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## Heydar Aliyev, 1923-2003 Assessment His Legacy, Part Two

Heydar Aliyev's Energy and Infrastructure Strategy  
Vitaliy Baylarbayov

Statesmanship in  
the Silk Road Region  
Rodrigo Labardini

Karabakh and  
Azerbaijani Statecraft  
Michael M. Gunter

## The Emergence & Mainstreaming of Public Diplomacy

What Is Public Diplomacy?  
Alan K. Henrikson

## Visions for a Shared Future

Time to Dream?  
Alpaslan Özerdem

The 3+3 Formula  
Vasif Huseynov

## A Very Good Question

Can the West Eliminate Armenia's Critical  
Economic Reliance on Russia?  
Orkhan Baghirov

## A Philosophical Reflection on a Sempiternal Predicament

War, Peace, and Law  
Miguel Ayuso

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# Karabakh and Azerbaijani Statecraft

*Michael M. Gunter*

This brief article seeks to make two important and related points. The first is that the international law principles of sovereignty and territorial integrity hold that Karabakh belongs to Azerbaijan, despite misleading arguments to the contrary about supposed Armenian rights of self-determination. The second provides a partial assessment of Heydar Aliyev's legacy and how it relates to some of the policies pursued by his successor, Ilham Aliyev. Each will be examined in turn.

## *Karabakh and International Law*

There exists a voluminous literature on the Karabakh issue, much of which argues diametrically opposed positions. For example, among many others, a volume edited by M. Hakan Yavuz

and Michael M. Gunter titled *The Karabakh Conflict between Armenia and Azerbaijan: Causes & Consequences* (2023) recently detailed the Azerbaijani position, while a much earlier collection, edited by Gerard J. Libaridian and titled *The Karabakh File: Documents and Facts on the Question of Mountainous Karabakh, 1918-1988* (1988), among many others, presented the Armenian stance.

Because of the historical Western sympathy for the Armenians—fueled by the influential Armenian diaspora in the U.S. and France—it is particularly important to present the counterargument to the prevailing Western academic literature. However, this often proves problematic, given Western biases and sheer ignorance of the facts. Thus, the aforementioned book edited by Yavuz and Gunter is of particular significance.

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Presented succinctly, this counterargument holds that the Armenian occupation of 20 percent of Azerbaijan following the First Karabakh War when the Soviet Union collapsed was illegal because it violated Article 2(4) of the UN Charter, which clearly and unambiguously states: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.”

After Armenia attacked Azerbaijan and conquered 20 percent of its territory, including what was then known as the Nagorno-Karabakh Autonomous Oblast (NKAO), the UN Security Council passed several unanimous resolutions condemning the Armenian action and demanded “the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan.” For example, UN Security Council Resolutions 822 (30 April 1993), 853 (29 July 1993), 874 (14 October 1993), and 884 (12 November 1993) each condemned the Armenian aggression and called for “the withdrawal of all occupying forces from [...] occupied areas of the Republic of Azerbaijan” (to quote from Resolution 822).

The OSCE's Minsk Group/Process, which was established to solve the problem, along the lines adumbrated by the UN Security Council, miserably failed to implement its mandate. Therefore, Azerbaijan had the inherent right of self-defense to resort to war in 2020 to regain its occupied territories, and finally impose its sovereign jurisdiction over the rest of Karabakh in September 2023 when it became clear that neither Armenia nor the indigenous Armenians in Karabakh were willing to accept Azerbaijani authority.

The resulting mass exodus of indigenous Armenians from the enclave of what was in the Soviet period called the NKAO is regrettable, but certainly understandable given all the bad blood between the two sides. Precedents regarding the exchange of populations exist for this situation (the population exchanges between Greece and Türkiye after their war for mastery in Anatolia following World War I being one). In the case of Karabakh, large Azerbaijani populations already had fled from Armenia after Armenia initiated war against Azerbaijan in a misguided attempt to conquer the NKAO when the Soviet Union began to disintegrate in 1988.

