

“SIEVES OF RESPONSIBILITY” – CONNECTING FAILURES OF GENOCIDE PREVENTION AND GEOPOLITICAL INTERESTS TO ATROCITY IN NAGORNO-KARABAKH

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Abstract

This article aims to contribute to both a legal and practical understanding of how international law dedicated to both genocide prevention and the cessation of genocidal atrocity failed during the 8-month long blockade of the Lachin Corridor – and the ensuing invasion and seizure of Nagorno-Karabakh over a 24-hour period by the Azerbaijani armed forces on 17 September 2024. The invasion led to the forced displacement of nearly the entire territory’s ethnically indigenous Artsakhtsi-Armenian population, amounting to a *de facto* deportation while escaping the threat of atrocity crimes. Through a discussion of (A) the events that preceded and led to the invasion of Nagorno-Karabakh itself, (B) an analysis of international law on genocide prevention through institutional mechanisms (i.e. UN Convention on the Prevention and Punishment of the Crime of Genocide, 1948) and military intervention (i.e. Responsibility to Protect/R2P doctrine), (C) the difficulties of engaging with these mechanisms at a general level, (D) the international community’s response to the seizure of Nagorno-Karabakh, and (E) the geopolitical conditions surrounding the South Caucasus and Nagorno-Karabakh crisis, this article aims to identify the failures of both legal mechanisms intended to prevent the cleansing of Nagorno-Karabakh and external actors (i.e. Russian peacekeeping forces legally stationed in the territory) to intervene and respond to the invasion in geopolitically turbulent conditions characterized by intersecting state interests.

Key Words: Nagorno-Karabakh, invasion, genocide prevention, genocide cessation, international law, peacekeeping, geopolitics.

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Introduction

In spite of strong norms and collective attitudes on “genocide” that have emerged since the birth of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) of 1948, atrocity crimes of a genocidal nature have continued to proliferate worldwide, circumventing legal mechanisms aimed at preventing them, ceasing atrocities in-progress, and punishing perpetrators. The case study of the enduring, intractable conflict surrounding Nagorno-Karabakh illustrates a disturbing trend of perpetrator impunity regarding a clearly-visible genocidal atrocity: a disputed territory that was *de-facto* self-governing was choked off through a crippling blockade, invaded, and ethnically cleansed by the Azerbaijani military in 2023 without reproach.

Despite the presence of Russian peacekeepers in the region, the presence and attention of international stakeholders dedicated to documenting the grueling impact of the Lachin Corridor’s blockade on its emaciated victims, frantic calls for intervention from watchdog NGOs and practitioners of genocide prevention across disciplines to recognize the “warning signs” of a genocide about to unfold, and a series of disturbingly candid rhetoric from Azerbaijani President Ilham Aliyev regarding his consistent drive to “retake lost land” in Nagorno-Karabakh following two wars and years of ratcheting tensions, the international community found itself startled at the shock invasion conducted between September 17 and 18 of 2023. Over a span of 24 hours, the *de-facto* Nagorno-Karabakh Republic (NKR) was dissolved, the territory was cleansed of its indigenous population through the systemic use of terror to force civilians out, and Nagorno-Karabakh effectively became occupied by Azerbaijan. As if the change had happened overnight, the NKR was ordered to dissolve on 1 January 2024, and political sovereignty over the region was transferred to Azerbaijan. No legal mechanisms designed at preventing such outcomes were implemented, and the disputed territory of Nagorno-Karabakh has since effectively disappeared into obscurity.

The central research question underpinning this study: following a three-year period of increased tensions leading up to the blockade of the Lachin (Berdzor) Corridor and the invasion of Nagorno-Karabakh, how did the seizure and ethnic cleansing of Nagorno-Karabakh in 2023 reflect a failure of the contemporary legal doctrine supported by internationally-upheld norms and values fail to prevent a genocide from coming to pass?

In response to this question, the article aims to present the events of the blockade/invasion and identify instances of genocidal atrocity, legal obligations of states to respond to these crimes, and demonstrate how the international community’s response reflected a failure of this architecture within geopolitically fluid conditions. To address this complex argument, this article will be divided into several sections. It first will provide a brief overview of the historic context surrounding the centuries-long Nagorno-Karabakh conflict that preceded its seizure in September of 2023, as well as discuss the atrocity crimes and genocidal crimes which forced its inhabitants to evacuate. Next, the article will turn to a discussion of the emergence of international law, norms, and mechanisms

developed to both prevent and cease genocide at a global scale, from the Genocide Convention to the Responsibility to Protect (R2P) doctrine of the 2000s. The following section discusses the difficulties of enacting these mechanisms at a global level before adapting these findings to the Nagorno-Karabakh case study, subsequently discussing how these legal measures failed to materialize within the context of the invasion itself, reflecting a lack of political will to uphold the legal mechanisms intended to do so – both from stakeholders who accepted legal responsibility to act within this context (i.e. Peacekeeping forces from the Russian Federation) and external stakeholders within the international system before engaging in a discussion of the geopolitical factors that may have complicated efforts to engage with this architecture to prevent atrocity. The article will then conclude with a discussion of what impacts this failure to respond to genocidal atrocity may have on both the Eurasian geopolitical region and the larger international system as a whole.

A Brief Chronology of Nagorno-Karabakh

Nagorno-Karabakh – also referred to as “Artsakh” or “Karabagh” – is located within the South Caucasus region of Eurasia. The region’s history is tumultuous: a historic Armenian land was incorporated into the Russian Empire in 1813,¹ then into the short-lived Transcaucasian Democratic Federative Republic² and volleyed for control between Armenian and Azerbaijani authorities³ before it was officially established as the *Nagorno-Karabakh Autonomous Oblast* (NKAO) in 1923 in the Azerbaijani S.S.R. Having a long history of discrimination, during the late 1980s, tensions mounted as residents of the NKAO began to rally for political independence from the Azerbaijani S.S.R. An official request conveyed to transfer the jurisdiction of the NKAO to the Armenian S.S.R. in 1988⁴ would eventually lead to the enactment of a referendum hosted on December 10, 1991 – in which 99.98% of the NKAO’s population voted to secede from Azerbaijan in light of the oncoming collapse of the USSR, leading to the establishment of the Nagorno-Karabakh Republic (NKR) on September 2, 1991.⁵

1 “Nagorno-Karabakh,” in *Encyclopedia Britannica Online* (2024), <https://www.britannica.com/place/Nagorno-Karabakh>, accessed 11.04.2024.

2 Adrian Brisku and Timothy K. Blauvelt, *The Transcaucasian Democratic Federative Republic of 1918* (Abingdon: Routledge, 2021).

3 Heiko Kruger, “Nagorno-Karabakh,” in *Self-Determination and Secession in International Law*, edited by Christian Walter, Antje von Ungern-Sternberg, and Kavus Abushov (Oxford: Oxford Academic, 2014), <https://doi.org/10.1093/acprof:oso/9780198702375.003.0011>, accessed 30.04.2024; Edita Gzoyan “Nagorno-Karabakh in the Context of Admitting Armenia and Azerbaijan to the League of Nations,” *The Armenian Review* 55 no. 3-4 (2017): 19-39.

4 Council on Foreign Relations, “Nagorno-Karabakh Conflict” in *Global Conflict Tracker* (2024), <https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict>, accessed 10.05.2024.

5 Edita Gzoyan, “The Artsakh Issue in its Historical-Legal Development,” *International Journal of Armenian Genocide Studies* 7, no 2(2022): 164.

Shortly following this referendum, tensions would explode into the First Nagorno-Karabakh War (1992-1994),⁶ in which the final two years of the conflict would see an outbreak of active hostilities between the Republic of Azerbaijan and Republic of Armenia. The war would conclude with an Armenian victory and the subsequent securitization of the Nagorno-Karabakh Republic (NKR).

The interwar years (1994-2020) would be marked by continued practical sovereignty of the NKR over Nagorno-Karabakh and continuing tensions within the region following the ceasefire agreement of the First Nagorno-Karabakh War; skirmishes and incidents continued well into the 2010s, reaching a critical junction in the “Four Day War” of April 2-5 of 2016.⁷ The legal status of Nagorno-Karabakh remained contested during this period: while the Nagorno-Karabakh Republic retained its *de facto* authority to self-govern up until its dissolution, its disputed legal status would render its geopolitical security uncertain. Laced with a “great s[k]epticism and cynicism among both Armenians and Azerbaijanis about a possible end to the conflict,”⁸ repeated negotiations to address Nagorno-Karabakh’s status as a disputed territory would ultimately prove fruitless and lead to a geopolitical shift in the status quo that would favor Azerbaijan’s development as a regional power and poise it with the capacity to engage Armenia and the Nagorno-Karabakh Republic on geopolitically, economically, and militarily favorable terms. Scholars have noted that Azerbaijan’s investments in its burgeoning energy sector⁹ contributed to an increase in military investments¹⁰ during this period, alongside a reshuffling of the geopolitical conditions surrounding the Nagorno-Karabakh peace process.¹¹ Ibrahimov and Ostarzu (2023) note that Azerbaijani projects for economic integration often excluded Armenia on account of political tensions.¹² Furthermore,

6 The First Nagorno-Karabakh War is commonly dated as having taken place between 1988 and 1994; hostilities are reported to have increased dramatically into a full-scale war in January of 1992, after the nascent Republic of Azerbaijan invaded the territory.

7 Simon Ostrovsky, “Armenia’s Miscalculations in Nagorno-Karabakh,” *Pulitzer Center* (2024), <https://pulitzercenter.org/stories/armenias-miscalculations-nagorno-karabakh>, accessed 11.05.2024.

8 International Crisis Group, “Nagorno-Karabakh: Getting to a Breakthrough,” *International Crisis Group* (2009), <http://www.jstor.org/stable/resrep38243>.

9 Catherine Cavanaugh, “Renewed Conflict over Nagorno-Karabakh,” *Council on Foreign Relations* (2017), <http://www.jstor.org/stable/resrep05705>.

10 Erik Davtyan, “Lessons that Lead to War: Foreign Policy Learning and Military Escalation in the Nagorno-Karabakh Conflict,” *Problems of Post-Communism* 71, no. 1 (2023): 26-36, <https://doi.org/10.1080/10758216.2023.2183410>.

11 Nona Mikhelidze, “The Azerbaijan-Russia-Turkey Energy Triangle and its Impact on the Future of Nagorno-Karabakh,” *Documenti Istituto Affari Internazionali*, no. 1018 (2010): 1-8.

