



The response of intergovernmental organisations to the situation in Artsakh: Analysing the official communication of Armenia and Azerbaijan with intergovernmental organisations during the war.

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Abstract:

This report focuses on the role intergovernmental organisations (IGO's) have played, particularly scrutinising the involvement of the European Union (EU), the Council of Europe (CoE), the United Nations (UN), and the Organisation for Security and Cooperation in Europe (OSCE). This report does not focus solely on the IGO's recent action but explores the involvement in previous years, since 2000 as the earlier periods carry great importance. An in-depth analysis on the official communication amongst the two recognised states and the Republic of Artsakh with the international bodies seeks to address how and why Nagorno-Karabakh Republic continues to remain such a fragile issue; one with repercussions that pose a danger on a global scale. This research paper will investigate the major players, in this case both states and international organisations involved throughout the frozen conflict.

Introduction:

This research study has been conducted by a political science student who interned at ICHD from August till November and is based on various qualitative resources such as reports, official documents, and academic research papers. Despite the war dating back to the 20th century, this paper will analyse the effectiveness of official IGO communication in the recent periods of conflict such as 2016 and 2020. The recent ceasefire, brokered by Russia has demonstrated that official government channels have failed to produce a peaceful resolution to the issue. Any mediation and negotiation attempts made on the EU and UN's behalf have been rendered ineffective. The perpetual lack of effort leads us to question the incentives for IGO's. It is of great significance that context on the Artsakh conflict be provided in this paper before examining the role of IGOs. The paper will therefore commence with a short section outlining the history of the conflict followed by an assessment of the current situation. A paragraph will be dedicated to the methodology used in this study, explaining my reasons for

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choosing document analysis as the research method. The main body of this paper will investigate the involvement of IGO's over the years, dividing the aforementioned bodies into categories to ensure a detailed analysis. The paper will conclude with a concise comparative analysis on Artsakh to other frozen conflicts in the South Caucasus, further establishing how the unresolved dispute over the territory stems from a lack of international involvement. A summary will be provided at the end of this study to outline the main arguments developed throughout the analysis.

History of the Artsakh Conflict:

Throughout this paper, I will refer to the disputed territory as Artsakh but continue to recognise other names such as Nagorno-Karabakh or Mountainous Karabagh Autonomous District which have been used in various sources. Russia has always played a major part in the conflict, dating back to 1805 when the Russian Empire annexed the territory of Artsakh that became part of the Elizavetpol Province, which later became Azerbaijan. It was not until August 1918 that the Armenians of Artsakh formed their own national assembly called the First Assembly of Karabagh Armenians which then elected a People's Government of Karabagh (Libaridian, 1988). Artsakh is politically recognised as part of Azerbaijan although the territory declared its independence in 1991. This independence was defended in a war with Azerbaijan that lasted until 1994. An estimate of 15,000 to 20,000 people, including civilians were killed during the fighting and hundreds of thousands displaced (Wilson & Parker, 2017). Independence was declared under the principle of self-determination and despite no international recognition of its sovereignty, it is de facto independent since its declaration.

