

Tom Lantos Human Rights Commission

Hearing
on
Safeguarding the People of Nagorno-Karabakh

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Chairman Smith, Chairman McGovern, honorable members, thank you for the opportunity to testify today concerning ways in which the United States might help safeguard the people of Nagorno-Karabakh. There is no shortage of humanitarian crises across the world. Democracy is in retreat and autocrats increasingly act with impunity. What sets Nagorno-Karabakh apart is that with a more agile and realistic strategy, the United States can not only do the right thing and safeguard a community that dates back two millennia, but it can simultaneously also enhance America's position and national security.

To understand the current conflict, it is important both to appreciate history and heritage and the regional power dynamics at play. The United States has in its policy quiver a number of diplomatic, economic, and military options that, if applied, could prevent ethnic cleansing and incentivize diplomacy leading to a lasting peace.

An Ancient Community Reborn

The Armenian community in Nagorno-Karabakh dates to at least the first century BC, four centuries before Armenia became the world's first Christian state. Evidence of Armenian heritage in the region is readily apparent. Monasteries and churches dot the landscape, such as the fourth century Amaras Monastery, the tenth century church at Varazgom, or the 13th century tomb at Chapni.

Seljuq Turks, Mongols, and Persians each invaded the region, but the Armenian community persisted, secure in mountain villages largely impervious to cavalry. Each conqueror quickly devolved *de facto* control to Armenian princes and local Armenian leaders, even if nominal

sovereignty lay elsewhere. In the 16th century, for example, the Persians established a Karabakh Khanate that they ruled out of Ganja, today an Azerbaijani city, but even then, Karabakh remained an Armenian populated territory whose rulers devolved daily control to local Armenian officials. Such a pattern continued through the 19th century, even after the Russian Empire wrested control of the territory from Persia.

In 1918, Armenia, Azerbaijan, and Georgia emerged as independent states, Azerbaijan for the first time. While President Woodrow Wilson envisioned an Armenian state that would include Nagorno-Karabakh, the Treaty of Sèvres called upon Armenia and Azerbaijan to negotiate directly to establish their frontiers. When the State Department formally recognized Armenia in 1920, Secretary of State Bainbridge Colby warned, “This recognition in no way predetermines the territorial frontiers, which, it is understood, are matters for later delimitation.”¹ While Azerbaijan claimed the region, it never controlled Nagorno-Karabakh. Armenians continued to resist Azerbaijan’s rule up until the Soviet Union overran both states. The Soviets conducted censuses in territory they conquered and controlled, and the Caucasus were no different. In 1921, a Soviet census showed Nagorno-Karabakh to be 90 percent Armenian.² Indeed, this was the major reason why Joseph Stalin, then a young official who would rise to lead the Soviet Union, gerrymandered the borders and assigned the region to Azerbaijan, albeit as an autonomous oblast.

Under Stalin and his immediate successors, Soviet leaders largely ignored the constitution. The last Soviet leader Mikhail Gorbachev’s *Perestroika* reform movement inspired Nagorno-Karabakh’s Armenian majority to assert their nominal rights. Article 3 of the 1990 Law of Succession, the same law that Azerbaijan and Georgia used to reassert their independence, states, “The people of autonomous republics and autonomous formations retain the right to decide independently the question of remaining within the USSR or within the seceding Union republic, and also to raise the question of their own state-legal status.”³

Nagorno-Karabakh’s residents first petitioned and then held a referendum in which 99.98 percent voted for succession from Azerbaijan. Azerbaijan tried to head off the vote with ethnic intimidation and with both anti-ethnic and anti-Christian pogroms, not only in Nagorno-Karabakh but also against Armenian communities elsewhere in Azerbaijan. It was against this backdrop of ethnic cleansing that Congress incorporated Section 907 into the Freedom Support Act forbidding most

¹ “The Secretary of State to the Representative of the Armenian Republic,” April 23, 1920, in *Papers Relating to the Foreign Relations of the United States, 1920, Volume III*.

² Меружан Караретуян, “Этническая структура населения Нагорного Карабаха в 1921 г.” Yerevan, 1991.

³ Ведомости Съезда народных депутатов СССР и Верховного Совета СССР, 1990, № 15, ст. 252.

US assistant to Azerbaijan.⁴ While Azerbaijani officials and their lobbyists regularly attribute the enactment of Section 907 to the Armenian lobby, the Congressional embrace of Section 907 was more broad-based. Representatives across the political spectrum at the time recognized that Armenians in Armenia and Nagorno-Karabakh led democratic efforts, while Azerbaijan with Moscow's support engaged in pogroms and launched a massive ethnic cleansing campaign that reduced the Armenian population living in Nagorno-Karabakh by two-thirds.

Turkey likewise responded with a blockade against landlocked Armenia in violation of treaty obligations to give landlocked Armenia Black Sea access. Congress responded with the Humanitarian Aid Corridors Act to compel delivery of U.S. assistance. Enforcement of the Humanitarian Aid Corridors Act today is an underutilized diplomatic tool.

