



RESEARCH PAPER

Assessing the Failure of International Mediation in the Nagorno-Karabakh Conflict: Legal Positivism, Conflict Transformation and the limits of State Sovereignty

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ABSTRACT

Why has international mediation, in particular by the OSCE Minsk Group, failed to resolve the Nagorno-Karabakh conflict is the subject of the study. Longstanding ethnic disputes and historical territorial claims generally have sparked the conflict, which previously had escalated several times in spite of numerous ceasefires and peace initiatives. The study reviews, in a conceptual and qualitative approach, the mediations dynamics by synthesizing legal positivism, instrumentalist theory and frameworks of conflict transformation. An analysis indicates that strong precluding of state sovereignty, lack of conflict transforming devices, and geopolitical rivalries prevented mediation attempts and created ground for Azerbaijan's coercive occupation. To prevent further escalations, it is a requirement to integrate robust legal enforcement with grassroots reconciliation, third party accountability, and inclusive peacebuilding in order to address underlying grievances. Transformative, inclusive mediation strategies should take precedence over normative legal strategies because the mediation strategies have to fit in with the complexities of ethnic conflict and not vice versa. The study suggests reforms for a lasting peace in general.

Keywords: Conflict Transformation, Instrumentalism, Negative Peace, Dissolution Of Nagorno-Karabakh Conflict, OSCE-MINSK Group, Legal Positivism, State Sovereignty Versus Human Rights Protection

Introduction

Armenians and Azeris dispute the Karabakh territory, mostly for historical reasons. The Armenians contend that Karabakh was once an Armenian settlement, whereas the Azeris assert that the area has always been ruled by them throughout recorded history. The Azeri government was unjust. The term Karabakh itself is a reflection of the region's contentious and ambiguous past. In reality, Karabakh is a mixture of Persian and Turkish. In Turkish, "kara" means "black," while in Persian, "baā" denotes both "garden" and "vine" in Turkish. The modern suffix "bakh" originates from the Russianization of the word "bag." In Russian, "Nagorno" only means "mountainous."

Consequently, three distinct languages—that is, the languages of the three powers that have dominated the region's history—can be found in the region's name. In Armenian, the area is called Artsakh, and in Azerbaijan, Yuqarı or Dağılıq Qarabag. the Debate surrounds the history of this borderland between Armenians and Azeris, especially in relation to the circumstances surrounding the origins of its inhabitants and its state affiliation (Cornell, 1999). Armenia's strong nationalism was bolstered by the establishment of a breakaway state within Azerbaijani territory following its victory in the First Karabakh War in 1994.. But by 2020, this victory had become a defeat, shattering hopes and leaving people

disillusioned. Azerbaijan suffered greatly from the First Karabakh War, which killed thousands, uprooted over 700,000 people, and destroyed infrastructure. These events stoked the country's intense desire for vengeance and for reconstruction. Through media and education, the Azerbaijani government perpetuated this trauma experienced by all. On the other hand, overconfidence and contempt for Azerbaijan resulted from Armenia's military triumph, portraying them as "genocidal Turks" and squandering chances for a durable peace. This hostile behavior made Azerbaijan more determined to exact revenge, which inevitably sparked the Second Karabakh War. Azerbaijan regained much of its territory in the 2020 battle thanks to strategic alliances, particularly with Turkey, and cutting-edge military equipment. Armenia was defeated in part because of its stagnant military capability. Russia's priorities changed during the Ukrainian War; it became less involved in the Caucasus and increased its connections with Turkey and Azerbaijan. Armenia was exposed by this shift in the circumstances. Armenia must redefine its national identity and sovereignty after the war, possibly severing ties with Russia in the process. Despite being devastating, the loss gives Armenia a chance to mend fences with Turkey and Azerbaijan, which will promote stability in the region. The necessity for cooperation and reconciliation in order to ensure a peaceful future in the Caucasus is further highlighted by the humanitarian crises and economic difficulties (Yavuz, 2024).

Here question arises, why the Nagorno-Karabakh conflict's underlying roots have not been addressed by earlier ceasefires and peace accords between Armenia and Azerbaijan? Is there a possibility that this conflict will flare up again? Why weren't diplomatic efforts directed on reconciling the opposing parties' differences? this research concludes that all peace initiatives have failed to address the root causes of the conflict, and that the political elites in both countries, as well as the international community and the MINSK Group of both countries, are to blame for the failure to mend the strained relations between the two ethnic groups. The lack of a conflict transformation mechanism between the Armenian and Azeri communities increases the likelihood of new conflicts erupting in the region.

