

Navigating between international recognition paradigms: prospects and challenges for Nagorno Karabakh

Vahram Ter-Matevosyan & Edita Ghazaryan

To cite this article: Vahram Ter-Matevosyan & Edita Ghazaryan (2019): Navigating between international recognition paradigms: prospects and challenges for Nagorno Karabakh, Caucasus Survey, DOI: [10.1080/23761199.2019.1666231](https://doi.org/10.1080/23761199.2019.1666231)

To link to this article: <https://doi.org/10.1080/23761199.2019.1666231>



Published online: 27 Sep 2019.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

RESEARCH ARTICLE



Navigating between international recognition paradigms: prospects and challenges for Nagorno Karabakh

Vahram Ter-Matevosyan  and Edita Ghazaryan

American University of Armenia, Yerevan, Armenia

ABSTRACT

The Nagorno Karabakh conflict remains a perplexing challenge for the regional security of the South Caucasus. In spite of decades of negotiations under the auspices of the OSCE Minsk Group, the final resolution of the conflict remains a distant goal. Against this background, since 2012 several US and Australian states as well as the Basque Parliament started to support the right of the people Nagorno Karabakh to self-determination. The resolutions passed by these states were not only unprecedented but were also inconsistent with the foreign policies of their federal governments. The present paper examines the underlying reasons for nine US states (California, Rhode Island, Massachusetts, Michigan, Georgia, Hawaii, Maine, Louisiana, and Colorado), and the most populous state of Australia, New South Wales, to have recognized the right of the people of Nagorno Karabakh to self-determination. The paper also looks at the legal and political implications deriving from these resolutions as well as possible prospects for this pattern of recognitions. The paper argues that recognition of de facto states by federal sub-states is a new, albeit isolated, phenomenon. It may potentially enhance visibility of de facto states and help them to gain more support for their pursuit of international recognition.

ARTICLE HISTORY

Received 28 December 2018
Accepted 7 September 2019

KEYWORDS

Nagorno Karabakh; United States; Australia; sub-state recognition

Introduction

It is a generally established practice that when a new state declares independence, it is mainly United Nations (UN) member states that can officially recognize it. However, from time to time an alternative paradigm of recognitions emerges which rarely attracts enough scholarly attention. Observers of the Nagorno Karabakh (hereafter – NK) conflict have recently encountered an unprecedented process when, starting from 2012, a number of United States (US) and Australian states as well as a European regional parliament expressed their support for the self-determination right of the people of NK (neither this article nor the documents under consideration refer to the Nagorno Karabakh people as a separate nation) and some even recognized its independence. This wave of resolutions has resurfaced previous discussions of international recognition patterns. On the one hand, such resolutions can be deemed as a new phenomenon in international relations, while, on the other hand, one should be cautious and take time to weigh

up the political and legal implications of that trend. However, the majority of observers considered them insignificant or symbolic endorsements because they were unilateral acts which might potentially harm or delay the peace process aiming to resolve this protracted conflict. This research aims to examine underlying reasons for nine US states and one Australian state to adopt resolutions supporting the pursuit of self-determination by the people living in NK. It also looks at the legal and political implications that these resolutions entailed or may entail. The paper engages with the following interrelated questions: (a) what were the factors driving the expression of support by the US and Australian states for the NK's people right for self-determination? and (b) are there any legal and political implications of these recognitions? The paper argues that recognition of de facto states by federal sub-states is a new, albeit isolated, phenomenon. It may potentially enhance the visibility of de facto states and help them to gain more support for their pursuit of sovereignty and international recognition. The trend also underlines the significance of global diaspora networks in pursuing advocacy activities for national causes.

This article is based on a qualitative research design and is based on both primary and secondary data. It utilizes three research instruments: interviews, content analysis, and secondary data analysis. Because of the lack of enough research on the topic, the major tool for data collection was interviewing; 19 interviews were conducted for this research project, with interlocutors from the US and Australia, Armenia and NK. For investigating the reasons and consequences of adopting resolutions supporting the self-determination of NK, interviews were conducted with the members of the US and Australian Legislative bodies (who authored the recognition resolutions), and with the Armenian community representatives from US and Australia, who have contributed to the NK recognition by the above-mentioned sub-states. For looking at the results and the implications of these sub-states' recognition resolutions on NK, officials from NK were also interviewed (Foreign Minister, Speaker of the Parliament, Prime Minister's Spokesman, permanent representative in US and the head of the Political Department of the permanent representation in Armenia).

Existing paradigms of international recognition

There are currently 193 UN member states; however not all of them went through an identical process of international recognition. Some scholars argue that state recognition is based on political choices rather than on legal-procedural considerations (Worster 2009), others have argued about the importance of identity and respect in the non-recognition politics of international relations (Zuo 2011), yet a few scholars argue about the emotional context (disrespect and indifference towards recognition and humiliation of non-recognition) in an international level (Hummel 2011). Erik Ringmar looks at practices of non-recognition as constitutive of international society and argues that only through the process of affirming similarities and differences that international society came to constitute itself as such (Ringmar 2014). Moreover, being a UN member state and a "formally equal subject of international law, trade, warfare, and diplomacy" does not entail equal footing in international community. Self-determination of a nation or group, therefore, requires not only determination by others, as argued by Ringmar, but also a continuous process of encountering informal practices of recognition and non-recognition (Ringmar 2014), or partial recognition and withdrawal of recognition. For