While the United States continued to recognize Azerbaijani territorial integrity, it did not historically recognize Azerbaijani sovereignty in the way Azerbaijani officials and their supporters in Washington today argue or believe. Reflecting this original understanding was U.S. extension of aid to Nagorno-Karabakh, State Department permission for U.S. officials to visit Nagorno-Karabakh and meet its elected officials, and the U.S. Treasury Department's permission for U.S. tax exempt and charitable organizations to operate in the region.

Both when the United States recognized Azerbaijan's independence and later through the Minsk Group, U.S. officials repeatedly affirmed three co-equal principles: territorial integrity, self-determination, and peaceful resolution of the dispute. In effect. The State Department understood that Azerbaijani assertion of sovereignty absent a consensus agreement with Armenia and Nagorno-Karabakh's ethnic Armenian population could lead to ethnic cleansing if not genocide.

Negotiating Nagorno-Karabakh's Fate

In 1992, against the backdrop of the then-ongoing first Nagorno-Karabakh War, the Commission for Security and Cooperation in Europe (CSCE) laid the groundwork for a forum in Minsk to negotiate a resolution to the dispute between Azerbaijan and Armenia over Nagorno-Karabakh. Two years later, the CSCE, since rebranded the Organization for Security and Cooperation in Europe (OSCE), formalized the Minsk Group as the chief international; diplomatic mechanism to end fighting in the Nagorno-Karabakh, resolve the conflict, and allow the deployment of a multinational peacekeeping force. The Group, co-chaired by diplomats from Russia, France, and

⁴ U.S Public Law No: 102-511

the United States, counts Armenia, Azerbaijan, Belarus, Germany, Italy, Sweden, Finland, and Turkey as permanent members.

After the guns fell silent in 1994, the OSCE Minsk Group hammered away at a diplomatic resolution to allow the autonomy and freedom for which residents of Nagorno-Karabakh had voted. There were a number of meetings between Azerbaijani President Heydar Aliyev and his Armenian counterpart Robert Kocharyan beginning in the late 1990s that fleshed out an agreement in which Armenia would trade seven occupied Azerbaijani districts for security guarantees. Displaced Azerbaijanis could return to these Azerbaijani districts. This culminated in a 2001 meeting between the two leaders in Key West, Florida. Unfortunately, President Heydar Aliyev walked away from the agreement he had helped reach without explanation.⁵ What followed was more than a decade of stalemate, punctuated with occasional short outbursts of violence. The most notable of these was the April 2016 “Four Day War” that saw Azerbaijan regain two strategic heights and between 800 and 2000 hectares in what was both the conflict’s worst ceasefire violation since 1994 and Azerbaijan’s first victory in Nagorno-Karabakh.

Armenia’s democratic revolution and Prime Minister Nikol Pashinyan’s rise gave new energy to Minsk Group efforts to negotiate a solution. Ceasefire violations declined along the line of control, and civilian security forces replaced soldiers along part of the international border. In hindsight, this was a tactical pause.

Still, the Minsk Group was optimistic for a renewed diplomatic approach. On March 29, 2019, Ilham Aliyev, who took over from his father in 2003, met Pashinyan for the first time at a meeting with the Russian and American Minsk Group co-chairs. Their readout was positive. They and the OSCE reported they “underlined the importance of building up an environment conducive to peace and taking further concrete and tangible steps in the negotiation process to find a peaceful solution to the conflict.” They also “recommitted to strengthening the ceasefire and improving the mechanism for direct communication... [and] agreed to develop a number of measures in the humanitarian field.”⁶

⁵ “The United States and the Conflict Over Nagorno-Karabakh,” Fact Sheet, Bureau of European and Eurasian Affairs, U.S. Department of State, Washington, DC, April 15, 2008, <https://2001-2009.state.gov/p/eur/rls/fs/103560.htm>; “Was Heydar Aliyev Ready to Make Territorial Concessions in Karabakh?” *Meydan.tv*, October 26, 2016

⁶ “Joint Statement by the Foreign Ministers of Armenia and Azerbaijan and the Co-Chairs of the OSCE Minsk Group,” OSCE, March 29, 2019.

An Ancient Community Imperiled

It was against this context that, in September 2020, that Azerbaijan, backed by Turkish Special Forces and Syrian Hay'at Tahrir al-Sham and Islamic State mercenaries launched a massive, multipronged surprise attack on Nagorno-Karabakh. As both David Phillips, the director of the Program on Peace-building and Human Rights at Columbia University's Institute for the Study of Human Rights, and the California-based Center for Truth and Justice have documented, Azerbaijani forces filmed executions of Armenian prisoners, rapes and mutilations of Armenian women, and the deliberate destruction of Armenian churches, cemeteries, and other cultural heritage sites. Azerbaijani forces ultimately wrested half of Nagorno-Karabakh's territory away from Armenian control before Russian President Vladimir Putin imposed a ceasefire. The agreement solidified Azerbaijan's territorial gains in Nagorno-Karabakh and required Armenia to withdrawal from territory it occupied outside Nagorno-Karabakh. In exchange, the settlement permitted the nominally independent Republic of Artsakh to continue to exist with 2,000 Russian peacekeepers separating the Azerbaijani army from Artsakh's Armenian militia. The ceasefire also mandated a humanitarian corridor through Azerbaijani territory at Lachin.

