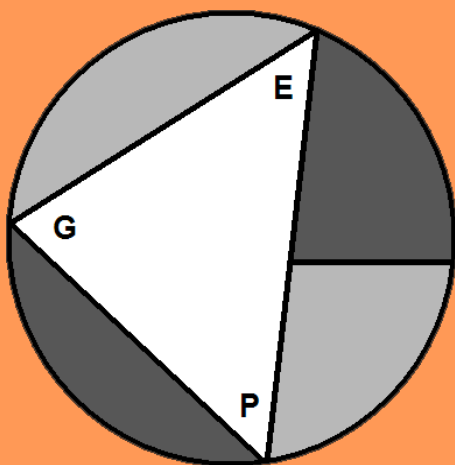


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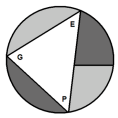
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Scope

The aim of Association for the Study of EthnoGeoPolitics (EGP) is to further the study of and teaching on the cultural, social, ethnic and (geo-)political characteristics, processes and developments in different areas of the world, at universities, institutes and colleges in and outside the Netherlands. The association's peer-reviewed and open-access journal *Forum of EthnoGeoPolitics* and our new publishing house *EGxPress* are above all intended to elicit analytic debate by allowing scholars to air their views, perspectives and research findings—with critical responses from others who may hold a different view or research approach. One can submit manuscripts—main articles (peer-reviewed), critical responses (published peer-reviews), short articles and/or book reviews—to info@ethnogeopolitics.org. We charge no fees for any of the submitted and/or published manuscripts. See www.ethnogeopolitics.org about the association's foundation, founding (editorial) board members, aims, activities and publications—and particularly the freely downloadable copies of the journal's issues and the individual contributions in each issue. From Volume 7 onwards, the pag numbering is to be continuous from one issue to the next within every yearly volume.



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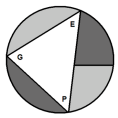
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Main Article

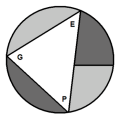
The short Azerbaijani-Karabakh War of 2-5 April 2016: Political Containment Instruments aimed at the Opposing Parties in the Conflict

Nelli Baghdasaryan

Abstract The article discusses the international community's response to the April War of 2016—the renewed escalation in the Nagorno Karabakh conflict zone. It also explores the instruments designed to contain the opposing parties in the conflict. It considers, most particularly, the principles of international law which guide relations between states, namely, the principle of refraining from threat or use of force and the principle of respect for the territorial integrity of states.

The positions of the OSCE Minsk Group Co-Chairmanship, the Group's participating states, and other countries concerned with the conflict are also addressed in the article. The article discusses separately the *modus operandi* of opposing parties in the conflict in response to the measures designed to refrain the conflicting parties from violence.

Key words: Azerbaijani-Karabakh conflict, April War, OSCE Minsk Group Co-Chairs, principle of territorial integrity, principle of refraining from threat or use of force, principle of equal rights and self-determination of peoples



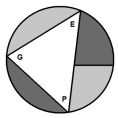
Introduction

The research focuses on the so-called April War of 2-5 April 2016 between the Republic of Azerbaijan and the Republic of Artsakh i.e. Nagorno Karabakh, as a milestone in the Azerbaijani-Karabakh “creeping conflict” ever since the Azerbaijani-Karabakh war of 1991-1994 ended with the signing of the 1994-1995 trilateral unlimited-in-time ceasefire agreements between the Nagorno Karabakh Republic, the Republic of Armenia and the Republic of Azerbaijan.

On 2-5 April 2016 the Azerbaijani side launched a large-scale offensive along the entire Line of Contact between the armed forces of the Artsakh Republic and the Republic of Azerbaijan, using heavy military equipment, artillery and combat aviation.

The study was laid down during the April War and in the months following it, and runs in line with the logic of the period. It provides the political overtones of the April War, focusing on the application by the OSCE Minsk Group Co-chairmanship of the fundamental principles of international law as mechanisms of political containment of the conflict. It is noteworthy that the international community largely prioritized the principle of refraining from the threat or use of force. The *modus operandi* of political counterbalances is also characteristic of the period under consideration.

The diplomatic processes following the April War of 2016 in the Republic of Artsakh i.e. Nagorno Karabakh fall well within the “non-declassified diplomacy” format (a number of diplomatic issues have so far been secret and not open to the public).

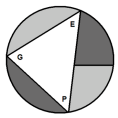


It is noteworthy that this new escalation in the Azerbaijani-Karabakh conflict and surge of violence in April 2016—involving artillery and other heavy-fire exchanges leading to hundreds of military and civilian wounded casualties and dozens of fatalities on both sides (estimates vary), i.e. between the Nagorno-Karabakh Defence Army and the Azerbaijani armed forces—has once again demonstrated the challenging nature of the conflict. The perennial risks connected to it, include the counterbalancing ambitions and attempts of both geopolitical and regional actors regarding regional developments.

The states, having taken over the role of mediators, aside from the very objective of conflict resolution, aspire to advance their own geopolitical interests, re-establish theatres of interest i.e. zones of influence, and keep pace with the race for regional influence in the geopolitical rivalry. Thus, trying to interpret these processes through geopolitical frames, we could state that the level of interest stems from the domestic political and foreign policy priorities of the mediator states in question.