instance, Israel is a member of the United Nations, but it has not been recognized by 32 states out of 193 UN member-states. If for some countries like for Montenegro (2006), becoming a member of the UN took several days (United Nations 2006), other countries strive for membership for years, if not for decades. For example, the State of Palestine is recognized by 137 UN member-states, yet it received UN “non-member observer state” status only in 2012, which was again short of full membership status. If in Kosovo and particularly in Montenegro self-determination claims have fully or partially succeeded, in the South Caucasus de facto states (Abkhazia, South Ossetia, and NK) these claims were mainly ignored or considered null by the international community. If Abkhazia and South Ossetia have been recognized by five UN member-states (Russia, Nauru, Venezuela, Nicaragua, and Syria), NK has not been recognized by any UN member state, including Armenia. Tuvalu and Vanuatu, which recognized Abkhazia and Ossetia in 2011, withdrew their recognition acts in 2013 and 2014 respectively, so did Suriname by revoking its decision to recognize Kosovo’s independence in 2017. In 2018, as a result of Serbian efforts more countries revoked their decision to recognize Kosovo, such as the Republic of Madagascar, Grenada, Dominica, Liberia, São Tomé and Príncipe, Guinea-Bissau, Burundi, Papua New Guinea and Lesotho (European Parliament 2018). As for the sub-state recognitions, none of the US or Australian states has recognized the independence of other de facto states besides NK. Emissaries of Abkhazia and South Ossetia, however, have also signed some friendship agreements with municipalities in Europe.

Every state when recognizing or not recognizing another one has particular reasons to do so and those reasons may not necessarily be driven by strategic, political or legal considerations. Humanitarian, ideological, religious, economic and ethnic drivers of international recognitions are also significant, while remaining underexplored. Another dimension that requires further research has to do with sub-state recognition patterns, which are widely treated as symbolic gestures aimed at supporting the receiving nation’s cause. This becomes a particularly interesting paradigm when nations receiving recognition by sub-state actors are part of unresolved conflicts or constitute a de facto state. These moves by sub-state actors are widely seen as being against the foreign policy interests of the federal states of which they form part. Despite being constrained by federal laws and regulations, these states however decide to challenge existing paradigms and complete their recognition motions.

Another dimension that may be discussed by supporters of the sub-state recognition pattern has to do with the international weight that some UN member states enjoy vis-à-vis sub-states. According to their interpretations, if drawing a parallel between Nauru, a remote island in the Pacific, which recognized Abkhazia’s independence, and the US state of California, the sixth largest economy of the world with its 39 million population, which recognized NK, the “weight of these recognizers” is incomparable. It is beyond any reasonable doubt, that this approach widely ignores the fact that California is a not a subject of international relations; however, from purely economic and social perspectives the argument has merit.

States or sub-states in federal governments choose different models of engagement with other states or de facto states. In many ways, states can interact with contested states in a manner that amounts to recognition in all but name. On the other hand, if states avoid all kind of interactions with the unrecognized state, the latter would be in a complete rejection status. According to Toomla (2014), the importance that any state attaches to its

engagement with any other state (de facto or not) can be found both in political and economic spheres. Economic relations can come before political interactions. For instance, different economic activities such as foreign investments or exports may be implemented in the de facto state without recognizing it. However, economic transactions related to the government of a state are more difficult to carry out without recognizing that state. The unrecognized status of the de facto state may also have a decisive influence on the economic transactions, particularly on the access to government loans and to official development aid (Toomla 2014).

When approached from the perspectives of de facto states, the determinants of international engagement tend to vary substantially. In some cases, recognition itself is not as much important as the engagement of the particular unrecognized state with the international community. In this regard, Ker-Lindsay (Ker-Lindsay 2015) stated:

the issue of “engagement without recognition”, as it has come to be known, is crucial inasmuch as these contested states cannot simply be ignored. In some cases, there needs to be a process of communication in order to facilitate conflict resolution. (Ker-Lindsay 2015)

This may be applicable for NK as well. The engagement of NK into the international community, it can be argued, would contribute to the consolidation of the status quo, and would bring more international attention to the conflict resolution process. It, however, does not imply conflict resolution. Thus, in the case of NK, despite the fact that the official rhetoric highlights the international recognition as its primary goal, the engagement of the state by the international community may be considered its short-term goal. Berg and Mölder (2012) further argue that self-determination claims of de facto states are powerless and do not bear fruit, therefore they should change the tactics of their international recognition. Moreover, they recommend the de facto states to put emphasis on persuasion of relevant parties that they are “not only the victims, they share the same (democratic) values, hence they deserve recognition” (Berg and Mölder 2012). Toomla (2014) posits another dimension that could also be a noteworthy argument when considering de facto states’ international recognition policy. According to him, security can be definitely approached as another important motivation. The international recognition and acceptance would expand de facto state’s stance on this issue, since the more the state is engaged, the more international attention it would bring to its security.

Since 1991, international recognition slowly but steadily came to occupy the foreign policy agenda of NK. It had some ups and downs depending on the similar cases in different conflicts around the world. After each case (Eritrea, East Timor, Sudan and Kosovo), the leaders of NK were more vocal in urging the international community not to forget their cause and not to apply double standards in its conflict resolution efforts. However, after each case, different politicians and scholars were quick to argue that each conflict is unique, hence there is no universally applicable resolution. For instance, Wolff and Rodt warn: “the case of Kosovo ... does not lend itself easily to the conclusion that secession has now been validated as the only appropriate mechanism to resolve self-determination conflicts” (Wolff and Rodt 2013). In spite of warnings, the recognition of Kosovo’s independence, followed by the controversial recognitions of Abkhazia and South Ossetia, was the most recent phase, which served as a new trigger for many de facto states to relaunch international recognition strategies. However, Nina Caspersen argues, this was not the case with the NK leaders who “viewed these recognitions with

a mixture of disappointment and dismissal” (Caspersen 2013). She goes on to argue that three subsequent recognitions made the leaders of NK to “rethink their strategy for independence and question the value of de jure statehood” which made them proclaim “a preference for the status quo” (Caspersen 2013). She sums up her argument by claiming that different external and internal constraints shape the drive for international recognition of different entities (Caspersen 2013). Her assumption is based mainly on expert interviews and minutes of parliamentary hearings of NK. Against this background, Elena Pokalova suggests that consolidation (democratic, institutional and structural) of a de facto state of NK essentially hinders conflict resolution and “the pool of acceptance of peace alternatives becomes increasingly limited”, which leaves the recognition of de facto independence the only way out (Pokalova 2015).