12 Ibrahimov and Ostarzu discuss several projects pioneered by Baku during the interwar years that often completely circumvented Armenia, such as the Baku-Tbilisi-Kars railroad, an oil pipeline between Baku, Tbilisi, and Ceyhan, and a gas pipeline between Baku, Tbilisi, and Erzurum. Regarding the two former oil and gas links, the authors argue that “if there was no conflict between Azerbaijan and Armenia, then most likely in the middle of the names of these pipelines there would be not *Tbilisi*, but *Yerevan*” [emphasis added] on account of the shorter distance between Azerbaijan and Turkey by way of Armenia over Georgia. It is worth further noting that this justification has been used by Azerbaijani and Turkish government authorities to open what is known as the “Zangezur Corridor,” an transportation pathway through Armenia’s Syunik Province aimed at linking Azerbai-

Cheterian (2022) argues that the transitory state of political leadership in Armenia during the Velvet Revolution of 2018 would prove to stifle coordination in the event of a conflict leading into the 2020s, in stark contrast to Azerbaijan's "clear command structure" that developed and solidified during the interwar years.¹³

These tensions would eventually erupt into the Second Nagorno-Karabakh War: lasting 44 days, from September 27 to November 10 of 2020, this war constituted an indisputable Azerbaijani victory, in which approximately 6,500-7,000 people died¹⁴ and 73% of territory within and surrounding Nagorno-Karabakh was occupied by the Azerbaijani military (according to an estimate provided by the Azerbaijani Ministry of Defense),¹⁵ leaving territory controlled by the Republic of Artsakh solely connected to Armenia through the Lachin (Berdzor) Corridor – a narrow road surrounded by territory conquered by Azerbaijan.¹⁶

The war would end in an agreement dubbed the "Tripartite Agreement" on November 9, 2020; signed by Armenian Prime Minister Nikol Pashinyan, Azerbaijani President Ilham Aliyev, and Russian President Vladimir Putin, the text of the peace agreement ensuring the end of hostilities mandated the imposition of Russian peacekeepers "deployed along the line of contact in Nagorno-Karabakh and along the Lachin corridor, including 1,960 servicemen with firearms, 90 armored personnel carriers, 380 units of motor vehicles and special equipment." These peacekeepers would be "deployed in parallel with the withdrawal of the Armenian armed forces"¹⁷ and were mandated to remain along both the Lachin Corridor and line of contact for a five year period following the ceasefire.¹⁸ The agreement further mandated that Azerbaijani forces "guarantee traffic safety for citizens, vehicles and goods in both directions along the Lachin corridor," as well as all forces in the region facilitating the return of internally-displaced persons (IDPs) following the outbreak of hostilities.

jan with its autonomous Nakhichevan enclave and, by extension, a short land border with Turkey.

For more information, see: Rovshan Ibrahimov and Mehmet Fatih Oztarsu, "Causes of the Second Karabakh War: Analysis of the Positions and the Strength and Weakness of Armenia and Azerbaijan," *Journal of Balkan and Near Eastern Studies* 24, no. 4 (2022): 595–613, <https://doi.org/10.1080/19448953.2022.2037862>.

13 Vicken Cheterian, "Technological Determinism or Strategic Advantage? Comparing the Two Karabakh Wars Between Armenia and Azerbaijan," *Journal of Strategic Studies* 47, no. 2 (2022): 214–237, <https://doi.org/10.1080/01402390.2022.2127093>.

14 Ariel Karlinsky and Orsola Torrisi, "The Casualties of War: An Excess Mortality Estimate of Lives Lost in the 2020 Nagorno-Karabakh Conflict," *Population Research and Policy Review* 42, no. 3 (2023): 41, <https://doi.org/10.1007/s11113-023-09790-2>.

15 "İşğaldan Azad Edilmiş Şəhər Və Kəndlərimiz," [Our Towns and Villages Freed from Occupation], *Azertag*, https://archive.ph/20201201185921/https://azertag.az/xeber/lsgaldan_azad_edilmis_seher_ve_kendlerimiz-1622227, accessed 10.05.2024.

16 "Azerbaijan Army Enters District Handed Over by Armenia," *Al Jazeera* (2020), <https://www.aljazeera.com/news/2020/11/20/azerbaijan-army-enters-district-handed-over-by-armenia>, accessed 11.05.2024.

17 "Armistice of Nagorno-Karabakh Conflict (2020)," *Armenpress*, Official Text (English), <https://armenpress.am/eng/news/1034480.html>, accessed 13.05.2024.

18 It is worth noting that the Tripartite Agreement included a provision in which Russian peacekeeping forces, upon the termination of the five-year period, would continue to stay in their positions "automatically" if "none of the Parties [of this treaty] declares of its intention to terminate the application of this provision 6 months before the expiration of the preceding period."

Following the end of the Second Nagorno-Karabakh War, tensions would continue to mount through isolated skirmishes and outbreaks of violence from the fall of 2020 through September of 2023. Notable incidents include an incursion by Azerbaijani forces into Armenia’s Syunik Province in November 2021¹⁹ and the shelling of Jermuk, a spa town located within Armenia, by Azerbaijani forces in September of 2022.²⁰

On December 12, 2022, the surrounding Azerbaijani military enacted a blockade of the Lachin Corridor, severing the territory’s lone connection by road to the Republic of Armenia. This led to the imposition of conditions that scholars²¹ and credible experts, alongside NGOs like the Lemkin Institute,²² recognized as an act of “genocide by attrition” aimed at pushing Artsakh-Armenians out of the territory through systematic blocks on access to food, electricity, gas, and telecommunication services during the coldest months of the year in the Caucasus. With medical services stretched untenably thin and access to resources restricted, the blockade imposed severe consequences on the health of Armenians located within Nagorno-Karabakh.²³ Despite calls from international observers²⁴ for Azerbaijan to respect the human dignity of those under occupation and relax the blockade, the Aliyev regime refused to do so, resisting an order from the International Court of Justice to provide for the “unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions” between Nagorno-Karabakh and the Republic of Armenia.²⁵

19 Joshua Kucera, “Heavy Fighting Breaks Out Between Armenia and Azerbaijan,” *Eurasianet* (2021), <https://eurasianet.org/heavy-fighting-breaks-out-between-armenia-and-azerbaijan>, accessed 13.05.2024.

20 Suren Badalian and Karine Aslanian, “Armenian Civilians Flee Fighting on Border with Azerbaijan,” *Radio Free Europe/Radio Liberty* (2022), <https://www.rferl.org/a/armenian-civilians-flee-fighting-border-azerbaijan-karabakh/32035072.html>, accessed 13.02.2024.

21 Edita Gzoyan, “Artsakh: Genocide by Attrition,” <http://www.genocide-museum.am/eng/1.19.01.23.php>, accessed 23.02.2024; Bedross Der Matossian, “Impunity, Lack of Humanitarian Intervention, and International Apathy: The Blockade of the Lachin Corridor in Historical Perspective,” *Genocide Studies International* 15, no. 1 (2023): 7-20.

22 A key report (disclaimer: having been co-written and edited by the author) which attempted to alert the international community of a fear of genocide was “*Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict*.” This report was released on September 5, 2023—only two weeks before the invasion, seizure, and cleansing of Nagorno-Karabakh by the Azerbaijani Armed Forces. Elisa von Joeden-Forgey, Victoria Massimino, et. al. “Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict,” *Lemkin Institute of Genocide Prevention* (2023).

23 “The Future of Nagorno-Karabakh,” *United States Agency for International Development* (2023), <https://www.usaid.gov/news-information/congressional-testimony/nov-15-2023-future-nagorno-karabakh>, accessed 13.02.2024.

24 Luis Moreno Ocampo, “The Nagorno-Karabakh Genocide is Just Beginning,” *The Washington Post*, 2023, <https://www.washingtonpost.com/opinions/2023/09/22/nagorno-karabakh-genocide-armenia/>, accessed 13.02.2024.

25 International Court of Justice. Order of 6 July 2023. Document Number 180-20230706-ORD-01-00-EN, Case 180 – Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan). <https://www.icj-cij.org/node/202958>, accessed 13.05.2024.

After 280 days of the blockade, on September 17, 2023, the Azerbaijani military invaded the territory and, over the span of a 24 hour military campaign,²⁶ toppled the government of the NKR and seized control of the territory in a “startling[ly] sudden” offensive.²⁷ This invasion was paired with a swift displacement of 105,000 Armenians from the territory – widely acknowledged as the vast indisputable majority of the indigenous population, as well as identified by experts as reflective of genocidal atrocity. The speed of this forced displacement may have extended from the systematic use of terror to frighten civilians into leaving their homes out of fear of the advancing Azerbaijani military. While Azerbaijani President Ilham Aliyev made claims in a speech on September 20, 2023 that “a strict order [was given] to all our military units that the Armenian population living in the Karabakh region should not be affected by the anti-terrorist measures and that the civilian population be protected”²⁸ during the invasion – and claims by Assistant of the President of the Republic of Azerbaijan, Head of Foreign Policy Affairs Department of the Presidential Administration Hikmet Hajiyev that “there [was] simply no damag[e] to civilians”²⁹ – footage filmed by Azerbaijani soldiers themselves emerged on local Telegram channels³⁰ not only broadcast the corpses of soldiers who were killed or mutilated³¹ in the initial stages of the invasion – but depicted atrocity crimes being committed against civilians by the soldiers themselves. Documented incidents include the decapitation of a civilian in the village of Madashten³² and broadcasts

26 William Landgraf and Nona Seferian, “A Frozen Conflict Boils Over: Nagorno-Karabakh in 2023 and Future Implications,” *Foreign Policy Research Institute* (2024), <https://www.fpri.org/article/2024/01/a-frozen-conflict-boils-over-nagorno-karabakh-in-2023-and-future-implications>, accessed 13.02.2024.

27 Chris Edwards, “Nagorno-Karabakh to Officially Dissolve,” *CNN* (2023) <https://www.cnn.com/2023/09/28/europe/nagorno-karabakh-officially-dissolve-intl/index.html>, accessed 13.4.2024.

28 “President of Azerbaijan Ilham Aliyev Addressed Nation,” *Azertag* (2023), https://azertag.az/en/xeber/president_of_azerbaijan_ilham_aliyev_addressed_nation_video-2756065, accessed 13.04.2024.

29 “Hikmet Hajiyev: No Civilian Facilities Were Harmed during Anti-Terror Measures,” *Azertag* (2023), https://azertag.az/en/xeber/hikmet_hajiyev_no_civilian_facilities_were_harmed_during_anti_terror_measures-2756023, accessed 15.04.2024.

30 The authenticity of these disturbing films has been verified by several watchdog organizations, such as Amnesty International USA, “Azerbaijan,” <https://www.amnestyusa.org/countries/azerbaijan/>; “Nagorno-Karabakh Exodus Amounts to War Crime, Legal Experts Say,” *Reuters* (2023), <https://www.reuters.com/world/asia-pacific/nagorno-karabakh-exodus-amounts-war-crime-legal-experts-say-2023-09-29/>; Roth Andrew, “Azerbaijan Launches Anti-Terrorist Campaign in Disputed Nagorno-Karabakh Region,” *The Guardian* (2023), <https://www.theguardian.com/world/2023/sep/19/azerbaijan-launches-anti-terrorist-campaign-in-disputed-nagorno-karabakh-region>, accessed 15.03.2024.