I visited Nagorno-Karabakh in November 2020, less than three weeks after the guns fell silent. Refugees flooded both Stepanakert and the road to Armenia as they sought to flee Azerbaijani atrocities. Aliyev might tell American diplomats all Armenians can live as equal citizens under Azerbaijani law, but this is not the case. Even after the ceasefire, Azerbaijanis dragged Armenians out of cars and arrested them. Many remain in prison; others simply disappeared. The goal, in hindsight, appears to have been to intimidate and prevent any commerce or travel between Armenia and Nagorno-Karabakh. Both the Azerbaijanis and Russian forces blocked foreigners from accessing the landlocked Armenian polity in Nagorno-Karabakh.

While I was in Stepanakert, Nagorno-Karabakh Armenians told me the date of the attack on the 100th anniversary of the Ottoman invasion of independent Armenia was no coincidence and convinced Nagorno-Karabakh's residents that Aliyev and Turkish President Recep Tayyip Erdoğan's goal was to finish the Armenian Genocide. At the time, Russian peacekeepers were still setting up their positions. Early optimism that they might stop Azerbaijani atrocities proved short-lived. I left Stepanakert's Surb Hakob church to find Armenians fleeing down a street; just a half mile away, Azerbaijani snipers opened fire from the clifftop city of Shushi into the regional capital just below.

Armenians quickly recognized that Russia had no interest in peace. The Russian peacekeepers, for example, neither collect nor report ceasefire violations; the European Union Monitoring Capacity

to Armenia does collect violations, but both the State Department and European diplomats seek to keep their reports confidential in the belief that assigning blame for violations could embarrass Azerbaijani officials and impede the diplomatic process.

Rather than advance peace, such impotence has only encouraged Azerbaijan to ratchet up their aggression. In May 2023, I visited the Armenian village of Tegh to observe the illegal Azerbaijani checkpoint that now blocks the Lachin corridor in contravention of the 9 November 2020 ceasefire. A Russian BTR parked less than 50 yards from the checkpoint, doing nothing as Azerbaijani soldiers stopped and turned back cars. In the nearby town of Goris, hotels remain full of elderly men and women, some in their 80s, who have remained in limbo for six months, unable to return to their homes in Nagorno-Karabakh. For weeks, Azerbaijani soldiers even prevented the return home of a school group from Nagorno-Karabakh who had traveled to Yerevan to watch the Junior Eurovision, separating the eight to 16-year-olds from their families.⁷ Neither the Azerbaijani government nor the Russian forces will allow the International Committee of the Red Cross to return the majority of those displaced by Azerbaijani blockage of the Lachin corridor in December 2022.

Azerbaijani Irredentism Threatens Armenia Proper

It would be a mistake to assume that the dispute is only territorial in nature or limited to Nagorno-Karabakh.

Addressing a Joint Session of Congress in the aftermath of the September 11, 2001 terrorist attacks, President George W. Bush declared, “Either you are with us, or you are with the terrorists.”⁸ Heydar Aliyev sensed an opportunity. As a reward for Azerbaijan positioning itself as a U.S. ally, Congress amended Section 907 to waive Azerbaijan aid restrictions so long as the waiver supports U.S. counter terrorism efforts, assists Azerbaijan’s border security, “and will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.”⁹

⁷ “Young travelers from Nagorno-Karabakh stranded by closure of Lachin corridor,” *France 24*, January 7, 2023, <https://www.france24.com/en/europe/20230107-young-travellers-from-nagorno-karabakh-stranded-by-closure-of-lachin-corridor>

⁸ George W. Bush, “Address to a Joint Session of Congress and the American People,” The White House, September 20, 2001.

⁹ §5812. “Program coordination, implementation, and oversight,” <https://www.govinfo.gov/content/pkg/USCODE-2018-title22/html/USCODE-2018-title22-chap67-subchapI-sec5812.htm>

Assuming the presidency upon his father's death, Ilham Aliyev began to test the U.S. commitment its own law by increasingly suggesting unwillingness to reach a peaceful settlement with Armenia. On November 20, 2012, for example, Aliyev said, "Armenia as a country is of no value. It is actually a colony, an outpost run from abroad, a territory artificially created on ancient Azerbaijani lands."¹⁰

The next year, he promised not only to retake Nagorno-Karabakh but also all of Armenia. "Azerbaijanis will live on their historical lands in the future. Our historical lands are Irevan [Yerevan] and Zangezur regions," he explained.¹¹