Although NK has not been recognized by any United Nations member state, there have been instances when a UN member state (for instance, Uruguay in November 2012) expressed willingness to recognize NK’s independence (Uruguay Deputy 2012). That case was followed by rumours about Tuvalu’s possible move to recognize NK after Armenia and this small Pacific Ocean state established diplomatic relations in March 2012 (Safaryan’s interview to <http://medialab.am> 2012). In the case of Uruguay, Armenians had more hopes because Uruguay was the pioneer in recognizing the Armenian Genocide back in 1965. Nevertheless, no other development followed those statements and NK’s recognition question remained on the same level. NK has been recognized by Abkhazia, South Ossetia and Transnistria, which are also considered to be unrecognized or partly recognized states. The recognition of NK by Armenia, according to different observers, would mean the termination of the peace process under the OSCE Minsk group co-chairmanship, to which Armenian side is keen to adhere. However, the former President of Armenia Serzh Sargsyan repeatedly stated: “in case Azerbaijan resorts to military aggression, Armenia will have no other choice but to recognize the NK Republic de jure and to employ all its capabilities to ensure the security of the people of Artsakh” (President of Armenia 2010). His position was tested in April 2016, when Azerbaijan launched a limited military operation against NK; however, the Armenian side refrained from any legal actions to recognize the de facto state. Instead, on the second day of “the four-day war” the president of Armenia limited itself by urging the Armenian foreign ministry to work with the Karabakh foreign ministry to draft a document on mutual military assistance which was interpreted as a substitute for the recognition (RA president Serzh Sargsyan’s speech at the Armenian National Security Council 2016). However, after three years, that suggestion still remains to be implemented. Despite the existing skepticism among some practitioners and scholars, the major goal of NK’s authorities remains the transformation of its de facto status to de jure through international recognition. Based on this objective in 2016 the president of NK even laid out the international recognition strategy for Karabakh that had to go from municipal and regional levels toward state-level recognitions. (NKR President Bako Sahakyan’s interview 2016)

Recognition of Nagorno Karabakh by the US and Australian states

Interestingly, the observers of the NK conflict did not study the abovementioned resolutions as they were treated mainly insignificant or powerless legal acts (Berg and Mölder 2012). Only a few scholars, albeit in passing, like Pokalova, discussed these

Table 1. Timeline of adopting resolutions supporting NK's independence in the US and Australia.

Rhode Island (US)	17 May 2012
Massachusetts (US)	6 August 2012
New South Wales (Australia)	21 October 2012
Maine (US)	10 April 2013
Louisiana (US)	31 May 2013
California (US)	11 September 2014
Georgia (US)	4 March 2016
Hawaii (US)	30 March 2016
Michigan (US)	28 September 2017
Colorado (US)	24 April 2019

recognitions when analyzing Karabakh's foreign policy initiatives (Pokalova 2015). Table 1 demonstrates the timeline of the resolutions.

Findings illustrate that there has been one objective but different motivations for recognitions. The answers of the interviewees illustrate principal reasons that prompted the sub-states of Australia and the US to pass the resolutions. Thus, the analysis of the interview results shows that all the interviewees have highlighted the role of Armenian communities of the US and Australia in the adoption process of the resolutions. However, when the intensity of interview answers were graded on a scale of 1–5 (1 – being not important, 5 – the most important), it was found that nine out of 19 interviewees consider that the Armenian community played some role in the recognition process of NK, the most important reason for NK's recognition lies in NK itself (its self-determination claims, democratic structure, compliance with the international principles of statehood, etc.). And one interviewee, Marie Ficarra (from New South Wales) argued that the key factors for NK's recognition were “social justice and historical righteousness” (Interview with Marie Ficarra, the member of Legislative Council of New South Wales Parliament, April 2015) This view reflects the official rhetoric of NK's elite, which tries to prove to the international community that NK can be deemed as an independent state, independent from Armenia as well. Nevertheless, both interview results and the chronological analysis of each resolution have shown that all these resolutions were boosted and pushed by the local Armenian communities. And the US and Australian lawmakers, acting as supporters of self-determination, in some cases were influenced by the fact that their states have substantial Armenian constituencies.

On the other hand, the interview results have also shown that in some sub-states which have also recognized NK, there is no sizable Armenian community. For instance, Vasken Kaltakdjian argued that in the capital of Louisiana, Baton Rouge, where the resolution has been passed, only 28 Armenian families live. However, despite this fact, personal resources and contacts of the Armenian community of Louisiana played an important role in the process of pushing and urging senators to recognize NK (Interview with Vasken Kaltakdjian, Chairman of Armenian Council of America (ACA) of Louisiana, April 2015). Thus, it may be deduced that in some cases, not the size and a number of the Armenian diaspora representatives, but the networks and organization power of its representatives played a key role in this process.

It needs to be added that almost all the official texts of the resolutions highlight the right of self-determination of the people of NK. In the case of Rhode Island, although the right of self-determination is not mentioned in the text, the resolution encourages NK's

continuing efforts to develop as free and independent nation, and that NK has been struggling for this for a number of years. The resolutions also refer to the successful efforts of NK to develop its democratic institutions through free elections and referendums.

