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[In Retreat? Western Security Policy after Afghanistan](#)

# War Foretold

On the Genesis and Development of  
Conflict over Nagorno-Karabakh

Thomas Schrapel

Anyone dealing with post-Soviet conflicts between former Soviet republics as a “neutral” foreigner can be sure that in the best case, he or she will only be accepted by one side at a time. It is virtually impossible to be perceived as a “neutral” within an argument. This complicates the goal of organising political dialogue about the problem. Concerning Nagorno-Karabakh, familiarity with the genesis of the conflict’s historical and international legal developments is indispensable and relevant regarding policy options for international actors.

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On 27 September 2020, a third war between Azerbaijan and Armenia over the disputed Nagorno-Karabakh enclave began, along a front line over 200 kilometres in length. It ended on 9 November 2020, with a temporary ceasefire agreement under the aegis of the President of the Russian Federation. Although the European Union and particularly the member states of the OSCE’s “Minsk Group” seemed surprised,<sup>1</sup> it was clear to anyone closely involved in the dispute that this war was “on the cards”. This time, it was suspended with an almost devastating defeat for the Armenians in Nagorno-Karabakh, and thus, for the Republic of Armenia. Just over a third of the disputed area of Nagorno-Karabakh is now under the rule of Azerbaijani troops, who have taken up positions only a few kilometres from the enclave’s capital, Stepanakert. The historical capital of Nagorno-Karabakh, Shusha (Azerbaijani) or Shushi (Armenian), is under Azerbaijani control. We should definitely view this circumstance as a symbol within a conflict loaded with symbolism.<sup>2</sup>

In 1994, Armenia had occupied a total of seven Azerbaijani regions directly bordering Nagorno-Karabakh and declared them military “buffer zones”. These seven regions, to which in the last 30 years Armenia never officially laid claim under international law, have come under Baku’s control during this most recent war. The complete loss of the military “buffer zone” (from Armenia’s point of view) was one thing. The other, much more dramatic result of this armed conflict – again, from the

Armenian point of view – was the loss of a good third of the disputed territory of Nagorno-Karabakh. The agreement between the Republics of Azerbaijan, Armenia, and the Russian Federation, negotiated on 9 November 2020 and officially enforced the following day, is formally a ceasefire. To regulate the ceasefire, Russia was granted a peacekeeping role primarily to secure the five-kilometre-wide corridor between the capital of Nagorno-Karabakh and the Armenian border – the “Lachin Corridor”. Conversely, the Armenians are to grant the Azerbaijanis a direct route between Azerbaijan and the Nakhichevan exclave. Accordingly, Azerbaijanis would have the right to cross the territory of the Republic of Armenia.

#### **No Security Guarantees for the Armenians**

Another highly explosive detail is hidden in the agreed duration of the ceasefire. It is valid for five years. If either Azerbaijan or Armenia terminates the agreement before the end of this period, Russia’s peacekeeping mission will also immediately come to an end. From the Armenian point of view, this means that premature termination of the ceasefire by Azerbaijan would expose Armenians in Nagorno-Karabakh to full-scale administration by Baku, with no prospect of Russian troop support; and thus, completely invalidating the claim that is crucial for Armenians in Nagorno-Karabakh, namely the question of security guarantees.

**Fig. 1: Current Territorial Situation**



Source: Own illustration, map: Natural Earth ©.

## The Resounding Silence of the International Community

At the Eastern Partnership summit in Brussels on 15 December 2021, the Council of the European Union published a joint declaration of all participants.<sup>3</sup> In an annex, the “Post-2020 Eastern Partnership Priorities” were formulated. It states that as part of a common security and stability policy both civilian and military missions will be supported in the future. One year after the provisional end of the third Nagorno-Karabakh war, this sounds more focused on results than in the past. On the other hand, the sincerity of these statements comes into question. The Republic of Armenia in particular felt abandoned by the international community during the almost seven-week war from September to November 2020. The extent to which the European Union helplessly and listlessly looked on at the war from 27 September to 9 November 2020 is indeed astonishing. It was, after all, a war between two Eastern Partnership actors and, moreover, one waged with ultra-modern weapons. The latter was the reason why the German Bundeswehr and the Ministry of Defence at least were interested in the war. The few public statements from the German Bundestag, its Committee on Foreign Affairs, and the Human Rights Committee were general and addressed both warring parties. During the last conflict

in autumn 2020, nothing was heard from the “Minsk Group” of the OSCE, the institution most responsible for mediating peace between conflicting parties.