Evidence has been presented that the Armenian presence in the South Caucasus dates back to before the common era—that is more than 2,500 years; the Turkic peoples only began to arrive about 1,000 years ago. Nevertheless, scholars have also found that today’s Azerbaijani people—although speaking a Turkic language—are likely an amalgamated nation that includes ancient peoples such as the Caucasian Albanians. Ironically, therefore, both Armenians and Azerbaijanis are probably correct when they claim Caucasian Albanian origins. Possibly, realizing these partial common origins might help ameliorate their current deep differences.

In the early nineteenth century, the Russians began their conquest of the South Caucasus, largely replacing the Iranians and to a lesser extent the Ottomans. Despite these much more recent times, however, the Armenians and Azerbaijanis (called ‘Tatars’ by foreigners into the twentieth century) debate about which nation was the majority in Karabakh and when. In addition, as recently as 1905-1906, and again in the early 1920s, they fought deadly wars against each other in which the ownership of Karabakh was part of the dispute. Only the final Bolshevik (Communist) victory ended this overt violence.

Most important for this article is that the eventual Bolshevik triumph in the 1920s decided that NKAO’s large ethnic-Armenian majority would possess formal governmental autonomy within the overall territorial integrity of Azerbaijan, which was in turn granted the status of one of ultimately 15 Soviet Socialist Republics (SSRs) within the framework of the Union of Soviet Socialist Republics (USSR). This was probably an impossible and fatal attempt to square the circle temporarily made possible only as long as the USSR imposed ultimate authority over the two nations. Once the Soviet Union began to collapse, the imposed co-existence collapsed.

Although there had been an even larger ethnic-Azerbaijani minority living in Armenia (which had not been granted any sort of autonomy), the Armenian minority, living as the majority in what was then known as the NKAO, constituted the only minority in the Soviet Union that had its own separate governmental institutions within another (SSR), even though it also had its own SSR elsewhere. Still, this uniquely privileged position was not satisfactory for the Armenians because as the Soviet Union began to disintegrate in the late 1980s, the Karabakh Committee in Yerevan began

increasingly to agitate for Moscow to hand over the NKAO to Armenia even though it was formally part of Azerbaijan.

Under the Soviet legal regime of that day, this was illegal unless Azerbaijan agreed—and, of course, Baku did not. Instead, the two sides began their deadly struggle, which finally resulted in the Armenians seizing approximately 20 percent of Azerbaijan by the time Russia was able to broker a ceasefire in May 1994. Thus began a frozen, post-Soviet, ethnic conflict that the OSCE’s Minsk Group/Process co-chaired by Russia, the United States, and France miserably failed to solve even though, as noted above, the UN Security Council on four separate occasions had passed resolutions that called for the immediate and unconditional withdrawal of Armenian troops and the recognition of Azerbaijan’s territorial integrity over Armenia’s claim to some type of self-determination.

International law clearly held that the former NKAO belonged to Azerbaijan, despite misleading arguments to the contrary about supposed Armenian rights of self-determination often parsed into claims of some type of internal self-determination and/or remedial secession. Internal self-determination referred to some sort of

reputed right to implement real democracy or autonomy for a group contained within an existing state where democracy for it was denied. Remedial secession was a proposed principle that if a specific people living in the territory of a larger state is egregiously misrepresented within that larger state and there is no remedy for the situation, then, as a last resort, this supposedly oppressed people have a right to remedial secession.

Although both of these novel concepts are discussed in the scholarly literature, the consensus of most is that neither exists as a legal right. Clearly, neither of these two recent theories took precedence over the hard, legal fact of Azerbaijan’s sovereignty and territorial integrity—as such arguments would threaten the sovereignty and territorial integrity of every single member state of the United Nations. This *existential* fact is arguably the most important point that this article makes. Despite the Armenian narrative that the Azerbaijanis were simply continuing a century-old genocide against them, international law and international organization speaking through the United Nations *unambiguously* sided with the Azerbaijani position. If this article does nothing else, it will make an important point by explicating this existential point. Yet the

Armenians were partially successful at “orientalizing” and “otherizing” the Azerbaijanis as the instigators of war and injustice. (The first pejorative concept regarding “orientalizing” was coined by Columbia University literature professor Edward W. Said to describe the West’s contemptuous depiction of the Orient, while “otherizing” is a term used to describe a situation in which one negatively characterizes the treatment of people from a different group as essentially inferior to one’s own group.)