After the 1994 ceasefire, the unprecedented large-scale offensive unleashed by the Azerbaijani side at the night of April 1 to April 2, 2016, and subsided in the afternoon of 5 April was an obvious attempt to bring the conflict back on the agenda. It is also worth mentioning that the response of the international community to the April hostilities was immediate.

The calls to the warring parties emphasized the principles guiding relations between participating states as established by international law, in conformity with the purposes and principles of the Charter of



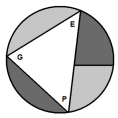
the United Nations, namely, adherence to the principles of refraining from the threat or use of force, peaceful settlement of disputes, and respect for the territorial integrity of states (Organization for Security and Co-operation in Europe, 1975).

The principles of equal rights and self-determination of peoples are also accepted *pari passu* by the OSCE Minsk Group Co-Chairmanship together with the afore-mentioned principles within the conflict resolution format.

It is remarkable that if the first two principles had almost proportionate significance and were applied on an equal basis, the principle of territorial integrity in international law was applied with deliberation and caution, given its possible comparative-relative expression in conflict resolution. In the political processes following the April War the afore-mentioned principles of international law had different applications by mediator states with regard to the parties in the conflict.

Principles of International Law in instruments of political containment of the Azerbaijani-Karabakh conflict

The principle in international law of refraining from the threat or use of force, which reads that states should refrain in their mutual relations as well as international relations from any acts constituting threat or use of force against the territorial integrity or political independence of any state, and that no threat or use of force should be employed in resolving disputes (Organization for Security and Co-operation in

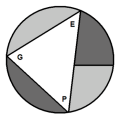


Europe, 1975), was reflected interestingly enough in April and post-April political developments.

The actions of the OSCE Minsk Group Co-Chairmanship and the international community overall were confined to alleviating the polarisation between the opposing parties in the conflict, seeking ways to establish contact between them and resolve the conflict, realising that polarisation between the two sides could complicate international mediation and reflect declining lack of trust in it. Consequently, the principle of refraining from the threat or use of force was applied to the parties.

Thus, considering the April and post-April political processes we can conclude that the principle of refraining from the threat or use of force and that of peaceful settlement of disputes became the key political containment leverage aimed at the parties to conflict in the *modus operandi* of the OSCE Minsk Group Co-Chairs.

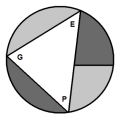
On 2 April 2016 the OSCE Minsk Group Co-Chairs—the then Ambassadors Igor Popov of the Russian Federation, James Warlick of the United States of America, and Pierre Andrieu of France—issued a joint statement on the events surrounding Nagorno Karabakh, voicing deep concern over the reported large-scale ceasefire violations along the Line of Contact (hereafter referred to as “LoC”) in the Azerbaijani-Karabakh conflict zone, and urging the sides to stop shooting and take all the appropriate steps to stabilise the situation on the ground. In their statement the Co-Chairs also reiterated that there is no alternative to a peaceful negotiated solution of the conflict (Press Release by the Co-Chairs of the OSCE Minsk Group, 2016).



On 2 April 2016 then OSCE Chairperson-in-Office and Germany's Federal Minister for Foreign Affairs Frank-Walter Steinmeier expressed concern over the military escalation in the Nagorno-Karabakh conflict zone and the casualties, including among civilians, pushing for the sides to end hostilities immediately and respect the ceasefire in full. Steinmeier ruled out a military solution to the conflict and urged the sides to show the necessary political will to return to the negotiations table in the framework of the Minsk Group (OSCE Chairperson-in-Office Steinmeier, 2016).

On 5 April 2016 representatives of the OSCE Minsk Group countries (Russian Federation, the United States of America, France, Belarus, Finland, Germany, Italy, Sweden, Turkey), as well as the incoming Austrian OSCE Chair for the year 2017 and the Serbian OSCE Chair in the year 2015, issued a joint statement strongly denouncing the military flare-up of violence along the LoC in the Azerbaijani-Karabakh conflict zone and calling on the sides to cease forthwith using force. In their statement they also welcomed the Russian, American, and French Co-Chairs' plans to undertake direct consultations with the opposing sides (Statement by Representatives of the OSCE Minsk Group countries, 2016).

On 5 April 2016 a Russia-mediated verbal agreement was reached at a meeting between the then chief of General Staff of Armenia and chief of General Staff of Azerbaijan held in Moscow to halt military actions and enact an immediate ceasefire in the Nagorno-Karabakh conflict zone under the trilateral ceasefire agreement of May 1994 (NKR Defense Army, 2016).

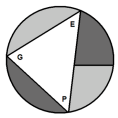


On April 5 a special meeting of the OSCE Permanent Council started in Vienna to discuss the escalation in Nagorno-Karabakh conflict zone. At the meeting, US Ambassador James Warlick—at that time one of the three Co-Chairs of the OSCE Minsk Group, representing the three Co-Chairs of the Minsk Group—and Personal Representative of the Chairperson-in-Office, Ambassador Andrzej Kasprzyk, informed the 57 OSCE participating states about the developments in the Nagorno-Karabakh conflict zone, welcoming at the same time the reports of the cessation of hostilities and urging the opposing sides to respect the ceasefire.