However, when it comes to direct contacts with NK officials and visits to NK by the US lawmakers, one would see quite a few cases. For instance, when three members of US House of Representatives Frank Pallone (D-New Jersey), David Valadao (R-CA), and Tulsi Gabbard (D-Hawaii) who are members of the U.S. Congressional Armenian Caucus, visited Armenia in September 2017, they also had a short trip to NK, which resulted in Azerbaijani counter-reaction and the decision to include those officials to the blacklist by Azerbaijani authorities (Radio Free Europe/Radio Liberty 2017). Hence, it becomes obvious that without Armenia's and Armenian community's support the NK's self-determination claims would be hardly heard to the international community. Nevertheless, when it comes to the real motivations of states to recognize other states the official texts seems to provide little information. In international practice, if some parallels are drawn with the texts of recognition of Kosovo's independence, none of the states mentioned the obvious pressure coming from the US in their decision to recognize Kosovo.

Thus, the recognition of NK by Australian and US states may be attributed to the result of combination of two most important factors: (a) the long-lasting "grass-roots" political activism of Armenians in those states, who have been continuously calling on their elected representatives to recognize NK; (b) the aspirations of the NK people to develop a democratic and independent state as well as their right of self-determination.

Although the majority of the motions on NK have been successfully completed and adopted by the legislative bodies of the particular sub-state entities, the Turkish-Azerbaijani opposition worked hard against some of them. The main arguments of Azerbaijani and Turkish lobbies against the NK recognition resolutions were that the state legislature was acting beyond their scope by taking a stand on an international issue. They also claimed that the legislature standing in support of the people of NK was inconsistent with the US foreign policy (Interview with Aaron Moreno, Legislative Director of the office of Assemblyman Mike Gatto, who authored the resolution AJR 32 on Nagorno-Karabakh, March 2015). In some cases these arguments reached their goal; for instance, in Maine after adoption of the resolution in the House, it was "indefinitely postponed" in the Senate (Interview with the member of the House of Representative of the State of Maine, Scott Hamann, March 2015). The state of Vermont was the only state which did not pass the bill on NK's recognition to the voting session. With this regard, Christopher Bohjalian from Vermont stated that the resolution on NK "stayed in committee because Azerbaijan and the Turkish Cultural Center of Vermont lobbied hard against it. In addition, two state senators threatened to prolong the session over it" (Interview with Christopher A Bohjalian, writer, a member from Armenian Community of Vermont, April 2015).

On the other hand, pro-Azerbaijani forces were trying to pass resolutions on the territorial integrity of Azerbaijan. These attempts were stopped in US states of Tennessee, South Dakota, Wyoming, Missouri, Mississippi, and Hawaii (Springtime for Nations (informative blog) 2014). The major achievement of Azerbaijan in this "recognition game" was in January 2014, when the US state of Arizona adopted a resolution titled "Supporting the strategic partnership between the United States and the Republic of Azerbaijan and the reinvigoration of the United States aimed at swift and just political settlement of

the Armenia-Azerbaijan NK conflict”. The resolution mentions that the US supports Azerbaijan’s territorial integrity and recalls that the international community does not recognize the independence of NK (State of Arizona 2014). Another development in this direction was the adoption of the House Memorial by the House of Representatives of the State of New Mexico in 2018 “honoring 100th anniversary of Azerbaijan Democratic Republic”. In this resolution New Mexico state expresses “a firm support for the Republic of Azerbaijan’s independence, sovereignty and territorial integrity within its internationally recognized borders in line with the national foreign policy of the United States” (State of New Mexico 2018). However, NK was not mentioned in this resolution, which mainly was about the US-Azerbaijani bilateral relations (State of New Mexico 2018).

In Australia, six months after the adoption of the motion in the New South Wales Parliament supporting NK’s independence, the Azerbaijani government opened a diplomatic mission to work against the possible implementation of this resolution. Here, according to the Executive Director of the Armenian National Committee of Australia, Vache Kahramanian, the anti-Armenian and anti-NK lobby was blocked by the Armenian community representatives, since there is no Armenian embassy in Australia (Interview with Vache Kahramanian, Executive Director of the Armenian National Committee of Australia (ANCA Australia), April 2015). However, in the case of Australia’s New South Wales’ resolution on NK, the most important challenge was informing the people on this issue, which took a considerable amount of time. Marie Ficarra has argued that most of New South Wales’ parliamentarians were not aware of the NK conflict, therefore telling about the history of the conflict and about NK peoples’ self-determination claims became a task of utmost importance for the key sponsors of the motion supporting NK’s independence (Interview with Marie Ficarra, the member of Legislative Council of New South Wales Parliament, April 2015).

In contrast, the US State Representatives had no time to educate US senators and to appeal to their sense of social justice and historical correctness, since if Azerbaijanis or Turks learnt about the possible resolution on NK’s independence the procedure would have become even longer and more frustrated. For that purpose, the resolutions in Rhode Island and Louisiana remained only one day on the desk of their chambers; they were introduced in the afternoon and already during the next morning the voting took place (Interviews with Armenian community representative from Rhode Island and Louisiana, April/May 2015). A similar pace saw a resolution adopted by the state of Hawaii in March 2016.