## Misleading Dominance of the Geopolitical Narrative in Current News Coverage

In media coverage and, for the most part, scholarly articles, a geopolitical narrative has dominated as the primary explanation for the Nagorno-Karabakh dispute. Accordingly, the two main actors<sup>4</sup> ultimately appear only as pieces in a game played by the regional powers Russia, Turkey, and Iran. There is no doubt that Russia and Turkey are pursuing their own goals through the Nagorno-Karabakh conflict, and with Iran, another actor in regional geopolitics has re-emerged. Even Israel’s massive arms sales to Azerbaijan, including the drones that ultimately decided the war, are likely to have served more than mere business interests.

However, this dominant geopolitical narrative in media coverage too often obscures the view of the indigenous process within Azerbaijan and Armenia. These nations and the Nagorno-Karabakh enclave are not only objects, but to a much greater extent, subjects taking part in these violent proceedings. The regional geopolitical situation has changed several times over the 20<sup>th</sup>

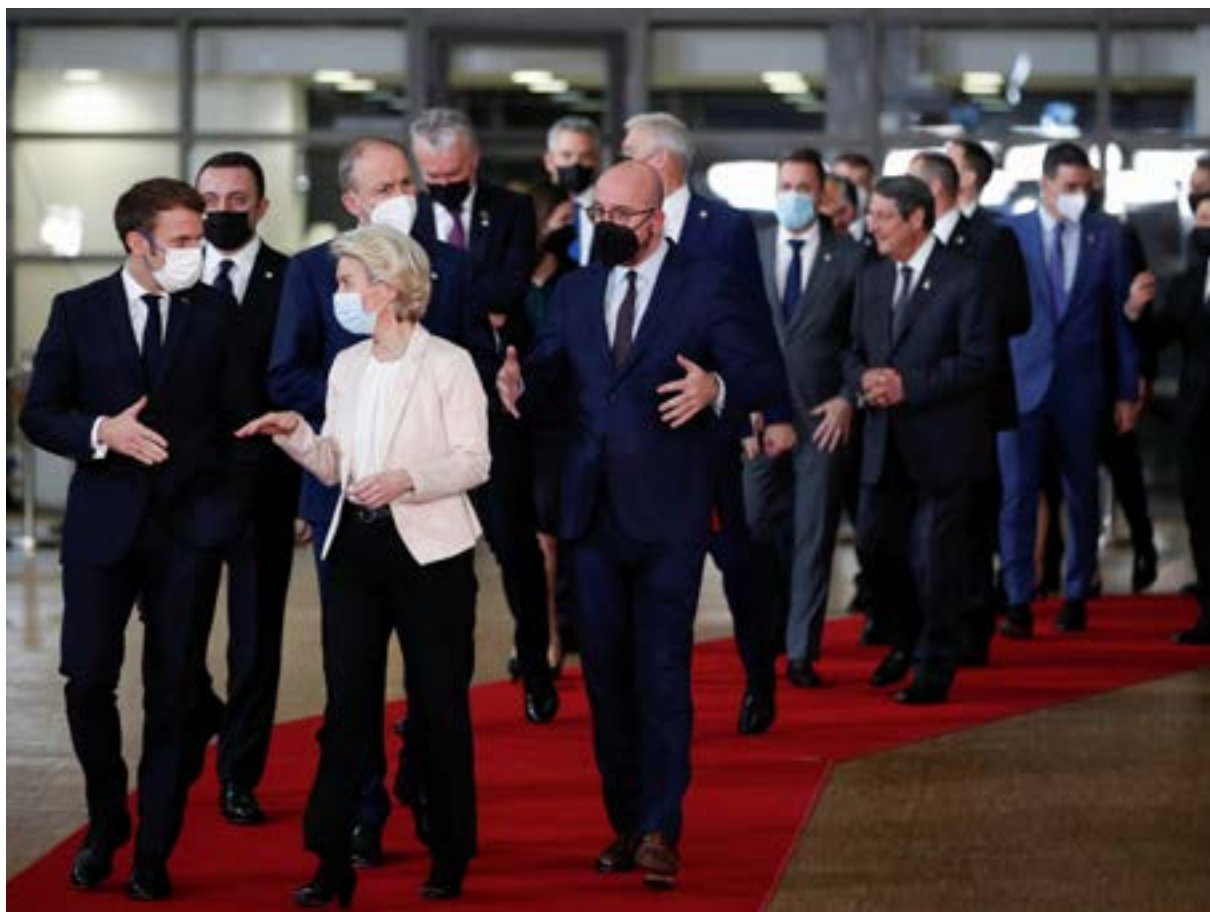
century, especially the relationship between the Russian or Soviet Empires and the Ottoman Empire or Turkey. The bilateral conflict over the Nagorno-Karabakh enclave, on the other hand, has remained the same for a good hundred years. This should also define the temporal and political framework on which this article is based.