Brief Historical Overview of Nagorno-Karabakh Conflict

The two ethnic groups (Armenians and Azeri's) have coexisted in this region comparatively peaceful conditions for centuries, despite the ongoing dispute over who owns it. Actually, the major hostilities between the Caucasian Tatars, the ancestors of the ethnic Azerbaijani, and the ethnic Armenians only started in the 20th century. The Russian Revolution of 1905 saw the first wave of the two groups' violent clashes, which took place in Baku, Nakhichevan, Shuska, and Elizavetopol. However, following the cessation of this incident, the two ethnic groups continued to live in harmony until 1988 (Hakobyan, 2020).

Early in the 1920s, after the Bolsheviks conquest of the South Caucasus and Armenia and Azerbaijan turned into Soviet Socialist Republics (SSR), the Nagorno-Karabakh Autonomous Region (NKAO) was established by Soviet Union. Nagorno-Karabakh, with a predominantly Armenian population, was included into the Azerbaijan SSR and turned into an ethnic Armenian enclave within it in 1923. Although Armenians felt that this incorporation was unfair, the Soviet regime repressed their calls to redraw the borders until the middle of the 1980s. Gorbachev's liberalization strengthened nationalist sentiments and armed conflicts between Armenians and Azerbaijanis in Nagorno-Karabakh and other areas with mixed populations by encouraging Armenian calls for border revisions.

Following the fall of the Soviet Union, these conflicts intensified into a full-fledged war in 1992. Eventually, the majority of Nagorno-Karabakh and its surroundings came under the control of Armenian forces, creating a link between the area and Iran and Armenia. The active conflict came to an end in May 1994 with a cease-fire, although sporadic cross firing persisted. The Nagorno-Karabakh Republic (NKR), which is still not recognized internationally, declared independence in September 1991 after the Azerbaijani population

left the conquered areas. In actuality, NKR and Armenia function as one cohesive unit (Kopecek, 2016).

Literature review

Ethnic conflict, according to **instrumentalist theory**, is not caused solely by differences in ethnic identity. Conflicts instead occur when these identities are exploited for financial or political advantage, frequently by leaders who take advantage of ethnic distinctions to advance their own group at the expense of others. Scholars such as Posen, Collier, and Hoeffler propose that ethnic conflicts are largely caused by a number of other factors, including competition, inequality, security concerns, and greed. These elements give rise to emotions of discontent and annoyance, which may result in disputes. By taking into account how political and socioeconomic factors affect the occurrence of ethnic conflicts in various contexts and locations, instrumentalist theory provides a thorough explanation (Che, 2016).

The Soviet Union's ethnic tensions came to the fore when Mikhail Gorbachev instituted the "glasnost" policy in 1985, which sparked violent clashes between ethnic Armenians and Azerbaijanis in the Azerbaijan Soviet Socialist Republic. The oppressed ethnic Armenians in Azerbaijan gained the ability to organize and demand reforms because of Glasnost. Their complaints regarding the dearth of employment opportunities, Armenian educational programs, and health clinics were especially loud. A group known as Krunk, which is composed of the Armenians residing in the Nagorno-Karabakh region, gathered 75,000 signatures in support of a petition to transfer the region to the Armenian SSR. Following violent suppression by Azerbaijani officials, they withdrew their ethnic Azerbaijanis from Nagorno-Karabakh and staged protests more frequently after their petition was denied.

The glasnost policy also made it possible for Azerbaijanis to organize and defend their rights. Because they believed that an Armenian-led construction project in Nagorno-Karabakh violated their sovereignty, Azerbaijanis protested against it in 1988. This resulted in the establishment of the Azerbaijani Popular Front (APF), which at first called for protests before going on to more extreme measures like blocking Armenia's trains. Elites in Azerbaijan, including President Ilham Aliyev, have persisted in taking advantage of ethnic tensions for political advantage, inciting animosity toward Armenians and using the conflict as a cover for domestic problems like the country's economic griefs.

Ilham Aliyev has benefited politically from the conflict on several occasions. He has incited hatred toward Armenians by, for example, hailing as a hero Ramil Safarov, who was found guilty of killing an Armenian lieutenant. Amidst internal unrest brought on by declining oil prices, Aliyev also utilized the conflict to showcase Azerbaijan's military might by ordering attacks against Armenian forces in Nagorno-Karabakh. This allowed Azerbaijan to retain its claim to the region and demonstrate its military competency. The instrumentalist theory, which highlights the importance of elite manipulation and competing interests of the ethnic groups, provides the best explanation for the ethnic conflict between Armenians and Azerbaijanis in Nagorno-Karabakh. In addition to ethnic differences, the conflict resulted from both groups' politicization of these identities and their pursuit of economic and political advantages. This theory aids in the comprehension of the underlying issues and driving forces behind the protracted conflict in the area (Laura, 2018).