In parallel to NK’s “recognition paradigm” in the Australian and US states, a new trend in Europe was also launched. That trend was the creation of Friendship circles and parliamentary groups between NK and European parliamentarians as well as the motion about the right of self-determination of NK adopted by a European regional parliament (Basque Parliament 2014). This motion was adopted by the Basque parliament on 12 September 2014, which is considered to be one of the most independent sub-states in Europe. It mainly supports NK’s self-determination right, and highlights the importance of the engagement of NK as a negotiating party under the OSCE Minsk Group format (Basque Parliament 2014). Pursuant to its interests towards the conflict resolution in NK, the Basque parliament issued a statement (*declaración institucional no. 37389*) on 14 April 2016, recognizing the fact that on 2 April Azerbaijan violated the ceasefire

along the line of contact and launched an attack against NK. The document signed by all the leaders of the parliamentary groups urged the parties of the conflict to resume the negotiations under the auspices of the OSCE Minsk Group (Eusko 2016).

The Basque Parliament adopted motion during the visit of NK's foreign minister to the Basque Country. During his visit, he met with a number of high ranking officials including the president of Basque Parliament and the Governor of the Gipuzkoa region. Furthermore, the meetings were followed by signing agreements on development of joint programmes and cooperation between NK and Basque city San Sebastian (European Friends of Armenia 2014). These agreements were unique, since they demonstrated the real result of this sub-state's recognition. The initiators believe that having such an agreement advances the de facto recognition of NK by bringing an EU city and NK closer to each other. In addition, a member of European Parliament, who represents the Basque Country accompanied with the member of Spanish Parliament, also visited NK. This "recognition paradigm" introduced by the Basque Parliament was noteworthy as it transferred the "sub-state" format of endorsements from American and Australian continents to the European continent.

When speaking about the Basque Parliament's recognition, Karen Mirzoyan, former foreign minister of NK, has put an emphasis on the fact that while the Armenian diaspora's activities played an important role in the cases of NK recognition in US and Australia, in the Basque Country there is no such Armenian community (only two Armenians are legally registered in the Basque Country). Thus, according to him, there is a big group of people, who share the same values with the NK people, and who adopted this recognition motion since they wish to support NK's independence and its developing democracy. Moreover, the same reason also stimulated the Lithuanian parliamentarians to form a friendship group with NK in spite of the fact that there is a limited number of Armenians in Lithuania (Interview with Foreign Minister of the NK, Karen Mirzoyan, April 2015). Nevertheless, it should be mentioned that the European Friends of Armenia (EUFoA), which is an Armenian lobbying organization based in Brussels, played the key role during the process. In the case of the Basque Parliament's motion, the mutual reflection and reinforcement of self-determination claims among smaller, stateless peoples should also be outlined. Indeed, this unique "recognition paradigm" shows the support of one unrecognized entity to another and contradicts the generally accepted norms of the international recognition and engagement of the states.

Comparing the case of the Basque Country's resolution with Hawaii's (in both cases there is no significant local Armenian community) there are some differences. In the case of Hawaii, it can be observed that it was not the quantity of Armenians in that region that matters, rather it was the influence and strength of the Armenian diaspora on concrete state representatives and officials that was important. Meanwhile, in the case of the Basque Country, mutual support among the self-determination claims of non-recognized entities was the key determinant factor in the process.

Contextualizing the resolutions supporting Nagorno Karabakh's independence

The resolutions of New South Wales (Australia) and nine US states supporting NK as an independent state were supposed to be passed through two (upper and lower) legislative chambers of each state. In some cases, they passed only through the upper chambers like in

the case of Louisiana (through the Senate) and New South Wales (through the Legislative Council). However, in other cases the resolution passed only through the lower house: Rhode Island House of Representatives; the House of Representatives of the Commonwealth of Massachusetts; the House of Representatives of Maine; the Georgia House of Representatives; and the Hawaii House of Representatives. And only in the State of California was there a joint resolution, which implied that the resolution initially had to pass through both chambers: the State Assembly and Senate.

According to NK's permanent representative in the US, Robert Avetisyan, the problem with one-chamber resolutions is that they are passing just half way of the recognition process. Although joint resolutions convey a stronger signal to the international community, both single-chamber and joint resolutions serve the same goal: to express public support to NK. However, it seems that both types of resolutions (joint and single-chamber) resulted in more or less the same political implications (Interview with Robert Avetisyan, Executive Director of the Armenian National Committee of Australia (ANCA Australia), March 2015). He further argues that the reason of passing the resolutions recognizing NK either in the Senate or House lies mainly in the initial tactics of the people who forwarded these resolutions to the chambers (Interview with Robert Avetisyan, Executive Director of the Armenian National Committee of Australia (ANCA Australia), March 2015). Avetisyan reconfirmed that the people responsible for pushing these resolutions were mostly the representatives of local Armenian communities, who had their own connections with some members of state legislative bodies. And they chose the chamber through which to apply depending on the strength and the scope of their contacts in the Senate or House respectively. Lastly, one of the reasons why the majority of the contributors of these resolutions decided to apply to the House of Representatives over the Senate is that the House controls the state budget, and its recognition of NK would enable Armenian community representatives to secure some grants and funds for NK (for example, grants for the organization of a conference on the international recognition of NK in Rhode Island, etc.). In this regard, the resolution of the State of California recognizing NK is unique. First, before California's recognition of the independence of NK at a state level, three communities within the state had already passed recognition resolutions – Fresno County (April 2013), the city of Highland (November 2013) and Los Angeles (January 2014). The importance of these city/county level recognitions lies in the fact that all of them were urging the California Senate to officially recognize NK. With this regard, Aaron Moreno stated:

The actions at the city and county level, as well as the efforts of other state legislatures, were a big help to efforts at the state level because they showed lawmakers that this was a serious issue that people cared about. (Interview with Aaron Moreno, Legislative Director of the office of Assemblyman Mike Gatto, who authored the resolution AJR 32 on Nagorno-Karabakh, March 2015)

The content analysis of the wording of the resolutions has shown that the texts of the resolutions are both similar and different in some regards. One of the major similarities of these resolutions is that they all are supporting NK's continuing efforts to develop its democratic independence. Thus, the second part of the resolutions stresses that the particular state encourages NK people to develop as a sovereign nation and supports NK's continuing attempts to be integrated into the international community (State of Rhode Island 2012).