### **One Hundred Years of Nagorno-Karabakh Conflict**

The establishment of Bolshevik power in the southern Caucasus initially stirred up the “Armenian Question”. The direct causes of the actual Nagorno-Karabakh conflict rest in the late nation-building of Azerbaijan (influenced by Pan-Turkist motives), the beginning of Soviet

nationality policy in the South Caucasus, and the failure to respond to the “Armenian Question”. So the conflict is about a hundred years old, making it the oldest intra-ethnic conflict in the post-Soviet space. The Christian Armenians did not fit into the Pan-Turkist ideas, and certainly not with an autonomous territory that would have united all areas densely populated by Armenians. This consideration is a fundamental basis of today’s conflict. Shortly after the First World War, the idea of peoples’ right to self-determination was booming internationally. Nevertheless, this is precisely what was denied to the Armenians.

For 70 years, this conflict took place under the protective shield of the Soviet Union. Thanks to a strong central power, the conflict remained



Eastern Partnership summit: Although both Armenia and Azerbaijan are members of this European Union initiative, the EU helplessly and listlessly stood back in the most recent war. [Source: © Johanna Geron, Reuters.](#)

“peaceful” during this period, as it could not be carried out with open and massively armed violence. However, even in the Soviet era, the Nagorno-Karabakh dispute was by no means pacified. If at all, the term “frozen conflict”, commonly used worldwide today, fits the time of the Soviet empire.

## **Under international law, there is no peace treaty but a temporary halt to hostilities in Nagorno-Karabakh.**

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### **End of the Soviet Empire – Chaos and National Rebirth**

However, since at least 1988, the dispute between Azerbaijan and Armenia has developed into a war with many victims. Regardless of discussions of international law, including the territorial principle as the most important argument from the Azerbaijani side, and peoples’ right to self-determination as the main Armenian narrative, in both cases new realities were created by armed violence. This began with the first Nagorno-Karabakh war from 1991 to 1994, the second war in April 2016 (based on the status quo<sup>5</sup> created in 1994), and finally, the third war from 27 September to 9 November 2020. Especially considering this history, the term “frozen” is not sufficient for characterising the Nagorno-Karabakh conflict because it erroneously suggests that ceasefires automatically lead to negotiations. Particularly in this case, it is clear that scarcely any substantial progress towards resolving the conflict has been made between ceasefires. When looking at the current situation and the follow-up to the most recent clash, the most likely conclusion is that the conflict is not at an end. Under international law, this is not a peace treaty but a temporary halt to hostilities.

Above all, it must be noted that even with this ceasefire agreement, the legal status of Nagorno-Karabakh has not been settled in any

way. Yet this would be a prerequisite for guaranteeing the long-term security of Armenians living in Nagorno-Karabakh. This goal now seems even more distant. Azerbaijan still sees no reason to conduct any negotiations regarding the legal status of Nagorno-Karabakh. More than a third of the Nagorno-Karabakh territory is now under Baku’s direct control.

### **Sovietisation and Nationalisation as Conflict Catalysts**

The emergence of the two nations, Azerbaijan and Armenia, can only be understood in the context of the First World War. In this respect, geopolitical and strategic considerations played a prominent role, particularly from the Russian and Ottoman sides. There is no doubt that the emergence of the Azerbaijani nation was strongly promoted by the Ottoman Empire. Armenia, in turn, had Russia on its side, although the relationship was never free of tension. Even in Tsarist Russia, the leadership was never interested in “uniting the predominantly Armenian-populated territories in the South Caucasus into one administrative unit. In no way did it want to encourage Armenian aspirations to form a nation-state”.<sup>6</sup> The “Armenian Question” was always a delicate one for the regional powers. Even the Bolsheviks of the Soviet Union had no interest in adapting the territory of the Soviet Socialist Republic of Armenia to the actual settlement areas of the Armenian population. However, this would have certainly been possible according to the geography of the South Caucasus and would have corresponded to the Bolshevik ideological concept of nation and empire.<sup>7</sup>