For more than 25 years, the Azerbaijanis attempted to regain their honor and territory by legal, diplomatic means, but the Armenians refused to respond to the dictates of international law and international organization. Instead, they engendered ceaseless arguments on behalf of their supposed rights to the former NKAO through some type of self-determination and historical right. When international law and its determinative principle of territorial integrity refuted the Armenian position, they fell back on their military victory in the First Karabakh War (1988-1994) and refused to return the occupied Azerbaijani territories (not just the former NKAO but also surrounding Azerbaijani territories they had conquered during that war).

In 2019, the new Armenian prime minister Nikol Pashinyan progressively began to magnify his state’s position by calling for the unification of Azerbaijan’s occupied territories and Armenia. Disdaining sincere negotiations, Pashinyan now declared, “Artsakh [Karabakh] is Armenia, and that’s it.” A few months earlier, while dressed in a military uniform, David Tonoyan, the Armenian defense minister, had already told a gathering of influential Armenian diaspora notables in the United States that if Azerbaijan dared attempt to regain its lost territories by force, then his state’s policy would no longer be “land for peace,” but “new wars for new territories.” Other Armenians even began to speak about Armenian soldiers “drinking tea in Baku.” Adding further fuel to these incendiary boasts, the Armenian prime minister also rehashed the long-dead Treaty of Sèvres, by declaring that defunct treaty as still being a “historical fact.”

These were, one could say, the functional equivalent of what the U.S. Supreme Court held in 1942 to be “insulting or ‘fighting words, those that by their very utterance inflict injury or tend to incite an immediate breach of the peace.” To make this point better understood, a few sentences of explanation are

in order. The defeated Ottoman Empire had been forced to sign the Treaty of Sèvres on 10 August 1920. It would have reduced what became The Republic of Türkiye to only a rump section of Anatolia. However, the Turkish War of Independence overturned this stillborn treaty and in 1923 a new Treaty of Lausanne recognized the modern Republic of Türkiye. Thus today, the very term “Treaty of Sèvres” remains a notorious byword in Türkiye, symbolizing the West’s supposed desire to partition and destroy that country. Armenian prime minister Nikol Pashinyan’s gratuitous remark about the Treaty of Sèvres remaining a “historical fact” was a not-so-subtle threat against the territorial integrity of today’s Türkiye. It amounted to a declaration of diplomatic war against Ankara as well as Baku, bringing into question the most rudimentary judgment of the Armenian leader. Whom the gods would destroy, they first make mad.

Thus, when it became clear that even though international law and organization were on their side, the Azerbaijanis were not going to regain their occupied territories through peaceful negotiations, they finally turned to the only possible solution, war. Article 2(4) of the UN Charter

not only prohibited what Armenia had done in conquering the former NKAO and the seven surrounding Azerbaijani provinces, but also permitted, under Article 51, Azerbaijani counterforce in self-defense.

Despite attempts to “orientalize” and “otherize” him, Azerbaijani president Ilham Aliyev proved to be a very effective leader in regaining his country’s occupied territories. In a wide-ranging question-and-answer session held during an international forum at ADA University on 29 April 2022 that was attended by the author of this article, Aliyev made the following realistic points concerning his country’s victory in the Second Karabakh War: *one*, do not accept the occupation of your territory and continue to maintain your territorial integrity; *two*, do not depend on international organization: unanimous UN Security Council resolutions supporting the Azerbaijani position did nothing to return occupied Azerbaijani territory—there was no effective help from the international community; and *three*, build and maintain a strong military to regain your lost territory. Unfortunately for the proponents of idealistic or liberal conceptions of world order, Aliyev’s realistic prescriptions proved to be correct.

## Statecraft

The other important point this brief article seeks to make revolves around an explication of sorts of the legacy of Heydar Aliyev, Ilham Aliyev's father and his predecessor as President of Azerbaijan. During his presidential tenure in office (1993-2003), the elder Aliyev had put to use his comprehensive grasp of old-style Soviet political culture, as he had served as a leading member of the Politburo of the Communist Party of the Soviet Union, and thus understood well the Russian mindset. He combined this insight with an understanding of new-style Azerbaijani nationalism, which would have been impossible during the Soviet era of proletarian internationalism. Thus, when he rose to the presidency of Azerbaijan, Heydar Aliyev had two main goals: bringing about Azerbaijan's political stability (the country was on its way to becoming a failed state at that moment) and forming a new, capable army. Both, in his judgment, were necessary to successfully oppose and ultimately defeat Armenian irredentist claims on Karabakh.