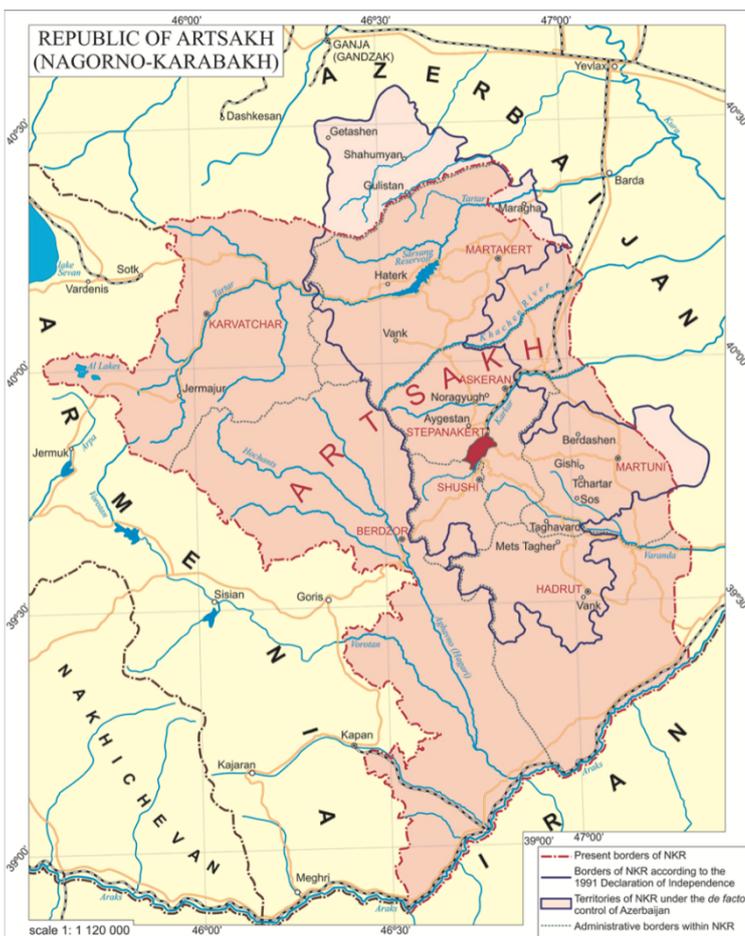
Violence increased dramatically in 1992 up until May 1994 when Azerbaijan, Nagorno-Karabagh, and Armenia, with the mediation of Russia, Kyrgyzstan, and the CIS Inter-Parliamentary Assembly agreed to the 1994 Moscow ceasefire. Prior to this war, the fight for self-determination was of great importance to the people of Artsakh. One where they were willing to hold a referendum in December 1991 to understand public opinion on the matter. 99.89% were in favour of independence and 0.02% were

against (MIA Publishers, 2013). The vast majority of voter apathy came from Azerbaijanis. Azerbaijan has consistently been against the independence of Artsakh along with the territory belonging to Armenia. Some of the worst fighting between Azerbaijan and Armenia was seen in the 20th century, particularly in December 1989. However, these attacks were also occurring in Soviet times. A joint decision reached by official representatives of Armenia and Nagorno-Karabakh to unite Artsakh with Armenia caused an outrageous response by Azerbaijan. Large-scale massacres and ethnic cleansing against Armenians living in Azerbaijan occurred in Sumgait (1988), Kirovabad, Shamkhor, and Baku. It is reported that hundreds of citizens were killed or tortured whilst others became refugees. The fighting resulted in loss of life from both sides, for example, the Khojaly riots in February 1992 where cases of ethnic cleansing were also reported. In 1992 after the collapse of the USSR and the independence of the Republic of Artsakh,

The Current Situation in Artsakh:

The most recent outbreak of war over the territory occurred on September 27, 2020 for a period of 44 days. The outcome of this war resulted in Armenia losing military control of Artsakh (Nagorno-Karabakh) as Azerbaijan reversed the balance of power in the conflict that had been frozen since 1994 (Ward, 2010). The war is reported to have killed between 1,000 and 5,000 people including civilian casualties. Once again, Russia played a significant role since the conflict ended in a Russian negotiated truce. Details of the 2020 ceasefire agreement will be outlined as the following terms are to be incorporated in this paper (President of Russia, 2020). As anticipated, the Armenian people are unhappy with the outcome as the peace deal certifies Azerbaijan’s victory.