The final part of the resolutions is urging further recognition of NK by the federal government: in the case of US states by US President and US Congress, and in the case of Australia by the Commonwealth Government. This part also calls upon their federal governments to intensify the scope of bilateral relations with NK. However, two of the recent NK recognition resolutions passed by the US state of Georgia and State of Hawaii, encourage not only the US but the whole international community to give appropriate recognition to the NK Republic as a free, independent, and sovereign democracy. Thus, for the first time, the resolution recognizing NK is being broadened in its scope since the sub-state directs its message outside the borders of the United States.

The content analysis also showed that in some cases, the addressees of the copies of the resolutions are different. For example, if the two first resolutions of Rhode Island (2012) and Massachusetts (2012) the addressees of the copies are only the US President and particular state's delegation in the US Congress, the Louisianan resolution (2013) also adds to this list two more addressees – the secretary of the United States Senate and the clerk of the United States House of Representatives. The list of the copies of Californian joint resolutions (2014) was longer. However, in the addressee part of these resolutions happened for the first time in the US state of Maine. At the end of the resolution it is written that a copy should also “be transmitted to the Permanent Representative to the United States of the NK Republic” (State of Maine 2013). The Georgian and Hawaiian resolutions direct the Clerk of the House of Representatives to make an appropriate copy of this resolution available for distribution to the NK Republic. (State of Georgia 2016) Starting from March 2016 when the seventh US state of Hawaii recognized NK's independence the resolution text included the phrase “House of Representatives of the State of Hawaii honors and recognizes the NK Republic and its citizens” (State of Hawaii 2016).

The eighth resolution supporting NK's independence was adopted on 28 September 2017, by the Senate of US state of Michigan. For the first time the measure goes on to call on the “President and Congress of the United States to recognize a free and independent Republic of Artsakh”, and “to strengthen and solidify our country's economic and cultural relationship with the Artsakh Republic”. It goes on to support NK's efforts with the international community to “reach a lasting solution to the existing regional problems and establish peace and stability in the strategically important region of South Caucasus” (State of Michigan 2016). The last example of adopting a resolution on NK was by the Colorado State Senate. The resolution was passed on the Armenian Genocide commemoration day – 24 April 2019. The same resolution recognized both the Armenian Genocide and the Republic of Artsakh (State of Colorado 2019).

Thus, although all the previous resolutions were supporting NK's independence and were urging the federal government to undertake steps, in the last recognition resolutions the word “recognize” was actually used. And in the case of Michigan's resolution for the first time the emphasis was put not only on security aspect, but also on strengthening economic and cultural ties with NK.

The document recognizing NK independence by the Basque Parliament is named as “Basque Parliament's Motion Supporting NK's Self-Determination” (Basque Parliament 2014). This motion mainly encourages the self-determination claims of NK people. The Basque Parliament also considers the self-determination of the nations as a key guiding principle for the resolution of each conflict. In the end, the motion stresses the importance

of participation of NK in the negotiation process in the frameworks of OSCE Minsk Group (Basque Parliament 2014).

Taken into account the aforementioned points, it may be concluded that despite some wording or other technical differences, the general provisions of the resolutions have a quite similar nature; to support NK's self-determination as well as to develop their bilateral relations with the de facto state of NK.

Implications of Nagorno Karabakh's recognitions by the US and Australian states

The main implications of the resolutions supporting NK's self-determination by the mentioned states are political. The legal results and the legal value of these recognitions are yet to be determined. These resolutions can only advise the federal government in its policy, since the resolutions do not imply legally binding provisions and are expressing the political will of the particular sub-state entity. Thus, although the copies of the resolution are addressed to the US President and US Congress, the resolutions may not and, so far, have not visibly influenced the US foreign policy; instead they may manifest the particular sub-states' desire and the support of NK's recognition by the federal government.

While the legal implications are debatable, the existence of a number of political outcomes emerging from the recognition of NK by Australian and US states is more or less evident. In the case of New South Wales the adoption of such resolutions was followed by the visit of the particular sub-state's delegation to NK and vice versa. These bilateral visits were covered by international media which contributed to raising of the overall awareness on NK. In addition, our interviews have shown that initiators of the resolutions believe that they also sent a message to all sides in this conflict that California, New South Wales as well as all of the other states, cities, and counties that have passed resolutions, are all paying attention to this conflict, which entails some positive implication on the overall security of the de facto state as well.

The passing of the resolutions did not immediately entail a flow of the Foreign Direct Investments (FDI) at the state level, since the trade policy is mainly being implemented by the federal government. However, according to Vache Kahramanian, at the individual level, some investments have been made (even before the adoption of the resolution) in the tourism sector of NK, which had a positive impact on the tourist industry of NK (Interview with Vache Kahramanian, Executive Director of the Armenian National Committee of Australia (ANCA Australia), April 2015).

These US and Australian states' recognitions aim to send an important political message to the Federal Government that the supporting an independent and democratic NK should become an official federal policy. Moreover, according to Marie Ficarra in New South Wales, Australia, the recognition of NK by the Legislative Council has generated much discussion and dissension in the Australian Party rooms and "many Federal Members have started to take vocal stands in the Federal Parliament supporting NK's independence" (Interview with Marie Ficarra, the member of Legislative Council of New South Wales Parliament, April 2015). Other interviews also showed that the recognition resolutions by these US and Australian states consolidate and advance NK's profile in the international platforms by referring to the fact that the NK's independence is being supported by some public and political segments of the population in states such as the US and Australia.