Heydar Aliyev proceeded methodically. He began by achieving independence for his nation's oil industry by building an alternative

pipeline through Georgia and Türkiye. In 1994, he signed the "Contract of the Century" with a consortium composed largely of Western oil companies to strengthen this independence and diversify his economy (directly relevant but underappreciated is the fact that Ilham Aliyev was one of Azerbaijan's chief negotiators in this endeavor). This enlightened demarche was signed with an international consortium of 11 large oil companies representing 8 different countries. It later led to the signing of 26 agreements with the participation of 41 oil companies from 19 countries. All this put Azerbaijan on the world map as an important oil producer and exporter of energy. It constituted one of the most important agreements of the twentieth century.

However, at the same time, Heydar Aliyev also proved intelligent enough to bring Russia in on the deal so as not to alienate his northern neighbor, which was historically in the Armenian camp. He also could not rule out the possibility of Moscow wanting to reintegrate Azerbaijan back into Russia at an opportune moment. Even in the 1990s, Russia had, it seemed to him, continued to want to maintain total control over the export of Azerbaijani oil. Moreover, the Kremlin had

wanted to persuade Baku to keep allowing Russian military bases on Azerbaijani territory in—so he had judged—a bid ultimately to restore its full control over the South Caucasus lost when the Soviet Union collapsed in 1991. As a former Politburo member, Aliyev was perhaps more keenly aware of such ambitions than others might have been. Thus, shortly after being elected head of the Azerbaijan parliament in June 1993, Aliyev had astutely affirmed, "Russia, our northern neighbor, is absolutely a vast state. Undoubtedly, the relation based on independent principles between Azerbaijan and Russia must be better, broader, and more fruitful." This way of thinking eventually led to the signing of an Agreement on Friendship, Cooperation, and Mutual Security between Russia and Azerbaijan on 3 July 1997. Aliyev paid his first official trip to Russia as a President of the Republic of Azerbaijan in July 1997, at the invitation of Russian President Boris Yeltsin. Relations with Russia further developed through Aliyev-Putin negotiations during bilateral visits. Vladimir Putin visited Azerbaijan in 2001 and Aliyev paid a reciprocal visit to Russia in 2002. The two men understood each other well, as both had earlier served in the Soviet intelligence apparatus.

More importantly, of course, Heydar Aliyev proved able to use his country's oil to carefully navigate through these complicated geopolitical and geoeconomic shoals so as not to anger Russia to the point of hostile action. Thus, to forestall possible Russian intervention, he invited the Russian energy company Lukoil to join Azerbaijani's oil exploration and refining projects. SOCAR, the Azerbaijani state oil company, even transferred 10 percent of its share in the Azeri, Chirag, and Guneshli offshore oil fields to Lukoil. Aliyev saw this stock transfer of a small portion of his country's oil as a prudent method to preserve its much larger remainder.

Skillfully, Aliyev used his nation's ample oil reserves to enhance its initially precarious independence. He did so by distancing it from Russia without antagonizing the former ruling power, while at the same time using oil to strengthen relations with the West. As Vafa Guilizade, one of Aliyev's top foreign policy advisers and confidants observed, "oil is our strategy; it is our defense, and it is our independence. Iran [also] is having envious dreams of Azerbaijan, and if the Russians were strong, they would colonize Azerbaijan [again]. But they can't because Aliyev invited the whole world to watch."

Thus, the elder Aliyev at the same time was able adroitly to square the circle by also establishing amicable relations with the United States via the “Contract of the Century.” Subsequently, the Azerbaijani president visited the United States for the first time in the summer of 1997 and met with U.S. President Bill Clinton where they signed a joint statement on future relations between their respective nations regarding defense, military, energy, and economic issues. Following the 9/11 terror attacks against the United States, Azerbaijan joined an international coalition against terrorism led by the United States and also sent a military unit to Afghanistan. In addition, a pro-Azerbaijani amendment to the so-called U.S. Freedom Support Act was adopted on 24 October 2002 to permit the U.S. president to waive its infamous Section 907, which was being used by the strong domestic Armenian lobby in the United States to forbid the export of any financial or humanitarian aid to Azerbaijan.