The OSCE participating states considered the escalation deeply worrying and expressed their commitment to facilitate a peaceful settlement (OSCE participating States discuss recent escalation in Nagorno-Karabakh conflict zone, 2016).

Following the 5 April 2016 Vienna meeting, the then OSCE Minsk Group Co-Chairs and Personal Representative of the OSCE Chairperson-in-Office, Ambassador Andrzej Kasprzyk travelled to Stepanakert, the capital of the Artsakh republic i.e. Nagorno-Karabakh (Meeting with the OSCE Minsk Group Co-Chairs, 2016).

The 16 May 2016 Vienna meeting embarked on by then US Secretary of State John Kerry to bring then President of Armenia Serzh Sargsyan and President of Azerbaijan Ilham Aliyev to the negotiation table to discuss the advancing of a peaceful resolution of the Nagorno Karabakh conflict was a milestone in the April and post-April political-diplomatic processes.

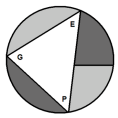


Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, then US Secretary of State John Kerry, and then France's State Secretary for European Affairs Harlem Desir, Ambassadors representing the co-chair countries of the OSCE Minsk Group, and the Personal Representative of the OSCE Chairperson-in-Office also partook at the discussion.

At the meeting, the Co-Chairs insisted on the importance of observing the 1994 and 1995 ceasefire agreements. They agreed to strengthen peace monitoring and finalize an OSCE investigative mechanism. They also agreed to the expansion of the existing office of the Personal Representative of the OSCE Chairperson-in-Office and on a next round of talks to be held aimed at resuming negotiations on a comprehensive settlement (Joint Statement of the Minister of Foreign Affairs of the Russian Federation, 2016).

The 20 June 2016 trilateral meeting of the then Armenian, Azerbaijani and Russian Presidents in Saint Petersburg could be seen as another far-reaching Russian initiative following the 5 April 2016 verbal agreement as a result of measures undertaken under the auspices of the OSCE Minsk Group Co-Chairmanship. The Saint Petersburg meeting echoed the agreements reached at the May 16 Armenian-Azerbaijani meeting in Vienna aimed at the stabilization of the situation in the conflict area, and it was agreed to increase the number of international observers in the conflict zone.

The three Presidents mentioned the importance of their regular meetings and reached an agreement to continue them in the same format in addition to the activities carried out by the Co-Chairs of the

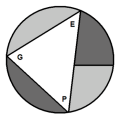


OSCE Minsk Group (Meeting with Serzh Sargsyan, 2016; In Saint Petersburg Presidents of Armenia, 2016).

Unlike the Vienna process, the outcome of the meeting was not presented to the Co-Chairs until after the meeting. This is among the specific features of the Russian *modus operandi*, once again showcasing its pre-eminence among the Co-Chair states, taking over the negotiation process, seeking to set itself as the *de-facto* leader of the negotiation process (Baghdasaryan 2017: 28-33).

On 8 December 2016 an OSCE Minsk Group Co-Chairs-brokered meeting between then foreign minister of Armenia Edward Nalbandian and foreign minister of Azerbaijan Elmar Mammadyarov took place in Hamburg. A joint statement by the heads of delegation of the OSCE Minsk Group Co-Chair countries adopted at the 23rd Meeting of the OSCE Ministerial Council followed, condemning strongly the use of force or the threat of the use of force and reiterating that there is no military solution to the conflict. The head of delegation appealed to the sides to confirm their commitment to the peaceful resolution of the conflict as the only way to bring real reconciliation to the peoples of the region.

The statement referred to the agreements reflected in the joint statements of the 16 May summit in Vienna and the 20 June summit in Saint Petersburg, as well as the core principles of the Helsinki Final Act, namely, refraining from threat or use of force, respecting territorial integrity, and equal rights and self-determination of peoples (Joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries, 2016).



It should be mentioned that in all the statements issued by the OSCE Minsk Group Co-Chairmanship and in the *modus operandi* of the latter aimed at the containment of the parties to the conflict in the April and post-April period, the principle of refraining from threat or use of force and that of peaceful settlement of disputes are prioritized.

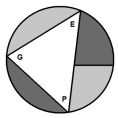
In their separate statements and initiatives, the OSCE Minsk Group Co-Chairs remained adherent to the adopted principles and mechanisms. Thus, the discourse principles of each of the OSCE Minsk Group Co-Chairs and the political containment mechanisms adopted by them are here examined in separate formats.

Principles of Refraining from Threat or Use of Force and of Peaceful Settlement of Disputes in the Russian mediation efforts

In the Azerbaijani-Karabakh conflict settlement, Russia acts both as a participant in the OSCE Minsk Group Co-Chairmanship format and as a separate player. Russian mediation actions are bent on furthering its own gains in the South Caucasus region as the region is of primary importance to the Russian Federation's larger goals and ambitions, securing enduring influence in the region and global reach, as well as having political leverage over the conflicting parties.