It is one of the 20<sup>th</sup>-century paradoxes that the Bolsheviks, despite being the “vanguards” of Marxist-Leninist ideology, were very un-Marxist when it came to organising the Soviet empire. The empire’s inhabitants were not only citizens of the Soviet Union but also of a particular nation, which in turn was (or was supposed to be) essentially ethnically defined.<sup>8</sup> This approach to state organisation is far removed from a pure “Marxist class standpoint”. After all,

nations were supposed to become irrelevant. In this way, the Bolsheviks – perhaps unintentionally – set a spark alight, which grew into a smouldering fire with the end of their empire. The fire has not yet been extinguished, nor does it even seem to be under control.

## After 1915, the South Caucasus became even more of a refuge for survivors of the Armenian genocide.

### Politics and Propaganda in the Quarries of History

#### *The Long Shadow of the 1915 Genocide*

Beginning in the middle of the 19<sup>th</sup> century, the South Caucasus increasingly became a place of refuge for Armenians from the entire Ottoman Empire. The places and cities dominating today's discourse, such as Yerevan, Zangezur, Nakhichevan, Stepanakert, Shusha or Shushi, and Karabakh itself, were already geographical hotspots for the conflict around Nagorno-Karabakh that developed in the late 19<sup>th</sup> century. A regional tinderbox came into being due to the First World War, the October Revolution, and the post-civil war expansion of Bolshevik rule to the South Caucasus around the years 1920/1921.

After 1915, the South Caucasus became even more of a refuge for survivors of the Armenian genocide. Their memory narratives and culture became a driving force for Armenians in the Nagorno-Karabakh dispute and remain so today.<sup>9</sup> In the short period of existence of the first republics of Azerbaijan and Armenia, from 1918 to 1920, a spiral of violence developed between the two peoples with mutual massacres having taken place in various parts of the South Caucasus. In March 1918, thousands of Azerbaijanis were victims of pogroms by the predominantly Armenian units in Baku and some surrounding areas. Stepan Schahumjan, the Armenian-born Georgian Bolshevik leader

of the “Baku Commune”<sup>10</sup>, played a particularly dire role.<sup>11</sup> In turn, in September 1918, a massacre of Armenians was carried out by Azerbaijani troops with the active support of the Ottomans, which gave the Armenians a horrific déjà vu. As for its scale, regarding this early phase of the violent Nagorno-Karabakh conflict, the March 1920 massacre must be mentioned. Some 22,000 Armenians were mourned.<sup>12</sup>

#### *Collective Memory and Trauma*

Listing all of the massacres, pogroms, and counter-massacres here would be pointless. The beginnings of the violent conflict need to be outlined because they shape the dispute over Nagorno-Karabakh. To this day, the mutual reckoning and representation of pogroms and actual or alleged counter-pogroms of the last century is a tried and tested means used by political actors to legitimise their actions in Nagorno-Karabakh. In the current controversy, these “legitimations” generally refer to the mutual pogroms since 1988. Yet this does not help the parties move any closer towards meaningful dialogue.

#### *Nagorno-Karabakh – The Poisoned Legacy of Tsarist and Soviet Nationality Politics*

The final takeover of the South Caucasus by the Bolsheviks became the culmination of the Nagorno-Karabakh dispute between Azerbaijan and Armenia. The territories had briefly organised as national republics. This only lasted until 1920, however, when the Bolsheviks also inherited the Nagorno-Karabakh conflict. For the Armenians, this change of power implied some new political and ideological demands, but not all connotations were negative from the start.<sup>13</sup> The Armenians “only” needed to remind the Bolsheviks of their own stipulations. With respect to the legal position of the “peoples of the Soviet Union”, the “peoples’ right to self-determination” was emphatically declared even prior to the October Revolution.<sup>14</sup>

However, the Bolshevik nationality policy already played an important role in the territorial



In high spirits: In the 2020 war, Azerbaijan gained control over significant portions of the disputed territory of Nagorno-Karabakh and surrounding zones. Source: © Umit Bektas, Reuters.

national division of the Caucasus. The “People’s Commissar of Nationalities”, J.V. Stalin, ultimately intervened personally in the negotiations. Clearly, the leadership of the existing Russian Communist Party wanted to avoid granting a unified state territory to an area densely populated by Armenians. By and large, the territory that currently exists as the Republic of Armenia became the Armenian Soviet Socialist Republic (SSR) with Yerevan as its capital. On the other hand, Nakhichevan, which with Yerevan had belonged to the “Armenian Oblast” within the Tsarist Empire since 1849, was detached and declared an autonomous territory. From Azerbaijan’s perspective and following their own narrative, this was considered an exclave

without direct borders to Azerbaijan. With the isolation of Nagorno-Karabakh, the relatively compact Armenian area was divided into three: Armenia, Nakhichevan, and Nagorno-Karabakh.

