

# "Remove all the bars": the struggle of Artsakh

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Paper published by EUTOPIA Student Think Tank (eustt.org) in it's aim of giving voice to european students' shared knowledge.

## Abstract

The fall of the Soviet Union in 1991 created instability in its former territory. Nagorno-Karabakh Region [NKR], a region long disputed between Armenians and Azerbaijanis –even though internationally recognized as Azeri territory– took the opportunity to organize a referendum regarding its independence. The majority voted yes, and so did the people in Nagorno –also known as the Republic of Artsakh– which declared its independence. There were three possible outcomes: further integration of the territory with Azerbaijan, the annexation of the area to Armenian territory, and, lastly, recognition of the NKR's independence. This article intends to explore the following: 1) the issues of self-determination, 2) the positioning of international actors and treaties, and 3) the legitimacy of its independence. The essay attempts to evaluate the aforementioned through an analysis that comprises International Law, Political Science, History, and Psychology. The conclusion drawn is that the region's independence should be recognized since the inhabitants have been victims of war during the last decades, which has ultimately hindered their development and well-being. Furthermore, international treaties and conventions are in accordance with this thesis. Lastly, an understanding of the causes that originated the claim for independence could be an explanation and constitute an argument in itself.

## Keywords

Artsakh; Legitimacy; Self-determination; Independence

Title reference to Nina Simone's single "I Wish I Knew How It Would Feel to Be Free" (1967)

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## Introduction

In the South Caucasus, the unrecognized Republic of Artsakh has been disputed for decades both by Azerbaijan and Armenia. Nowadays, the enclave is known as Nagorno-Karabakh Region (NKR), and it is internationally recognized as part of the Azerbaijan Republic even though 99% of the population are ethnically Armenian; it declared its independence from Azerbaijan in the early 1990s (Jesus, 2021; Ministry of Foreign Affairs Republic of Artsakh [MFARA], n.d.-a). Two major conflicts took place in recent history – one in 1991 and another in 2020 – both wreaking havoc on civilians (Jesus, 2021). Monuments were destroyed, water sources and electrical supplies were interrupted, hundreds of thousands of people were forced to migrate, and human lives were lost (Jesus, 2021).

Pro-Armenians will argue that, since Nagorno has a de facto connection with Armenia and most of its population has Armenian ethnicity, it should be part of Armenia (Hille, 2010). On the other hand, given that Azerbaijan is the legal sovereign of the region and a more developed country compared to Armenia, it can also be claimed that NKR should be kept by the Azeris (Hille, 2010). Because of this, it is a complex task to understand the questions of legitimacy and secessionist movements' recognition. We should bear in mind the distinction between separatism and secessionism: the latter refers to the heightened advocacy of constitutional independence, whereas separatism is more of a simple dissociation of a larger group (Spencer et al., 1998).

Per contra, there is a third stance on the subject, which is also the one this paper adheres to: the fact that Nagorno belongs to neither, which means that its independence should be undeniably recognized. The citizens of Artsakh must have their rights recognized, especially their right of self-determination, given they have already declared independence (MFARA, n.d.-b). As human beings, we all have innate needs that should be met, such as the right to freedom or self-determination, which the Universal Declaration of Human Rights, approved in 1948, guarantees. Furthermore, in the following sections, this paper tries to argue that, compared with other separatist movements, Artsakh's claim of independence seems acceptable and justifiable for different reasons.



## Self-determination or territorial integrity?

In International Law, there are contradictions between the right to self-determination and territorial integration. In other words, there is a conflict as to which principle should prevail since the right to self-determination might be a violation of others' rights to territorial integrity (Mammadov, 2006). On the contrary, and according to Law expert Christian Tomuschat, "self-determination invariably implies the right to establish a sovereign and independent State" (Kohen, 2006, p. 24). This is further supported by George Nolte, who states the right of secession is valid if the coexistence of different groups is not possible in the long term, which seems to be the Nagorno case, given the events of December 2020 (Kohen, 2006, pp. 85–86; Lmahamad, 2020).

Nonetheless, on 10th December 1991, the Referendum on Independence of the Nagorno-Karabakh Region took place with an 82,2% voter turnout of 132.328 citizens (MFARA, n.d.-b). A majority of 99.89% voted for the independence of the territory. According to the same source, the voting bulletins were accessible to everyone – as these were written in Armenian, Azerbaijani, and Russian – and the Electoral Commission made sure to create conditions for holding the Referendum, even in regions with an Azerbaijani majority. Precisely 15 years later, on 10th December 2006, a new poll was held with 75.000 people – corresponding to 83% of voters – approving the Constitution of the NKR and referring to the enclave as the Republic of Artsakh (Freizer, 2006).



## From international actors to universal needs

To this date, international actors such as the Organization for Security and Co-operation in Europe (OSCE) and the United Nations (UN) have tried to intervene in the conflict with little to no success (MFARA, n.d.-c). During a critical period of the conflict, from 1988 to 1991, the UN has (un)acted based on the principle of non-intervention in internal affairs. Even so, during 1992/93, its Security Council engaged in fact-finding missions and approved four resolutions to the conflict, with the principal goal being the cessation of fire and hostile acts (MFARA, n.d.-c). However, Azerbaijan has refused to follow the resolutions' requirements and has aggressively occupied the region through military means, causing permanent insecurity to the people of Nagorno-Karabakh as per their Ministry of Foreign Affairs (n.d.-c) reported.