Such irredentist rhetoric became the rule rather than the exception. Just four months later, for example, during a visit to Ganja, Azerbaijan's second-largest city, he described Armenia as "historical Azerbaijani lands" that Azerbaijan would regain.¹² The following year, he suggested a resolution to the Nagorno-Karabakh dispute would only enable a second phase, in which Azerbaijan would conquer all of Armenia. "The Armenian-Azerbaijani Nagorno-Karabakh conflict must be settled only within the framework of Azerbaijan's internationally recognized territorial integrity. After that we will return to our ancient lands -- to Yerevan, Geychay and Zangezur," he declared, adding, "These are our historic lands. The young generation must know that that our lands are not confined to the territory of modern-day Azerbaijan."¹³

Each of these statements by itself should have been sufficient to nullify the Section 907 waiver. That, across administrations, the U.S. reaction was silence simply encouraged Aliyev to believe that he could get away with murder and that Washington would not hold him accountable for eschewing a peaceful solution. While the 2020 Nagorno-Karabakh War occurred on President Donald Trump's watch, President Joe Biden's decision to renew the Section 907 waiver shortly after encouraged Aliyev to believe he would face no consequences for attacking not only Nagorno-Karabakh, but also Armenia itself. Nor is the problem limited to the South Caucasus. What happens in Nagorno-Karabakh doesn't stay in Nagorno-Karabakh. It is likely that American inaction after Azerbaijani military conquest in Nagorno-Karabakh contributed to Putin's belief he could get away with something similar in Ukraine.

¹⁰ "Azeri president says Armenia is a country 'of no value,'" *Reuters*, November 20, 2012.

¹¹ "Aliyev Lays Claim to Yerevan, Praises Safarov," *Asbarez*, September 18, 2013.

¹² "Aliyev Vows Return Of 'Historic Azeri Lands' In Armenia," *Azatutyun* [Radio Free Europe/Radio Liberty's Armenian service], January 22, 2014, <https://www.azatutyun.am/a/25238926.html>

¹³ "Aliyev Again Vows Return Of 'Historic Azeri Lands' In Armenia," *Azatutyun*, March 19, 2015, <https://www.azatutyun.am/a/26910370.html>

Aliyev's probing attacks on Armenia continued as the Russian invasion of Ukraine distracted American policymakers. In September 2022, for example, Azerbaijani forces launched a surprise attack on the spa town of Jermuk using artillery, drones, and small arms. I visited a ski resort that Azerbaijani forces shelled, knocking its lift out of action, and walked through the nearby woods still littered with Grad rocket shrapnel, and saw apartment buildings, fish farms, and hotels that likewise came under fire. The attack was both unprovoked and deliberate; the town is purely civilian and hosts no military targets. Furthermore, it is well within the borders of Armenia proper. Azerbaijani forces continue to occupy approximately 24 square miles. Azerbaijani snipers had me under surveillance as I drove along a road toward the occupied zone. Their flag was clearly in view, well within Armenia's border.

The same is true at Yeraskh, an Armenian town near the border of the Azerbaijani exclave of Nakhchivan. On June 14, 2023, Azerbaijani snipers opened fire on an American-funded metallurgy plant in the town, wounding two Indian workers. Yeraskh is not in Nagorno-Karabakh; it is within the internationally recognized borders of Armenia. The following day, Azerbaijani forces crossed the Khakari Bridge to plant an Azerbaijani flag on Armenian territory, an action that provoked a brief skirmish.

Azerbaijan does not appear satiated. In May 2023, I visited Nerkin Khndzoresk, a small farming town that, following the 2020 Nagorno-Karabakh War, suddenly found itself surrounded on three sides by Azerbaijan. The juxtaposition between the postures of both countries is profound. Armenia has renovated a small farmhouse to serve as a base for its border detachment. Azerbaijan's facility, just a few hundred yards away, includes a helipad, rocket launchers, and an advanced radar system. Its posture suggests a country prepared for a new offensive rather than a country at peace within its own borders.

Can Azerbaijan be separated from Russia?

Putin's imposition of the November 9, 2020 ceasefire outside the Minsk framework represented a Russian end run over French and American interests. The return of Russian soldiers to Nagorno-Karabakh for the first time since the Soviet Union's fall was a strategic victory for Russia.

Aliyev celebrated the decline of both French and American influence. "Azerbaijan resolved the conflict, which lasted for almost 30 years, resolved by force and political means. And I can only

agree with what president Putin said, the president of the one of the co-chair countries, that Nagorno-Karabakh conflict is already in the history.” When Andrew Schofer, the Minsk Group’s American co-chair, visited Baku in December 2020, Aliyev sought to humiliate him on live camera. “It was your idea to come. I can tell you again in front of the cameras, I did not invite the Minsk Group to come. But when I was informed that the Minsk Group wants to come, I said okay, I don’t mind, maybe they have something to tell me. If you want to do it in front of the cameras, it’s okay, if not, I can tell them to leave. It’s up to you.”¹⁴ Schofer responded, “I also like to extend my thanks for your decision to receive us here today, and your hospitable welcome.” Such obsequiousness might be diplomatic norm, but it played into Aliyev’s desire to humiliate America in order to bolster both Russian influence and his own populist appeal.