31 A particularly harrowing account of violence committed by the Azerbaijani Armed Forces against an Armenian servicewoman is the murder of 36-year-old Anush Apetyan; Apetyan was attacked, raped, and mutilated by soldiers from the “Yashma” brigade of the Azerbaijani Special Service. Alan V. Gent, “Azerbaijani Military Films Torture and Death of Female Soldier,” *Infosperber* (2022), <https://www.infosperber.ch/politik/aserbaid-schanisches-militaer-filmt-folter-und-tod-einer-soldatin>, accessed 15.03.2024.

32 While this source depicts graphic imagery and should be accessed at one’s own risk, evidence for this crime may be found at the following link: <https://azeriwarcrimes.org/2020/12/18/18-armenian-man-beheaded-alive-by-azerbaijani-forces-as-soldiers-cheer-and-clap/>, accessed 16.03.2024.

depicting shelling operations conducted against civilians³³ near Stepanakert, the regional capital. Despite boilerplate claims made by the Aliyev regime that Armenian “civilians felt protected entirely thanks to the professionalism of our Armed Forces [...] [who] showed high professionalism and moral qualities,” the history of Azerbaijani hostility³⁴ depicted towards Armenian civilians within Nagorno-Karabakh – including the use of rhetoric that reflects genocidal ideation – amid the proliferation of this footage seems to suggest the systemic use of localized violence as a vehicle of intimidation aimed to frighten Armenian civilians within Nagorno-Karabakh into departing from their homes as quickly as they could.

In the eyes of critics, this invasion has led to the completion of an act of genocidal atrocity: the complete erasure of the indigenous Armenian presence within Nagorno-Karabakh. Contemporary estimates of surviving Armenians within Nagorno-Karabakh vary, but it is suggested that fewer than 1,000 Armenians³⁵ who choose to self-identify as such have remained in the region following the Azerbaijani invasion and seizure of the territory – constituting less than 99% of the former indigenous population. Institutes like the Caucasus Heritage Watch have, through the use of geospatial mapping techniques, supported claims argued by scholars³⁶ who have warned of the erasure of indigenous heritage from the region by documenting the deliberate destruction of cultural monuments and markers of Armenian presence within Nagorno-Karabakh.³⁷

The effective disappearance of Nagorno-Karabakh through systematic political violence and military seizure, the subsequent displacement and effective deportation of the entirety of the region’s indigenous Armenian population, the complete destruction of cultural heritage that honors the lived experiences and history of the former indigenous community, and the complete annexation of Nagorno-Karabakh into the Republic of Azerbaijan with minimal resistance from the international community both constitutes the dangerous success of genocidal ideation and acts – and represents a profound failure of the mechanisms currently set in place to both prevent genocide from occurring within sensitive political contexts and work to ensure its cessation when hostilities arise.

33 For graphic evidence of the following crime: <https://azeriwarcrimes.org/2023/10/08/18-torturing-pows-atrocities-looting-and-vandalism-committed-by-azerbaijani-troops/>, accessed 15.06.2024.

34 Footage has also been captured during the Second Nagorno-Karabakh War of 2020 from villages that were occupied by the Azerbaijani Armed Forces; one such example depicts Azerbaijani soldiers taunting an elderly civilian depicted begging for his life before slitting his throat. See above content warning: <https://ragex.co/art-sakh-war-crime-beheading-elderly-civilian/>, accessed 17.04.2024.

35 Sam Grey, “UN Reports Between 50-1000 Armenians Remain Within Artsakh, 99% of Population Gone,” *The Atlas News* (2023), <https://theatlasnews.co/conflict/2023/10/04/un-reports-between-50-1000-armenians-remain-within-artsakh-99-of-population-gone/>, accessed 15.04.2024.

36 Armen T. Marsoobian, “Genocide by Other Means: Heritage Destruction, National Narratives, and the Azeri Assault on the Indigenous Armenians of Karabakh,” *Genocide Studies International* 15, no. 1 (2021): 21-33, <https://www.muse.jhu.edu/article/905257>.

37 “Monitoring Report #7: June 2024.” Caucasus Heritage Watch (2024). <https://caucasusheritage.cornell.edu/wp-content/uploads/2024/06/Report-2024-07Spread.pdf>, accessed 24.08.2024

Legal Mechanisms of Genocide Prevention

The very phrase “genocide prevention” has roots within the contemporary legal framework of the international system that extend from the postwar international order created in the wake of WWII – whose mythos is often closely linked to the collective sense of shame and horror extending from the Holocaust. Instruments of genocide prevention that emerged from the establishment of the United Nations in 1945 have since continued to shape the international community’s perception of the moral and legal obligations that states and parties to the international system possess in preventing genocide.

The life’s work of Polish-Jewish lawyer Rafael Lemkin – who would develop and coin the term “genocide” – would culminate in an indispensable impact upon the Genocide Convention. While crafted in an environment of politicking and drafted in ambiguous language³⁸ that reflects the postwar context in which the document was drafted, its longevity as a legal document is remarkable: signed and ratified on December 10, 1948, the Genocide Convention defines genocide as “a crime under international law which [signatories] undertake to prevent and to punish”³⁹ through legitimate instruments and vehicles of justice – and criminalizes both the direct perpetration and intent to execute an attack against a “national, ethnic, racial, or religious group” (in whole or in part). It lists five acts deemed prosecutable under international law as genocidal acts identified through both perpetration and intention: massacres and murders en-masse, non-lethal acts of violence, the application of indirect means to starve a group of the necessities to survive (i.e. “genocide by attrition”), acts aimed at preventing the reproduction of the targeted group (i.e. forced sterilizations, abortions, targeted sexual violence), and the forced transfer of children from the target group to the perpetrator group. These crimes, per Karaszia, may be prosecuted within international courts of law under the legal principles of *obligatio erga omnes*, under which these crimes “supersede any individual state’s borders and represent a threat to all humankind,” and *jus cogens*, constituting “crimes that under no circumstances states or their nationals can commit, regardless of exigent circumstances.”⁴⁰ Perpetrators of these atrocities may be prosecuted either within the state in which said atrocities were committed – or an internationally convened tribunal deemed legitimate for this purpose.⁴¹

A notable feature of the Genocide Convention is Article VIII, which charges signatory member states with a responsibility to engage in action aimed at “prevention

38 Allan D. Cooper, *The Geography of Genocide* (Lanham, MD: University Press of America, 2009).

39 Convention on the Prevention and Punishment of the Crime of Genocide. Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948, Entry into force 12 January 1951, in accordance with article XIII, at https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf, accessed 02.05.2024.

40 Zachary Karaszia, “An Unfulfilled Promise: The Genocide Convention and the Obligation of Prevention.” *Journal of Strategic Security* 11, no. 4 (2019): 20-31.

41 Josef L. Kunz, “The United Nations Convention on Genocide,” *The American Journal of International Law* 43, no. 4 (2017): 738–746.

and suppression of acts of genocide.” This key assumption underpins the very foundation of the architecture that has followed the ratification of the Genocide Convention, Schiffbauer notes that “Article VIII specifically involves the UN in supporting state parties to meet their obligations under the Convention. It provides an additional means of referring a situation to the UN other than Article 35 of the UN Charter.”⁴²

The development of legal mechanisms that compel states to work to prevent genocide is one which is difficult to succinctly chronologize in a “linear” pattern. Scholars like Putnam have argued that a number of key changes have emerged surrounding the interpretation of the Genocide Convention in crafting a legal apparatus to prevent genocide, arguing that context of the Convention’s birth and the ensuing “rapid deterioration in US-Soviet relations... ripen[ing] into a Cold War that severely hobbled Security Council operations from the 1950s to the early 1990s, and also generated deep rifts in the General Assembly,”⁴³ which would ultimately serve to render the implementation of Article VIII as “all but impossible.” However, Putnam further argues that the geopolitical conditions of the international system between the 1950s and 1980s created crises that necessitated the development of a UN-sponsored for “legal and administrative foundation for asserting international ‘executive authority’ in situations of actual or impending violence due to government incapacity to assert effective control” on the ground.⁴⁴

Furthermore, through the 1990s into the 2000s, the failure of the international community to respond to the slaughter that unfolded during the Rwandan Genocide of 1994⁴⁵ and further atrocities in both the Srebrenica genocide and Kosovo led to policy discussions on collective action to intervene in glaring cases of human rights abuses by perpetrating regimes – best defined by the birth, existence, and subsequent mainstream decline of the Responsibility to Protect (R2P) doctrine. Reaffirming the responsibilities of upholding Article VIII of the Genocide Convention, the 2005 World Summit

42 While the inclusion of Article VIII in the Genocide Convention “suggest[s] that in some small way this provision is capable of remedying the congenital defect that the Convention does not impose any obligations on the UN to prevent or punish genocide. But for the most part, the UN’s role in relation to genocide has developed outside the realm of the Convention.” The Genocide Convention, despite the strength of the norms and values that have emerged surrounding the perpetration of “genocide” itself, does not have the capacity to compel states to adhere to the provisions of the convention through the use of force. See Christian J. Tams, Lars Berster and Bjorn Schiffbauer, *Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary* (Baden-Baden: Nomos, 2014).

43 Tonya Putnam, “Tracing International Legal Change in Genocide Prevention,” in *The Many Paths of Change in International Law*, edited by Nico Krisch and Ezgi Yildiz (Oxford: Oxford University Press, 2023), <https://doi.org/10.1093/oso/9780198877844.003.0005>.

44 Ibid.

45 The failure of the international community to address the Rwandan Genocide through legal prevention or military intervention is often cited as a catalyst for understanding genocide prevention as a phenomenon. Michael Barnett, and Martha Finnemore. *Rules for the World: International Organizations in Global Politics* (Ithaca, NY: Cornell University Press, 2019); Scott R. Feil, and Romeo A. Dallaire, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (New York, 1998).

Outcome Document⁴⁶ asserts that states within the international system have both “the responsibility to protect [their] populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (per Article 138) and prevent these crimes abroad; Article 139 subsequently charges the international community – a collective reflected in the UN Security Council⁴⁷ – with “the responsibility to [act]... in accordance with Chapters VI and VIII of the [UN] Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”⁴⁸

Other key developments include the use of punishment as a form of deterring future violence and holding perpetrators to account: international tribunals, such as the International Criminal Tribunal to the Former Yugoslavia (ICTY) and the International Criminal Tribunal to Rwanda (ICTR)⁴⁹ have emerged to punish perpetrators of genocidal violence following the Rwandan Genocide and Srebrenica Genocide. These tribunals paved the way for the Rome Statute⁵⁰ of 2002, which would establish the International Criminal Court (ICC) as the central mechanism through which the international community could prosecute individuals and groups who have committed atrocity crimes and crimes against humanity. The ICC has since reviewed 31 individual cases and convicted a number of war criminals of atrocity crimes in a variety of contexts around the world.⁵¹

Furthermore, early warning systems⁵² have emerged that work to alert states, international organizations, committed stakeholders, and the general public to conditions where genocidal atrocities may erupt have proliferated within the contemporary system. NGOs, both public-facing (i.e. the Global Centre for the Responsibility to Protect) and privately-run (i.e. the Lemkin Institute for Genocide Prevention), operate in capacities that both serve to advise the development of legislature at the domestic level, influence developments of international bodies/institutions aimed at furthering the mission of genocide prevention, and raising public awareness of atrocity crimes.