Instrumentalism often generalizes ethnic identity, overlooking its historical and historical context. This perspective may not fully capture the deep-rooted sense of identity and grievances that fuel the Nagorno-Karabakh conflict between Armenians and Azerbaijanis. It may also underestimate grassroots sentiments and mobilization among ethnic groups, which are deeply embedded in the social fabric. Instrumentalism may also

overemphasize rational calculations, overlooking emotional and psychological factors that influence conflict dynamics. Additionally, it may not adequately address the international dimensions of the conflict, which include the involvement of regional powers and international organizations.

Conflict Transformation Approach to the Case Study

Because of its long history, significant regional and geopolitical implications, and resistance to traditional conflict resolution techniques, the Nagorno-Karabakh conflict is deeply ingrained. Theoretical insights from scholars such as John Burton and Christopher Mitchell highlight the fact that psychological elements exacerbate over time, making deep-rooted conflicts like this one unmanageable, turn the conflict into an end in itself that political elites use to maintain power. Because ruling elites are reluctant to use traditional conflict resolution techniques and there is deep-seated enmity between the parties, it is difficult for any side to pursue a win-win solution.

Contrarily, conflict transformation presents an alternative strategy that seeks to alter the fundamental connections, processes, and structures that give rise to conflicts. John Paul Lederach and Raimo Vayrynen offer frameworks for comprehending and implementing conflict transformation. Actor, issue, rule, and structural transformation are the four categories of transformation described by Vayrynen; structural transformation is especially pertinent to the Nagorno-Karabakh war. This calls for modifications to the interparty relations system as a whole. In order to establish relationships and trust both before and after a peace treaty, Lederach highlights that peacebuilding is a dynamic, ongoing process including top leadership, middle-range players, and grassroots leaders.

There has been a lot of scholarly research on different facets of the Nagorno-Karabakh conflict, but little of it has been done with regard to conflict transformation in this case.

Nonetheless, some research has examined the possibility for peacebuilding as well as the function of non-state actors and civil society, such as works by Ayunts and Zamejc. These studies imply that, rather than depending exclusively on high-level discussions, grassroots leaders and middle-range players, such as NGOs and community leaders, can play a vital role in attaining long-term peace by addressing social elements and forging reconciliation from below. This plan emphasizes the need for a more all-encompassing and inclusive approach to end the conflict and create a long-lasting peace in Nagorno-Karabakh (Ayunts, 2016).

The goal of conflict transformation is to address and alter the divisions that exist between people and communities by working together to find solutions that are advantageous to all parties. Its main objective is to transform the attitudes and systems that give rise to conflict over the long run. This method sees conflict as an ongoing process since it changes over time in both its nature and forms. As a result, conflict transformation functions on several levels to assist individuals in gaining the knowledge and abilities necessary to coexist peacefully in the long run. The objective of conflict transformation is to alter the situations, individuals, and bonds that give rise to conflict. This entails dealing with the conflict's relational, structural, cultural, and personal facets. Known as the transcend technique, this conflict transformation methodology was first presented by Johan Galtung in 1998 and has grown in popularity since the early 2000s. Galtung modeled this technique after the steps involved in identifying, assessing, and managing a medical condition. In this case, the process includes locating the conflict's origin, considering potential paths for its growth, and implementing the required countermeasures to lessen violence. Many view this strategy as a fundamental level of conflict resolution since it seeks to achieve a positive, long-lasting peace by closely examining the origins of the dispute and pursuing all-encompassing solutions (Ercoskun, 2021).

Legal Positivism in International Law for the Nagorno-Karabakh Conflict

One of the dominant school of thoughts in jurisprudence, legal positivism asserts that the law is a social construct of human devising (a command by authorized persons, not a function of moral or natural law). Its central tenets focus on the rules, consent of states, as well as the institutionalized sources such as treaties, customs, and judiciary decisions. Legal positivism in international law develops according to the formal sources deriving from Article 38 of the Statute of the International Court of Justice (ICJ), namely, treaties, customary international law, general principles of law, and in subsidiary means such as judicial decisions or writings of jurists. It is also largely the work of scholars such as H.L.A. Hart and Hans Kelsen whose “rule of recognition” (the criteria that constitute a valid law within a system) and hierarchical “Grund norm” (the foundational concept of a legal order) respectively, have allowed for this structure (Burke, 2020).

The applicability of this framework when applied to the conflict concerning Nagorno-Karabakh is quite discernible since it hinges on the points of contention — namely, that of territorial integrity, self-determination, and state sovereignty, as well as the inability of international legal framework to tackle them. Through applying legal positivism, this article dares to explain why international mediation initiatives, specifically those carried out by the OSCE Minsk Group, were incapable of guarding against Azerbaijan’s coercive occupation of Nagorno-Karabakh in 2023 (Omidi, 2022).