Anna Astvatsaturian-Turcotte, another activist who played a central role in the recognition campaign in Maine, US, argues that these recognition resolutions also serve as major boost to the morale of the people of NK because of the acknowledgement of the support by some US and Australian states, in their struggle for self-determination (Interview with Anna Astvatsaturian-Turcotte, attorney, member of Armenian National Committee of America (ANCA), April 2015). The interviewees also stressed that the recognition of NK indicates that the states adopting such resolutions share the same values with NK – particularly the value of self-determination. On the other hand, according to Laurence Broers, there is a possibility that after this recognition the lobbying wars between Armenia and Azerbaijan will get louder and stronger over time and this will consolidate a highly polarized atmosphere in Western countries on the NK issue (Interview with Laurence Broers, co-editor-in-chief of *Caucasus Survey*, April, 2015).

Another result of the recognition of NK by Australian and US states was the creation of twin-cities between the cities of NK and other sovereign states, which also entailed a number of bilateral agreements signed between the municipalities of those cities. Thus, for example, the US city Highland was twinned with Berdzor (NK), Montebello (US) was twinned with Stepanakert (NK), Martuni (NK) was twinned with French city Les Pennes-Mirabea. According to some interviewees, this type of “city diplomacy” boosts the economic, cultural as well as political ties between twin cities by providing a wider platform for cooperation (Interview with Foreign Minister of NK, Karen Mirzoyan, April 2015). However, up to date no major achievements as a result of the city-to-city cooperation have been observed.

Thus, it is reasonable to assume that due to these recognition resolutions adopted in some Australian and US states NK’s status as well as its profile at some international platforms have been consolidated and advanced. However, the analysis of the interview results indicates that the scope and extent to which the sub-state “recognition paradigm” advances NK’s international standing is limited. It is quite arguable whether or not the resolutions supporting NK’s independence would bring security to NK, but they bring more international attention to the conflict. However, the history of the different conflicts has shown that greater international attention does not necessarily lead to more security; in some cases it may even make the situation even more tense. In some US states (for example in Maine and California) this kind of resolution, which support the independence of the de facto states, were adopted for the first time and therefore are unique in their nature (Interviews with State representatives from California and Maine 2015). In addition, the majority of the interviewees highlighted that although the resolution supporting NK’s independence by one Australian and nine US states has brought some results to date, there are much more opportunities and possibilities for using this recognition to the its fullest extent.

One of the possible prospects of these resolutions was articulated by the majority of the interviewees, who have highlighted the “bottom-up” function of these resolutions. The major idea of the possible function is that, occasionally, federal policies both in Australia and in the US began to change at a state level. In this regard, the analysis of the speech of Californian senator Kevin De León has emphasized the fact that US federal policies towards the injustice of apartheid in South Africa, or on the disinvestment of Iran, were initiated at the state level and were due to the resolutions passed by the Californian as well as other states’ Legislatures (Kevin De León 2014).

In the case of the US, there is a prevailing feeling that given the example of the Armenian Genocide recognition by US states (where 49 states have recognized Armenian Genocide), it seems unlikely at this stage that these state recognitions will visibly affect the US position on NK. Furthermore, according to Broers:

Although the pursuit of recognition is a standard rhetorical position for all de facto states, any recognition of NK would be a challenge to the current ambiguities in the relationship between Armenia and NK, ambiguities that benefit those in power. Recognition would close off the original goal of the Karabakh movement, which was unification with Armenia, and which is more adequately being advanced in the situation as it exists today. (Interview with Laurence Broers, co-editor-in-chief of *Caucasus Survey*, April 2015)

The last opinion polls conducted in NK by the Institute for Political and Sociological Consulting (IPSC), a local research firm from Armenia showed that if in 2015 57% of people in NK thought that they should be united with Armenia, and only 35% agree that it should be independent. In 2016, the number of defenders of independence grew to 49% of the population and now 46% of people chose to be independent Institute for Political and Sociological Consulting (IPSC 2016). Although unification with Armenia was the initial goal of the NK movement, it remains a rather distorted objective as the policies of sovereignty and unification quite often contradict each other. Especially, since the political transformations in Armenia in April–May 2018, the new government was rather inconsistent with the NK's international recognition efforts on the one hand and the claims about NK/Arstakh being part of Armenia on the other hand. These statements complicate not only the prospects of negotiations but also undermine the existing paradigms of cooperation and coexistence between Armenia and NK.

Conclusions

NK's recognition by Australian and US sub-states' generates a new, yet to be explored, paradigm in the current international affairs. By these resolutions, Australian and US states have shown that they have their own approach towards the de facto state of NK, which at this stage is inconsistent with the foreign policy of their federal governments.

The examination of the first research question has illustrated that the adoption of such resolutions may be attributed to the result of combination of two main factors: the aspirations of the NK people, their longing for democracy, and to the long-lasting, grass-roots political activism of Armenians in those states, who were continuously calling on their elected representatives to recognize NK. The interview results have demonstrated that the role of Armenian community in the process of adoption of the resolutions was instrumental in comparison to the role of NK itself. On the other hand, the recognition by the Basque Parliament cannot be attributed to the activities of Armenian communities, and the reason mostly lies in the self-determination claims of the NK people and mutual support of two nations pursuing the same goal.

As for the implications of the resolutions, although the recognition level of NK by Australian and US legislatures has expanded, there are no significant results in the spheres of economic and trade cooperation between NK and US and Australian states. The interview results have also shown that the level of the advancement of the NK's international standing has not advanced either.