46 This document is often viewed as a key source within which R2P as an ideology and doctrine formed. United Nations. “About R2P: Responsibility to Protect.” United Nations Office on Genocide Prevention and the Responsibility to Protect.” (n.d.), accessed 17.04.2024. <https://www.globalr2p.org/what-is-r2p/>.

47 Article 139 further endows the UN Security Council with a mandate “to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”

48 United Nations. 2005 World Summit Outcome (A/RES/60/1), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

49 “Evolution of International Criminal Justice,” *International Criminal Court Project*, <https://www.aba-icc.org/about-the-icc/evolution-of-international-criminal-justice/>, accessed 17.04.2024.

50 “The United Nations Rome Statute of the International Criminal Court,” *Library of Congress*, <https://www.loc.gov/item/lcwaN0018822/>, accessed 21.04.2024.

51 “About the Court,” *International Criminal Court*, <https://www.icc-cpi.int/about/the-court>, accessed 13.04.2024.

52 David A. Hamburg, *Preventing Genocide: Practical Steps Toward Early Detection and Effective Action* (Abingdon: Routledge, 2015).

Overarching Challenges of Enacting Prevention or Cessation Mechanisms

Despite the development of these institutions and mechanisms extending from the remarkable survival of the Genocide Convention – a document which has remained unchanged since its ratification in 1948 – a key difficulty that remains in ensuring compliance with the legal mechanisms of genocide prevention as reflected in Article VIII. As is the case with all international law, there exists no legal compliance mechanism⁵³ that can make states to comply with laws, regulations, and mechanisms dedicated to genocide prevention; to be effective, there must be political will present from states and stakeholders to engage in early prevention activities, deter perpetrators, and punish those who violate the Genocide Convention and engage in genocidal acts. This conflict of political will centers within the enshrinement of respect for state sovereignty as an element of the international system itself. As a defining feature of the UN’s very architecture present in the UN Charter,⁵⁴ the principle of sovereignty in regards to the institution’s member states is rendered sacrosanct. Thus, a lack of political will to engage may leave perpetrators effectively protected from prosecution.⁵⁵ Some regimes even have legal contingencies in place to prevent officials or soldiers accused of war crimes from being prosecuted by international tribunals.⁵⁶

Given this fundamental aspect of international legislation on the moral goal of genocide prevention, Toope notes that “any ‘failures’ of the UN are largely-though not

53 Ervin Staub, “The Roots and Prevention of Genocide and Related Mass Violence” in *The Slippery Slope to Genocide: Reducing Identity Conflicts and Preventing Mass Murder*, edited by I. William Zartman, Mark Anstey, and Paul Meerts (Oxford: Oxford University Press, 2012).

54 The UN Charter, in Articles 2.1, cites that “The Organization is based on the principle of the sovereign equality of all its Members,” and Article 2.7 cites that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” For full text, see: “United Nations General Assembly,” *Charter of the United Nations*, <https://www.un.org/en/about-us/un-charter/full-text>, accessed 13.04.2024.

55 Chung notes that the effectiveness of arrest warrants from the ICC largely depend on the enforcement and adherence of member states to institutional rules, in which heads of states, who face arrest warrants from the ICC, often enjoy impunity from prosecution from ICC member states because of the lack of an enforcement mechanism when placed against the geopolitical realities, consequences, and immense danger of detaining and prosecuting a great power’s head of state. For more information, see: Christine H. Chung, “The Punishment and Prevention of Genocide: The International Criminal Court as a Benchmark of Progress and Need,” *Case Western Reserve Journal of International Law* 40, no. 1/2 (2007): 227-262.

56 The resistance of certain great powers to ratify the Rome Statute (i.e. the United States, Russia, China) places further strain on the court’s legitimacy and ability to prosecute perpetrators. For example, the American Service Members Protection Act of 2002 – often known informally as the “Hague/Netherlands Invasion Act” – permits the United States government to “secure” any member of the armed forces under the jurisdiction of the ICC and, as critics assert, “intended to intimidate countries that ratify the treaty for the International Criminal Court (ICC)” through the threat of an invasion of the court’s seat of justice in The Hague do so. For more information, see: “U.S. Hague Invasion Act Becomes Law,” *Human Rights Watch*, <https://www.hrw.org/news/2002/08/03/us-hague-invasion-act-becomes-law>, accessed 17.06.2024.

entirely-imputable to a failure of political will on the part of member states” within the international system; without a mechanism that can override compliance in this matter, compliance with international law cannot be ensured without the marshaling of political will to act.⁵⁷ The structure of the Genocide Convention reflects this structural dilemma: despite providing clear legal avenues through which to punish perpetrators of genocidal atrocity, the document is only as effective as the will of powerful states within the international system to see it operationalized. As a consequence, a number of regimes have continued to engage in genocidal acts while justifying them within the normative language of the contemporary international system, often directly relying on arguments of “sovereignty” as a thinly-veiled excuse to evade legal obligations that would criminalize their actions under contemporary international law – effectively allowing both perpetrators and observer regimes to commit, per Stanton, “legal malpractice” when presented with damning evidence of atrocity.⁵⁸

Norms and beliefs surrounding collective action in regards to international atrocity (i.e. R2P) have also encountered roadblocks.⁵⁹ Bellamy asserts that R2P suffered within the international community precisely because of the ambiguous conflict between consensual military intervention and sovereignty, rendering the doctrine both difficult to interpret and enforce within the contemporary architecture of cessation mechanisms.⁶⁰ Bellamy argues further that there is no “optimal” template through which to execute these activities, and only one military intervention has been conducted within this atrocity-prevention framework: the toppling of Muammar Qaddafi’s government in Libya in 2011. While quick to lead to the end of Qaddafi’s reign in Libya, initial perceptions of the operation’s “success” were met with critical evaluations of its failure.⁶¹ Hehir argues that this rare

57 Toope, Stephen J. “Does International Law Impose a Duty upon the United Nations to Prevent Genocide?”

46 McGill L. J. 187, 193 (2000).

58 Within this context, Stanton refers to “legal malpractice” in the context of states evading responsibilities to respond to the brutality of the Rwandan Genocide – which illustrates the challenges of pursuing a clearly-defined legal pathway to ceasing genocidal acts in progress without the political will to respond. When the massacres began in April of 1994 – following weeks of international resistance to acknowledge reports submitted by General Romeo Dallaire and top authorities in Kigali warning the UN Secretariat of an imminent outbreak of atrocity – Stanton asserts that the US Department of State “continued to avoid the G-word” until June 10, 1994, after which “the US Secretary of State finally called it genocide [...] after most of the killing was over,” evading its responsibilities to respond to a genocide in progress. Gregory Stanton, “Could the Rwandan Genocide Have Been Prevented?” *Journal of Genocide Research* 6, no. 2 (2004): 211-228.

59 Nicole Deitelhoff, “Is the R2P Failing? The Controversy about Norm Justification and Norm Application of the Responsibility to Protect,” *Global Responsibility to Protect* 11, no. 2 (2019): 149-171.

60 Alex J. Bellamy, “The Responsibility to Protect and the Problem of Military Intervention,” *International Affairs* 84, no. 4 (2008): 615–639; Catherine Renshaw, “R2P: An Idea Whose Time Never Comes,” *Lowy Institute* (2021), <https://www.loyyinstitute.org/the-interpreter/r2p-idea-whose-time-never-comes>, accessed 18.05.2024.

61 Soderlund, Najem and Roberts argue that the increasing severity of the humanitarian crisis within Libya followed the enactment of R2P, with metrics of Libyan political stability, economic performance plummeting while societal violence (amounting to the severity of “crimes against humanity” only six months after military action concluded) sharply rose. Walter C. Soderlund, Thomas P. Najem, and Blake Roberts, “Libya, 2011: Reconstruction of a Failed R2P Intervention,” *Canadian Political Science Association*, <https://cpsa-acsp.ca/documents/conference/2017/Soderlund-Najem-Roberts.pdf>. Bachman further argues that the “ulterior motives”

unanimously-sponsored intervention was only possible due to “the rare confluence of [P5] interests and humanitarian need,” reflecting the power of individual veto power in pursuit of political interest and the darker underlying factors which motivated unanimous action in Libya (i.e. regime change) over humanitarian concern.⁶²

Furthermore, there exist structural difficulties within the current institutional framework of genocide prevention and cessation mechanisms – both bureaucratic⁶³ and structural in nature. Regarding international tribunals: Asuncion notes that the standard of proof required to charge perpetrators of genocide of both intending to execute such crimes and committing crimes that fall under the purview of the Genocide Convention (i.e. *dolus specialis*⁶⁴) is difficult for prosecutors to meet; furthermore, establishing degrees of responsibility may be a further challenge. While attributing responsibility between individuals operating within a state’s bureaucracy and the state highlights links in which “planning and conspiracy, instigating and incitement, ordering and complicity, and aiding and abetting and complicity” become apparent between actors complicit in genocidal crime, prosecuting a state government for such crime may be nearly impossible on account of the subservience of international law to the principle of state sovereignty within the international system.⁶⁵

While this is not a comprehensive overview of all possible contingencies or challenges to international mechanisms that may prevent or confront genocide, a pattern surrounding the execution of these laws clear: the international system’s dependence on collective international political will to enforce mandates of genocide prevention and cessation have challenged efforts to address atrocity crime in systems that ultimately have no legal compliance mechanism. When conflicts arise where a lack of political will exists to address them, laws and norms developed to prevent genocide appear only as strong and effective as the will of international actors to engage with them.

Failures of Legal Mechanisms to Prevent Genocide in Nagorno-Karabakh

Within the context of Nagorno-Karabakh, there were several early warning systems that aimed to highlight the incoming threat of an invasion and subsequent ethnic cleansing,

at play among NATO forces of toppling Qaddafi’s government led to the enabling of atrocity crimes among rebel forces and the “abdication [of] its responsibility to protect Libyans from the human suffering that continued subsequent to Qaddafi’s execution.” Jeffrey Bachman, “R2P’s ‘Ultimate Motive Exemption’ and the Failure to Protect in Libya,” *Politics and Governance* 3, no. 4 (2015): 56-67.

62 Aidan Hehir, “The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect” *International Security* 38, no. 1 (2013): 137-159.