Thus, Russia's new foreign policy agenda prioritizes the interaction of leading power centers as a basis for addressing global challenges jointly (Foreign Policy Concept of the Russian Federation, 2016).

Arguably, Russia as a major power advances its counterbalancing mechanisms. The Azerbaijani-Karabakh conflict is just another



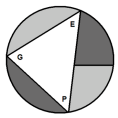
platform for Russia to apply counterbalancing mechanisms over the other co-chairing countries, especially the USA.

I posit that Russia's active role is also conditioned by an in-depth awareness of regional realities and issues; consequently, Russia pushes for ending the stalemate regarding Nagorno-Karabakh in a peaceful manner rather than waiting for a possible or likely escalation and conflagration in the foreseeable future, which would be detrimental to Russia's interest and even internal security.

As at all the stages of the conflict resolution, at the renewed stage of escalation in 2016 Russia showed enduring involvement in both April War and post-April political developments. In this regard, President Vladimir Putin's statements on the flaring up of hostilities on the Nagorno-Karabakh LoC, urging both sides to ensure, as a matter of urgency, full cessation of hostilities, to comply with the ceasefire regime and exercise restraint, are important (*Putin prizval nemedlenno prekratit' ogon' v Nagornom Karabakhe*, 2016).

Following President Putin's statement, Russian Foreign Minister Sergey Lavrov spoke on the phone on 2 April 2016 with Foreign Minister of Azerbaijan Elmar Mammadyarov and then Foreign Minister of Armenia Edward Nalbandian, calling on them to take all the necessary steps to end the violence (Press release on Foreign Minister Sergey Lavrov's, 2016).

Russian Foreign Ministry Spokesperson Maria Zakharova delivered remarks on 2 April 2016, expressing Moscow's official concern over the serious aggravation of the situation in the Nagorno-Karabakh conflict

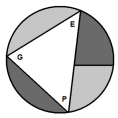


zone and urging the parties to show restraint (Statement by Russian Foreign Ministry Spokesperson Maria Zakharova, 2016).

Russian Foreign Minister Sergey Lavrov and his then U.S. counterpart John Kerry in a phone conversation on 4 April 2016, agreed to intensify the efforts of Russia, the United States and France, as Co-Chairs of the OSCE Minsk Group, to assist in the settlement of the Nagorno-Karabakh conflict, and condemned attempts of external players to fuel up the confrontation in the Nagorno Karabakh conflict zone (Press release on Foreign Minister Sergey Lavrov's statement, 2016).

Vladimir Putin held telephone conversations on 5 April 2016 with President of Azerbaijan Ilham Aliyev and then President of Armenia Serzh Sargsyan, urging both sides to ensure, as a matter of urgency, full cessation of hostilities and compliance with the ceasefire regime. He also noted that Russia would continue to take essential mediation steps to normalise the situation. The Russian leader stressed the imperative of resuming talks between Yerevan and Baku within the OSCE Minsk Group format (Telephone conversations with Ilham Aliyev and Serzh Sargsyan, 2016).

Interestingly, in an article entitled "Russia Styles itself Lead Mediator in Nagorno-Karabakh Conflict", the British *Reuters* press agency commended the role of Russia in reaching a ceasefire. It is also noted that the conflict in the South Caucasus, a strategically pivotal region, poses danger and could have the most tragic consequences for the region. Western countries, according to the article, "view South Caucasus as a strategically-important corridor through which Caspian Sea oil and gas can be exported to world markets. The route bypasses

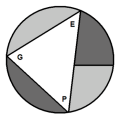


Russia, thus reducing Moscow's stranglehold on energy exports from the former Soviet Union". The article holds on the idea that a resumption of war could not be dismissed (Russia styles itself lead mediator in Nagorno-Karabakh conflict, 2016).

In the interviews of the Russian Foreign Minister, the style of acknowledging the championing role of Russia as chief mediator is apparent. Thus, in the 4 May 2016 interview to *Rossiya Segodnya* Lavrov said:

"We are continuously in contact with both parties. President Vladimir Putin personally joined this effort when the violence surged. I spoke on the telephone with my counterparts. We talked about this with Secretary of State John Kerry, because Russia, the United States and France are co-chairs the OSCE Minsk Group and engaged in the settlement of the Nagorno-Karabakh conflict. We discussed this topic in Moscow with French Foreign Minister Jean-Marc Ayrault, as France is a member of the Three. To be sure, the most important thing is to avoid any new casualties, stop any violations of the ceasefire, and develop effective measures and mechanisms for this. The presidents of Armenia and Azerbaijan subscribed to these five years ago, when then [Russian] President Dmitry Medvedev gathered them together. They spoke in favour of creating a mechanism for investigating incidents and for confidence-building and instructed the OSCE to do this. The OSCE drafted a project with various options. But regrettably it stalled at this stage in 2012. Today we would like to the parties to revert to the project discussed back then" (Foreign Minister Sergey Lavrov's interview with *Rossiya Segodnya*, 2016).

Therefore, I argue that the preceding descriptions and observations



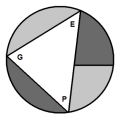
convincingly show that in the April War and post-April 2016 political and diplomatic processes, Russia was never found lacking in upholding the fundamental principle in international law of refraining from threat or use of force and that of the peaceful settlement of disputes.