The Russian-Turkish treaty of 16 March 1921, which came about largely through Turkish pressure, contained one remarkable clause.<sup>15</sup> The “autonomous territory” of Nakhichevan was to be subordinated to the protectorate of Azerbaijan and “never left to a third state”. This “third state” could only mean Armenia in this situation. With some 50,000 inhabitants in Nakhichevan, the Armenians had a relative majority who, however, now felt entirely isolated according to this agreement.

## *A Fatal Decision with Stalin's Signature*

In contrast, Nagorno-Karabakh was an area with an even clearer majority of Armenians around one hundred years ago, the latter constituting some 90 per cent of the population. In the summer of 1921, the decision regarding the status of Nagorno-Karabakh was pending. From the Bolshevik point of view, the relevant body for this was the Caucasus Bureau (Kavbiuro) of the Central Committee of the Russian Communist Party (Bolshevik). The negotiations of 4 to 5 July 1921 illustrate the complexity and confusion in the debate around the causes of the dispute.

At the meeting on 4 July, the panel decided to assign Nagorno-Karabakh to the Armenian SSR.<sup>16</sup> During the meeting on 5 July, which Stalin personally attended despite not being a formal member, the vote was re-cast, and Nagorno-Karabakh was awarded to the Azerbaijani SSR with a majority of one vote. We can assume that economic or administrative considerations played a role in this decision. However, Stalin was probably mindful about not letting the Armenian SSR grow too large.<sup>17</sup> That had already been the policy pursued by the Tsarist empire.

### **The Gordian Knot in the Nagorno-Karabakh Dispute – Territoriality Principle versus Peoples' Right to Self-Determination, and the Western Perception**

In the rhetorical dispute around the Nagorno-Karabakh conflict, the Azerbaijani and Armenian narratives are so diametrically opposed that it hardly seems helpful to revive discussions. Nevertheless, those like the EU and Germany, who have so far ruled out military means of resolution must at least position and prepare themselves to engage in broad political dialogue. Otherwise, how can an ambitious programme like the Eastern Partnership be implemented?

The legitimacy of both narratives of international law, “territorial inviolability” and “peoples' right to self-determination”, as well as their practical applicability, must be discussed

in the case of Nagorno-Karabakh. The situation is far from clear. At least since the beginning of the first Nagorno-Karabakh war (1991 to 1994), there have been discrepancies between the perception of both the direct parties and third-party observers, on the one hand, and the actual situation and the state of research, on the other. Among these third parties are the Germans, who are involved in the Eastern Partnership Programme and members of the OSCE's Minsk Mediation Group. What is the German perception of the Nagorno-Karabakh conflict? Who is right to claim the 4,400 square kilometres of land on which, until 27 September 2020, close to 150,000 Armenians were living?<sup>18</sup>

### **The Armenian narrative emphasises the peoples' right to self-determination.**

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#### *The Deceptive Feeling of Being “Neutral”*

The Azerbaijani narrative is based on the principle of territorial integrity under international law. Four UN Security Council Resolutions from 1993 are repeatedly availed of to support this position. These are Resolutions 822, 853, 874, and 884.<sup>19</sup> They call on Armenia to vacate the seven regions surrounding Nagorno-Karabakh that they conquered from 1991 to 1994. Both sides are equally called upon to renounce violence. From the Azerbaijani perspective, however, the Armenians living in Nagorno-Karabakh should on no account be accepted as independent subjects in any negotiations. The Azerbaijanis continuously repeat this position in countless press releases, position papers, and statements. Many international actors in the bodies and institutions of the EU, OSCE, and the Council of Europe have adopted this interpretation.

