

Almost There

The Last Villages Occupied by Armenia

Maxime Gauin

The biggest part of the territorial dispute between Armenia and Azerbaijan was, as it is well known, the illegal occupation of Karabakh, which lasted three decades despite four resolutions of the UN Security Council and three decisions issued by the European Court of Human Rights calling Armenia an occupying power. However, by 1992, Armenia occupied—and is still occupying—eight villages that are not part of Karabakh. For obvious reasons, this question became more important for Azerbaijan after its victory in the Second Karabakh War and the subsequent reelection of Nikol Pashinyan in Armenia against revanchist opponents in 2021—both precipitating causes of the ongoing peace process between Baku and Yerevan.

Defining the Problem

Out of eight villages still occupied by Armenia, four are not enclaves but are located just at the provisional (non-delineated) international border between the two countries. They are arguably the simplest cases, as there is no issue of connection with the rest of Azerbaijani territory. Three other villages are Azerbaijani exclaves located in the north of Armenia, and still another exclave village is located in the south of Armenia (the latter belongs administratively to Nakhchivan). The total size of these eight localities is 109 square kilometers. Unlike most of the cities, towns, and villages in formerly-occupied Karabakh, it does not appear that the Armenian occupying forces ravaged these villages.

Enclaves—including enclaves/exclaves of this size—are not something exceptional in the world; indeed, more complicated cases exist. At the boundary between Belgium and the Netherlands, a city is divided between the two countries and has two names: Baerle-Duc on the Belgian side, Baarle-Nassau on the Dutch side. Inside this agglomeration, there are

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isolated exclaves, both Belgian and Dutch, composed of some buildings only. Naturally, the peaceful relations between the two neighbors since the independence of Belgium in 1830, as well as their common membership in Benelux and the EU, make this situation more anecdotal than really problematic.

Maybe more remarkably and relevant, for the perspective used here, is that inside the territory of the United Arab Emirates, there is an Omani exclave, Mahda, which has within its borders a counter-exclave: an Emirati village. Yet, after the signing of a border pact in 1999, the occasional clashes between the two countries gradually ended and the demarcation of the border was completed in 2005. In September 2022, the two governments signed no less than 16 bilateral agreements and memoranda of understanding, proving the reconciliation to be sustainable.

One of the closest examples to the Armenia-Azerbaijan case is Llivia, a Spanish village surrounded by French territory and connected to the rest of Spain by a special road, which is named the “international road.” After a peace treaty signed in 1659, the statute of Llivia was secured by a specific treaty, which was signed in 1660 and remains in force today. It survived all the constitutional changes in both countries, including the period under which France was ruled by Napoleon and Spain by Franco.

The aforementioned cases demonstrate that a minimum of goodwill and mutual understanding represent a sufficient foundation for the achievement of an appropriate and durable solution for small enclaves/exclaves.

Yet, the fixing of the eight villages’ issue is taking time. As part of the ongoing peace process, the position of Yerevan on this issue does not appear to be conciliatory. Indeed, on 23 November 2021, Armenia’s Prime Minister Nikol Pashinyan stated: “Our position is that we should understand the legal basis. We strongly doubt that a legal basis exists.” A first positive sign was the statement of Deputy Foreign Minister of Azerbaijan Halaf Halafov on 10 May 2022. Aside from indicating that “these lands are the territory of Azerbaijan,” Halafov noted that the “return of these territories under Azerbaijani control requires a delimitation process, therefore, it will be considered within its framework. These issues will be discussed and resolved.” On this basis, one can speculate that this issue will take place within the framework of the state border delimitation and demarcation mechanism announced by Russian Foreign Minister Sergey Lavrov in May 2021 and launched a year later almost to the day.

Progress in 2023

After the signature, in October 2022, of a document in Prague on the margins of the inaugural meeting of the European Political Community (EPC) concerning the mutual recognition of the territorial integrity of Armenia and Azerbaijan by Pashinyan and President Ilham Aliyev of Azerbaijan, the Armenian government became more

conciliatory. On 2 June 2023, Pashinyan stated that “there is no such enclave that could cause the kind of road problems for us that would be unsolvable. There is no such issue.”