63 Even when international organizations have the capacity to engage in the work of genocide prevention, scholars like Barnett and Finnemore assert that the structures of bureaucratic international organizations, given their unique nature, often serve to hamper the work that these organizations are mandated to accomplish. Barnett and Finnemore, *Rules for the World*.

64 Amabelle Asuncion, “Pulling the Stops on Genocide: The State or the Individual?” *European Journal of International Law* 20, no. 4 (2009): 1195-1222.

65 *Ibid*.

often taking on a frantic tone in light of potential military action in the summer and early fall months of 2023. For example, former ICC prosecutor and international human rights lawyer Luis Moreno Ocampo released a report titled “Genocide against Armenians in 2023”⁶⁶ that argued for the classification of atrocities that had taken place during the blockade of the Lachin Corridor as constituting an act whose intent and execution was centered within the practice of “genocide by attrition” under the Genocide Convention. Argentinian lawyer Juan Ernesto Mendez (acting Special Advisor to the Secretary-General on the Prevention of Genocide between 2004-2007 and a UN Special Rapporteur on Torture from 2010-2016) expressed similar sentiments in a report published on August 23, 2024, in which “the facts outlined above constitute sufficient reason to proffer an early warning to the international community that the population of Nagorno-Karabakh is at risk of suffering ‘serious bodily or mental harm to members of the group’ (Article 2, paragraph b of the [UN] Convention on the Prevention and Punishment of Genocide).”⁶⁷ The Lemkin Institute for Genocide Prevention (2023) concurred, publishing an intensive report on the Nagorno-Karabakh crisis on September 5, 2023 – only two weeks before the Azerbaijani military invaded the territory – alerting international stakeholders to the genocidal rhetoric employed by the Aliyev regime of Azerbaijan in regards to the territorial acquisition and cleansing of Nagorno-Karabakh and the likelihood of atrocities breaking out during the succeeding months. These select citations indicate that there were clear warnings that addressed the atrocities that took place during the blockade of the Lachin Corridor as reflective of the principle of Article II, paragraphs B (“serious bodily or mental harm”) and C (i.e. “genocide by attrition”) presented in the Genocide Convention, as well as warnings of ethnic cleansing and atrocity crime that reflected further genocidal atrocity aimed at the elimination of indigenous Armenians from Nagorno-Karabakh.

Despite this clear identification of genocidal atrocity and warnings of future action, this did not compel international actors to engage in de-escalation activities or respond to the seizure of the territory on September 17, 2023; as genocidal atrocities committed by the invading Azerbaijani military forced Armenians to evacuate, there was little response abroad. Many external stakeholders, “struggling to formulate salient objectives”⁶⁸ in response, failed to make any statements of substance at all on the crisis outside of Armenian/Azerbaijani border tensions in a broader scope, treating the invasion as something of a *lost cause*. If one interprets the aforementioned expert opinions as presenting verifiable evidence warning of genocidal atrocities about to unfold – the international system effectively failed

66 Luis Moreno Ocampo, “USP Innovation on Global Order project. Nagorno-Karabakh case,” https://luis-morenoocampo.com/lmo_en/press-release-dec23, accessed 19.04.2024.

67 Juan Ernesto Mendez, “Preliminary Opinion on the Situation in Nagorno-Karabakh and on the Need for the International Community to Adopt Measures to Prevent Atrocity Crimes,” *Armenian Permanent Mission to the United Nations*, https://un.mfa.am/file_manager/un_mission/Preliminary%20Opinion%20-%202023.08.2023.pdf, accessed 19.06.2024.

68 “Responding to the Humanitarian Catastrophe in Nagorno-Karabakh | Crisis Group,” October 16, 2023. <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/responding-humanitarian-catastrophe-nagorno>, accessed 19.05.2024.

to seriously address this evidence and, by extension, allowed the invasion of Nagorno-Karabakh to pass without anything more than token calls for “peace” in the region from powerful stakeholders in Moscow, Brussels, and Washington.

Reflecting the broad failure of genocide prevention legislation to address or acknowledge this crisis, Gzoyan, et. al. asserts that the very fabric of genocide prevention legal mechanisms itself played a role in the region’s effective disappearance; despite critics asserting that the invasion of Nagorno-Karabakh constituted a clear act of ethnic cleansing, the authors note that its contested legal status was fundamentally interlinked with legal developments surrounding definitions of the crime of “ethnic cleansing,” which is unclear and lacks “definition and precise qualifications, while serving as a term increasingly utilized by a global community to characterize specific situations worldwide” without clarity or legal precision.⁶⁹ This opacity reflects a microcosmic representation of a core issue of international law – in which unclear definitions of criminal acts may contribute to failed applications in contexts of atrocity crime.

However, perhaps most striking of these failures was the collapse of the Tripartite Agreement of 2020 – under which Russian peacekeeping forces, explicitly tasked with replacing Armenian positions around the former line of contact and Lachin Corridor – failed to act to prevent the outbreak of hostilities during the invasion and uphold the explicit terms of their mandate. Despite the deaths of several Russian peacekeepers during the Azerbaijani invasion of Nagorno-Karabakh,⁷⁰ the invasion was not resisted by Russian peacekeeping forces during the assault. In response to criticism, Kremlin spokesman Dmitry Peskov asserted that “people [were] willing to leave” without a clear rationale, citing that it was “not [Russia’s] place” to act given that it was “hardly possible to talk about who is to blame” regarding the crisis. Per Moscow, Nagorno-Karabakh’s disputed status labeled the geopolitical situation as “a new system of coordinates” without acknowledging the blatant break with the Tripartite Agreement that Russian President Vladimir Putin signed.⁷¹

Another compounding factor to this particular failure is Armenia’s membership in the Collective Security Treaty Organization (CSTO), an international military alliance led by the Russian Federation – whose membership also includes Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan. Founded in 1992 amid the signing of the Collective Security Treaty, participation in the CSTO (much akin to NATO⁷²) stipulates that member states,

69 Edita Gzoyan, Svetah Chakhmakhchyan and Edgar Meyroyan, “Ethnic Cleansing in Artsakh (Nagorno-Karabakh): Issues of Definition and Criminal Responsibility,” *International Journal of Armenian Genocide Studies* 8, no. 2 (2023): 56-85.

70 “Top Russian Navy Officer Killed in Azerbaijan’s Nagorno-Karabakh,” *Radio Free Europe/Radio Liberty*, 2024, <https://www.rferl.org/a/top-russia-navy-officer-killed-azerbaijan-nagorno-karabakh/32602846.html>, accessed 19.05.2024.

71 Robyn Dixon, and Ebel Fredrick, “Russia’s Peacekeepers in Nagorno-Karabakh: A Model of Failure,” *The Washington Post*, <https://www.washingtonpost.com/world/2023/09/30/russia-nagorno-karabakh-peacekeepers-failure/>, accessed 19.05.2024.

72 North Atlantic Treaty Organization. “The North Atlantic Treaty.” (1949). Accessed April 10, 2024. https://www.nato.int/nato_static_fl2014/assets/pdf/stock_publications/20120822_nato_treaty_en_light_2009.pdf

per Article 4 asserts that if one of the Member States undergoes aggression (armed attack menacing to safety, stability, territorial integrity and sovereignty), it will be considered by the Member States as aggression... to all the Member States of this Treaty,” permitting “all the other Member States at request of this Member State [to] immediately provide the latter with [the] necessary help, including military [help], as well as provide support by the means at their disposal in accordance with the right to collective defen[s]e pursuant to [A]rticle 51 of the UN Charter.”⁷³ Given Armenia’s participation as a member state within the CSTO and the simultaneous Tripartite-mandated placement of peacekeepers within both Armenia’s internationally-recognized territory and the frozen line of contact, this created the conditions for Russian intervention to an attack on the territorial sovereignty of Armenia⁷⁴ or a violation of the status quo within Nagorno-Karabakh. However, the failure of Russian peacekeepers to act – or the CSTO to mobilize – was justified by the Kremlin on account of Nagorno-Karabakh’s legal ambiguity as an unrecognized state, with Russian Presidential Press Secretary Dmitry Peskov arguing that Russian “obligations” to security guarantees extended to Armenia as a member of the organization “do not extend to Karabakh.”⁷⁵ Critics have addressed this failure as a demonstration of a broader Russian failure to meet its obligations as an “absentee security provider.”⁷⁶

In the weeks following the invasion, international responses were muted and often failed to express more than “concern” for the instability that had emerged in the Caucasus. While a UN-sponsored visit was made to the region following its seizure, genocide scholar Elisa von Joeden-Forgey challenges the approach through which international stakeholders approached the seizure of Nagorno-Karabakh following its conquest in October 2023; directly citing “the United Nations mission to a completely depopulated Stepanakert, the “historic capital” of Artsakh and the seat of power of the Nagorno-Karabakh Republic, on 1 October 2023” to assess the situation on the ground after international stakeholders and Artsakh-tsi-Armenians “had been calling for a UN mission to Artsakh throughout Azerbaijan’s nine-month blockade that preceded the September 19 military attack [...] [as] since 2020[,] Azerbaijan had prevented the United Nations and all other international organizations from entering the territory” and reporting freely on the conflict. In the wake of the invasion, von Joeden-Forgey asserts that the entire UN mission to legally overview the situation in Nagorno-Karabakh “was operating fully within the Azerbaijani propaganda landscape... which was insisting that Armenians “left voluntarily,” the mission reported that

73 “Collective Security Treaty,” Retrieved from https://en.odkb-csto.org/documents/documents/dogovor_o_kollektivnoy_bezopasnosti/#loaded, accessed 19.05.2024.

74 Armenpress. “Armenia Asked CSTO for Military Support to Restore Territorial Integrity amid Azeri Attack – PM.” (2022). <https://armenpress.am/eng/news/1092504/>.

75 “Russia’s Security Guarantees for Armenia Don’t Extend to Karabakh, Putin Says,” *The Moscow Times*, <https://www.themoscowtimes.com/2020/10/07/russias-security-guarantees-for-armenia-dont-extend-to-karabakh-putin-says-a71687>, accessed 16.05.2024.

76 Thomas Ambrosio, “The Collective Security Treaty Organization: A Lifeless, Shambling Alliance?” *Georgetown Journal of International Affairs*, <https://gjia.georgetown.edu/2024/03/04/the-collective-security-treaty-organization-a-lifeless-shambling-alliance/>, accessed 19.05.2024.

it “was struck by the sudden manner in which the local population left their homes and the suffering the experience must have caused,” leaving unsaid why the “local population” may have behaved in this way”⁷⁷ in the wake of perpetrator-documented atrocities that likely compelled the vast majority of Armenian residents to evacuate out of fear of violence.