According to legal positivism, the foundation or the concept of international law is the sovereign state. Primarily, the states are the actors, and their consent is binding them to legal obligations. It also provides a contemporary example. Azerbaijan’s territorial claim over Nagorno Karabakh is founded on the principle of ‘*uti possidetis juris*’ in the sense of *inter alia* preserving Soviet administrative borders following the dissolution of the USSR. Endorsed by United Nations and Organization for Security and Co-operation in Europe, this proved a legal basis for Azerbaijan’s control over the area, even though it was a majority Armenian region. However, this positivist framework contradicts Armenia’s support for Nagorno Karabakh’s self-determination because international law prefers territorial integrity to the secessionist claim unless there are exceptional reasons such as colonial domination and systematic oppression (Rossi, 2017).

That tension is illustrated in this conflict. Armenia and Nagorno Karabakh invoked self-determination under the International Covenant on Civil and Political Rights (Article 1), while Azerbaijan referred to the UN Security Council Resolutions 822, 853, 874 and 884 (1993) which demanded for Armenian withdrawal reaffirming Azerbaijan’s territorial sovereignty. Legal positivism points to the fact that there is no uniform enforcement mechanism to resolve these competing claims and the resolution falls to the state’s consent and power.

Initiated in 1992, the OSCE Minsk Group worked in positivist vein where the group mediated through dialogue and suggested peace plans, Madrid Principles (2007). But, as proposals without enforcement authority —due to the consensual nature of international law—its proposals could do no more than suggest. The Minsk Group’s authority did not extend to the ability to impose sanctions or conduct a military intervention as has been relegated to the UN Security Council under Chapter VII of the UN Charter. This permissive structure allowed Armenia and Azerbaijan to reject each other’s’ propositions without legal consequences and thus continue to be stuck in a stalemate (Gamaghelyan, 2017).

In this regard, legal positivism also explains the role of bilateral alliances. Azerbaijan’s military cooperation with Turkey and Israel and Armenia’s reliance on Russia through the Collective Security Treaty Organization (CSTO) take place outside OSCE framework. Based on treaties and consensual basis, these alliances were focused on national interest, not on multilateral commitments, resulting in the Minsk Group’s ineffectiveness.

Law that has developed by consistent state practice and ‘*opinio juris*’ (a belief in legal obligation) is more important to conflicts. For example, an example of peremptory norm (*jus cogens*), is prohibition of forcible territorial acquisition. Azerbaijan’s 2023 military offensive, however, was cast as ‘restoring territorial integrity’ and has been criticized for both for the way disproportionate civilian displacement was used as a tactic, and for being unjustified. However, the response by the international community illustrated the gap between principles that are destined never to be enforced (Simonyan, 2023).

Consequently, the Armenian occupation of the Azerbaijani territories between 1994 and 2020 represents a violation of the principle of non-use of force (Article 2(4) UN Charter). Legal positivism shows that the breaches do not render the law unenforceable but point to the contingent character of law on the state. A decentralized authority (to adjudicate or punish breaches) made both parties free to take advantage of legal ambiguities.

This insistence of legal positivism that the law and morality should be separated limited its applicability to the conflict. Although the Minsk Group strived for procedural neutrality, it did not participate in mitigating the humanitarian crisis in Nagorno Karabakh, including the blockade of the Lachin Corridor (2022 – 2023). Azerbaijan was ordered by the International Court of Justice’s living provisional measures to guarantee freedom of movement (*Armenia v. Azerbaijan: Monitoring Freedom of Movement*). Ignoring legal rulings when they could be enforced in Azerbaijan (2021) supports the point.

The theory’s emphasis on state’s consent ignores the power imbalances. Russia played a dual role as mediator as well as the supplier of the same arms to both sides, while Turkey put its full weight behind Azerbaijan, and the legal process was skewed. The deployment of peacekeepers without OSCE oversight, as part of Russia’s 2020 ceasefire brokered but with great power politics taking primacy over institutional mechanisms, provided the best example. As it regards states as equal actors, even though clearly unequal, then, legal positivism cannot provide an account of such *realpolitik*.

Existing norms are important for legal positivism to focus on, but such a stance does not help much with evolving conflicts. For instance, the principle of self-determination has been expanded as of decolonization era but its application to post Soviet disputes has not become less divisive. Under the circumstances of Nagorno-Karabakh’s unique status, which is a *de facto* state, not recognized internationally, gaps in legal frameworks on secession appear. However, as James Crawford claims, statehood cannot be attained without control that is effective and recognized internationally, which Nagorno Karabakh had never really done (Albert, 2000).