This should not surprise. While Azerbaijan may once have distanced itself from Russia when the Aliyevs perceived Russia to be weak and America strong, in recent years it has sought to balance its ties if not tilt toward the Kremlin. In this, Aliyev repeats Erdoğan’s strategy. With regard to Turkey, successive U.S. administrations’ tendency to calibrate American policy to what they wished Turkey would be rather than to what it had become played into Erdogan’s hands. It is crucial not to make the same mistake with Azerbaijan.

The simple fact is this: Whereas Azerbaijan once sold itself to the West as an opponent to Putinism, Aliyev today sides with Russia, profits from Russia, and takes his cues from Putin. Aliyev is Azerbaijan’s most pro-Russian president since Ayaz Mutalibov, a former communist official who ruled Azerbaijan briefly upon independence. On March 7, 2017, for example, Iran, Azerbaijan, and Russia signed a memorandum outlining rail cooperation and 50 percent reduction of transit tariffs.¹⁵ One month after the guns fell silent in Georgia, Aliyev traveled to Moscow to signal Putin would face no diplomatic consequences and to lay the groundwork for an enhanced relationship.¹⁶ It was the first of many visits to Russia. Next to Belarussian President Alexander Lukashenko, Aliyev is perhaps the most frequent head-of-state visitor to the Kremlin. Indeed, Aliyev visited Putin two days before Russia launched the invasion of Ukraine, undermining efforts to isolate Putin and dissuade the looming war.

¹⁴ “Ilham Aliyev received OSCE Minsk Group co-chairs from France and U.S.” *President of the Republic of Azerbaijan*, 12 December 2020, <https://president.az/en/articles/view/48908>

¹⁵ “Iran, Russia, Azerbaijan Republic sign MoU on rail cooperation,” Islamic Republic News Agency (Tehran), March 7, 2017; “Iran, Russia, Azerbaijan Agree on 50% Cut in Transit Tariffs,” *Financial Tribune* (Tehran), March 8, 2017.

¹⁶ “Statement by President of Azerbaijan Ilham Alyev,” *AzərTas* [Baku], September 16, 2008, <https://azertag.az/en/xeber/577136>

Aliyev also undermined U.S. and European efforts to impose sanctions on Russia over Ukraine. As war and the threat of sanctions on Russia loomed, Aliyev allowed Russia's Lukoil to buy a 9.99 percent stake in Azerbaijan's Shah Deniz natural gas project from Malaysian oil and gas company Petronas, a deal worth \$1.45 billion.¹⁷ Lukoil thus became a partner of the Azerbaijani state- oil company SOCAR and enabled Russia to evade sanctions by laundering gas through Azerbaijan.

Aliyev brags openly about how Azerbaijan's cooperation with Iran and Russia comes at Armenia's expense. In his 2021 New Year's address, the Azerbaijani president declared, "There is a trilateral format involving Azerbaijan, Iran and Russia. Does Armenia have such a format with any other countries? No! This is a clear example of how correct our policy has been."¹⁸

While Secretary of State Antony Blinken may believe he can wean Aliyev from Moscow, such a strategy misunderstands Aliyev's background and influences. Putin and Aliyev understand each other. The two leaders arose in the same milieu. Putin joined the KGB as a young man in 1975, and rose through the ranks before eventually becoming the chief of its successor Federal Security Service (FSB). Aliyev is nine years younger than Putin and was largely an academic in the final years of the Soviet Union, but his father Heydar inculcated Ilham into KGB culture. Heydar spent his life working for the Soviet security apparatus, first in Azerbaijan's Nakhchivan Autonomous Soviet Socialist Republic and then rising through the ranks to become Soviet Azerbaijan's top KGB officer, a post he held for 13 years. Indeed, Heydar so impressed his Soviet masters that he became the Soviet Union's first deputy premier and served five years in its politburo.

Perhaps more important than his KGB pedigree is corruption. Aliyev has embezzled billions of dollars. Transparency International ranks Azerbaijan as among the world's most corrupt countries, even more corrupt than Iran, Lebanon, and Russia. Much of that money he stashes in the United Kingdom and Russia.¹⁹ That alone means that Putin has leverage over Aliyev to prevent any tilt to the West. Today, quite simply, Aliyev is Putin's proxy even if he successfully promotes the image of independence.

To isolate the Nagorno-Karabakh conflict in the diplomatic mind to misunderstand its importance. Azerbaijan's assault on Nagorno-Karabakh represents after the Kremlin's instigation of conflicts in Ukraine and Kosovo, the third front Russia has launched against the West with local proxies.

¹⁷ "Russia's Lukoil Spends \$1.5 Billion to Raise Stake in Azeri Gas Project," *US News & World Report*, February 18, 2022.