On the other hand, the Armenian narrative emphasises the peoples' right to self-determination under international law. This played an important role at the start of Sovietisation



and, thus, in Bolshevik nationality policy. Yet the Armenian argument is more complicated and requires the recipient to acknowledge the complex genesis of the “Armenian Question”. It requires recognition of the Armenian need for security as evidenced, for example, by the 1915 genocide. Should this argument be declared false and thus, be ignored? To date, there has been no firm offer from any international actors to guarantee the security of the Nagorno-Karabakh Armenians. In the aftermath of the last war, their position has become even more precarious.

However, legitimation based solely on the territorial principle according to the Azerbaijani narrative can neither be justified by international law nor historically. This is not an entirely new insight, but it scarcely plays a role in the public dispute.<sup>20</sup> Supposedly “neutral” views ultimately serve only the Azerbaijani narrative.

Otto Luchterhandt, longstanding Professor of International Law in Hamburg, has taken a greater interest in the international law perspective than anyone to date. He has examined the status of Nagorno-Karabakh in numerous publications. Referring to the “Law of Withdrawal” from April 1990, he summarised: “The fact that the basis of the decision on Karabakh, made in 1921 based on political power calculations, had therefore ceased to exist, has remained hidden to the main actors of the international community until today.” The “Law of Withdrawal” from April 1990 regulated the formalities for the case that a Soviet republic wished to withdraw from the Soviet Union. This option was also included in earlier constitutions of the Soviet Union, admittedly without ever being actually used. However, the “Law of Withdrawal” – or as the additional passage is precisely worded: “on the procedure of deciding the issues involved in the withdrawal of a Union republic” went beyond that, because it also regulated what should happen to the autonomous territorial entities lying within the territory of the Soviet republics.<sup>21</sup>

Accordingly, a Soviet republic could declare withdrawal from the Soviet Union, as was

theoretically possible since the first Soviet Constitution. With the “Law of Withdrawal” from April 1990, the fate of the people living within an autonomous territorial entity was also to be clarified under international law. In this specific case, the question arose: what would happen to the Armenians in Nagorno-Karabakh if the titular nation of Azerbaijan were to secede from the Soviet Union by referendum? According to the withdrawal law, in this case, the inhabitants of Nagorno-Karabakh would have to hold their own referendum. The choices would be to continue to belong to Azerbaijan, thus leaving the Soviet Union, or to leave Azerbaijan, remaining part of the Soviet Union. Precisely this second option was selected by the Armenians in Nagorno-Karabakh when they declared their continued affiliation with the Soviet Union in ordinary and free proceedings on 10 December 1991. However, this was not recognised or simply ignored by Azerbaijan.

## The German public has little interest in the Nagorno-Karabakh dispute.

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Azerbaijan’s declaration of independence by the Supreme Soviet of the Azerbaijani SSR on 30 August 1991, took place within the framework of valid Soviet law, with the Soviet Union continuing to exist as a subject of international law. Accordingly, Azerbaijan was required to recognise the referendum of the Nagorno-Karabakh Armenians. Thus, if Baku claimed its right to withdraw from the Soviet Union under Soviet law while ignoring Nagorno-Karabakh Armenians’ rights under that same law, the Azerbaijani withdrawal procedure would then be legally “up in the air”.<sup>22</sup>

### *Germany’s Diffuse Positioning in this Conflict*

Hardly anyone in Germany would seriously even consider the thought of military intervention in the Nagorno-Karabakh conflict. This presents the question of what the Eastern Partnership

treaty provides for in case of war between two member nations. Offers to date from the EU within the Eastern Partnership framework fall far short of the goals it has set for itself. For both Azerbaijan and Armenia, the Nagorno-Karabakh dispute plays a prominent role in their foreign and domestic policy. For this reason alone, the Eastern Partnership programme needs to react with reasonable offers that call out the topic by name.

### **It would be a step forward if German politicians were better informed about the current situation in the South Caucasus.**

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The German public has little interest in the Nagorno-Karabakh dispute.<sup>23</sup> If we consider the corresponding public events during and immediately after the (provisional) end of the last war, it is striking that nothing has changed in the narratives or on the frontline positions. There has been much debate accompanied by many rhetorical smokescreens regarding who engaged first on 27 September 2020 and who used weapons prohibited by international law, or whether Syrian mercenaries were involved, as American and Russian secret services independently determined. In the end, discussions always return to the legal controversy on which the conflict is founded. It is unsettling that the recent analyses mentioned above have minimal or no influence on the discussions. In addition, the processes known for at least a decade as “caviar diplomacy” have not been systematically pursued and addressed.<sup>24</sup>

It would be a step forward if German politicians were better informed about the current situation in the South Caucasus.<sup>25</sup> This cannot be understood without considering the two main historical cornerstones of the Nagorno-Karabakh dispute, namely denial of self-determination for the Armenians at the start of the Soviet Union and the “Withdrawal Proceedings” at the end of the empire. When it comes to which narrative

has greater legitimacy, historically and under international law, then we should go beyond the mere repetition of the Azerbaijanis’ argument. The permanent reference to the four UN Resolutions from 1993 is not the final word on the subject. This alone cannot clear up today’s situation, and nothing can be gained from it in the sense of a mutually recognised peace.