Synthesis with Conflict Transformation and Instrumentalist Theories

The article enhances legally positivist power by addressing its limitations in the areas of conflict transformation and instrumentalism, which are the existing foci of the article. Positivism and instrumentalist theory agree in recognizing the agency of the state, the Mande Burkey suggests, to argue that elites manipulate ethnic identities for political gain. To consider an example, the domestic politics in Azerbaijan are demonstrated by Azerbaijani President Ilham Aliyev’s employment of the nationalist rhetoric for strengthening his power and the compliance with the international law.

Beyond positivism’s procedural focus, conflict transformation aims to resolve underlying matters of conflict by altering scenes and relationships. Grass peacebuilding initiatives like Track II diplomacy with civil society or rendering of Track III diplomacy, can partly compensate for this enforcement gap and promote the mutual trust between communities. Treaties like the 2020 trilateral agreement (Armenia-Azerbaijan-Russia) frame an agreed upon process of demilitarization and return of refugees that the above legal positivism is the normative scaffolding for such efforts.

Legal positivism clarifies the structural and institutional causes obstructing the resolution of the Nagorno Karabakh conflict. As a result of the Minsk Group's reliance on state consent and lack of enforcement mechanisms to make mediation stick, geopolitical rivalries and domestic politics could overrule mediation. Although international law provided the normative guidelines for humanitarian intervention based on the rules of international humanitarian law, the positive law on humanitarian intervention was not equipped enough to deal with power asymmetries and humanitarian imperatives.

Therefore, further actions will have to bring together positivist frameworks and conflict transformation strategies where legal norms are married to grassroots reconciliation and third-party accountability. To foster lasting peace in the Caucasus, state sovereignty must be balanced against both the moral command of justice and that of human rights only through such a holistic approach.

Material and Methods

The analysis in this study is qualitative, and conceptual, and the Nagorno-Karabakh conflict is used to explore how international mediation fails. The research is based on a legal positivist perspective and enriched by instrumentalist and conflict transformation theories using a comprehensive literature review. Historical records and international legal documents qualify as primary source and a set of peer reviewed scholarly articles is also included. It critically analyses how ultimate and rigid reading of state sovereignty, with its ineffective application mechanisms and indestructible geopolitical rivalry, defeated all mediations, especially those by the OSCE Minsk Group. To determine the structural and procedural deficiencies that enabled the coercive actions by Azerbaijan, the study compares mediation attempts with the historical conflict patterns. By adopting this multidimensional approach, It ultimately explain how the reciprocation of legal principles and political realities makes it so that traditional versions of peace initiatives have failed repeatedly in resolving the conflict.

Brief overview of Peace Process for Nagorno-Karabakh Conflict

When the Nagorno-Karabakh Autonomous Oblast was demanded to be moved from Azerbaijani to Armenian jurisdiction in 1988, it sparked the longest-running conflict in the former Soviet Union. After the Soviet Union fell apart in 1992, this demand turned into a full-scale conflict. In the peace talks, the Organization for Security and Cooperation (OSCE)—more especially, its Minsk Group, which was established in 1992—became an important mediator. Eleven nations, including Armenia, Azerbaijan, and significant world powers like the US and Russia, made up the Minsk Group, which sought to mediate a peaceful settlement. First, major Azerbaijani-controlled areas in Nagorno-Karabakh and surrounding areas were taken by Armenian forces, creating a land corridor connecting Armenia and Nagorno-Karabakh (Askerov, 2000).

Following the extension of Armenian control over six more Azerbaijani districts in 1993, resolutions calling for a ceasefire, the evacuation of occupying forces, and the restart of negotiations were adopted by the UN Security Council. Notwithstanding these resolutions and the different peace plans that the OSCE Minsk Group had put forth, Azerbaijan and Nagorno-Karabakh at different points in time rejected these plans. After a cease-fire agreement brokered by Russia was reached in May 1994, regular meetings to draft a political agreement were held in Moscow. But until a long-term ceasefire and political agreement were reached, the deployment of an OSCE multinational peacekeeping force was delayed. Following the OSCE Budapest Summit in 1994, disagreements between Russia and the OSCE regarding peacekeeping force composition and mediation were temporarily settled through concerted efforts.

No agreement was reached in spite of numerous attempts by the OSCE Minsk Group, such as the "package" and "phased" plans of 1997 and the "Madrid Principles" of 2007. Azerbaijan's military assaults to recover lost territory in April 2016 marked a significant escalation that momentarily disrupted the relative calm that had prevailed since the 1994 ceasefire.

Four days of intense fighting with heavy casualties on both sides culminated in Russia's intervention to restore the ceasefire. High-level diplomacy was used in subsequent meetings in Vienna and Saint Petersburg in 2016 to promote a peaceful resolution. The significance of upholding the 1994 ceasefire and restoring normalcy along the line of contact was emphasized during these discussions.