Steps Taken by the U.S. Co-Chairs

The United States' intervention in the Syrian crisis in 2016 and its focus on the preparation for the U.S. presidential elections were compelling preconditions for this OSCE Minsk Group Co-Chair country to limit itself to mediation functions and advocate diplomacy to secure a binding peace resolution strictly within the format of the OSCE Minsk Group.

The U.S. response to the unprecedented escalation of April 2016 in the Nagorno-Karabakh conflict zone was immediate, though. Then U.S. Secretary of State John Kerry condemned, in the strongest terms, the large-scale ceasefire violations along the Nagorno-Karabakh LoC which have resulted in a number of casualties, including civilians. He urged the sides to show restraint, avoid further escalation, and strictly adhere to the ceasefire.

Kerry also called for talks to resume on a comprehensive settlement of the dispute under the auspices of the OSCE Minsk Group Co-Chairs, and reiterated that there is no military solution to the conflict. He also restated the commitment of the United States as a Co-Chair country to work with the sides to reach a lasting negotiated peace (United States Condemns Ceasefire Violations Along Nagorno-Karabakh Line of Contact, 2016).

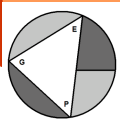


However, there is no evidence to suggest that Kerry contacted directly either Azerbaijani Foreign Minister Elmar Mammadyarov or then Armenian Foreign Minister Edward Nalbandian.

U.S. Department of State Spokesperson John Kirby, in his turn, commented on the development of the situation surrounding the conflict, getting back to the Vienna meeting, he pointed out that the USA had always been interested in seeing a peaceful solution of the Nagorno Karabakh conflict, in seeing the tension de-escalate and violence stop and the parties start to work towards a better outcome through political dialogue and discussion (John Kirby, Spokesperson, Daily Press Briefing, 2016).

After embarking on the Vienna meeting, the USA expressed willingness to arrange for another meeting as part of its responsibilities as OSCE Minsk Group Co-Chair. On 1 June 2016, John Kerry had phone conversations with then President of Armenia Serzh Sargsyan and President of Azerbaijan Ilham Aliyev, reiterating U.S. support for substantive talks that can lead to a comprehensive settlement under the auspices of the OSCE Minsk Group Co-Chairs (Secretary Kerry's Calls With President Sargsyan of Armenia and President Aliyev of Azerbaijan, 2016).

The Saint Petersburg meeting having taken place, the undertone of the U.S. statement was a somewhat a blow to Russian mediation efforts, and the statement should be viewed as a means for the USA to promote its regional interests and to understate Russian mediation efforts to some extent.

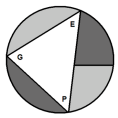


Within the context of the April military realities, the U.S. official position had a direct influence on the NATO stance. In a doorstep message on 8 July 2016, NATO Secretary General Jens Stoltenberg announced, in particular, that they would address the conflict in Nagorno Karabakh in the communique of the NATO Summit in Warsaw (Statement by NATO Secretary General Jens Stoltenberg at the start of the NATO Summit in Warsaw, 2016).

In an earlier statement issued on 5 April 2016, NATO Secretary General Jens Stoltenberg hailed the cessation of hostilities along the Nagorno-Karabakh LoC and the verbal agreement reached between the parties in the conflict, and urged the sides to respect the ceasefire, show restraint as well as prevent new escalation.

Stoltenberg also noted that NATO supports the efforts of the OSCE Minsk Group and reiterated that the parties need to go back to the negotiation table and find a comprehensive settlement under the auspices of the OSCE Minsk Group Co-chairs, as there is no military solution to the conflict (Statement by the NATO Secretary, 2016).

It is noteworthy that NATO's pre-April stance on the conflict did not step outside the application of the territorial integrity principle. Thus, this could also be viewed as a counterbalancing position as opposed to the Russian ambitions to be the only actor in the conflict settlement. And in the face of NATO one could detect the USA seeking for counterbalancing (Baghdasaryan op.cit.: 29-30). At this stage of the Azerbaijani-Karabakh conflict settlement, the U.S. stance applied also to the NATO official position with an emphasis on the peaceful settlement principle.



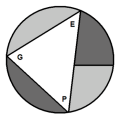
France as an OSCE Minsk Group Co-Chair and its containment strategy on the April War

France called for peace on the very first day of the renewed outbreak of hostilities in April 2016. The then French President François Hollande reiterated in a 2 April 2016 statement that there can be no other solution [to the Azerbaijani-Karabakh conflict] than a peaceful and negotiated one and reaffirmed the commitment of France to a peaceful settlement of the conflict (*François Hollande déplore profondément les graves incidents survenus au Haut Karabagh qui ont fait plusieurs victimes*, 2016).

A French Foreign Ministry and International Development spokesman issued a statement on 2 April 2016 calling on the parties to observe the ceasefire and for an immediate return to the negotiation table (*Conflit du Haut-Karabakh—Appel au respect du cessez-le-feu*, 2016).