No reference to the legitimacy of the Azerbaijani withdrawal procedure and that of Nagorno-Karabakh is found in any official statement, for example, of the Bundestag. German politicians and most of those responsible for addressing the Nagorno-Karabakh conflict still seem to prefer the Azerbaijani narrative. Its ideological foundation goes back to the strategic considerations of J. V. Stalin and the Bolsheviks at the beginning of the Soviet Union. Should such considerations not also play a role in a values-based foreign policy?

#### *The West between Complacent Peace Rhetoric, Political Apathy, and Diplomatic Routine*

During the last war from 27 September to 9 November 2020, the group responsible for solving the conflict, the OSCE’s “Minsk Group”, did not take a *single* substantial initiative towards sustainable peace. Even the European Union, which has been linked to the nations in the South Caucasus for two decades through various bilateral and multilateral agreements, made no visible contribution and maintained silence. The Council of Europe, the most important institution for observing human rights, includes full members Armenia, Azerbaijan, Turkey, and recently returned Russia.

#### *The Nagorno-Karabakh Conflict as a Challenge for the Community of European and Christian Values, and the Role of Germany*

For 30 years, Russia has been the only international actor able to promote a peaceful solution to the conflict. The ceasefire agreements of 1994, 2016, and most recently of 9 November 2020, all came about through Russian initiatives. The security situation of Armenians in Nagorno-Karabakh has been extremely fragile

since the ceasefire agreement came into force on 10 November 2020. Without dramatising the situation, this much is clear: right now, the security of the Armenians in Nagorno-Karabakh depends exclusively on some 2,000 soldiers from the Russian peacekeeping mission.

Nagorno-Karabakh is also one of the most important sites of early Christianity. Legacies in the form of churches, monasteries, and cemeteries date back to the fifth century. The integrity of these unique Christian monuments is currently guaranteed only by Russia. Considering the oft-cited and evoked European “community of values”, it is disturbing that the West barely considers this aspect.

If the West is serious about bringing peace between the Azerbaijanis and the Armenians, it must speak to Russia. During the German presidency of the OSCE in 2016, Russia made offers that would have amounted to a division of labour in this regard. These could be followed up. However, Western European relations with Russia have not improved since that time.

Since the end of the Soviet Union, no real dialogue has taken place between Azerbaijan and Armenia. At best, there have been announcements of diametrically opposed positions. Germany could make a substantial contribution by creating conditions for the start of a dialogue. Such a dialogue cannot be about favouring the territorial principle or peoples’ right to self-determination. The highly complex mixture of issues calls for political solutions.