At the Grenada meeting of the EPC on 5 October 2023, Pashinyan reaffirmed (again, in writing) Armenia’s commitment made the previous year, and stated, this time, the number of square kilometers belonging to each country (he previously mentioned this number on 22 May of the same year, but in a speech). The summit left a bitter taste in Baku, for reasons which are beyond the scope of this IDD Analytical Policy Brief. The point is that the document in itself can be interpreted as constituting progress in the peace process, including in the context of the issue of the eight Armenian-occupied villages.

Indeed, five days after he signed the Grenada document, Pashinyan noted that there are several options for resolving these issues. One is that we are settling all these issues, and this issue is being resolved amid peace. The second option is that we see it is so complicated that an agreement is reached that the enclaves across the border remain within the territories of the countries by which they are enclosed. But this should also be the subject of the agreement, further ratification. Our task today is not to allow any issue to become a justification for further escalation on the grounds that Armenia refuses to discuss, avoids discussion and solutions. In order not to allow escalation, we should not think about delaying the issues, complicating the issues, making them incomprehensible.

This explanation can be interpreted as representing a public expression of Yerevan’s position that it is not in the interest of Armenia to make it seem to Baku that it is trying to gain time in order to try something hostile against Azerbaijan. This was followed by a statement on 1 November 2023 by Armenia’s Minister of Territorial Administration and Infrastructures Gnel Sanosyan in which he said, “especially when both sides face such an issue. If peace is established, [the state border] commissions will work, the delimitation-demarcation process will be carried out, [and] issues that cause discrepancies will be discussed in turn. To me it seems that certain solutions will be found.” In saying “both sides,” Sanosyan was referring not only to Armenia and Azerbaijan, but also to the village of Artsvashen/Bashkend—a 43 square kilometers Armenian exclave surrounded by the Azerbaijani territory located between Lake Sevan (Armenia) and Ganja (Azerbaijan). The Azerbaijani army took control of this territory in 1992, namely in the context of the First Karabakh War characterized by the invasion of Karabakh and the occupation inter alia of the eight Azerbaijani localities that are the main subject of this paper. There is nothing in Sanosyan’s statement that is in contradiction with the principle of territorial integrity.

Correspondingly, and unlike during the Second Karabakh War, Armenia did not fire a single shot to defend the (now suppressed and self-dissolved) separatist entity centered on Khankendi in response to what Azerbaijan called an “antiterrorism measure” in September 2023.

Taken together, the foregoing statements and documents, coupled with Armenia’s prudent decision not to respond militarily to Azerbaijan’s operation that represented a

final nail in the coffin of Armenian secessionist aspirations, are seen positively. Of course, these should now be followed by concrete steps on this matter. These have not yet been forthcoming, but it seems they may be around the corner. Speaking on 24 November 2023, Pashinyan reiterated his intent to find a solution, but added that “at the moment, there is no very specific, objective arrangement, agreement on this topic. If we are going to take action, you will know about it, we will discuss so far.”

The tone became more positive after the latest meeting of the joint Armenia-Azerbaijan delimitation and demarcation commissions, which took place on 30 November 2023. The official Azerbaijani communiqué, which is effectually the same as the version put out by Armenia, put it this way:

The parties had reached an initial agreement regarding the text of the Regulation on the organization and holding of meetings and joint working meetings between the State Commission on delimitation of the state border between the Republic of Azerbaijan and the Republic of Armenia and the Commission on delimitation of the state border and Border Security between the Republic of Armenia and the Republic of Azerbaijan.

The above should be compared to the language of the communiqué issued in the wake of the 12 July 2023 meeting of these commissions, which was both shorter and did not contain any concrete announcement. It is, as a result, fair to conclude that the November 2023 meeting was more fruitful and more promising than the one that took place in July 2023. Such an improvement cannot be fully understood without considering that, on 21 November 2023 (after a delay of 70 days), the Armenian government finally sent a written reply to the most recent Azerbaijani draft of the peace agreement.

An even more recent positive signal was a statement made by the President of the Armenian National Assembly Alen Simonyan on 29 November 2023: “Armenia fully recognizes the territorial integrity of Azerbaijan, which includes Nagorno-Karabakh.”