1. A complete ceasefire and termination of all hostilities in the area of Nagorno-Karabakh is declared starting 12:00am (midnight) Moscow time on November 10, 2020. The Republic of Azerbaijan and the Republic of Armenia, hereinafter referred to as the “Parties” shall stop in their current positions.
2. The Agdam District shall be returned to the Republic of Azerbaijan by November 20, 2020.
3. The peace-making forces of the Russian Federation, namely 1,960 troops armed with firearms, 90 armoured vehicles and 380 motor vehicles and units of special equipment, shall be deployed along the contact line in Nagorno-Karabakh and along the Lachin Corridor.
4. The peace-making forces of the Russian Federation shall be deployed concurrently with the withdrawal of the Armenian troops. The peace-making forces of the Russian Federation will be deployed for five years, a term to be automatically extended for subsequent five year terms unless either Party notifies about its intention to terminate this clause six months before the expiration of the current term.
5. For more efficient monitoring of the Parties’ fulfilment of the agreements, a peace-making centre shall be established to oversee the ceasefire.
6. The Republic of Armenia shall return the Kalbajar District to the Republic of Azerbaijan by November 15, 2020, and the Lachin District by December 1, 2020. The Lachin Corridor (5km wide), which will provide a connection between Nagorno-Karabakh and Armenia while not passing through the territory of Shusha, shall remain under the control of the Russian Federation peace-making forces.



this escalated the conflict into a full-scale war with Azerbaijan having openly started military action. Up until now, the aggressions from both sides are kept in memory and arguably an obstruction to peace due to a perpetual fear of recurrence.

(MIA Publishers, 2013)

As agreed by the Parties, within the next three years, a plan will be outlined for the construction of a new route via the Lachin Corridor to provide a connection between Nagorno-Karabakh and Armenia, and the Russian peace-making forces shall be subsequently relocated to protect the route.

The Republic of Azerbaijan shall guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions.

7. Internally displaced persons and refugees shall return to the territory of Nagorno-Karabakh and adjacent areas under the supervision of the United Nations High Commissioner for Refugees.
8. The Parties shall exchange prisoners of war, hostages and other detained persons, and dead bodies.
9. All economic and transport connections in the region shall be unblocked. The Republic of Armenia shall guarantee the security of transport connections between the western regions of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic in order to arrange unobstructed movement of persons, vehicles and cargo in both directions. The Border Guard Service of the Russian Federal Security Service shall be responsible for overseeing the transport connections.

As agreed by the Parties, new transport links shall be built to connect the Nakhchivan Autonomous Republic and the western regions of Azerbaijan.

Azerbaijan has not complied with certain terms of the agreement, such as 8 which fortunately has not gone unnoticed. Non-governmental organisations Amnesty International and Human Rights Watch have produced reports on the abuse Armenian POWs suffered whilst in Azerbaijani custody. After the 44-day war, Armenian POWs were subject to cruel and degrading treatment and torture at the hands of Azerbaijani forces. Human Rights Watch calls on the Azerbaijani authorities to investigate all allegations of ill-treatment, to hold those responsible to account, to release all remaining POWs and civilian detainees and to provide information on the location of servicemen and civilians whose situations is unknown but were last seen in Azerbaijani custody (Human Rights Watch, 2021). The report discloses that in February 2021, Armenia's Representative Office at the European Court of Human Rights asked the court to intervene in regards to the 240 cases of alleged prisoners of war and civilian detainees. The outcome of the war resulted in Armenian villagers burning down their house ahead of Azerbaijan's takeover. Multiple news articles have been published surrounding these incidents which can be found on France24, The Guardian, and Euronews. The situation in Artsakh has de-escalated however, fighting between Armenia and Azerbaijan could erupt at any time, with civilians constantly at fear of another war.

Research Method:

As previously mentioned in the introduction, this paper will use document analysis as the research method when analysing the official communication of Armenia, Azerbaijan and the Republic of Artsakh with IGO's. The majority of sources analysed derive from the internet, therefore it is vital that I question the authority, accuracy, purpose and accessibility of all collected information. Not only will the use of documents provide historical context, but it will also

enable me to present a theory on why and how certain events have panned across the years. The methodology begins with an exploration of document content which entails interviewing the document and then noting occurrences. The majority of documents used in this paper are linked to leaders as the war in Artsakh poses a high threat of direct confrontations between powerful states. A brief historical analysis on the type of text/document will be provided as the goal is to establish facts and draw conclusions from the past. The main source of documents used are public records – official, ongoing records of an organisation's activities from the EU, CoE, UN, and OSCE. Despite the many advantages of using document analysis such as efficiency, availability, and broad coverage, managing bias is of great importance throughout the process for example in the search, selection, and analysis of documents (Bowen, 2009). Examining reports and policies will demonstrate an understanding of how intergovernmental organisations' positions have changed over time.