The French official position on the Azerbaijani-Karabakh conflict escalation, as appears evident to us, differed; France did not associate the conflict escalation with external regional factors. Both in its 2 April and 5 April statements, France hastened the negotiations towards a peaceful settlement (*Haut-Karabagh—Entrée en vigueur du cessez-le-feu*, 2016; *Haut-Karabakh—Q&R—Extrait du point de presse*, 2016).

By taking part at the 16 May 2016 Vienna “3+2” meeting on the Nagorno Karabakh conflict, France got the opportunity to reconfirm its position on the issue. In an official statement issued by the French Ministry for Europe and Foreign Affairs, France hailed the outcomes of the Vienna-hosted top level talks over Nagorno-Karabakh conflict settlement,



which helped resume the dialogue between Armenia and Azerbaijan following the 2-5 April clashes (*Arménie/Azerbaïdjan–Réunion "3+2" sur le Haut-Karabagh*, 2016).

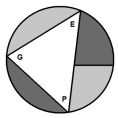
In a 5 July 2016 press briefing, the representative of the French Ministry for Europe and Foreign Affairs announced that France was ready to host the forthcoming meeting on Nagorno Karabakh (*Haut Karabakh–Q&R–Extrait du point de presse*, 2016). And this can be viewed as an OSCE Minsk Group Co-Chair country's obligation and initiativeness manifestation.

The role of France as an OSCE Minsk Group Co-Chair country in the Azerbaijani-Karabakh conflict settlement and its awareness of the issue must be acknowledged. In fact, in the April War and post-April political developments, France focused on the principle of refraining from threat or use of force and that of the peaceful settlement of disputes.

Focus on Principle of Territorial Integrity in statements of other participating states in the OSCE Minsk Group

At the renewed stage of escalation in the Azerbaijani-Karabakh conflict zone, Turkey stood out with its active engagement and implicit calls for mediation conditioned by tension in Russian-Turkish relations in 2015-2016, implying in the context support to Azerbaijan and counterbalancing Russia (Mayilyan 2016: 296-299).

The Turkish side embraced the escalation of the conflict as an opportunity to re-establish its role in the region on the one hand, and



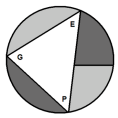
to polish its perpetuated negative image in the Syrian crisis on the other hand.

Turkey accentuated supporting Azerbaijan. On 2 April 2016, during the opening ceremony of the Turkish-American Culture and Civilization Center, answering a question on Turkey's support of Azerbaijan with regard to the Nagorno-Karabakh conflict, Turkish President Tayyip Erdogan vowed to back Azerbaijan in the Nagorno Karabakh conflict "to the end" and added:

"We are faced with such incidents because the Minsk Group underestimated the situation in Nagorno-Karabakh, which has been under occupation for many years. If the Minsk Group had taken fair and decisive steps over this, such incidents would not have happened. However, the weaknesses of the Minsk Group unfortunately led the situation to this point. May Allah assist our Azerbaijani brothers!" (Turkey will support Azerbaijan to the end, 2016).

The Turkish Ministry of Foreign Affairs issued on 2 April 2016 a press release on the uptick of clashes on the LoC and the Azerbaijan-Armenia borderline, voicing support to official Baku, condemning the artillery fire launched by Armenia against Azerbaijan, which affected also the civilian population, inviting Armenia to observe the ceasefire and put an end to the clashes referring to the UN Security Council resolutions on Nagorno Karabakh:

"For about a quarter century, Armenia has been occupying one-fifth of Azerbaijan's territory. Unless this occupation comes to an end and Armenia abandons its aggressive stance, unfortunately, the risk of experiencing similar clashes will continue. In this regard, we reiterate

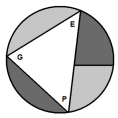


our call on Armenia to put an end to the occupation in peaceful means in line with the relevant UN Security Council resolutions. As a member of the OSCE Minsk Group, established for the settlement of the Nagorno-Karabakh conflict, Turkey will continue to support the efforts for reaching a just and lasting solution within the territorial integrity and sovereignty of Azerbaijan” (Press Release Regarding the Clashes on the Line of Contact and on Azerbaijan-Armenia borderline, 2016).

It is noteworthy that the position of Turkey in the April War was not firm owing to the Turkish foreign policy priorities (Baghdasaryan op. cit.: 31-32).

The Republic of Belarus was among the first to respond to the April outbreak of clashes. Belarus President Alexander Lukashenko called for dialogue between the parties to the conflict in Nagorno Karabakh. The issue was discussed during telephone talks of President Lukashenko with Azerbaijani President Ilham Aliyev and then Armenian President Serzh Sargsyan. The President of Belarus expressed concern over the clashes in the Nagorno Karabakh conflict zone (Telephone talks with presidents of Azerbaijan, 2016). Byelorussia’s Ministry of Foreign Affairs statement of 2 April 2016 highlighted the following:

“As the Minsk OSCE Group member state, Belarus continuously advocates for a peaceful de-escalation of the conflict in compliance with generally recognized principles and norms of international law, primarily on the basis of the respect and maintenance of the sovereignty, territorial integrity and inviolability of borders of the countries, as well as in line with relevant UN Security Council resolutions and the OSCE decisions.” (Statement by the Ministry of



Foreign Affairs of the Republic of Belarus in connection with the events regarding Nagorno Karabakh, 2016).