*- translated from German -*

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- 1 The “Minsk Group” of the Organisation for Security and Co-operation in Europe (OSCE) was established in 1992 to act as a mediator between the conflicting parties after the temporary ceasefire in the 1991-1994 war. Co-chairs of the group are Russia, the US, and France; members include the UK, Italy, Germany, and Turkey.
- 2 The mere use of the name “Shusha” versus “Shushi” can lead to enormous controversy.
- 3 Council of the European Union 2021: Joint Declaration of the Eastern Partnership Summit, printed matter 14964/21, 15 Dec 2021, in: <https://europa.eu/!XT9MPm> [6 Jan 2022].
- 4 Actually, there are three actors here with Azerbaijan, Armenia, and the Republic of Artsakh. From the Armenian perspective, the Nagorno-Karabakh enclave is a part of Armenia, although the Republic of Armenia has also not recognised the Republic of Artsakh proclaimed by the Nagorno-Karabakh population. From the Azerbaijani perspective, the Armenians in Nagorno-Karabakh are not perceived as independent subjects.
- 5 The “Four-Day War” ended with a heavy defeat of the Azerbaijanis.
- 6 Luchterhandt, Otto 2010: *Berg-Karabachs Selbstbestimmungsrecht: Begründung und praktische Folgen*, in: Soghomonyan, Varam (ed.) *Lösungsansätze für Berg-Karabach/Arzach. Selbstbestimmung und der Weg zur Anerkennung*, Baden-Baden, p.7. Here are details for further literature regarding the settlement area of the Armenians within the Ottoman Empire, especially during the 19<sup>th</sup> century.
- 7 For more on Stalin’s role, see n. 16.
- 8 For this reason, they also had two entries in their passports: Soviet citizen and Armenian (example).
- 9 Understanding this connection between 1915 and the war over Nagorno-Karabakh is a prerequisite for comprehending the Armenian narrative.
- 10 The “Baku Commune” was a very early Soviet region, constituted a few days after the October Revolution in Baku.
- 11 For more details, see Baberowski, Jörg 2003: *Der Feind ist überall. Stalinismus im Kaukasus*, Munich, pp.141 ff.
- 12 On this in more detail Luchterhandt 2010, n. 6, here: pp. 7-9. During this massacre, the Armenian-populated part of Shushi was completely destroyed and all remains, including cemeteries, were leveled during the Soviet period.
- 13 The following remarks are based on the excellent analysis by Luchterhandt 2010, n. 6, here: pp. 10 ff.
- 14 In the “Declaration of the Rights of Working and Exploited Peoples” from 29 January (Gregorian) 1918, this was explicitly and exclusively established for Armenia. Luchterhandt points out that this passage was even included in the first Constitution of the RSFSR.
- 15 See Luchterhandt 2010, n. 6, p.10.

- 16 Krüger, Heiko 2009: *Der Berg-Karabach-Konflikt. Eine juristische Analyse*, Heidelberg. Krüger's interpretation is that the meeting on 4 July 1921 was only preparation for the actual decision to be made on 5 July 1921. This downplays the dramatic nature of the decision-making process. Nariman N. Narimov, the chairman of the Azerbaijan Communist Party and member of the panel, resorted to a trick in postponing the decision in order to see it brought about by Moscow. In fact, no one less than J.V. Stalin would decide.
- 17 The Bolsheviks did not make it easy for themselves to draw borders. They were not created with a ruler and a pencil nor with straight lines on the map. They took traditional habits and determinations into account. In this case, the circumstances played a role. Many Azeri farmers habitually used the summer pastures around Nagorno-Karabakh for their cattle. Thus, for the sake of a unified administration, it seemed to some more efficient to assign the territory to Azerbaijan. This economic consideration, however, is only one aspect of the problem.
- 18 There are no precise figures now regarding the numbers who fled Nagorno-Karabakh and returned to Armenia during the last war. According to the most recent figures, there are approximately 80,000 Armenians who have returned to their homeland.
- 19 All of these Resolutions date from 1993 and were adopted between April and November. Thus, they were all made in the midst of the "first" Nagorno-Karabakh war.
- 20 The article refers here only to a few German reflections on this topic.
- 21 Most recently, Luchterhandt, Otto 2021: *Meinung: Das Völkerrecht und der Berg-Karabach-Konflikt*, in: Federal Agency for Civic Education (bpb), 7 Dec 2021, in: <https://bpb.de/344244> [6 Jan 2022] with a number of further references.
- 22 *Ibid.*
- 23 When the two ambassadors from Azerbaijan and Armenia gave independent press conferences in November 2020, the hall of the federal press conference was almost empty, and not due to COVID-19 restrictions.
- 24 The term "caviar diplomacy" has been used in media coverage to describe the conspicuously positive evaluations of the domestic political situation in Azerbaijan by particular members or former members of the German Bundestag over the past ten years or so. Money from Azerbaijani sources flowed freely through various consulting firms. The discussion culminated in the spring of 2021 in the context of the "Mask Affair", in which representatives collected high commissions through brokering protective masks. Some of these representatives were involved in both events. The topic of "caviar diplomacy" disappeared again from the public eye as the election campaign heated up, without any serious consequences.
- 25 Thus, on 7 Dec 2012, the Working Group for Foreign Policy of the CDU/CSU Parliamentary Group in the Bundestag, under its then spokesman Philipp Mißfelder († 2015), adopted a position paper. With exclusive reference to the four UN Resolutions from 1993 and with complete ignorance of any international legal discussion beyond that scope, a clearly pro-Azerbaijani position was taken. Particularly confusing was also that the position paper was first known by the Azerbaijani Foreign Ministry and only two weeks later mentioned in the German media.