Despite good intention within the international community to document what occurred, the humanitarian mission in question – as well as subsequent press conferences and events which presented detailed evidence of “reconstruction” efforts in impacted regions and claimed to have seen “no visible damage to public infrastructure, including hospitals, schools, housing, or cultural and religious structures”⁷⁸ within places visited, despite the limited nature of the humanitarian visit to only a select few locations within Nagorno-Karabakh – has had few statements on record which suggest an acknowledgement of atrocity beyond a “concern” for the experience of refugees forced to alight, nor much attention paid to the legal mechanisms or efforts to prevent conflict before the seizure of Nagorno-Karabakh in September 2023. This humanitarian mission’s mandate appears solely focused on post-conflict reconstruction and offers little commentary on the experience of survivors within a region and mandate supervised by an authoritarian government⁷⁹ precisely because the territory was effectively depopulated of the targeted population and represents what has been termed by researchers like Hoekman as “the first successful ethnic cleansing of the 21st century.”⁸⁰

Geopolitics of the South Caucasus and the Nagorno-Karabakh Conflict

In understanding what may have geopolitical conditions of the South Caucasus⁸¹ are marked by its status as an “intersection” of various geopolitical regions, including Eastern Europe/Eurasia, the Middle East/Levant, and Central Asia – and the states which border

77 Elisa von Joeden-Forgey, “Why Prevention Fails: Chronicling the Genocide in Artsakh,” *International Journal of Armenian Genocide Studies* 8, no. 2 (2023): 86-107.

78 “United Nations. “UN Karabakh mission told ‘sudden’ exodus means as few as 50 ethnic Armenians may remain.” UN News, 2023. Accessed 20.06.2024. <https://news.un.org/en/story/2023/10/1141782>.

79 Azerbaijan is governed by a one-party unitary government that effectively derives authority from the hereditary dictatorship of the Aliyev regime. Its metrics for political freedom in relation to the security of the regime are grim; per the Freedom House 2024 report, Azerbaijan currently has a score of zero (0/40) for “Political Freedoms” and 7/60 for “Civil Rights,” marking the state as staunchly “Not Free.” For more information, see: “Azerbaijan,” *In Freedom in the World 2024*, <https://freedomhouse.org/country/azerbaijan/freedom-world/2024>, accessed 20.06.2024.

80 Jacob Hoekman, “Opinion: Nagorno-Karabakh: When Values Are Trampled by Brute Power Politics,” *Caucasus Neighborhood and Europe*, <https://cne.news/article/4069-nagorno-karabakh-when-values-are-trampled-by-brute-power-politics>, accessed 20.04.2024.

81 Mordechai de Haas, “Current Geostrategy in the South Caucasus,” PINR, https://www.researchgate.net/profile/Mordechai-De-Haas-2/publication/265147106_Current_Geostrategy_in_the_South_Caucasus/links/544e77680cf26dda0890132e/Current-Geostrategy-in-the-South-Caucasus.pdf; Arne Strand and Siri Neset, “Changing Geopolitics of the South Caucasus after the Second Karabakh War,” *Chr. Michelsen Institute, Caucasus Policy Analysis Center*, <https://www.cmi.no/publications/8911-changing-geopolitics-of-the-south-caucasus-after-the-second-karabakh-war#author-details>, accessed 20.05.2024.

the region's three internationally-recognized republics: Russia, Turkey, and Iran. All three states have played a key role in shaping and molding the geopolitical reality that the three internationally-recognized⁸² republics of the South Caucasus – Armenia, Azerbaijan, and Georgia⁸³ – continue to inhabit, as do its unrecognized republics and territories.

In a report dating from 2022, Ismayil and Yilmaz characterized the relations between the states of the “inner core” of the South Caucasus and the nations who neighbor them as a complex, interconnected web in which the region appears as a battlefield for larger geopolitical conflict: “Azerbaijan and Turkey are perceived as the main threats for Armenia; Armenia, Russia, and Iran constitute varying degrees of threat to Azerbaijan’s security; and Russia poses a serious threat for Georgia, which prefers to seek Western protection, particularly from the United States.”⁸⁴

While this geopolitical landscape has continued to shift, the interwoven nature of international relations within the region has endured – and it has perpetuated an environment of geopolitical fluidity. Analyzing the role and relationship of each neighboring state to the South Caucasus to the Nagorno-Karabakh conflict, as well as that of external stakeholders within the international system, may highlight the ways in which political will has been expended to pursue individual interest within the region.

5A) RUSSIA: As the successor state to the Soviet Union and dominant great power within the Eurasian geopolitical space, Russia’s relationship with Armenia and Azerbaijan plays a unique role in shaping the context of geopolitical developments within the South

82 The phrase “internationally-recognized republics” excludes territories within the South Caucasus whose provisional government authorities are not widely recognized by the international community. This includes the former Republic of Artsakh, as well as the republics of Abkhazia and South Ossetia.

83 It is worth mentioning that a state whose role is, perhaps, given minimal scholastic attention within this analysis is that of Georgia. This is not an intentional effort to sideline Tbilisi’s perspective on the conflict – on the contrary, Georgia occupies a unique strategic role in the Caucasus: from its lack of diplomatic relations with Russia (due to Russian-backed separatist movements in Abkhazia and South Ossetia, viewed by Georgian and international officials as Russian “occupation”) to Tbilisi’s role in linking Turkey and Azerbaijan’s oil and gas connections. Furthermore, Tbilisi has expressed interest in “mediating” a peace between Azerbaijan and Armenia in the wake of the invasion of Nagorno-Karabakh; while these efforts to mediate during the Second Nagorno-Karabakh War of 2020 were effectively declined (Lomsadze, 2020), its efforts to do so appear to have been viewed more receptively in current years following the seizure of Nagorno-Karabakh, particularly amid regional hostility to efforts from other states (i.e. France, whom government officials in Baku perceive as “biased”) (Isayev, 2023) external to the region to mediate. Further scholarly attention to Georgia’s role in relation to the Nagorno-Karabakh conflict (particularly in relation to the “Peaceful Neighbourhood Initiative” sponsored by Tbilisi) would make for a welcome addition to this subject. For more information, see: Giorgi Lomsadze, “Armenia and Azerbaijan to Georgian Mediation: Thanks, but No Thanks,” *Eurasianet*, <https://eurasianet.org/armenia-and-azerbaijan-to-georgian-mediation-thanks-but-no-thanks>; Samantha Fanger, and Nelson Haley, “Georgia’s Potential Role in South Caucasus Peacemaking,” *Caspian Policy Center*, <https://www.caspianpolicy.org/research/security/georgias-potential-role-in-south-caucasus-peacemaking>; Heydar Isayev, “Georgia Offers Mediation between Armenia, Azerbaijan,” *Eurasianet*, <https://eurasianet.org/georgia-offers-mediation-between-armenia-azerbaijan>, accessed 20.05.2024.

84 Elchin Ismayil, and Sedat Yilmaz, “Strategic Alignments and Balancing of Threats: Military and Political Alliances in the South Caucasus (1991-2021),” *Central Asian Survey* (2022), <https://doi.org/10.1080/02634937.2021.2000940>, accessed 20.05.2024.

Caucasus; a region that has remained largely within its political sphere of influence.⁸⁵ Russia’s continuous geopolitical domination of the South Caucasus and its status as a great power within the “near-abroad” of the former USSR renders external intervention within its nearby post-Soviet geopolitical neighborhood an unacceptable prospect. As Kurth succinctly notes, NATO’s continued expansion east into the post-Soviet space has led to Moscow acting to assert its regional interests, acting in 2008 against US-led efforts to include Georgia into NATO through the occupation and annexation of Abkhazia and South Ossetia as Russian-backed separatist provinces of Georgia.⁸⁶ However, despite this unapologetic mandate from the Kremlin – one which has been only intensified with the invasion of Ukraine and ongoing Russo-Ukrainian War – and the institutional mechanisms in place to cement its role as the central geopolitical actor within the South Caucasus, notably including its efforts to retain Armenia as an ally in the region (i.e. Armenia’s membership within the CSTO, Russian efforts to engage diplomatically with Yerevan, and the placement of peacekeepers on the line of contact following the end of the Second Nagorno-Karabakh War), Russian peacekeepers did not resist the invasion.

There may be other reasons as to why Moscow did not respond to the Azerbaijani invasion (i.e. stemming from its entrenched offensive war in Ukraine); however, within the sphere of diplomacy, the rationale for this inaction may lie within the need for the Kremlin to cultivate both good relations with Armenia and Azerbaijan. This creates a dilemma in which MacHaffie notes acutely that “Russia considers Azerbaijan an ally, or at least a friend, despite Baku not being in CSTO. Thus, for the CSTO to take up Armenia’s request to intervene on its behalf, it would antagonize Azerbaijan... [yet] at the same time[,] the alliance cannot alienate Armenia as it too may seek alliance options elsewhere, such as NATO, which would be unacceptable to Russia”⁸⁷ and undermine its role as a power-broker within the Russian “near-abroad.” Ambrosio offers a sharper critique of Russia’s role as an “absentee security guarantor” within a “dying” CSTO, who has used its role as the *de facto* head of the CSTO to retain its member states within its sphere of influence while demonstrating its unwillingness to adhere to legal obligations ensconced within CSTO as “demonstrated to the rest of the CSTO that its interests were the only ones that held water”⁸⁸ within the alliance.

5B) TURKEY: Defined by the mutual antagonism expressed between the Armenian and Turkish governments on behalf of Ankara’s continuous denial of the Armenian Genocide as the successor state of the Ottoman Empire and the close ethnonational ties

85 Karolina Chawrylo, and Bartosiewicz Mateusz, “Russia Seals the Demise of Nagorno-Karabakh,” *OSW Centre for Eastern Studies*, <https://www.osw.waw.pl/en/publikacje/analyses/2023-10-05/russia-seals-demise-nagorno-karabakh>, accessed 20.06.2024.

86 James Kurth, “From the Baltic to the Black Sea: NATO’S Drive to the East Versus Russia’s Sphere of Influence,” *Orbis* 66, no. 4 (2022): 577–596.

87 James MacHaffie, “Overcoming Alliance Dilemmas in the Collective Security Treaty Organization: Signaling for Reputation Amid Strategic Ambiguity,” *Defence Studies* (2024): 1-27.

88 Ambrosio, “The Collective Security Treaty Organization.”

shared by Turkey and Azerbaijan (often defined as “two states, one nation”⁸⁹), Turkey’s relationships with Armenia and Azerbaijan have played out in a markedly dichotomous manner.

