armenian nationalists, all of these regions represented the heritage of Great Armenia which, they claim, existed 2,000 years ago on these and other territories.

The modern conflict began during the Soviet *perestroika* era in 1987-1988 when Armenia, seizing the opportunity created by political instability in the Soviet Union, sought to realize its irredentist claims against Azerbaijan. In this process, they have enjoyed the support of many Russian and Western liberals who, without a deeper understanding of the nature of this ethno-territorial conflict, aligned with Armenia due to Christian solidarity and Armenia’s alleged democratization.

This irredentist movement of Armenia can be conceptualized in three periods:

1. ***Miatsum/unification, 1987-1991:*** In these years, Armenian nationalists hoped that they would be able to detach the NKAO and unite it with Armenia through Soviet legal arrangements. On December 1, 1989, the Armenian Soviet parliament adopted a decision on unification in contravention of the Soviet constitution. This decision of the parliament was rendered null and void by the Soviet central authorities. In the meantime, the Armenian Soviet leadership conducted a full ethnic cleansing of Azerbaijanis from Armenia in 1987-1989 which caused a similar outflow of the Armenian population from Azerbaijan.
2. ***Self-determination, 1991-2020:*** After the collapse of the USSR, Armenian nationalists and the country’s leadership, having realized that the international community would not support the unification of part of the internationally recognized territories of Azerbaijan with Armenia, put forward an argument for the self-determination of

local Armenians in the NKAO. This was seized on as an opportunity to make the NKAO independent with the future prospect of unification. As Armenia was able to occupy the NKAO and the seven adjacent regions of Azerbaijan surrounding it during the First Karabakh War (1992-1994), this prospect was strongly advocated by Armenia at all levels. The whole Azerbaijani population of the former NKAO and the seven regions were ethnically cleansed and their homes and heritage destroyed to erase the trace of their historical presence.

3. **3. Remedial secession, 2020-present:** After defeat in the Second Karabakh War, Armenian nationalists speak more in terms of an imminent threat to the Armenian population of the Karabakh region of Azerbaijan and promote their secession through third parties.

### **Legal Documents and International Mediation**

Several resolutions devoted to the Armenia-Azerbaijan conflict were adopted by various international organizations over the years. Among them are the four resolutions of the UN Security Council (822, 853, 874 and 884) adopted in 1993. These resolutions demanded the immediate, complete and unconditional withdrawal of all occupying forces from the occupied territories of Azerbaijan. However, they have remained unimplemented for almost 30 years.

On June 16, 2015, the European Court of Human Rights released its judgment in *Chiragov and Others v. Armenia*, finding that Armenia effectively controlled the occupied Azerbaijani territories.<sup>2</sup> During the period since 1994, Armenia has illegally exploited the natural resources of the occupied territories, settled these areas with Armenians from Armenia and the Middle East and inflicted damage to the environment and the cultural heritage of Azerbaijan.

An analysis of the failure of negotiations during 1992-2020 chaired by the OSCE Minsk Group, established in 1992 and led by France, Russia and the United States, is crucial for understanding the negotiation dynamics over the peace treaty between Armenia and Azerbaijan. Since 1994, after a ceasefire agreement was reached following the First Karabakh War, many attempts were made to find a political solution to this conflict. Nevertheless, a 'no war, no peace' situation persisted over the years with the common understanding that this was a typical frozen conflict without

any real potential to break out again. This approach was also reflected in the mediation work of, in particular, the co-chairs of the OSCE Minsk Group. Despite the fact that they often declared the status quo unacceptable, the co-chairs mainly focused on the prevention of an escalation, rather than making a resolution happen.

In this context, Armenia tried to preserve the status quo and achieve international security guarantees on the non-resumption of military actions and avoided withdrawal from the occupied territories of Azerbaijan. Azerbaijan, in turn, strived to peacefully liberate its occupied territories through the internationally mediated negotiations.