Levon Ter-Petrossian, a former president of Armenia, recently emphasized how earlier plans are similar to current peace proposals, such as those based on the Madrid Principles. In this, stages that are being proposed include handing back five provinces to Azerbaijan, setting up peacekeepers in a demilitarized zone, announcing an interim status for Nagorno-Karabakh, removing blockades, resuming communications, and holding a referendum to determine the region's final status. The decision-making process in Armenia, Azerbaijan, and Nagorno-Karabakh is still heavily influenced by domestic political factors, even with these structured approaches. The unambiguous differences between official statements and the opinions of regional policymakers and military leaders highlight how difficult it will be to find a long-term solution to the Nagorno-Karabakh conflict (Arsen, 2019).

War Outcomes: The 2020 war resulted in significant territorial changes, with Azerbaijan regaining parts of Nagorno-Karabakh. The peace deal brokered by Russia allowed it to deploy peacekeeping forces, thereby increasing its regional influence.

Due to ingrained political dynamics and deep divisions, attempts to end the conflict between Armenia and Azerbaijan over Nagorno-Karabakh have persistently failed. Predominantly, both countries use the Karabakh conflict for their own domestic political ends, which makes a compromise solution challenging. Furthermore, due to competing interests and a lack of a unified will or influence among key geopolitical actors like Russia, the USA, Iran, Turkey, and the EU, international mediation has also proven ineffective. As a result, since 1992, the Organization for Security and Cooperation in Europe (OSCE) has been leading the conflict's mediation efforts, mainly through the OSCE Minsk Group.

The foundation of peace efforts has been the OSCE Minsk Group, which was formed at the Helsinki Summit in 1992. The group's initial goals were to negotiate Nagorno-Karabakh's status and end hostilities. Not much progress has been made, despite a lot of meetings and proposals (such as the landmark Lisbon Summit in 1996 and the 2007 Madrid document defining principles for conflict resolution). Despite receiving a lot of attention, important concepts like the evacuation of Armenian forces, ensuring access through vital routes, and the repatriation of refugees have not ended the conflict. The resolution is made more difficult by the conflicts between the tenets, particularly the one regarding territorial withdrawal and holding a referendum. The 2008 Moscow summit, where Russian President Dmitry Medvedev mediated the signing of the Mayendorf Declaration by the presidents of Armenia and Azerbaijan, represented a significant effort at peace. This declaration supported the work of the OSCE Minsk Group and sought to reduce military threats while promoting political settlements as a means of improving regional security and stability. Notwithstanding this diplomatic victory, the declaration had little real impact and was primarily a publicity stunt for Russia, particularly in the wake of the 2008 Georgian War. Meetings held under Medvedev's direction later on were unable to end the "neither peace nor war" situation. International proclamations that restated support for peace based on revised Madrid principles included the 2009 G8 summit statement from Obama, Medvedev,

and Sarkozy. High-level meetings between the presidents of Azerbaijan and Armenia in Kazan and Sochi yielded no results despite these declarations.

Stances of Conflicted Parties

In line with several international resolutions, Azerbaijan maintains that the conflict is the result of Armenian aggression. It calls for the restoration of its territorial integrity.

On the other hand, Armenia highlights Nagorno-Karabakh's right to self-determination, contending that this territory has established *de facto* statehood and that this issue ought to be resolved through a referendum.

The deeply held beliefs of Armenia and Azerbaijan are a reflection of their radically divergent views on the status of Nagorno-Karabakh. Insisting on maintaining its territorial integrity, Azerbaijan sees any settlement inside its borders, permitting the repatriation of displaced people, and delaying the awarding of some autonomy to Nagorno-Karabakh until after the return of the Azerbaijani people. Conversely, Armenia emphasizes the *de facto* state functions of Nagorno-Karabakh, calls for a referendum to decide the region's future status, and insists that the Armenian population there has the right to self-determination. No agreement has been reached in spite of a number of ideas and strategies, including broad autonomy, phased resolution, and even more drastic measures like territory exchanges. The two countries' steadfast, mirrored diplomatic positions indicate that finding a middle ground is still very challenging, so the OSCE Minsk Group's efforts are akin to trying to cure a serious illness with simple charms (Bekiarova, 2019).