¹⁸ "Address of President of the Republic of Azerbaijan Ilham Aliyev," *AzərTas*, January 1, 2021, <https://azertag.az/en/xeber/1679185>

¹⁹ See, for example, "The Azerbaijani Laundromat," *OCCRP*, September 4, 2017, <https://www.occrp.org/en/azerbajjanilaundromat/>

Likewise, the Kremlin now signals to all peoples in the South Caucasus that there will be a cost for embracing democracy. When Azerbaijani President Abulfaz Elchibey embraced democracy shortly after Azerbaijan's independence, he lost territory before his ignominious ouster in a coup d'état. When Georgian President Mikheil Saakashvili led Georgia's Rose Revolution, Russia responded with an invasion that shrank Georgia's territory. It is impossible to separate Pashinyan's 2018 triumph in the Maidan Revolution from the fact that Putin now works with Azerbaijan to punish, if not snuff out democracy, and allows Azerbaijan to slice away at Armenian territory.

Can Armenia be separated from Russia?

There is a tendency among some in Washington to dismiss Armenia as a Russian proxy. This is inaccurate. It both misunderstands the situation and undermines outcomes most beneficial to the United States.

It is true that Armenia once tilted to Russia. It hosts the Russian 102nd Military Base in Gyumri, approximately 75 miles north of Yerevan. The base was previously home to the Soviet-era 127th Motor Rifle Division. I surveyed the base in June 2022; it is a shadow of its former self. Today, Gyumri is a backwater as far as Moscow is concerned, though the Russian presence retains its importance to Armenia as a tripwire to prevent Azerbaijan or Turkey from overtaking the country.

In 1992, Armenia and Russia, alongside many Central Asian states, signed the Collective Security Treaty. A decade later, this morphed into the Collective Security Treaty Organization (CSTO) that Moscow views as a counterweight to NATO. Azerbaijan remained outside the CSTO, an exclusion that allowed it to cultivate a more pro-United States, anti-Russia image in Washington.

It would be wrong, however, to suggest that, post-2018, Armenia sought to orient itself to Russia. In November 2022, Armenia hosted a CSTO Summit. Pashinyan refused to sign the Summit's final declaration meant to support Russia in its war against Ukraine, instead abruptly ending the summit before the assembled leaders could endorse and sign the document.²⁰ Pashinyan had transformed what Putin envisioned as a propaganda coup for himself into an embarrassment for the Russian leader on the world stage. The following January, Pashinyan abruptly cancelled CSTO

²⁰ Thibault Spirlet, "Putin and Lukashenko humiliated as ally attacks Russian-led alliance over internal war," *Express*, November 24, 2022, <https://www.express.co.uk/news/world/1701258/putin-russia-ukraine-war-belarus-alexander-lukashenko-csto-summit-armenia-pashinyan-vn>

military drills that Armenia was due to host out of frustration with Russia's ineffectiveness against the backdrop of the Azerbaijani blockade of the Lachin corridor.

Rather than write off Armenia as a Russian proxy, it is important to understand the sea change that has occurred in the country. Armenian politicians no longer trust Russia. More importantly, recent Russian actions have made the Armenian public more cynical toward Moscow. The West has a real opening.

Perhaps the best parallel to understand the current strategy comes from the Cold War. In 1973, National Security Advisor Henry Kissinger recognized Egypt's widespread dissatisfaction with its Soviet patrons against the backdrop of Egypt's own losses in wars with Israel. Rather than write off Egypt as a Soviet proxy, Kissinger engaged President Anwar Sadat, an effort that ultimately led Egypt to flip to the Western camp. Not only did the U.S. effort erode the Soviet presence in the Middle East, it also enabled a peace between the Arab world's most populous country and Israel that would once have been inconceivable.

Symbolism Matters

Unfortunately, current U.S. policy appears to focus more on the trees than the forest. While commendable that Blinken leads the most intensive effort to resolve the conflict in three decades, neither diplomacy nor good intentions are enough. Context and strategy also matter.

The United States should always side with democracy against dictatorship. Not only Armenia is an electoral democracy, but so too is the unrecognized Republic of Artsakh in Nagorno-Karabakh. Freedom House assesses both as freer than Azerbaijan. To subordinate any democracy to the whims of a dictator is immoral and strategically inept. State Department applause for Aliyev's supposed willingness to consider "amnesty" for ethnic Armenian elected officials in Nagorno-Karabakh unintentionally suggested American disdain for democratic values and likely will encourage Aliyev to believe the United States will endorse his demands that all Armenian officials subordinate themselves to his mercy and repent for embracing democratic accountability. If Aliyev considers Armenians in Nagorno-Karabakh to be his subjects, his willingness to blockade and starve them bodes ill for the future.

When lives are at stake, substance must not become subordinate to symbolism. Armenians interpret Blinken's push for peace as abandoning long-standing principles, assenting to the use of

force, and undercutting democracy and human rights across the entire region. Blinken may want to reach a final agreement, but he should recognize that failure to enforce previous agreements limits confidence in peace. The lack of response to Aliyev's mockery of the Minsk Group process and his flagrant violation of the November 9, 2020 ceasefire hemorrhage confidence in any new agreement.