The lack of progress on the negotiations urged Azerbaijan to invest in building up its military and becoming prepared for a military solution if negotiations eventually failed. In this context, the ramifications of the armed clashes between Armenian and Azerbaijani military forces along the Line of Contact at the beginning of April 2016 drastically shifted the paradigm in the region. Due to a successful counterattack of the Azerbaijani armed forces, several strategic heights were retaken for the first time since 1994.

In 2007-2009, the OSCE Minsk Group co-chairs elaborated the so-called 'Madrid Principles' that envisaged the withdrawal of Armenian forces from the occupied territories adjacent to the Nagorno-Karabakh region with special modalities for the Lachin region of Azerbaijan and subsequent establishment of interim international security arrangements for the region until voting on its status could be conducted. After introducing the Madrid Principles, direct negotiations continued, mostly through Russia's efforts to mediate meetings between the parties.

With Nikol Pashinyan's rise to power in 2018, some hopes for progress in negotiations on the Armenia-Azerbaijan conflict emerged. High-profile meetings were held between the heads of states and foreign ministers of Armenia and Azerbaijan between 2018 and 2019. However, the peace process did not yield any results due to the lack of genuine interest from the Armenian leadership in a settlement. Several provocative moves and statements by the Armenian leader seriously undermined the peace talks and eroded trust in the new government. One of the most devastating blows to the process was dealt by then Armenian Defense Minister, Davit Tonoyan, who, at a meeting with representatives of the Armenian community in New York on March 29, 2019, pointedly announced that

“I, as the Defense Minister [of Armenia,] say that the option of return of ‘territories for peace’ will no longer exist and I have re-formulated it into ‘new territories in the event of a new war.’”<sup>3</sup> Furthermore, the Armenian Prime Minister, Nikol Pashinyan, rejected the OSCE’s Madrid Principles in May 2019 which had been the basis for negotiations since 2007. Despite the objections of the Minsk Group co-chairs, he also demanded a change in the format of negotiations and called for the involvement of the local leadership of the separatist regime created in the occupied Azerbaijani territories in the negotiation process. His infamous motto, “Karabakh is Armenia, period,” first uttered on August 5, 2019 during the Pan-Armenian Games held in Khankendi, put the last nail in the coffin of the negotiations and made it clear that the sides were unlikely to reach a negotiated settlement any time soon.

The situation was aggravated in July 2020 following the military clashes that occurred on the Armenian-Azerbaijani state border in the direction of Tovuz from July 12-16. The fact that this area was far from the former NKAO openly demonstrated that Armenia aimed ‘to seize new positions and increase tensions in the region.’ Although this attack was prevented by the retaliatory measures of the Azerbaijani side, it cast serious doubts ‘on the essence of the negotiations mediated by the OSCE Minsk Group co-chairs on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict.’<sup>4</sup> Finally, in September, the settlement of the first Armenian family from Lebanon to Shusha, an Azerbaijani town with significant cultural and emotional meaning for Azerbaijanis, was the last straw. In fact, the separatist regime in the occupied territories of Azerbaijan, together with Armenia and the Armenian diaspora, worked hard over the years towards the illegal settlement of thousands of Armenians in Azerbaijani territories as well as the subsequent implementation of illegal activities there. The settlement of Lebanese people of Armenian origin in August 2020 was merely the latest signifier of this policy.

Armenia’s defeat in the Second Karabakh War drastically changed the situation on the ground. Azerbaijan liberated its territories and a Russian peacekeeping contingent was deployed in part of the Karabakh region of Azerbaijan in accordance with the November 9/10, 2020 Trilateral Statement signed by Armenia, Azerbaijan and Russia. According to this statement, 1,960 Russian peacekeepers were deployed for at least five years along the contact line in Karabakh and along the Lachin route to ensure communications between Armenia and the Armenian minority



residing in the mountainous part of Karabakh. Meanwhile, a Joint Turkish-Russian Center for monitoring the ceasefire was established in Azerbaijan's Aghdam district in January 2021. Furthermore, Armenia committed to provide unimpeded access from western parts of the main territory of Azerbaijan to its Nakhchivan exclave through Armenian territory.