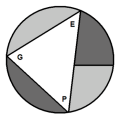
The position of the Republic of Belarus could be explained in view of the strong political and economic ties between Belarus and Azerbaijan.

Focus on Principle of Territorial Integrity in statements of other states beyond the OSCE Minsk Group

Among the appeals backing Azerbaijan, the Ukrainian response is worth mentioning. In particular, in the 5 April 2016 comment by the Ministry of Foreign Affairs of Ukraine on the aggravation of the Nagorno-Karabakh conflict, the Ministry expressed deep concern over the escalation of the Nagorno-Karabakh conflict. It called on all parties and the international community, foremost the Co-Chairs of the OSCE Minsk Group, to pursue all necessary measures for an “immediate ceasefire, de-escalation of the conflict and continuation of the peaceful resolution of the conflict, based on the fundamental principles and norms of the international law.” (Ministry of Foreign Affairs of Ukraine comment on the aggravation of Nagorno-Karabakh conflict, 2016)

It was also highlighted that Ukraine supports a sustainable political settlement of the Nagorno-Karabakh conflict, based on “full respect of the sovereignty and the territorial integrity of the Republic of Azerbaijan within its internationally recognized borders.” (Ibid).

The Ukrainian response stems in this particular case from the tension in Russian-Ukrainian relations and accusations addressed at the Russian side with regard to violating the territorial integrity of Ukraine.

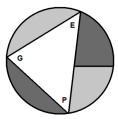


Other states similarly expounded pro-Azerbaijani positions on the conflict. Thus the Foreign Ministry of Pakistan issued a statement on 5 April denouncing Armenia for “the continuous artillery firing by Armenian forces deployed along the Line of Contact, violating the ceasefire.” It was also noted that “Pakistan always stands by fraternal and friendly Azerbaijan.” (Pakistan expresses concern over escalation in Nagorno-Karabakh, 2016).

Response by Organization of Islamic Cooperation to the Azerbaijani-Karabakh War of April 2016

The Azerbaijani side made strenuous efforts to move the April War to the theatre of the Organization of Islamic Cooperation (OIC), thus artificially creating a religious-political context for the principle of territorial integrity. Then OIC Secretary General Iyad bin Amin Madani at the 13th Islamic Summit of the Heads of State of the OIC Member States, spoke of the Nagorno Karabakh conflict and expressed deep concern over its escalation, which he considered a result of the Armenian long-standing occupation of the Azerbaijani lands.

The OIC summit reiterated its “principled position on condemnation of the aggression of the Republic of Armenia against the Republic of Azerbaijan,” and urged for “immediate, complete and unconditional withdrawal of the armed forces of the Republic of Armenia from the Nagorno-Karabakh region and other occupied territories of the Republic of Azerbaijan.” The conference also called for the resolution of the conflict “on the basis of the sovereignty, territorial integrity and inviolability of the internationally-recognized borders of the Republic



of Azerbaijan.”

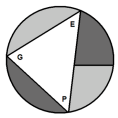
Paragraph 16 and paragraph 17 of the final communiqué of the summit are entirely devoted to the Nagorno Karabakh conflict, which is viewed as aggression on behalf of the Armenian side, failure of the Armenian side to comply with the four UNSC resolutions, violation of the territorial integrity of Azerbaijan i.e. occupation of the Azerbaijani territories by the Armenian side; in contrast, the Azerbaijani side's military operations are viewed as defensive actions to defeat these Armenian attacks and ensure the security of the Azerbaijani people.

The conference emphasized the need of establishing a Contact Group on the aggression of the Republic of Armenia against the Republic of Azerbaijan within the OIC at the level of Foreign Ministers and to convene its first meeting on the margins of the Istanbul Summit.

The described statement is dangerous in nature if we consider it in the context of religious-political conflicts active throughout the world, as the issue tends to be shifted artificially to this religious-political context. On the other hand, it demonstrates the spiraling atmosphere of Armenophobia in Azerbaijan, and the statement can be viewed as an outcome of efforts undertaken by the Azerbaijani side.

Conclusion: *Modus Operandi* of the Conflict Parties relative to the Containment Measures

Given the descriptions, examples and analyses given above, we can conclude the following:

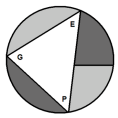


- The *modus operandi* of Azerbaijan in the April War was incompatible with Point 4 in Article 2 of the United Nations Charter which reads: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (Charter of the United Nations/UN Charter).

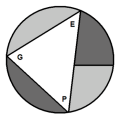
Taking into account the given that Azerbaijan evidently initiated the attacks in April 2016, there is an attempt by the Azerbaijani side as a party to the conflict to escape responsibility for the use of force. Azerbaijan, a UN member state, grossly violating all its international commitments and accompanied with violations of international humanitarian law, unleashed a large-scale military aggression against Artsakh i.e. Nagorno-Karabakh in April 2016 and violated the 12 May 1994 trilateral ceasefire agreement signed between Azerbaijan, Nagorno-Karabakh and Armenia (the latter was a co-signatory as it was directly and more deeply involved in that earlier, longer-lasting war).