It is important to note that on the same occasion, Simonyan not only added that there is no Karabakh issue for Yerevan anymore, but that the Azerbaijani enclaves/exclaves could be swapped in exchange for Artsvashen/Bashkend.

What Next?

In the event a swap is not understood to be an option, the question of arrangements concerning unimpeded economic and transport connections remains to be answered.

To reiterate: the four Azerbaijani villages that are not enclaves are arguably the simplest part of the issue, for this is a relatively straightforward matter of delimiting and demarcating a state border. Concerning the enclaves/exclaves, one way forward could be an agreement to simultaneously build special road connections for the three Azerbaijani enclaves/exclaves and the Armenian one, followed by a simultaneous ceremony of transfer of power, and so on. Concerning the regulatory framework of such connections,

the various agreements between Belgium and the Netherlands, Oman and the United Arab Emirates, and France and Spain could serve as models. It should be noted, in this context, that the treaty concerning Llivia restricts to four the number of armed agents (i.e., policemen) that Spain can send to this village at any one time—a measure designed to demonstrate to France the peaceful intentions of Spain. Such a small restriction is probably excessive in the context of Armenia and Azerbaijan, but might be worthy of consideration—of course, on the basis of reciprocity or some sort of other mutually-agreed arrangement.

If only because of the size of these territories, Armenian nationalist forces never developed anything like the myths concerning Karabakh with respect to the eight villages. This does not mean that they are considered a minor issue by Armenia’s revanchist opposition parties and figures. Quite the contrary. For example, on 10 October 2023, *Alphanews.com* accused Pashinyan of preparing for both a new war and a new defeat in order to obtain a pretext for the cancelation of the treaty providing for the presence of the three Russian military bases in Armenia, as well as of the agreements that give Russia control of parts of the country’s land borders (i.e., those with Türkiye and Iran, the Yerevan airport, etc.). The website even claimed that “Aliyev needs [the] ‘enclaves’ [issue] in order to put Armenia under the same blockade in which he kept Artsakh for ten months.” The nonsensical nature of these allegations is unfortunately insufficient to treat them merely as contemptuous. Indeed, they are part of the ongoing narrative of the irredentist parts of the Armenian opposition, both in the country itself and in parts of the organized diaspora.

For instance, on 29 November 2023, *The Armenian Weekly* (an organ of the Armenian Revolutionary Federation, which is based in the United States) claimed that “Aliyev’s previous statements, particularly those demanding that Armenia accept his conditions under the threat of unilaterally determining the border, raise apprehensions in Armenia regarding the true intentions behind Azerbaijan’s insistence on direct negotiations.” The same newspaper was even more alarming (and misleading) a month beforehand (on 31 October 2023) when it put the enclaves/exclaves issue on the list of arguments against those Armenians who argue that the end of the separatist entity in Karabakh “may pave the way for lasting peace and stability between Armenia and Azerbaijan.” (It should be noted that third place on this list was assigned to the argument concerning the right of return of ethnic-Azerbaijanis and other non-Armenians cleansed from Armenia immediately prior to and during the First Karabakh War. This was presented as “part of the long-term Azerbaijani strategy to weaken Armenia to make it a de facto failed state”—as if becoming multiethnic again would somehow “weaken Armenia.”)

Such articles must be understood also in the context of doubts arising among the Armenian nationalists themselves, even in the diaspora. According to a source of mine who attended an event in Paris on 23 November 2023 organized by ARF-linked scholar Taline Ter Minassian (who, it is fair to observe, got criticism from the ARF for having published in 2021 a French translation of Rouben Ter Minassian’s memoirs, where he

describes his practice of ethnic cleansing in 1920), “the Armenians seem almost relieved by the end of the Karabakh problem.”

The bottom line is as follows: in order to obtain a concrete agreement inspired by both foreign precedents and local necessities, it is more efficient to combine firmness on the principles with rhetorical precautions. The joint statement by the Presidential Administration of Azerbaijan and the Office of the Prime Minister of Armenia, on 7 December 2023, concerning the exchange of a number of prisoners and an unprecedented expression of mutual diplomatic support in the context of COP29 allows a certain optimism in this regard.