Since then, the two sides have focused on the resolution of outstanding issues emanating from the Trilateral Statement as well as from post-conflict developments in the region. The core issue remains Armenia's territorial claim towards the Karabakh region of Azerbaijan, albeit in an indirect form. For this reason, Azerbaijan has offered to work on the mutual recognition of territorial integrity along with other issues related to the establishment of a robust security environment in the South Caucasus.

## **Peace Agreement**

At a press conference with the Russian President, Vladimir Putin, and the Armenian Prime Minister, Nikol Pashinyan, on January 11, 2021, the Azerbaijani President, Ilham Aliyev, stated that 'the Nagorno-Karabakh conflict has been consigned to history and we must think about the future, how to live together as neighbors, how to work to open transport arteries and strengthen regional stability and security.'<sup>5</sup> Since then, he has repeatedly stated that Azerbaijan is ready to sign a peace agreement with Armenia: "If Armenia is ready for this, if it is ready to recognize the territorial integrity of Azerbaijan, which is recognized by the whole world, then, of course, long-term peace will come to the region."<sup>6</sup>

Initially, Russia took the initiative in the negotiation process and organized two meetings in 2021, on January 11 in Moscow and November 26 in Sochi. The Moscow meeting focused on the opening of transportation routes and had little interest in dialogue concerning a comprehensive peace treaty.

As 2021 did not bring any tangible results, Azerbaijan initiated the launch of specific discussions on the peace treaty. Thus, the Azerbaijani side sent a new five-point proposal to Armenia on the normalization of relations. This was published on March 14, 2022 and included:

1. Mutual recognition by the states of the sovereignty, territorial integrity, inviolability of internationally recognized borders and each other's political independence;

2. Mutual confirmation by the states of the absence of territorial claims against each other and their acceptance of legally binding obligations not to raise such claims in future;
3. Refraining from threatening each other's security in their inter-state relations, using threats and force against political independence and territorial integrity as well as other circumstances that are not consistent with the purposes of the UN Charter;
4. Delimitation and demarcation of the state border and establishment of diplomatic relations;
5. Opening transport links and communications, establishing other relevant communications and cooperation in other areas of mutual interest.<sup>7</sup>

Although, the Armenian Prime Minister, Nikol Pashinyan, expressed readiness to sign a peace agreement with Azerbaijan and to immediately launch peace talks on March 31, 2022,<sup>8</sup> this process faced a backlash, especially in the fall of 2022.

The initiative on the peace treaty was taken by the European Council President, Charles Michel, who hosted three meetings in Brussels in 2022, on April 6, May 22 and August 31 (a first meeting was held in the trilateral format on December 14, 2021). A further meeting occurred in Prague on October 6 when the French President, Emmanuel Macron, took part as a special guest. After the Prague meeting, the Armenian side unfortunately demanded a change from the trilateral format into a quadrilateral one, including the French President, which Azerbaijan rejected as France had taken the Armenian side on a number of occasions during and after the Second Karabakh War.

In the summer and fall of 2022, Russia openly demonstrated its dissatisfaction with the EU's mediation and interfered more robustly in the negotiation process. The Sochi summit of the Armenian, Azerbaijani and Russian leaders on October 31, 2022 was, therefore, seen as Russia's attempt to reactivate its role. Russia also submitted a draft of a peace treaty that stipulated the deferment of the so-called Karabakh issue to the future to prevent Armenia's recognition of Karabakh as part of Azerbaijan. The Armenian side agreed to the Russian proposal but official Baku refused such an arrangement.

Moreover, alarmed by the launch of direct communications between Baku and the Armenian community of the Karabakh region, Moscow dispatched a Russian oligarch of Armenian origin to Karabakh, Ruben Vardanyan, known to have been involved in international money laundering. After renouncing his Russian citizenship and being appointed as 'state minister' of the illegal entity in Karabakh, he completely derailed the dialogue between the central authorities in Baku and Karabakh Armenians.