And on 11 April 2016 Azerbaijan distributed official letters at the UN and the OSCE in an attempt to pin blame of launching military operations on the Armenian side and to question the validity of the 12 May 1994 trilateral ceasefire agreement, advancing instead the 5 April 2016 bilateral verbal agreement as a foundation “document” for guiding the relations between Armenia and Azerbaijan (Summary Report of the MFA Activities of the Republic of Armenia, 2016).

- The cornerstone position of the Azerbaijani side in post-April political realities was to renege on the Vienna agreements and pursue its maneuvering diplomacy.

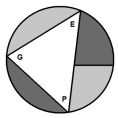


- The Vienna meeting dashed all the attempts of the Azerbaijani side to question the 1994 ceasefire after the April War and put at table instead the 2016 verbal agreement reached after the war.
- The motions of the Azerbaijani side addressed to the OSCE and UN throughout the years 2016-17 demonstrated the principle of the Azerbaijani side. Namely, Azerbaijan put forward withdrawal of the Armenian troops as a precondition to strengthen peace monitoring and finalize the OSCE investigative mechanisms, as well as for the expansion of the existing Office of the Personal Representative of the OSCE Chairperson-in-Office.
- Azerbaijan disavowed the OSCE investigation mechanisms along the LoC, reasoning that the OSCE peace monitoring prior to and without the withdrawal of the Armenian troops could strengthen the *status quo* and protract the conflict. Arguably Azerbaijan, in fact, artificially consistently blames its failure to meet the preconditions rather disingenuously on the *modus operandi* of the Armenian side.
- The *modus operandi* of the Armenian side is consistent with the political-diplomatic strategy adopted by Armenia both at the previous stages and the renewed stage of the conflict, which is evidence that Armenia has adhered to the format adopted by the OSCE Minsk Group Co-Chairmanship.
- The Vienna meeting moved the precondition of the peaceful solution of the conflict to the political-technical center-stage, which despite the countermeasures taken by Azerbaijan, should be viewed as an opportunity to find a common ground for negotiations and ease polarization while shifting from discourse level to a more practical one.



- The aforementioned could be proved by the fact that monitoring is in practice pursued by using the military-technical potential of the two sides. Thus there are no guarantees for objectively publishing incidents of escalation along the LoC and there are no guarantees which could underlie objective investigation of those incidents.
- The main objective of the Azerbaijani side in the April War, as was mentioned above, becomes evident following the 5 April 2016 verbal ceasefire. However, these attempts were subdued by the Armenian side as a result of which the OSCE Minsk Group Co-Chair countries circulated in the UN and OSCE corresponding statements which underlined the timeless nature of the 1994-95 ceasefire agreements and urged the sides to strictly adhere to these agreements.
- Realizing the danger the Azerbaijani calls posed in the existing situation, the Armenian side undertook countermeasures. The statement by the Armenian Ministry of Foreign Affairs stressed, in particular:

“The Armenian side strictly condemns the Azerbaijani vein attempts to question the May 1994 timeless trilateral ceasefire agreement which is a dangerous step and is fraught with further destabilizing the situation in the region. The early April aggressive military operation launched by the Azerbaijani side fails to end the ceasefire agreement and makes the side having violated the agreement accountable.” (Statement Ministry of Foreign Affairs of Armenia, 2016).
- The military operations stirred up by Azerbaijan were strongly condemned by the Artsakh Republic Ministry of Foreign Affairs (Statement NKR Ministry of Foreign Affairs, 2016). And on 11 April 2016,



over 520 (!) NGOs from the Artsakh Republic and the Republic of Armenia made a joint statement to the European Parliament (More than 520 NGOs of Nagorno Karabakh and Armenia present a joint appeal to the European Parliament, 2016).

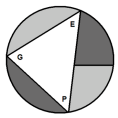
In fact, despite the Azerbaijani counter-measures i.e. actual opposition to the mediation efforts, there is no alternative to the solution of the Nagorno Karabakh conflict but through consistent mediation efforts of the OSCE Minsk Group Co-Chairmanship, taking into account the conflict settlement principles as worded in the joint statements of the Russian, United States and French Co-Chairs.

In the political realities during the April War of 2016 and following it, the Co-Chair countries and OSCE Minsk Group participating states referred to the fundamental principles enshrined in international law, which developed at the settlement process as containment measures aimed at the parties to the conflict. These principles were refraining from threat or use of force, peaceful settlement of disputes, and that of territorial integrity of states.

It is noteworthy that in some cases these statements included strong wordings directed against the Azerbaijani side which had launched the attack and its steps undertaken beyond the arrangements. The technical instruments of conflict management thus remained unaccomplished due to the policy pursued by Azerbaijan.

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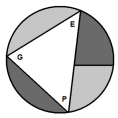
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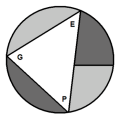
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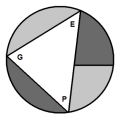
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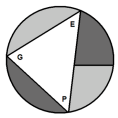
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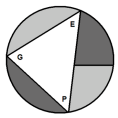
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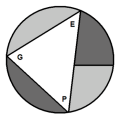
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