Disclosure statement

No potential conflict of interest was reported by the authors.

ORCID

Vahram Ter-Matevosyan  <http://orcid.org/0000-0002-2212-0391>

References

- Basque Parliament. 2014. “Basque Parliament’s Motion Supporting Nagorno-Karabakh’s Self-determination.” <http://asbarez.com/126904/basque-parliament-supports-artsakhs-self-determination/>.
- Berg, Eiki, and Martin Mölder. 2012. “Who is Entitled to Earn Sovereignty? Legitimacy and Regime Support in Abkhazia and Nagorno-Karabakh.” *Nations and Nationalism* 18 (3): 527–545.
- Caspersen, Nina. 2013. “The South Caucasus After Kosovo: Renewed Independence Hopes?” *Europe-Asia Studies* 65 (5): 929–945.
- The Colorado State Senate. 2019. <http://bit.ly/2WBW7CJ>.
- European Friends of Armenia. 2014. “First Nagorno-Karabakh Group Announced in the European Parliament.” Accessed October 16, 2016. <http://www.eufoa.org/>.
- European Parliament. 2018. “VP/HR — Withdrawal of recognition of Kosovo.” <http://www.europarl.europa.eu>.
- Eusko, Legebiltzarra. 2016. “Declaración Institucional.” <http://www.legebiltzarra.eus/irud/10/00/037389.pdf>.
- Hummel, Alexandre. 2011. “Recognition, the Non-Proliferation Regime, and Proliferation Crises.” In *The International Politics of Recognition*, edited by T. Lindemann, and E. Ringmar, 171–188. Boulder, CO: Paradigm Publishers.
- IPSC (Institute for Political and Sociological Consulting). 2016. <http://ipsc.am/en-nagorno-karabakh-comparative-opinion-polls-2015-2016/>.
- Ker-Lindsay, James. 2015. “Engagement without Recognition: the Limits of Diplomatic Interaction with Contested States.” *International Affairs* 91 (2): 267–285.
- Kevin De León. 2014. “Sen. Kevin De León - Recognizing the Nagorno-Karabakh Republic.” <http://sd24.senate.ca.gov>.
- MediaLab. 2012. “The Hope is Tuvalu. After Elections Artsakh’s International Recognition Process Can Start.” <http://medialab.am/news/id/208>.
- NKR President Bako Sahakyan’s interview. 2016. “Nagorno Karabakh’s Recognition is a Matter of Time.” <https://lenta.ru/articles/2016/07/20/saakyan/>.
- Pokalova, Elena. 2015. “Conflict Resolution in Frozen Conflicts: Timing in Nagorno-Karabakh.” *Journal of Balkan and Near Eastern Studies* 17 (1): 68–85.
- President of Armenia. 2010. “Remarks by The President of the Republic of Armenia H.E. Serzh Sargsyan at the OSCE Meeting of the Heads of State or Government (Summit).” <https://www.president.am/en/press-release/item/2010/12/02/news1339/>.
- RA President’s speech at the Armenian National Security Council. 2016. <https://armeniasputnik.am/video/20160402/2703043.html>.
- Radio Free Europe/ Radio Liberty. 2017. “Azerbaijan Blacklists Three U.S. Lawmakers For Visiting Nagorno Karabakh.” <https://www.rferl.org/a/azerbaijan-blacklists-three-us-lawmakers-visiting-nagorno-karabakh/28752231.html>.
- Ringmar, Erik. 2014. “Recognition and the Origins of International Society.” *Global Discourse* 4 (4): 446–445.
- State of Arizona. 2014. “House Resolution 2006.” <https://www.azleg.gov>.
- State of Georgia. 2016. “House Resolution 1580: Honoring and recognizing the Nagorno Karabakh Republic.” <http://www.legis.ga.gov/>.
- State of Hawaii. 2016. “House Resolution 167: Honoring and Recognizing the Nagorno Karabakh Republic.” <https://legiscan.com/>.

- State of Maine. 2013. “State of Maine Joint Resolution Memorializing the President of the US and US Congress to Support the Independence of NKR.”
- State of Michigan. 2016. “Michigan Senate Resolution No. 99.” <http://www.legislature.mi.gov>.
- State of New Mexico. 2018. “House Memorial 47.” <https://www.nmlegis.gov/>.
- State of Rhode Island. 2012. “House Resolution H 8180 ‘Supporting the Nagorno-Karabakh Republic’s Efforts to Develop as a Free and Independent Nation’.” <http://webserver.rilin.state.ri.us/>.
- Toomla, Raul. 2014. *De facto States in the International System: Conditions for (In-)formal Engagement*. Institute of Government and Politics, University of Tartu. <http://hdl.handle.net/10062/35380>.
- United Nations. 2006. “Montenegro’s Admission to the UN.” Security Council Report. <http://www.securitycouncilreport.org/>.
- Uruguay Deputy. 2012. “Uruguay may be the First to Recognize Karabakh.” http://arka.am/en/news/politics/uruguay_may_be_the_first_to_recognize_karabakh_uruguay_depy/.
- Wolff, Stefan, and Annemarie Peen Rodt. 2013. “Self-determination After Kosovo.” *Europe-Asia Studies* 65 (5): 799–822.
- Worster, William. 2009. “Law, Politics, and the Conception of the State in State Recognition Theory.” *Boston University International Law Journal* 22 (1). SSRN: <https://ssrn.com/abstract=1447887>.
- Zuo, Y. 2011. “Self-identification, Recognition and Conflicts: The Evolution of Taiwan’s Identity, 1949–2008.” In *International Politics of Recognition*, edited by T. Lindemann, and E. Ringmar, 153–170. Boulder, CO: Paradigm Publishers.