The year 2022 ended with the launch of protests by Azerbaijani ecology activists and non-governmental organizations at the Lachin road against the illegal exploitation of Azerbaijan's natural resources by Armenia and the abuse of that road for non-humanitarian purposes. Moreover, the protests over the ecological issue and the illegal extraction of natural resources from Karabakh via the Lachin road raised the wider problem of Azerbaijan's control over its sovereign territory. Contrary to the Armenian claim that the right of passage through the Lachin road is an obligation of Azerbaijan, nothing in the Trilateral Statement of November 9/10, 2020 stipulates that the road can be used for the transfer of weapons, munitions and military personnel. Based on factual evidence, Azerbaijan stated that the Armenian side used the Lachin road for the transfer of landmines and other military equipment in 2021-2022.

It should be recalled that Lachin was the first region outside the former Nagorno-Karabakh autonomous oblast that Armenia occupied on May 18, 1992. Armenian nationalists regarded establishing this road connection as a vital strategic goal. Thus, Lachin became the '*Miatsum* road' that enabled military supply. In April 1993, Armenia attacked from two directions: Armenia proper and Karabakh via another Azerbaijani region, Kelbajar, located between the former autonomy and Armenia.<sup>9</sup>

Despite Armenia calling the current situation a 'humanitarian disaster,' trucks of the Russian peacekeeping forces and the International Committee of the Red Cross (ICRC) carried both Armenians and goods in and out of the region via this road. Meanwhile, the Armenian side refuses their means of transport being checked for security breaches.

Armenia's appeal to two international bodies on this matter failed. With the support of France, an Armenian request was discussed in the UN Security Council in December 2022 but no statement was adopted on behalf of the council. France made a series of efforts at the Council but to no avail. Armenia then requested of the European Court of Human Rights (ECHR)

that ‘Azerbaijan should open the Lachin road.’ However, the ECHR noted that the idea that the road was blocked by Azerbaijan was disputed.<sup>10</sup>

We believe that the establishment of a checkpoint on the Lachin road would provide a solution to the problem of non-humanitarian and military use of the road as well as the illegal extraction of Azerbaijan’s natural resources.

Another security threat emanates from the fact that there are still illegal armed units in the Karabakh region of Azerbaijan. They should have been withdrawn in accordance with Article 4 of the Trilateral Statement.

### **Reintegration of Karabakh Armenians**

One moot issue relates to the fate of the Karabakh Armenians. The Armenian side insists on special status for Karabakh even though officials in Yerevan speak not about secession but about the rights and security of the Armenian population. However, the Armenian Ministry of Foreign Affairs and diplomatic representatives of the country often highlight the issue of remedial secession and the ‘independence of Artsakh’ in various fora and with a variety of organizations in the international arena.

Azerbaijan views any territorial status for Karabakh as a route to a future conflict and offers rights and security guarantees to Armenians in line with the Azerbaijani Constitution. Azerbaijan assures Karabakh Armenians the enjoyment of all the rights and privileges provided to any other Azerbaijani citizen.

### **Delimitation and Demarcation of the Armenian-Azerbaijani State Border**

After the Second Karabakh War and the subsequent Trilateral Statement of November 9/10, 2020, Azerbaijan restored control of its inter-state border with Armenia which had been irrelevant for the almost 30 years of Armenian occupation.

The further Trilateral Statement signed by the leaders of Azerbaijan, Armenia and Russia on November 26, 2021 touched on this particular issue. In the statement, Russia proposed setting up a joint Armenian-Azerbaijani commission on the delimitation and demarcation of borders with the participation of Russia as a consultant in this process.