Involvement from the European Union:

The general perception of the EU's involvement regarding Artsakh is that they tend to be absent. During the conflicts, the EU has been known to urge both sides to stop military actions and return to negotiations but have not gone further than that. The EU's role has changed over the years, particularly towards a more neutral position with minimal involvement. Could this be because neither Armenia nor Azerbaijan have explicitly asked for the EU's involvement? If Armenia pushed for the EU to adopt a larger role in the conflict, this could potentially irritate Russia, Armenia's largest ally. It can be argued that the EU were less involved in the 2020 war because any previous attempts to mediate the dispute was a large failure. It is important to note the tension between this IGO and Russia when it comes to interests. The EU have made small attempts to influence the course of the conflict as the situation in Artsakh is considered to be Russia's zone of "privileged interest". The EU partly depend on Russia for oil and gas supplies so for the EU, Russian cooperation and benevolence on other areas are considered more valuable than conflict resolution in Nagorno-Karabakh (Janssen, 2012). Additionally, the EU is constrained to playing such an important role in this conflict because of the limited leverage it has over Armenia and Azerbaijan. Offer of EU accession is their prime foreign policy tool. Azerbaijan has never harboured ambitions of EU succession as the country has no intentions of adopting EU's fundamental democratic values which is exemplified by the nations low rate of freedom and democracy – scoring 1 out of 100 and considered to be a consolidated authoritarian regime (Freedom House, 2020). Armenia on the other hand, scored 33 out of 100 and is rated a semi-consolidated authoritarian regime. It is well-known that the EU relies primarily on soft power, arguably making it harder to change hard-power realities.

The EU's involvement in Artsakh is predominantly one of observation as opposed to engagement. Some will argue that the EU could not have done more other than issue

statements and plead for a ceasefire whilst others will claim the IGO could have pushed harder for negotiations and made a real effort with incentives to try and bring conflict parties to a peaceful solution. One of the key actors involved with the Artsakh conflict is the High Representative of the Union for Foreign Affairs and Security and the Vice-President of the European Commission, Josep Borrell Fontelles. As a response to the fighting in 2020, an opening statement was delivered by Fontelles in a debate on the 7th of October. As High Representative, Fontelles called for an immediate cessation of hostilities and de-escalation, a position that was reinforced by the European Council. Fontelles raised the issue of the EU not having access to a lot of information in regards to how the conflict was developing. Fake news surfaced, predominantly from Azerbaijan's side which made it difficult to confirm any news that had been disseminated. Official communication occurred with the foreign ministers of Armenia and Azerbaijan, where Fontelles stressed that the increase of civilian casualties is unacceptable (European Commission, 2020). Since each state blamed the other for the eruption of the conflict, this reduced the chances for a mediatory solution nor less an external interference. Overall, the EU's diplomatic initiative to end the conflict is brought into question and it is unfortunate to witness how over time, the EU's role in the South Caucasus has diminished. It can be stated that the European Union have therefore neglected their duty as international monitors.

