

Congressional Testimony

**International Community's Responsibility for Establishing Justice and Peace in
Nagorno-Karabakh**

Submitted for the record

by

David A. Grigorian, Ph.D.

Senior Fellow, M-RCBG, Kennedy School of Government, Harvard University

and

Amb. Ara Papian

Director, Modus Vivendi Center, Yerevan, Armenia

Background

September 19, 2024, marks the first tragic anniversary of the expulsion of 120,000 Armenians from their ancestral lands in Nagorno-Karabakh (Artsakh) by the Aliyev regime of Azerbaijan. This genocidal act was made possible by the actions of Azerbaijan, aided by Russia, Turkey, and Pakistan, and the inaction of the government of Armenia and much of the international community. Sadly, 108 years after the start of the twentieth century's first genocide, ethnic Armenians again had to abandon their towns and villages under the threat of extermination by the same regional actors.

Much has been written by journalists and legal scholars about the atrocities committed by the Azeri army during 2020-23. We will refrain from repeating those facts here. Instead, we want to focus on the responsibility of the international community for upholding justice and building a legally-sound foundation for a lasting peace in the region.

The International Association of Genocide Scholars (IAGS) recently passed a resolution concerning the humanitarian crisis in Nagorno-Karabakh, condemning Azerbaijan's actions in the region.¹ The resolution specifically recognizes the blockade of the Lachin Corridor from December 2022 to September 2023, which cut off essential supplies like food and medicine, leading to a severe humanitarian crisis. This action, combined with forced displacement and bombings, is characterized as ethnic cleansing and a violation of international humanitarian law. In addition, the IAGS highlighted the destruction of Armenian cultural heritage, the forced displacement of ethnic Armenians, and what they termed

¹ "Resolution on Nagorno-Karabakh", International Association of Genocide Scholars, September 2024. Available via: <https://genocidescholars.org/wp-content/uploads/2024/09/IAGS-Resolution-on-Nagorno-Karabakh.pdf>

genocidal acts, citing violations of the United Nations' Genocide Convention. They called on the international community to recognize these atrocities as war crimes and genocide, urging measures such as sanctions, legal proceedings against Azerbaijan in international courts, and the return of Armenians to their homes in Nagorno-Karabakh under international protection.

Yet, despite all the evidence of human rights violations, the international community has so far given Azerbaijan conflicting signals. A country with a dismal human rights record according to many international organizations, Azerbaijan continues to get away with: (1) suppressing civil society, independent journalism, and political dissent; (2) illegally retaining dozens of Armenian hostages and prisoners of war, and (3) destroying Armenian cultural heritage throughout Artsakh. There appears to be little, if any, appetite within the international community to punish the perpetrators of horrific acts of Azerbaijani civilian and military leadership and seek justice and retribution for the victims. What makes matters worse, the international community's participation in COP29 in Baku in November could be viewed as whitewashing, if not a tacit approval, of Azerbaijan's genocide in Artsakh.

How It All Started

In the Fall of 2020, Azerbaijani army, backed by Turkish Special Forces and Syrian Islamic jihadists, launched a surprise attack on Nagorno-Karabakh. They managed to annex a large chunk of Nagorno-Karabakh, not only due to their own military prowess but also because of the hapless leadership of Armenia's Prime Minister Nikol Pashinyan.²

Following the full conquest of Artsakh in 2023, Azerbaijan's Aliyev has sought to force Armenia to open a corridor across its sovereign and undisputed territory between its enclave of Nakhchivan and Azerbaijan proper. He also seeks to impose upon Armenia a demarcation and delineation agreement based on administrative borders imposed by Joseph Stalin between the Armenian Soviet Socialist Republic (SSR) and Azerbaijani SSR in 1921.

However, there is no reason why the international community, especially the United States, should go along with such demands and accept Stalin's borders. Legally, the United States' government never fully recognized the 1920 Soviet annexation of Armenia by the Red Army. For example, The United States hosted an Armenian embassy in Washington through 1933 and, in 1959, designated Armenia as a "Captive Nation."³ Despite all of this, some in

² Papian, Ara, 2021. "How Did Armenia Lose Nagorno-Karabakh? *The American Conservative*. Available via: <https://www.theamericanconservative.com/how-did-armenia-lose-nagorno-karabakh/>

³ "Captive Nations Law, Public Law 86-90-July 17, 1959, S.J. Res. 111." Available via: https://en.wikipedia.org/wiki/File:Page_212_from_STATUTE-073-1-2_Public_Law_86-90.pdf

Washington and internationally assume that the administrative borders between the Soviet Republics drawn by Stalin as legitimate borders between sovereign states.

Azerbaijan itself has *de jure* rejected those borders by declaring itself a legal successor of the first Azerbaijani Republic rather than of Azerbaijan SSR. On August 30, 1991, the Supreme Council of Azerbaijan adopted a declaration stating, “On the Restoration of the State Independence of the Azerbaijani Republic.” Subsequently, on October 18, 1991, it adopted a Constitutional Act “On the Restoration of the State Independence of the Azerbaijani Republic,”⁴ which declares in Article 2 that “the Azerbaijani Republic is the successor of the Azerbaijani Republic that existed from May 28, 1918, to April 28, 1920.” Therefore, the Soviet administrative borders cannot be considered the legal basis for the international borders between the present-day Republic of Armenia and Azerbaijani Republic.

The Commission for the Delimitation of the Boundaries of Armenia, which met in London in February 1920 as an official sidebar conference to the Paris Peace Conference, assigned Nagorno-Karabakh as well as a large part of “Lower” Karabakh to be part of the Republic of Armenia based on demography prior to Armenia’s partition between Soviet Russia and Kemalist Turkey. President Woodrow Wilson subsequently included the commission’s findings in Document No. 2 in Annex I of his November 22, 1920, Arbitral Award.⁵ This indicated official acceptance of the legality of Armenia’s claims over its historic territory of Nagorno-Karabakh.

The Way Forward

In sum, to allow the current status quo to persist and force Armenia to relinquish its claims to Artsakh would thus be equivalent to legitimizing Stalin’s gerrymandering of borders in 1921. The international community has a moral responsibility to uphold justice (in the form of securing the right of return of Artsakh residents under a credible international protection) and the international law (by initiating proceedings of the UN’s International Court of Justice on the final status of Artsakh) and should not be governed by *realpolitik* alone. Failure to do this will continue to embolden aggressors and lead to more humanitarian disasters and human suffering in that region and around the world.

⁴ “Конституционный Акт Азербайджанской Республики о восстановлении государственной независимости Азербайджанской Республики, Баку, 18 октября 1991 г., № 222-XII.” Available via: <https://nurlu.narod.ru/ARMA.htm>

⁵ “Arbitral Award of the President of the United States of America Woodrow Wilson. Ful Report of the Committee upon the Arbitration of the boundary between Turkey and Armenia, Washington, November 22nd, 1920” pages 98-106 and appended map # 1. Available via: <https://archive.org/details/woodrow-wilson-arbitral-award-full-text-english-final-with-maps-357p>.