This issue was also discussed between the Azerbaijani and Armenian leaders at the second and third meetings hosted by the European Council President, Charles Michel, in Brussels on April 6 and May 22, 2022. To this end, in line with the outcomes of the April 6 summit in Brussels, it was agreed to convene a Joint Border Commission by the end of April. The mandate of this commission would be the delimitation of the bilateral border between Armenia and Azerbaijan and ensuring a stable security situation along and in the vicinity of the borderline.<sup>11</sup>

On May 24, 2022, the Joint Border Commissions, led by the Azerbaijani and Armenian Deputy Prime Ministers, Shahin Mustafayev and Mher Grigoryan, met for the first time without any intermediaries on the state border between Armenia and Azerbaijan. This was a tangible result of the understanding reached during the third meeting in Brussels on May 22, 2022.

However, tensions remain over the inter-state border, including armed clashes such as those in September 2022. Armenia argues that Azerbaijan, as a result of actions in May 2021 and September 2022, controls an area of Armenian territory. In the absence of demarcated borders due to the 30 years of Armenian occupation, only the delimitation process can determine the exact location of the border. Moreover, the Armenian side continues to occupy eight Azerbaijani enclaves where it has been present since 1991 (a further one is controlled by Azerbaijan). The comments of the Armenian side on the enclave issue unfortunately manifests that Yerevan wants unilateral recognition by Azerbaijan of the Armenian perception of the border<sup>12</sup> (see Annex 1).

### **Opening of Economic and Transport Communications**

Despite the establishment of a trilateral working group on the unblocking of all economic and transport communications based on the provisions of the January 11, 2021 Trilateral Statement<sup>13</sup> signed by the leaders of Azerbaijan, Armenia and Russia and the fact that more than ten meetings have been held since then, the outcome so far seems elusive. This statement seeks to outline steps for the implementation of Article 9 of the November 10, 2020 Trilateral Statement which provides an explicit assurance that new transportation and communications links connecting the Nakhchivan Autonomous Republic with the western regions of Azerbaijan will be constructed and Armenia will guarantee the safety of this particular route

in order ‘to organize an unimpeded movement of citizens, vehicles and goods in both directions.’ It is envisaged that a railway and automobile communication route, termed the Zangazur Transportation Corridor, will be built through a 44-km-long stretch of territory within Armenia and will unite the main territory of Azerbaijan with its exclave, the Nakhchivan Autonomous Republic. However, the Armenian side has, seemingly, been delaying this process.

The Armenian side insists that there is no term ‘corridor’ in the Trilateral Statement and insists it has to install customs and other checkpoints (while demanding uncontrolled passage along the Lachin road between Armenia and the Karabakh region of Azerbaijan). Moreover, Yerevan alleges that Azerbaijan wants extraterritorial status for the Zangazur Corridor.

While addressing the 9th Global Baku Forum on June 16, 2022, the Azerbaijani President, Ilham Aliyev, touched upon this issue and emphasized that Armenians have been using the Lachin road without any hindrance or restriction since 2020 but the Azerbaijanis cannot do the same through the Armenia-Zangazur corridor to connect with Nakhchivan. In his opinion, this is unfair and the opening of the Zangazur Corridor within a very short time is one of the fundamental elements of future peace in the region and, if such access is not provided to Azerbaijan, it will be difficult to talk about peace.<sup>14</sup>

It should also be highlighted that Azerbaijan is not seeking any extraterritoriality for the Zangazur corridor as the Trilateral Statement of November 9/10, 2020 stipulates that the route will be guarded by the Russian Border Force.

In 2022, Armenia’s Prime Minister, Nikol Pashinyan, announced that Armenia is ready to provide access to Azerbaijan to connect with its Nakhchivan exclave through three existing roads. However, these roads are up to 250 kilometers long and it is unclear how the Armenian side will ensure the safety of the passage (see Annex 2).

Thus, the opening of the passage through Zangazur/Meghri remains the core issue in terms of Armenia’s obligations under the Trilateral Statement.