The Council of Europe's Role:

Armenia and Azerbaijan joined the Council of Europe simultaneously on January 25, 2001 with the international body hoping that the accession of both states could help to establish an environment of trust needed for conflict resolution. Azerbaijan's accession into the CoE can be deemed problematic as they introduced caviar diplomacy. This began in 2001 which involved a systematic policy of gaining influence through gift giving. According to reports, gifts included caviar, gold and silver items, drinks, and money. It was suggested that corruption played a part in PACE (Parliamentary Assembly of the Council of Europe) activities concerning Azerbaijan (European Stability Initiative, 2012), Council of Europe, 2018). These acts were described as dirty lobbying with the aim of using corruptive means to foster Azerbaijan's interests in PACE. The issue regarding the Sarsang reservoir in 2016 is further verification of how Azerbaijan gradually influenced the European body. The Council did not approach the situation objectively therefore the report released on the reservoir is deemed to be biased. PACE adopted a pro-Baku stance claiming that Armenian deliberately deprived border regions of Azerbaijan of water. In the resolution, the Assembly "condemns the lack of co-operation of the Armenian parliamentary delegation and the Armenian authorities during the preparation of the report on this issue". However, articles have surfaced stating that despite invites from Armenia and Nagorno-Karabakh, Bosnian lawmaker Milica Markovic failed to visit but visited Azerbaijan twice (Poghosyan et al., 2016). The resolution on the Sarsang reservoir is considered to have been the catalyst to Azerbaijani aggression in April 2016 which cost the lives

of roughly 200. It can therefore be argued that the Council of Europe failed to provide an opportunity to build an environment more conducive to restoring communication where confidence can be regained on all sides.

The United Nation's Position:

There exist four UN resolutions in regards to the conflict between Armenia and Azerbaijan however, these were introduced in the 20th century. Prior to the 2016 and 2020 war, the General Assembly adopted a resolution on the situation in the occupied territories of Azerbaijan which called for respecting the territorial integrity of Azerbaijan and demanded the withdrawal of Armenian forces from all occupied territories (United Nations General Assembly, 2008). During the 2020 war, the UN were seen to make attempts at mediation, advocating a peaceful resolution. The prime documents located in this institution are letters. The majority of official communication during the war between the United Nations and the involved parties came from the Russian Federation, the most important being a copy of the ceasefire agreement which entails a statement from the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation. This agreement which outlines a complete ceasefire and termination of all hostilities in the Nagorno-Karabakh area can be found on the United Nations website (United Nations Security Council, 2020). From 2017-2019, the UN Security-General released multiple statements and speeches welcoming the progressive steps taken by Armenia and Azerbaijan surrounding Artsakh which can be found on the United Nations Digital Library system. It can be argued that the intergovernmental body focuses more on the humanitarian aspect of the conflict. UN High Commissioner for Human Rights, Michelle Bachelet expressed her alarm at the suffering of civilians as hostilities continued to widen along the line of contact in the Nagorno-Karabakh conflict zone. She reminded all parties to "uphold their obligations under international humanitarian law to protect civilians and civilian infrastructure" (United Nations Human Rights, 2020). The letter previously mentioned in this section focuses on the humanitarian ceasefire and lays out the steps that have been agreed by the three parties - Armenia, Azerbaijan and Russia.

1. A humanitarian ceasefire is declared for 12pm on October 10, 2020 to exchange prisoners of war and other detained persons, as well as the remains of the dead, in accordance with the criteria of the mediator, the International Committee of the Red Cross.
2. Specific parameters of the ceasefire will be agreed subsequently.
3. The Republic of Azerbaijan and the Republic of Armenia are launching substantive talks mediated by the OSCE Minsk Group Co-Chairs to reach a peace deal as soon as possible on the basis of core settlement principles.
4. The parties reaffirm that the format of the negotiating process is to remain unchanged.

The UN works in close proximity with the OSCE Minsk Group in hopes of resolving the situation in Artsakh. However, despite such attempts at mediation, Russia was and currently is the leading player as it successfully completed the agreement without gaining international consensus or a United Nations mandate. During the war, in mid-October, the Minsk Co-Chairs initiated a security council meeting, but did not accept anything due to the power of veto. However, it is unknown which country exercised this power. Overall, this demonstrates the UN's failed efforts to put through resolutions.