Largely originating from tensions surrounding Turkish recognition of the Armenian Genocide of 1915-1917 and successive tensions, interstate relations between Turkey and Armenia have remained frosty up to the present day. No diplomatic relations currently exist between either state. While both the Armenian and Turkish Foreign Ministries have expressed interest in opening the Turkic-Armenian land border for passage by third-country nationals following the passage of an agreement in 2022,⁹⁰ the Armenian-Turkish border has remained closed since 1993, as a Turkish response to the Armenian offensive in the First Nagorno-Karabakh War.⁹¹ The role of the Armenian diaspora in lobbying for Turkey’s recognition of the Armenian Genocide has also, per scholars like Tololyan and Papazian⁹² and Suny,⁹³ complicated efforts from the Armenian and Turkish states to normalize relations. Furthermore, while Turkey is a member of NATO and occupies a role of strategic partnership with states like the United States,⁹⁴ its continued resistance to acknowledging the Armenian Genocide, as well as the tumultuous relationship between the Turkish state and other minority populations within Turkey, has (per scholars such as Ho and McConnell) impacted Turkish efforts to accede to Western and European institutions.⁹⁵

In contrast, Turkey’s relationship with Azerbaijan has often been described as reflecting an approach of “two states, one nation” on account of the close cooperation

89 John Freund, “Strong Azerbaijani-Turkish Relations Reinforced Through Güler’s Visit to Azerbaijan,” *Caspian Policy Center*, <https://www.caspianpolicy.org/research/regional-south-caucasus/strong-azerbaijani-turkish-relations-reinforced-through-gulers-visit-to-azerbaijan>, accessed 20.06.2024.

90 “Turkey – Bilateral Relations,” *Ministry of Foreign Affairs of Armenia*, <https://www.mfa.am/en/bilateral-relations/tr>.

91 “Relations between Türkiye and Armenia,” *Ministry of Foreign Affairs of Turkey*, <https://www.mfa.gov.tr/relations-between-turkiye-and-armenia.en.mfa>, accessed 20.06.2024.

92 Khachig Tololyan and Tsolin Papazian, “Armenian Diasporas and Armenia: Issues of Identity and Mobilization,” *Études arméniennes contemporaines*, no. 3 (2014): 83–101.

93 Ronald Grigor Suny, “Truth in Telling: Reconciling Realities in the Genocide of the Ottoman Armenians,” *The American Historical Review* 114, no. 4 (2009): 930-946.

94 Niv Goren, “The NATO/US-Turkey-Russia Strategic Triangle: Challenges Ahead,” *Center for International & Security Studies*, University of Maryland, 2018.

95 Turkey’s relationship with Western integration has also been impacted by other ethnonational conflicts to which it has been a party to. Ho and McConnell, in their work on chronicling the phenomena of “diaspora diplomacy”, note that Turkey’s continued bids for EU membership have been challenged by Kurdish interest groups within Turkey and inside the Schengen Area, who have “invoked EU sanctioned democratic and human rights norms, and partnered with international human rights organizations to lobby the European Parliament, the European Commission and standing committees such as the EU–Turkey Joint Parliamentary Committee and the Committee of Women’s Rights and Gender Equality” to pressure European institutions to resist integrating Turkey into such institutions. For more information, see: Elaine Lynn-Ee Ho and Fiona McConnell, “Conceptualizing ‘diaspora diplomacy’: Territory and populations betwixt the domestic and foreign,” *Progress in Human Geography*, 43, no. 2 (2017): 235–255, <https://doi.org/10.1177/0309132517740217>; Goren, “The NATO/US-Turkey-Russia Strategic Triangle.”

and cultural similarities between Baku and Ankara. Framed as by Ismayilov and Graham (2015) as a relationship defined by common political interests, Turkic cultural affinities, and “pipeline politics” that sustained “energy-bolstered contact”⁹⁶ amid a glut of primary resources in Azerbaijan and a “capacity to transit those resources” to markets further afield through Turkey,⁹⁷ the historically-salient Turkic-Azerbaijani relationship strengthened during a period of regional change, harnessing avenues for mutually-beneficial economic cooperation and a shifting geopolitical composition of the South Caucasus following the First Nagorno-Karabakh War.

Within the context of the Nagorno-Karabakh conflict: in addition to explicit geopolitical support from Ankara⁹⁸ surrounding Azerbaijan’s seizure of Nagorno-Karabakh, critics assert that Turkish influence in the Nagorno-Karabakh conflict has been rendered evident through close bilateral cooperation surrounding defensive capacities and the sale of materials from Turkey to Azerbaijan,⁹⁹ impacting Azerbaijan’s intensive military development following the First Nagorno-Karabakh War and, by extension, influencing the course of both the Second Nagorno-Karabakh War and the 2023 invasion. Hovsepyan and Tononyan (2024) go as far as arguing that Turkey’s role in the conflict reflects a desire from Ankara to influence Azerbaijani social development within the country in a “pro-Turkic” direction that directly benefits Ankara’s interests, asserting that the use of “Turkic” vocabulary in regards to national and regional identity surrounding the Nagorno-Karabakh conflict – and the tangible military contributions made by Turkey to Azerbaijan – reflects a conceited effort to craft stronger cultural and diplomatic ties through the use of diplomacy effectively facilitated through weapons sales.¹⁰⁰

5C) IRAN: While there exists a less robust body of scholarship that directly approaches the unique relationships held between Armenia and Azerbaijan with the Islamic Republic of Iran – a state that borders the Azerbaijani mainland, Armenia’s Syunik Province, and the Autonomous Republic of Nakhichevan (Azerbaijan), the geopolitical conditions surrounding Iran’s stake in the Caucasus is complex, and its relationship to the Nagorno-Karabakh conflict is no different.

96 Murad Ismayilov and Norman A. Graham (eds.), *Turkish-Azerbaijani Relations. One Nation Two States?* (Oxfordshire: Routledge, 2016).

97 Rovshan Ibrahimov, “Turkish-Azerbaijani energy relations: Significant leverage in the implementation of the foreign policy interests of both countries,” *Insight Turkey*, 17(2): 83-100.

98 “Turkey Supports Azerbaijan’s Steps to Preserve Its Territorial Integrity, Says Turkish President Erdogan,” *Azertag*, https://azertag.az/en/xeber/turkiye_supports_azerbaijan_039s_steps_to_preserve_its_territorial_integrity_says_turkish_president_erdogan-2754397, accessed 18.06.2024.

99 H. Yalcinnkaya, Turkey’s overlooked role in the second Nagorno-Karabakh war. The German Marshall Fund of the United States (GMF), Retrieved from <https://www.gmfus.org/news/turkeys-overlooked-role-second-nagorno-karabakh-war>; Anton Atasuntsev, “Long-Standing Ties Between Armenia and Russia Are Fraying Fast,” *Carnegie Endowment for International Peace*, <https://carnegieendowment.org/politika/90768>, accessed 18.04.2024.

100 Lilit Hovsepyan and Artyom A. Tonoyan. “From Alliance to ‘Soft Conquest’: The Anatomy of the Turkish-Azerbaijani Military Alliance Before and After the 2020 Nagorno-Karabakh War.” *Small Wars & Insurgencies* (2024): 1-34.

Despite the outward similarities of Iran and Azerbaijan's respective religious affiliations as Shi'a majority Islamic states¹⁰¹ and their geopolitical alignment as oil producers who neighbor one another on the Caspian Sea,¹⁰² Iranian-Azerbaijani relations have experienced a degree of diplomatic tumult in recent years; scholars like Nassibi have understood the tension that has existed between Tehran and Baku as stemming from the complex division between Azeris within the Republic of Azerbaijan and the large ethnonational Azeri minority located within Iran's Azeri minority within its East and West Azerbaijan Provinces in the north of Iran, neighboring one-another across the Azerbaijan-Iran border.¹⁰³ Zasztowt concurs, noting that Turkic-Azeri linguistic and cultural affinity and ideological differentiation between Iran's governing elite and the Azeri minority within Iran has nurtured the prospect of Azeri separatism in Iran's East/West Azerbaijan Provinces – something that has threatened the governing establishment within Tehran.¹⁰⁴

Conversely, Iran's role in the region as a geopolitical counterbalance to the Turkic-Azerbaijani alliance has led to common ground between Tehran and Yerevan on ensuring the security of the international border between Armenia's Syunik Province and Iran's East Azerbaijan Province. Efforts to enact the Zangezur Corridor among Azerbaijan, Turkey, Central Asia and external authorities have been met with concern from Iranian leadership.¹⁰⁵ Yet while its role may inadvertently prove to benefit contemporary Armenia as a hedge against further encroachment, its stance on contemporary geopolitical security in the region amid border change and hostility with Azerbaijan has contributed to the geopolitical fluidity and uncertainty surrounding the region's political alignment.

Given its diplomatic isolation, critics like Nasri¹⁰⁶ note Tehran's distrust of international institutions endemic to the contemporary global order dominated by NATO; its willingness to cooperate with Russia on issues such as engagement in the Syrian Civil War, investment in energy that circumvents Western-imposed sanctions on each state, per Stroul and, per Katzman, agreements on weapons systems that may have contributed to the Russian offensive in Ukraine¹⁰⁷ further underpin the complexity of Iran's relationship

101 As of 2023, Iran and Azerbaijan possess the world's first and second largest Shi'a populations (as a percentage of their respective total populations) in the world.

102 Iran is a founding member of OPEC, while Azerbaijan is not a member of OPEC. See: "Iran Facts and Figures," *Organization of the Petroleum Exporting Countries*, https://www.opec.org/opec_web/en/about_us/163.htm, accessed 18.06.2024.

103 Nasser L. Nassibi, "Azerbaijan-Iran Relations: Challenges and Prospects," *Belfer Center for Science and International Affairs at Harvard University* (1999), <https://www.belfercenter.org/publication/azerbaijan-iran-relations-challenges-and-prospects>, accessed 28.04.2024.

104 Konrad Zasztowt, "Iran, Turkey and Azerbaijan: Heading Towards a Regional Crisis?" *PISM Policy Paper* 9, no. 35 (2012): 21-36.

105 Elaheh Koolaei, Ahmad Rashidi, "The Zangezur Corridor and Threats to the Interests of the Islamic Republic of Iran in the South Caucasus," *Caucasus Analytical Digest* 136 (2024): 3-6.

106 Jahnadad Memarian, "Iran Doesn't Trust the International Community," *Foreign Policy in Focus*, 21 April 2014, <https://fpif.org/iran-doesnt-trust-international-community/>, accessed 28.04.2024.

107 Kenneth Katzman, "Iran's Military Alignment with Russia Increases the West's Distrust," *Gulf International Forum*, <https://gulrif.org/irans-military-alignment-with-russia-increases-the-west-s-distrust/>, accessed 20.04.2024.

to both the South Caucasus and broader institutions dedicated to liberal internationalism and, by extension, genocide prevention and cessation.¹⁰⁸ Iran’s distrust of international institutions and individual interests (i.e. distrust of Azerbaijan, strategic alignment with Armenia, its complex regional alignment alongside Russia) may have further contributed to geopolitical fluidity in the region, further reducing any political will to act to uphold international mechanisms of atrocity prevention anchored in a framework of humanitarian “morality” as defined by the contemporary international system.