## **Humanitarian Issues**

There are certain important humanitarian issues that remain unresolved and complicate the normalization of relations between Azerbaijan and

Armenia. Among these are Armenia's refusal to provide information about minefield locations, the misinterpretation by Armenia of the situation with respect to the Armenian detainees remaining in Azerbaijan's custody, the uncooperative approach shown by Armenia including its refusal to provide information on the fates of Azerbaijani people missing from the First Karabakh War and the protection of religious and cultural heritage.

The humanitarian issues were discussed at the meetings between Armenian and Azerbaijani leaders held on December 14, 2021, April 6, 2022 and May 22, 2022, hosted by the European Council President, Charles Michel, in Brussels. The statement of European Council President Charles Michel following the second trilateral meeting with President Ilham Aliyev and Prime Minister Nikol Pashinyan stressed 'the need for the full and speedy resolution of all outstanding humanitarian issues, including the release of remaining detainees and comprehensively addressing the issue of missing persons, and stated that the EU is ready to support this endeavor. The EU will likewise continue to support confidence building measures between Azerbaijan and Armenia as well as humanitarian demining efforts, including by continuing to provide expert advice and stepping up financial assistance, and assistance to conflict-affected populations, rehabilitation and reconstruction.'<sup>15</sup>

The liberated Azerbaijani territories form one of the world's most mine-contaminated areas, containing numerous anti-personnel and anti-tank mines as well as unexploded ordinance (UXO). Following the liberation of its territories, Azerbaijan has started to carry out operations to clear the mines, unexploded munitions and other hazards left behind by Armenian forces.

According to the Azerbaijani Foreign Minister, Jeyhun Bayramov, 'the demining operations are under way but people are still losing their lives. From the end of the 44-day Second Karabakh War to the present, over 200 people have become victims of mine explosions in [the] liberated lands.'<sup>16</sup> Previously, on June 12, 2021, Azerbaijan handed over 15 Armenian prisoners in exchange for a map detailing the location of 97,000 mines in formerly-occupied Aghdam. On July 3, 2021, Armenia submitted to Azerbaijan maps of about 92,000 anti-tank and anti-personnel mines planted during the occupation of Fuzuli and Zangilan districts. Armenia alleged it submitted to Azerbaijan all mine maps of liberated territories following the talks mediated by the Russian Defense Ministry on December

4, 2021.<sup>17</sup> However, on March 2, the Foreign Minister, Jeyhun Bayramov, stated that the low accuracy of Armenia's minefield maps of the liberated Azerbaijani territories is slowing the mine-clearance process.

The second humanitarian issue relates to the situation regarding Armenian detainees remaining in Azerbaijan's custody. Article 8 of the Trilateral Statement of November 10, 2020, that ended the Second Karabakh War, clearly states that the 'exchange of prisoners of war and other detainees and bodies of the dead shall be carried out.' Since that time, in accordance with its obligations under this agreement, Azerbaijan has released and repatriated more than 70 Armenians in its custody who were entitled to POW status.

Unfortunately, due to the misrepresentation and distortion of facts by the Armenian government, this issue has not been perceived clearly and objectively by the international community. However, it is important to emphasize that 'following the end of the conflict, marked by the signing of the Trilateral Statement of 10 November 2020, anyone detained in Azerbaijan cannot be considered POWs. Those sent by Armenia to the territory of Azerbaijan with the aim of engaging in sabotage and terrorist activities in the period after the signing of the mentioned trilateral statement are not and cannot be considered as POWs in accordance with international humanitarian law and are liable under the criminal law of the Republic of Azerbaijan. Detainees are being treated in accordance with international human rights law and Azerbaijani law upholding their rights.'<sup>18</sup>

Azerbaijan also found and handed over the bodies of nearly 1,600 Armenian servicemen to the Armenian side who fell in the course of the Second Karabakh War. Against this backdrop, Armenia continuously shows non-cooperation and persistently refuses to provide information on the fates of up to 4,000 Azerbaijani citizens missing to this day as a result of the First Karabakh War.<sup>19</sup>

For almost three decades, the separatist regime operating in the occupied territories of Azerbaijan tried to distort the origin and use of the cultural and religious heritage located there.<sup>20</sup> Moreover, the deliberate destruction of the cultural and religious monuments of any nation is regarded as a war crime under international law.