Recent Developments

As of 2024, the situation in Nagorno-Karabakh has undergone significant changes. Following a brief military offensive by Azerbaijan in September 2023, the region has come fully under Azerbaijani control. This offensive led to the displacement of nearly the entire ethnic Armenian population of Nagorno-Karabakh, with over 120,000 Armenians fleeing to Armenia in a short span. January 1, 2024 marked the official dissolution of the ethnic Armenian enclave in Nagorno-Karabakh following Azerbaijan's lightning onslaught and occupation of the region on September 19, 2023. When Azerbaijan threatened to take over, over 100,000 people—nearly the entire population of Nagorno-Karabakh—flew to Armenia in less than a week. With promises of economic growth, Baku intends to "reintegrate" the area and its surviving inhabitants into Azerbaijan. The focus now is on restoring diplomatic ties and coming to a peace deal between Armenia and Azerbaijan.

Post-September 2023 Peace Negotiations

After the offensive, both Armenia and Azerbaijan have tried to start normalizing relations and making a lasting peace. In October 2024, Armenian President Vahagn Khachaturyan expressed hopes that a peace treaty with Azerbaijan could be signed within a month, mainly concerning the signing of key articles of a peace treaty on diplomatic relations and ongoing negotiations. However, these efforts still face challenges like disputes over respective territorial claims as well as particular constitutional amendments being demanded by Azerbaijan. Armenian Prime Minister Nikol Pashinyan had proposed national referendum in February 2025 to accept the new constitution aimed at overcoming legitimacy problems and for conducting the peace process (Poghosyan, 2018).

Western Diplomatic Engagement and the Shifting Stance of Russia

The European Union and the United States have both actively mediated talks between Armenia and Azerbaijan for achieving peace. Specifically, the EU has hosted a number of summits on outstanding matters and regional stability. At the same time Russia's

traditional role in the South Caucasus is changing. Armenia partially took its borders under its control for the first time in 32 years by reducing dependency on Russian security forces in October 2024. This is a strategic shift for Armenia where will choose to have greater sovereignty and diversification of its international partnerships including relations with the Western world (Simons, 2014).

China's Strategic Interests in the Region

Step by step, China has been gravitating into the South Caucasus, particularly when it comes to economic or infrastructural presence. In July 2023, Georgia and China signed a strategic partnership agreement, making it a landmark in Beijing's relations with the region. The South Caucasus is regarded by China as a strategic transit corridor for the transport of goods from East Asia to Europe and the Middle East in line with its Belt and Road Initiative. This trend of growing participation includes investments in transportation infrastructure and energy projects that have changed China to be an emerging influential market player in the regional economic sphere.

The South Caucasus is in a dynamic geopolitical environment, which is evidenced by recent developments in the region with all their contradictions: the continuing peace efforts, the new flows of foreign policy, and China's entry as an influential player in the process.

As the founding theory in international law, legal positivism states that laws are shackles to human rules for which the power comes from how these human rules are officialized and not for moral reasons. In this respect, this perspective focuses on the issue of state sovereignty and territorial integrity within the context of the Nagorno Karabakh conflict, which is reflected in international legal normative.

State Sovereignty and Territorial Integrity

The principle of territorial integrity takes precedence from the legal positivist point of view. Nagorno Karabakh is internationally recognized as being an area belonging to Azerbaijan and United Nations Security Council Resolutions 822, 853, 874 and 884 of 1993 demand that occupying forces should withdraw from territories of Azerbaijan. As indicated by these resolutions, the international community is resolved to maintain full respect for Azerbaijan's territorial sovereignty.

Self-Determination and Its Limitations

The principle of self-determination in international law is commonly accepted even though there are nuances to it. According to legal positivism, there is an internal self-determination (which means the right of people within a state for the political, economic, social and cultural development) and also an external self-determination (the right of secession). The rule of thumb regarding the latter is that it is normally applied when there is a particularly oppressed distinct group, and there are no reasonable cadres within the existing state structure. The unilateral declaration of independence by the minority of Nagorno Karabakh's population, consisting mostly of ethnic Armenians, was not recognized by the international community, nor even by Armenia and in that sense did not have legal standing under international law.

Use of Force and Occupation

According to Article 2(4) of the United Nations Charter, international law forbids the use of force against territorial integrity of the states. The presence of the Armenian forces in Nagorno Karabakh and the surrounding Azerbaijani territories for so long was considered as the occupation, which adds to the legal right of Azerbaijan over these lands (Bernheim, 1985).

Recent Developments and Legal Implications

A military operation by Azerbaijan to reclaim control in Nagorno Karabakh occurred in 2023 September, pushing out a large number of the ethnic Armenian population. Although Azerbaijan justified this action in the name of its sovereign rights, the operation caused serious apprehension about the safety of civilians and potential violations of the international humanitarian law. Mutual anti-discrimination cases between Armenia and Azerbaijan could proceed, as ruled by the International Court of Justice, as both legal disputes are ongoing concerning claims of ethnic cleansing and human rights abuse.