5D) COLLECTIVE ANALYSIS: If the Azerbaijani invasion of Nagorno-Karabakh is viewed as a failure of political will to act in preservation of both the Tripartite Agreement of 2020 and the UN Genocide Convention, the indifference of the international community to act may reflect uncertainty held by actors engaging within a region where political developments often shift and sway in directions both dictated by both states and territories of the South Caucasus – and powerful neighbors and external stakeholders alike who have interests in the region that they have proven willing to defend by ignoring both international law and mechanisms of genocide prevention and cessation.

Given these aforementioned factors, any efforts to engage in legal architecture of genocide prevention would have had to navigate several challenges: Russia’s regional dominance and hostility to any form of exclusion within its “near-abroad,” alongside its absentee-yet-legally-enshrined role as a peacekeeper to enforce the status quo from the Tripartite Ceasefire Agreement of 2020; Turkey’s ideological affinity with Azerbaijan and its shared interest in ensuring Azerbaijani sovereignty over the region through military funding and international support; and Iranian hostility to Azerbaijan and mistrust of international legal institutions. None of these three states, I argue, would have had a clear incentive to support an international intervention to respond to the invasion of Nagorno-Karabakh on account of their intersecting interests relative to both the progression of the conflict and regional geopolitical fluidity characterized by animosity among internationally-recognized parties to the conflict (i.e. Armenia and Azerbaijan).

Regarding the role of powerful states beyond the periphery: it could be further argued that these individual interests have been shaped by great powers external to the region. For example: diplomatic relations between the United States and the three nation-states of the South Caucasus reflect a short history following the collapse of the Soviet Union in 1991; one endemic of “zero sum diplomacy” anchored in the region’s economic resources and its “newness” as a zone of diplomatic engagement, having only established diplomatic relationships with Armenia, Azerbaijan, and Georgia in 1992, alongside its status as a political issue of concern to 8,000,000 Armenian diasporans.¹⁰⁹ While complex,

108 Dana Stroul, “Russian-Iranian Cooperation and Threats to U.S. Interests,” *The Washington Institute for Near East Policy* (2024), <https://www.washingtoninstitute.org/policy-analysis/russian-iranian-cooperation-and-threats-us-interests>, accessed 20.06.2024.

109 Vahagn Vardanyan, *National Identity, Diaspora, and Space of Belonging: An Armenian Perspective* (London: Komitas Institute, 2021).

US government policy (as reflected in CRS reports¹¹⁰) may reflect an economic incentive to continue engaging with the parties at conflict in the Nagorno-Karabakh crisis without attention given to international law and norms of genocide prevention; most notably, Azerbaijan, with its vast reserves of oil and gas and its strategic placement as a non-OPEC producer within a geopolitical region situated at the intersection of several larger geopolitical environments (Eurasia, the Middle East, Central Asia, former Soviet Bloc states).¹¹¹¹¹² Despite the seizure and cleansing of Nagorno-Karabakh constituting a clear case of genocidal atrocity: there is both political and economic incentive for external stakeholders who avoid raising turbulence between the states of the South Caucasus or peripheral powers (i.e. Russia, Turkey, Iran). Any incentive to uphold international law on atrocity prevention simply may not have balanced with the incentives at play for external stakeholders to follow the strategy of engagement embodied by the United States and other OECD states: call for pacification, allow the conflict to effectively take its course, and operate or “do business” in a way that reflects pragmatic self-interest.

Looking to the Future

While this article cannot possibly consider itself a “comprehensive” analysis, this project hopes to contribute to conversations on the failure of genocide prevention mechanisms to operate when faced with acute crisis. The failure of the international community to respond to the blockade, seizure, and cleansing of Nagorno-Karabakh (through enforcing conditions of attrition and committing acts of terror to commit a *de facto* deportation) represents a significant reinforcement of both legal and normative failures aimed at preventing, ceasing, and punishing perpetrators of genocide.

The invasion and seizure of Nagorno-Karabakh serves to reinforce both the poor efficacy of current rules and regimes surrounding activities and legislation intended

110 The Congressional Research Service (CRS) frequently publishes reports on a wide variety of topics of relevance to policymakers in Congress in order to inform debate. The work published by the analysts themselves is quite scholastically rigorous and well-researched, if not written with a deliberate consciousness to the sensitivity of the issues at stake in the South Caucasus; yet it provides a unique window through which to view US foreign policy in spaces where individual policymakers may have little to no local knowledge of conflicts). Several articles reflect these positions saliently: Phillip Brown, “No Oil Producing and Exporting Cartels (NOPEC) Act of 2018,” *Congressional Research Services* (CRS Report No. IF11019). <https://crsreports.congress.gov/product/pdf/IF/IF11019>; Sarah E. Garding & Michael Ratner, Cory Welt, Jim Zanotti, “TurkStream: Russia’s Southern Pipeline to Europe” (2021) *Congressional Research Services* (CRS Report No. IF11177), <https://crsreports.congress.gov/product/pdf/IF/IF11177>; Corey Welt, “Azerbaijan’s Retaking of Nagorno-Karabakh and the Displacement of Karabakh Armenians,” (2023), *Congressional Research Services* (CRS Report No. IN12265). <https://crsreports.congress.gov/product/pdf/IN/IN12265/2>, accessed 20.06.2024.

111 Soeren Kern, “How the Demand for Oil Drives American Foreign Policy,” *Real Instituto Elcano*, <https://www.realinstitutoelcano.org/en/analyses/how-the-demand-for-oil-drives-american-foreign-policy/>, accessed 20.04.2024.

112 Nona Mikhelidze, “The Azerbaijan-Russia-Turkey Energy Triangle and its Impact on the Future of Nagorno-Karabakh,” *Documenti Istituto Affari Internazionali* 10, 1-8.

to prevent genocide across contexts, which may be applicable to other contemporary genocidal atrocities, atrocity crimes, and violations of human rights; most saliently in Gaza and Ukraine. Accordingly, the failure of Russia’s peacekeeping mission and its promises to adhere to its legal responsibilities within the Caucasus may paint a picture of impunity that reflects its dichotomous role as a “peacekeeper” in the Caucasus and perpetrator amid atrocities committed within the ongoing Russo-Ukrainian War.

There will be clear geopolitical consequences for the South Caucasus in light of the failure of the international community to respond to this seizure of territory and the genocidal crimes that have accompanied it: discourse surrounding Azerbaijan’s claims to the territory of Nagorno-Karabakh has led to concerns from scholars and researchers about future ambitions from the Aliyev regime that may be aimed at prying chunks of territory away from the Republic of Armenia, which has begun being referred to in the Aliyev regime as “Western Azerbaijan.” Researchers at the Armenian Genocide Museum-Institute (AGMI) have identified a number of practices engaged by the Azerbaijani government to lay the groundwork for discourse and endorsement of future violence wielded against Armenians that may potentially lie within its internationally recognized borders, justifying a future conflict directly between Armenia and Azerbaijan on Armenian territory.¹¹³

This failure to respond has also had consequences for the geopolitical security of the larger Eurasian region as a whole – particularly in relation to Russia’s role as a regional power. As of this article’s publication in 2024, Russo-Armenian relations are continuing to decline sharply¹¹⁴ amid Armenian Prime Minister Nikol Pashinyan’s efforts to remove Armenia from the CSTO – something which Moscow has reacted to with hostility.¹¹⁵ The ineffectiveness of the CSTO to address these crises, per critics like Ambrosio, may lead to greater insecurity among states which border Russia and formerly relied on it for security guarantees. It is uncertain where this fluidity may lead as tensions continue to increase; however, it is likely that regional tensions will continue to evolve in relation to the changing geopolitical climate of the South Caucasus.¹¹⁶

113 For example, the Twitter (X) account for the “Western Azerbaijan Community,” labeled the “official [T]witter account of the Western Azerbaijan Community, which deals with the rights of Azerbaijanis expelled from nowadays [contemporary] Armenia,” has made public stances on the legitimization of Azerbaijan’s seizure of Nagorno-Karabakh. Having been established in January of 2023, the account posted continuously until September 15, 2023: two days before the seizure of Nagorno-Karabakh. No new posts have emerged since then.

114 Anton Atasuntsev, “Long-Standing Ties Between Armenia and Russia Are Fraying Fast,” *Carnegie Endowment for International Peace*, (2023). <https://carnegieendowment.org/politika/90768>.

115 Moscow has reacted to Yerevan’s shift away from the CSTO and Russia’s assurances as a security clarification with a muted “need for clarification”, commenting that “Russian leadership assumes that difficult issues will be resolved in bilateral relations” between Pashinyan and Putin in the coming months. For more information on this deepening rift, see: “Peskov: Russia Intends to Find Out Armenia PM’s Words about Diversification of Security Relations,” *NEWS.am*. (2023), <https://news.am/eng/news/789092.html>, accessed 20.06.2024; “The Russian Federation Assumes that all Difficult Issues with Armenia Will Be Resolved: Peskov,” *Lurer* (2024), <https://www.lurer.am/en/2024/04/10/The-Russian-Federation-assumes-that-all-difficult-issues-with-Armenia-will-be-resolved-Peskov/1106840>, accessed 20.05.2024.

116 Andrew Higgins, “Russia Steps Up Military Moves in Georgia, Moldova, and Ukraine,” *The New York Times* (2024), <https://www.nytimes.com/2024/06/03/world/europe/russia-georgia-moldova-ukraine-war.htm>.

Despite centuries of conflict surrounding its existential survival, Nagorno-Karabakh remains largely unknown to the general public as an entity, and the self-governing Nagorno-Karabakh Republic was not recognized internationally during the nearly 32 years of *de facto* administration over the territory. The genocidal acts that surrounded the seizure and ethnic cleansing of Nagorno-Karabakh are likely to remain out of public consciousness and fade from view in a manner that, perhaps, poetically reflects the territory's disappearance. However, despite the invisibility of this bitter conflict from the greater public domain, the consequences of this failure are likely to extend far beyond the deep canyons, snow-capped peaks, and valley ridges of the South Caucasus.

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David Hackett is a second-year Ph.D. Student in Political Science at Boston University. He has occupied several academic and policy-related roles within the Republic of Armenia surrounding the Genocide Studies sub-discipline; his primary research interests surround genocide prevention, atrocity crime perpetration, memorialization and spatiality of trauma, and the geopolitics of the Caucasus (Armenia, Azerbaijan, Georgia, Russian North Caucasus). Having spent six months on-site at the Armenian Genocide Museum-Institute as a research assistant and copy editor for the *International Journal of Armenian Genocide Studies* starting in January of 2023, he continues to occupy this role both in a dual remote/on-site capacity. He has also worked on-site to support the Foreign Ministry of the Nagorno-Karabakh Republic (NKR) at its Yerevan Representation Office in 2023. Preceding the NKR’s dissolution, David contributed to publishing a report with the Lemkin Institute of Genocide Prevention in early September of 2023 which alerted the international community of impending genocidal atrocity in Nagorno-Karabakh.