In addition to this, the desire for freedom, dignity, safety, comfort, etc. is known to all humanity. Thus, these can be considered innate needs of our human condition. The latter is supported by psychological evidence outlined in Maslow's *A Theory of Human Motivation* (1943). According to Maslow, humans have five fundamental stages of needs, hierarchically organized by prepotency: physiological, safety, love, esteem, and self-actualization (Maslow, 1943). The second stage enunciates that safety needs – such as personal, emotional, and financial security – should be met because they constitute basic needs. Similarly, the third stage claims that humanity has belongingness and love needs, these being psychological desires that include the need for family, friendship, and trust (Maslow, 1943). His theory asserted that one stage follows the other and that only when the fifth stage of self-actualization is met, can individuals prosper. Not recognizing Artsakh's independence implies, therefore, denying the population of this territory the conditions to have their needs satisfied.

Equally important regarding the universal character of some of our needs and wants is that these are “consecrated” by rights and principles intrinsic to human conventions. This consecration can be seen in the French Declaration of the Rights of Man and Citizen, speaking of “the natural, unalienable, and sacred rights of men” (National Assembly of France, 1789). More recently and notoriously, the Universal Declaration of Human Rights goes as far as stating everyone has the right to security; the right to partake in government in which “[t]he will of the people shall be the basis of the authority of government”; and the right to a “standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing” (United Nations, 1948). Both declarations were written and adopted based on the ideas of freedom, justice, and peace.

As it was previously pointed out, human conventions such as the founding documents of Western societies, namely the French Declaration of Rights of Man or the UN's Declaration of Human Rights, further confirm the importance and universality of these needs. Based on these indicators, it is clear that the needs of the inhabitants of the NKR are not being met, just as they do not have the required conditions to prosper.



## On the Artsakh's independence legitimacy

Lastly, if it is assumed that the people of the NKR are being held “captive” by both Armenia and Azerbaijan, their claim to independence is entirely understandable, in the sense that the region’s demands are simultaneously acceptable and defensible. When discussing the legitimacy issue of a separatist movement, it is crucial to point out how reasonable it is. Artsakh is demanding recognition of the independence of a territory and its people, of whom 99% speak the same language and share the same ethnic background, Armenian in both cases (Muth, 2014; MFARA, n.d. -a). The enclave’s case pales by comparison with other historical separatist movements and, when those have occurred, with their respective processes of secession.

A concrete historical event can help us to illustrate the aforementioned: the Belgian Revolution that took place in 1830 and eventually led to the country’s secession appears to be way more nonsensical. Note that, as recounted by Arblaster (2006), several languages were spoken in the territory, and if there were religious tensions in the late 19th century between the north and the south of the Kingdom of the Netherland, there was also a prosperous economy, access to education and a process of modernization taking place. Even still, it was considered acceptable enough for the (remaining) Netherlands to finally recognize Belgium’s Independence in 1839 (Arblaster, 2006).

In the same way, some factors make the separatist movements more understandable and, thus, more defensible. As Spencer et al. (1998) concluded in *Separatism: Democracy and Disintegration*, there are four main origins of ethnic separatism: these might be economy-driven factors, resentment, humiliation, propaganda, or a political/constitutional impasse. In the instance of the NKR, economic factors and the resentment thesis are undoubtedly applicable.

Azerbaijan has the economic incentive to maintain the region since it constitutes a sizeable proportion of its recognized territory, one that is rich in natural resources and of a crucial location due to its proximity to its exclave of Nakhichevan (MFARA, n.d. -a; Hille, 2010, p. 171). Furthermore, from the resentment and humiliation origin of the separatism thesis, the perceived humiliation of the ethnic Armenian majority of Nagorno seems to match Spencer’s statement, according to

which “to economic factors must be added a symbolic dimension: the sense of being humiliated” (Spencer et al., 1998, p. 308). If we want to address Nagorno-Karabakh’s situation in its full complexity, we should bear in mind that the region is Azeri, considering it is largely unrecognized by the international community and that makes the population of Nagorno indeed the minority from a wider perspective.



## Conclusion

On the whole, Artsakh’s independence should be clear and categorical. Not only have its citizens declared independence previously, but a new poll has also confirmed its legitimacy. In addition, people of the region have been yearning for decades for their right to self-determination to be recognized. Without the aforesaid, they have no proper conditions to develop themselves and their surroundings, not to mention those rights are present in most of the core treaties of the modern, democratic Western societies. Lastly, the analysis of the origins and legitimacy of Nagorno’s independence claims leads to a better understanding and comprehension, confirming the theoretical foundations of the issue and constituting a reason for itself.

The argument for the independence of Artsakh is less complex to grasp than it might initially seem, precisely because of its intricacy. By way of explanation, the scope of the issue makes it difficult to understand yet, simultaneously, easier to defend because there is a wider range of subjects that can help its explanation. Moreover, the complexity requires a holistic comprehension that may comprise Law, Political Science, History, or Psychology. The rationale is logical, given that all significant evidence-based claims were laid out, I, therefore, can see no other alternative but to support Artsakh and its claim for independence.



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