In regards to the pandemic which occurred throughout the duration of the war, the United Nations made it abundantly clear that parties cease all hostile activities. Azerbaijan ignored these requests, allowing the war to take precedence over the pandemic. Armenia's written submission to the United Nations Office for the Coordination of Human Affairs for general discussion, states Azerbaijan's blatant disregard for international law (UNOCHA, 2021). It is reported that Azerbaijan deliberately targeted hospitals and emergency services, inflicting heavy damage and severely limiting the capacities of the authorities of Artsakh to contain the pandemic. Azerbaijan's disregard for the UN Secretary-General's appeal in March 2020 for a global ceasefire during the pandemic made it more difficult for Armenian healthcare workers to perform their duties, further escalating the situation.

The OSCE Minsk Group's Role:

Peace negotiations between Armenia and Azerbaijan have generally been led by the OSCE Minsk Group who aim to provide an appropriate framework for conflict resolution, to reach a ceasefire agreement and to promote the peace process by deploying peacekeeping forces. The Minsk Group have put forward several peace plans which have been rejected as they failed to acceptably address major concerns of one or another party to the conflict such as: the timetable of withdrawal from occupied territories; the solution for the Lachin district; and the blockade – stages of lifting the gas pipeline, the Idjevan-Qazax railway and other lines of communication. Other important areas such as the future legal status and the return of refugees were mentioned in perhaps OSCE's main contribution to seeking a peaceful settlement, known as the Madrid Principles. Proposed in November 2007 by co-chairs France, Russia, and the United States for consideration by the heads of states of Armenia and Azerbaijan, the 'peace agreement' is based on the following principles. A full copy with the exact details of the Madrid Principles can be found on the Ani Armenian Research Centre website (2016).

- Return of the territories surrounding Nagorno-Karabakh to Azerbaijani control;
- An interim status for Nagorno-Karabakh providing guarantees for security and self-governance;
- A corridor linking Armenia to Nagorno-Karabakh;
- Future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will;

- The right of all internally displaced persons and refugees to return to their former places of residence and;
- International security guarantees that would include a peacekeeping operation.

Prior to the Madrid Principles, the Minsk Group opted for a package approach to resolving the conflict. This negotiation tactic seeks to combine all issues in a comprehensive agreement, avoiding compromise and instead identifying trade-offs across issues (Hopmann, 2014). This approach was utilised in a 2001 meeting in Key West, Florida however, it did not go well and therefore adds to the failed mediation attempts of intergovernmental organisations. To demonstrate how much the international community has neglected the conflict in the South Caucasus, a document exists outlining the sporadic field assessment missions on behalf of OSCE. These missions took place from October 7-12 in 2010 where humanitarian and other aspects were assessed. This fact finding mission was the first mission by the international community since 2005, and the first visit by UN personnel in 18 years (OSCE, 2011). Only a small team is dedicated to monitoring the ceasefire. This team is comprised of Personal Representative of the OSCE Chairmen-in-Office Ambassador Andrzej Kasprzyk and 5 assistants who visit both sides of the front-line, gathering intel and filing reports (European Movement International, 2013). Despite rare visits to the area of conflict, official communication has taken place on multiple occasions over a consistent period of time. In 2009, a joint statement was released by the Heads of Delegation of the Minsk Group Co-Chair states and the foreign ministers of Armenia and Azerbaijan. Sergei Lavrov (Russia), Bernard Kouchner (France), James Steinberg (United States of America) met with Edward Nalbandian (Armenia) and Elmar Mammadyarov (Azerbaijan) in December to reiterate the commitments of their countries, to support the leaders of Armenia and Azerbaijan and to stress the importance of the Madrid Principles. A great level of progress was reported during the course of 2009 in achieving common understandings and the Ministers reaffirmed their commitment to work intensively to resolve the remaining issues (OSCE, 2009).