The “Contract of the Century” proved incredibly lucrative for Azerbaijan’s economy. The revenue was used to construct a new, stronger army that could (and, as it turned out, would) eventually liberate all the Armenian-occupied territories of Azerbaijan. Oil (and,

later, gas) exports also enabled Azerbaijan to build the requisite state institutions to enhance Baku’s capacity for diversified economic development, military security, and a functional bureaucracy. Thus, even more than Charles de Gaulle of France and America’s Abraham Lincoln—who had each saved their respective political systems in a time of grave national crisis—Heydar Aliyev also proved to be the father as well as the savior of his nation.

Two decades after his death, Heydar Aliyev’s continuing legacy remains integral to what binds Azerbaijan together as an independent nation-state. Victory in the 2020 Second Karabakh War was built on the foundation he had constructed, fully cementing the situation. Shortly after the collapse of the Soviet Union, but before Aliyev’s return to Baku at the helm of independent Azerbaijan, Audrey L. Altstadt—surely one of the world’s leading scholars on the country—had already speculated presciently in 1992 that Heydar Aliyev had traversed the route of “a man who vigorously [had] articulated Moscow’s line and freely replaced party cadres” to one who, “because Aliyev cannot be regarded as weak, uninformed, lax, or obtuse, it can be supposed that he permitted, perhaps encouraged, this upsurge

of national self-investigation, this exploration of historic identity, and this expression of national pride.”

### *A Final Observation*

To return to the first important point by way of conclusion: this article unambiguously and unabashedly defends the Azerbaijani position on the status of the former NKAO and their inherent right to use force in self-defense in the autumn of 2020 to regain their occupied territory and then reclaim the rest of Karabakh in September 2023. In so doing, this article stands firmly against Armenian counterclaims of Azerbaijani aggression even though Armenia still has so many supporters, especially in those states such as the United States, Russia, and France, among others, that have politically strong Armenian diasporas instrumentalizing their cause despite the clear verdict of international law and organization. In taking this firm pro-Azerbaijani position, this article notes the

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*This article is implicitly but strongly predicated on the argument that Armenia needs to unambiguously accept its current borders, so that the resulting peace can enable it to enter into a mutually profitable relationship with neighboring Azerbaijan and Türkiye*

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historical origins of the conflict, the First Karabakh War from 1988-1994, the debate between advocates of the political and international principles of territorial integrity and self-determination, the long-simmering failed negotiations from 1994-2020, the Second Karabakh War in the autumn of 2020 that returned most of Azerbaijan’s occupied territories, and finally the current aftermath when Azerbaijan incorporated the rest of Karabakh in September 2023.

However, despite the resounding Azerbaijani victory, ultimate peace remains elusive until the Armenians finally sign on to it. The perspective of this happening remains, as of this writing, unfortunately uncertain.

This article thus ends with a final observation. The Armenian people are victims of their own selfish, misguided leaders and a wealthy diaspora egging them on from the safety of their homes in the West. Both of these instigators persist in framing their misleading version of Armenians as perpetual victims

entitled to territory legally belonging to Azerbaijan and Türkiye. Given the geostrategic situation, and despite perhaps waning Russian and heightened yet largely rhetorical Western support, this is an impossible position that continues to curse the Armenian nation and may even incite it towards hopeless conflict that would prevent it from successfully developing politically and economically.

This article is implicitly but strongly predicated on the argument that Armenia needs to unambiguously accept its current borders

(this will almost certainly require a constitutional amendment, as Pashinyan himself reportedly indicated just as this edition of *Baku Dialogues* was going to press), so that the resulting peace can enable it to enter into a mutually profitable relationship with neighboring Azerbaijan and Türkiye. If this occurs, Ankara and Baku should sincerely offer their newfound partner a magnanimous peace. Given the historical memory, this will not be easy to implement, but it is the only way for Armenia to finally begin to prosper and develop in peace as a modern, successful state. **BD**

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