There are a few main reasons why the international community—including the OSCE Minsk Group—has been unable to stop Nagorno-Karabakh from disintegrating. First of all, the organization lacked strong leverage and enforcement systems, which made it challenging to put resolutions and peace initiatives into action locally. Additionally, because these two powerful nations have historically backed opposing sides in the crisis, geopolitical rivalries—particularly between Russia and Turkey—have hindered efforts at mediation. The Nagorno-Karabakh problem was leveraged by both Armenia and Azerbaijan to garner domestic support and hold onto political power, which resulted in extreme attitudes that were resistant to compromise. The situation was further made worse by the international community's insufficient response to humanitarian demands, notably as the blockage of the Lachin Corridor, which resulted in a large-scale exodus and worsening living conditions for Karabakh's Armenian population. Diplomatic efforts were further overpowered in September 2023 by Azerbaijan's quick military escalation. The inability to stop Nagorno-Karabakh from disintegrating was caused by a number of factors, including historical hostility stemming from previous failed peace attempts and ceasefire violations, changes in domestic politics within Armenia and Azerbaijan, and a lack of international support for comprehensive peace measures. In order to tackle these complex issues, there needs to be increased international coordination and sincere dedication from the parties involved in the conflict.

Three interrelated reasons caused the failure of OSCE Minsk Group's mediation in Nagorno Karabakh:

State Consent

Armenia and Azerbaijan were not bound by any penalty when rejecting proposals and were allowed to do so relying altogether on state consent.

Geopolitical Rivalries

Interests of Russia (CSTO) and Turkey (military support to the Azeri side) undermined the possibility to act together under one banner.

Zero Sum Narratives

For political legitimacy, both governments instrumentalized the conflict and propagated zero sum narratives.

By using 'uti possidetis juris', legal positivism conveys Azerbaijan's territorial claims, but ignores humanitarian crises present in the 2023 exodus of Armenians. In contrast, conflict transformation theory shows that unlike most other new democracies, there are no grassroots reconciliation programs that would have dissipated interethnic hostility. The framework synthesis shows that a technical solution of the legal norms alone will not be able to solve a conflict of identities at such deep roots without complementary trust building measures.

Conclusion

Azerbaijan's forcible occupation of the region resulted from the international community's inability to resolve the Nagorno-Karabakh dispute peacefully and normalize relations between Azerbaijan and Armenia, notably the OSCE Minsk Group. With the fall of the USSR, the conflict—which has its roots in long-standing territorial claims disputes between Armenians and Azeris—grew more intense and resulted in two significant wars, in 1994 and 2020. Fundamental concerns remained unresolved despite multiple attempts at mediation and peace initiatives, partly because leaders on both sides exploited ethnic identities for political gain.

Numerous issues, including the absence of robust enforcement mechanisms, geopolitical rivalries between major parties like Russia and Turkey, and the manipulation of the conflict for domestic political ends in Armenia and Azerbaijan, hindered the mediation efforts of the OSCE Minsk Group. The problem was made worse by the absence of adequate conflict transformation tools, which resulted in extreme positions that were uncompromising. After Azerbaijan launched a military offensive in September 2023, almost all ethnic Armenians in Nagorno-Karabakh were forced to flee and the region was fully occupied. The breakup of Nagorno-Karabakh highlights the necessity of an all-encompassing and inclusive strategy for conflict transformation that tackles the underlying issues causing the war and fosters regional peace and stability over the long run. Future confrontations are still likely if the parties concerned do not make a real effort and if international cooperation is not improved.

From a legal positivist perspective, the basis for adjudication on whether the Nagorno-Karabakh Conflict contravenes or conforms to international law would essentially come down to two factors; first the primacy of state sovereignty and second, the sanctity of territorial integrity. But it also shows the complexities involved in charting a course between these principles and those of individual states regarding the rights of regional or ethnic populations within its own borders. The latest studies remind us that legal arrangements should serve not only to protect the state from destruction but also to guarantee human rights, and to take into consideration the ideals of the minority groups within the state.

Recommendations

To seek ways to address the conflict's root causes and avoid recurrence:

Enhanced Mediation Mechanisms: Empower the OSCE Minsk Group with enforcement authority, such as sanctions for ceasefire violations.

Grassroots Initiatives: Use interactions, engagement, and multilateral partnerships of civil society, NGOs and displaced communities to promote interethnic dialogue.

Legal Reforms: Advise on ICJ adjudicated compromises between the territorial integrity of Poland and such minority rights.

International Coordination: Establish a group of international organizations (EU, UN, regional actors) which would be monitoring the compliance and providing humanitarian aid.

Domestic Accountability: In terms of public awareness campaigns and electoral reforms, pressure Armenia and Azerbaijan to depoliticize it.

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