It is also important to recognize the importance of self-determination. To continue to support blindly Azerbaijan's claim to sovereignty over the entirety of Nagorno-Karabakh is both to endorse Stalin's gerrymandering from a century ago and to ignore the legitimate legal basis on which Nagorno-Karabakh's residents sought freedom.

Blinken's demand that Pashinyan negotiate on behalf of Artsakh is also problematic. After all, Armenia previously heeded U.S. calls to refrain from recognizing Artsakh's independence so as not to upset the Minsk Group's diplomatic process. Armenia agreed to take no unilateral actions. To turn around and now suggest Armenia speaks on behalf of Artsakh presents a logical fallacy. What the State Department now does undermines the principle of self-determination. Indeed, it is essential that Azerbaijan negotiate with Artsakh directly because Nagorno-Karabakh's residents are under no obligation to accede to commitments made on their behalf by a foreign power, even if that power is Armenia.

Any State Department attempt to calibrate negotiations to the American political calendar will also backfire by encouraging short-term transactional diplomacy. This approach has not only failed to win peace but has also encouraged violence. So too has moral equivalence. When one side attacks and the other side is attacked, boilerplate statements encouraging both sides to refrain from violence demonstrate a tin ear to justice and signal Washington does not punish aggression.

A Way Forward

If the Biden administration wishes to succeed in bringing peace to Nagorno-Karabakh, it should do more than repeat the failures of the past and instead recognize leverage matters. Fortunately, the United States has ample means to coerce change. There are a number of arrows in America's policy quiver:

- **Waive Section 907:** There is a tendency among diplomats to believe punitive actions discourage diplomacy and could lead one party to walk away from the diplomatic process.

To demonstrate instead that there will be no consequence for bad behavior, though, simply encourages greater violation. Aliyev has agency. He need not resort to military action. To protect him from the consequences of his actions has consistently failed. Conversely, sanctions can work.

- **Enforce the Humanitarian Corridors Act:** Just as Azerbaijan is in violation of Section 907, including its waiver provisions, so too is it in violation of the Humanitarian Corridors Act.²¹ The State Department should respect U.S. law and Congress. The Biden administration should place immediate financial and human rights sanctions upon the Aliyev regime for the illegal blockade of the Nagorno-Karabakh, and upon the Erdoğan regime for Turkey's continuing blockade of Armenia. During his June 13, 2023 confirmation hearing, Mark Libby, the U.S. ambassador-designate to Azerbaijan, acknowledged that Azerbaijan had blocked U.S. assistance to Nagorno-Karabakh, making it subject to Humanitarian Aid Corridors Act sanctions.
- **Apply Global Magnitsky Act Sanctions:** Azerbaijan is a Potemkin country. Shiny towers dominate Baku's skyline, and luxury brands from Bulgari to Bugatti find space on its corniche, but behind the shiny edifice, the country's economy is on life support. Despite reaping hundreds of billions of dollars income from gas and oil, Azerbaijan's per capita income falls below Armenia and Georgia, neither of which have hydrocarbons. This reflects mass corruption and means the average Armenian lives far better than the average Azerbaijani. Such sanctions could target those complicit in financial crimes such as Turab Musayev, who allegedly paid bribes to the Maltese businessman currently facing trial for the 2017 murder of journalist Daphne Caruana Galizia or Ali Nageyev, an official tasked with fighting corruption but complicit in international money laundering.²² They also might target those involved in human rights violations, such as Major Ramil Safarov who hacked Armenian Lieutenant Gurgen Margaryan to death during a 2004 NATO seminar. After Hungary returned Safarov to Azerbaijan in 2012 to serve the remainder of his sentence, Aliyev not only pardoned him, but paid him back wages and honored him as a national hero.
- **Limit Exports of Dual Use Goods:** Azerbaijan utilizes drones against civilian targets, as the attacks on Jermuk demonstrate. Accordingly, it is essential to restrict trade in commercial drones and thermal imaging devices. The United States should consider additional sanctions on computer chips and lathes, and on both chemical and biological agents. Aliyev could not easily dismiss such sanctions as they would impact Azerbaijan's hydrocarbon sector and hamper his ability to distribute patronage among his top lieutenants.
- **Protect Cultural Heritage:** There is ample documentation of Azerbaijan's destruction of Armenian cultural heritage in Nagorno-Karabakh and in Azerbaijan. The 2005 destruction

²¹ 22 USC 2378-1: "Prohibition on assistance to countries that restrict United States humanitarian assistance," <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section2378-1&num=0&edition=prelim>