Despite Azerbaijan's repeated assertions that Azerbaijani cultural and religious heritage, such as mosques, museums, libraries, theatres and so on were being destroyed under the Armenian occupation and despite repeated calls over many years for UNESCO to send a fact-finding mission, this had not occurred. Only after the Second Karabakh War came to an end—that is to say, only when the Armenian side expressed concern about the fate of Armenian cultural and religious heritage sites in liberated Karabakh—did UNESCO suddenly call for a mission to be sent to Azerbaijan. This appears to indicate the existence of a double standard when it comes to Christian and Muslim cultural and religious heritage. Such a blatant application of political hypocrisy is obviously regrettable and, quite frankly, beyond comprehension.

## **Conclusion**

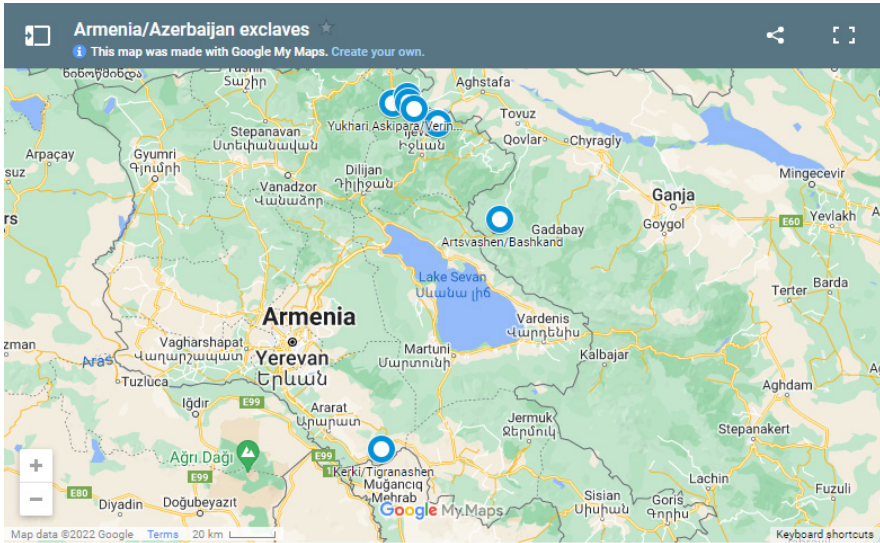
The most vital issue between Armenia and Azerbaijan remains the conclusion of a peace treaty based on the mutual recognition of territorial integrity. This should end the Armenian territorial claim to the Karabakh region of Azerbaijan. In turn, Azerbaijan will work towards the reintegration of the Armenian population. Based on this development, the two countries can engage in negotiations on delimitation and demarcation, the opening of transport links and wider economic cooperation. The peace between Armenia and Azerbaijan might create a platform for regional cooperation between the three Caucasian countries—Armenia, Azerbaijan and Georgia.

Armenia cannot expect that Azerbaijan unilaterally implements agreements such as on Lachin and respects Armenia's territorial integrity while Yerevan evades its obligation on Zangezur/Meghri and keeps an ambiguous position on Azerbaijan's sovereignty over Karabakh.

Unfortunately, the course of events in 2022 manifested that radical forces within Armenia and, particularly, its diaspora, as well as geopolitical actors such as Russia and France, can completely derail the peace process. More robust actions are needed to ensure a durable security environment in the region.

## ANNEX 1

The eight Azerbaijani and one Armenian enclaves.



## ANNEX 2



Instead of using the 45-km long Zangazur/Meghri passage in the south along the Armenia-Iran border in line with the Trilateral Statement of November 9/10, 2020, the Armenian side proposes the use of roads in the north, one of which is 214 and one 250 km long, with no clear security guarantees.

*Image from Caspian Post*

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