The summits held in May and June 2016 in Vienna and St Petersburg were intended to stabilise the situation in April that witnessed large-scale Azerbaijani hostilities against Artsakh Republic (OSCE, 2016). To reduce the risk of further violence, the parties agreed to an OSCE investigative system to find out who violated the ceasefire. In October 2020, another meeting occurred with the foreign ministers of Armenia and Azerbaijan with the OSCE Minsk Group Co-Chairs (Russia, France, USA) along with Andrzej Kasprzyk. The main point of discussion concerned the cessation of hostilities. Armenia's foreign minister particularly stressed the unacceptability of deliberate targeting of civilians and infrastructure of Artsakh. This has been and unfortunately remains a matter of the conflict. Although it is clear that Russia as a state independently had a larger involvement throughout the conflict, it cannot be disputed that the Minsk Group hold more of a facilitator role and made better efforts to mediate than the other intergovernmental organisations

despite their continual efforts to avoid using targeted statements. It is due to Russia's strong presence in the conflict that leads us to question whether there is any remaining role for the OSCE Minsk Group.



(OSCE, 2016)

Frozen Conflict and Policy:

Nagorno-Karabakh is the longest-running unresolved dispute in the former Soviet Union, dating back to the Gorbachev era in 1988. Existing literature have likened this conflict to the situation in Abkhazia, South Ossetia, and also the Israeli-Palestinian conflict. The latter is an ethnic conflict over territory sharing certain similarities to Nagorno-Karabakh in that the nation too experienced genocide, has a strong diaspora, is in need for security arrangements, and seeks unilateral steps of statehood declaration (Lindenstrauss, 2015). In the case of Abkhazia and South Ossetia, a common thread in all these conflicts is Russian involvement. There is little international involvement where IGO's either have a minimal or absent role in mediation formats for these conflicts.

Foreign policy surrounding the conflict settlement is based upon the principles of recognition of the Nagorno-Karabakh people's right to self-determination, that the territory should have uninterrupted land communication with Armenia, under jurisdiction of the Armenian side, and that the security of Nagorno-Karabakh be internationally guaranteed (Ministry of Foreign Affairs of the Republic of Armenia, 2021). By Russia maintaining order of Nagorno-Karabakh and other areas associated with the ceasefire agreement, Russia achieves a series of foreign policy objectives. Western policy-makers such as the U.S. and UK view the issue as a low-priority conflict which works in favour for Russia because they seek to maintain the former Soviet Union's sphere of influence in Eurasia. Russia has a history of adhering to the principle of parity in regards to weaponry. However, most recently, Russia provided Armenia with advanced military capabilities leaving Azerbaijan to purchase its weapons from other international suppliers. A position of parity is one that the U.S. have also adopted but in relation to foreign military financing (FMF) to Armenia and Azerbaijan. Western states primarily seek to remain uninvolved or offer a neutral stance to the ongoing conflict.

Conclusion:

To summarise, this report has explored the ways in which intergovernmental organisations over the years have immersed themselves into the conflict in Artsakh. A thorough analysis is presented on the official communication of the UN, EU, CoE, and OSCE's Minsk Group with Armenia and Azerbaijan but also the significant role Russia has played in the conflict settlement. The issue in Artsakh has wider geopolitical repercussions which can explain why certain states avoid association or choose to remain neutral so as to not displease a certain party. It can be argued that the international framework and western perspective is of limited involvement, particularly in the 2020 war. However, if we were to approach the subject with a positive outlook on activity, then the main international multilateral organisation dealing with the conflict would be OSCE's Minsk Group. It is natural that this international body be the most active because they have mandate. The research acquired from various documents all present a common theme of conflict settlement. In this paper, the use of document analysis has demonstrated that sources from IGO's tend to surface inaction as these organisations have the ability to go a step further but choose not to so as to avoid aggravating certain states such as Russia and Azerbaijan. I maintain the belief that if the UN, CoE, EU, and OSCE's Minsk Group all came together and presented a firm stance on the issue without bias and fear of wider geopolitical repercussions, this would have brought an end to the frozen conflict that is Artsakh.

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