²² Jacob Borg, "Company in 17 Black cash trail received 'suspicious' Pilatus funds," *Times of Malta*, January 30, 2022; Pavla Holcova, Khadija Ismayilova, Leyla Avshar, "The Corruption Fighter's Hidden Empire," *OCCRP*, September 11, 2017, <https://www.occrp.org/en/azerbaijanilaundromat/the-corruption-fighters-hidden-empire>

of ancient cross stones (*khachkars*) dating back more than 1,000 years is a cultural crime on par with the Taliban's 2001 destruction of the Buddhas at Bamiyan.²³ It is important not simply to trust, but also verify. The State Department and U.S. Agency for International Development, perhaps with the cooperation of UNESCO, should develop and present a mechanism to conduct remote video monitoring of cultural heritage sites, 24 hours per day, seven days per week. Such monitoring should occur not only for Christian sites under Azerbaijan's control, but can also extend to Islamic heritage sites inside Armenia.

- **Monitor Incitement:** There can be no lasting peace so long as Azerbaijan incites and indoctrinates its population into racial and religious hatred against Armenians. The European Commission against Racism and Intolerance observed in its report on Azerbaijan that "Political leaders, educational institutions and media have continued using hate speech against Armenians; an entire generation of Azerbaijanis has now grown up listening to this hateful rhetoric."²⁴ Safarov's attack on a sleeping Armenian officer demonstrates how dangerous Azerbaijani indoctrination has become.
- **Sequencing of Diplomacy Matters:** To fast-track diplomacy, the State Department and its European partners are first seeking to win a peace agreement between Armenia and Azerbaijan based upon Armenian recognition of Azerbaijani sovereignty over Nagorno-Karabakh, and then to demarcate formally the borders between Armenia and Azerbaijan. This is backwards. Delaying such demarcation not only catalyzes aggression by encouraging Azerbaijan to try to establish facts on the ground, but it also sets the diplomatic process up for failure should Aliyev pocket Pashinyan's Nagorno-Karabakh concessions but then filibuster the remaining process.
- **Identify Other Models for Co-Existence.** Perhaps the best analogy to Nagorno-Karabakh today is Kosovo, a territory once part of Serbia whose residents faced ethnic cleansing and cultural eradication. Precedent matters. Turkey's support for Kosovo's independence from Serbia on the same grounds that Nagorno-Karabakh now seeks separation from Azerbaijan suggests Ankara bases its opposition to Artsakh's autonomy more on religious and cultural enmity than on principle. Should the international community reject the Kosovo precedent, however, then it might turn to the United Nations to establish a trust. In 1920, President Woodrow Wilson asked the Senate to allow the United States to assume a League of Nations mandate over Armenia. Had the Senate not rejected his request, the subsequent history of the Caucasus and the Cold War would have been far different. The United Nations today has a similar precedent of granting trustees temporary custody over trust territories. Countries and territories that have been UN trusts include Palau, Samoa, New Guinea, Nauro, the Marshall Islands, and Micronesia. Perhaps the United States or France could act as a trustee for Nagorno-Karabakh under UN supervision. Another option might be the Iraqi Kurdistan or Taiwan model, in which the United States has embraced a one

²³ Amos Chapple, "When The World Looked Away: The Destruction Of Julfa Cemetery," *Radio Free Europe/Radio Liberty*, December 10, 2020, <https://www.rferl.org/a/armenia-azerbaijan-julfa-cemetery-destruction-unesco-cultural-heritage/30986581.html>

²⁴ *ECRI Report on Azerbaijan*. (Strasbourg: Council of Europe, 2016), p. 9, <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581>

country, two systems approach. With more than 120,000 lives at stake, Blinken should not try to reinvent the wheel.

- **Verify, Don't Trust:** The Tom Lantos Human Rights Commission should visit both sides of the line-of-control in Nagorno-Karabakh. Any Azerbaijani denial of permission for sitting U.S. representatives to confirm the facts on the ground should lead the Commission to draw logical inferences as to which side seeks to obfuscate, and which side is credible in its concerns.

Peace in Nagorno-Karabakh matters, not only for a millennia-old community now threatened with extinction, but also for international human rights far beyond the South Caucasus. In an era of rampant revisionism and attacks on the post-World War II liberal order, it behooves the United States to show that brute force will no longer triumph over democracy, nor will cultural heritage and democracy fall victim to the largesse of dictatorships.

Should the United States turn its back on Nagorno-Karabakh and its Armenian community, than expect Turkey to expand its irredentist campaigns and attacks on cultural heritage against Greece and Cyprus. Walking away from the Armenians of Artsakh would further encourage the military junta in Myanmar to accelerate ethnic cleansing against the Rohingya, and would greenlight Ethiopian Prime Minister Abiy Ahmed and Eritrean President Isaias Afwerki's wars of annihilation against Ethiopia's Tigray and Oromo population.

If the United States abandons Nagorno-Karabakh, dictators may conclude that Western concerns about human rights are insincere, and that dissembling diplomacy and empty agreements will be enough to satisfy Washington and Brussels. Too much is at stake globally to impose a bad deal or accept injustice in Nagorno-Karabakh.