SOCIAL ISSUES | Vol.3, Special Issue, 2025
2nd International Conference on Social Work & Social Research-2025, pp.168-175
https://doi.org/10.30546/SI.2025.3.2.4058

LANDMINES - LEGACY OF KARABAKH WAR IN THE CONTEXT OF ARMENIA`S WAR CRIMES AND THE CHALLENGE FOR GREAT RETURN

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Abstract
In the post-Soviet space Azerbaijan became the first and only country that cut the roots of territorial conflict, separatism and started clearing the landmines buried by Armenia as a result of the divisive policy of the Russian-Soviet Empire. At the same time, the complete elimination of such a bitter legacy as the landmine problem left over from the First and Second Karabakh wars, erasing the traces of mine terrorism carried out by Armenia against our country requires a long time, material and financial resources, hard work and strong will. The landmine problem is also one of the main challenges facing the "Great Return" State Program referring to resettling of Azerbaijani internally displaced people (IDP`s) back to the territories liberated from Armenia. In this context, the restoration and reconstruction work is also accompanied by certain difficulties due to the threat of landmines in Karabakh and Eastern Zangezur. Gaining global support for overcoming these difficulties, as well as condemning and punishing Armenia internationally for mining territories and carrying out other war crimes, is very important. In this article, various aspects of the issue of landmines, which are relevant in terms of global, regional and national politics, are approached from statistical, historical-political, socio-economic, legislative points of view and relevant recommendations and suggestions are presented.

Keywords
Armenia-Azerbaijan war, war crime, landmine contamination, Great Return.

1. Global statistics on the landmine problem

Mines, a harsh legacy of the history of conflict, continue to be a serious problem in about 60 countries today and a permanent solution to this problem does not seem possible in the near future. However, only 33 of the countries contaminated with mines are parties to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (in short, the Mine Ban Treaty) (https://www.armscontrol.org/factsheets/ottawasigs). Although a total of 164 states have ratified this Convention, according to official figures, many of these states continue to retain mines for training and research purposes. However, member states are obliged to destroy mines (both anti-personnel and anti-tank) in their stockpiles. Armenia and Azerbaijan are among the 32 states that have not joined the Convention (https://www.hi.org/en/news/increase-of-use-of-landmines-driven-by-russia--myanmar-and-non-state-armed-groups).

According to the Landmine Monitor 2022 report, there are 11 anti-personnel mine-producing states - China, Cuba, India, Iran, Myanmar, North Korea, Pakistan, Russia, Singapore, South Korea and Vietnam. The United States was also listed as a producer in the 2021 report, but was removed from the list after a change in the legislation

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regarding mine production that year. In 2021, 5 544 mine incidents were recorded worldwide, killing 2 182 people. ¾ of the victims were civilians and half of these civilians were children (1,696 children) (https://reliefweb.int/report/world/landmine-monitor-2022). These are the figures according to official data. In 2022, the number of mine incidents increased many times in connection with the Russia-Ukraine war. Since the start of the war on February 24, 2022, more than 1,400 civilian casualties were reported in Ukraine regarding the landmine incidents[2,3].

Today, the most heavily mined areas in the world are Ukraine, Afghanistan, Bosnia and Herzegovina, Cambodia, Croatia, Ethiopia, Iraq, Turkey and Yemen, which are parties to the Mine Ban Treaty (Jalilzada, 2021). In each of these countries, more than 100 km^2 of land is contaminated with mines. The most heavily mined area in Europe was Bosnia and Herzegovina before the Russian-Ukrainian war. 21 countries that are not parties to the Mine Ban Treaty have land contaminated with mines, among which Azerbaijan (Karabakh), Georgia (Abkhazia), etc. are in the forefront in terms of the size of land contaminated with mines.

Clearing land from mines has been a difficult and costly process. For example, Mozambique took 22 years to clear its territory from mines and was completed in 2015 and the country was declared completely mine-free[4]. Chile took 22 years to clear its territory from mines and in 2020, the country was declared completely mine-free. The Falkland Islands, which belong to the United Kingdom, were completely cleared of mines in 2020 after 40 years of work (https://www.bbc.com/news/uk-wales-54894171).

Since the Mine Ban Treaty came into force in 1999, 30 States Parties to the Treaty have declared their territories completely mine-free by 2021.

2. Historical and geographical background of landmine problem in Azerbaijan

Azerbaijan's landmine problem began to emerge due to the Armenia-Azerbaijan conflict and the Karabakh wars. The “Landmine Monitor 2022” report notes that before 27 September 2020, when the conflict between Armenia and Azerbaijan, namely the Second Karabakh war broke out, 6,75 km^2 of land in the territory of Karabakh (the so-called ex-“republic”) was contaminated with mines. However, the report emphasizes that there is no information on the level of mine contamination in the territories under the control of Azerbaijan until 2020. Considering the presence of previous and newly planted mines by Armenia, in the following time period since the Second Karabakh War until 19-20 September 2023, when the separatist regime in Karabakh was fully destroyed, the area of mined lands in Azerbaijan is very large.

During the press conference held on November 4, 2023 with his German counterpart Annalena Berbock, Azerbaijani Foreign Minister Jeyhun Bayramov stated that in the last 3 years, that is, after the 44-day war in 2020, approximately 480 km long lands had been mined by Armenia and the illegal regime in Karabakh with the logic of “new defence line”. Quote: “The depth of the mines even reaches 2 km in some places.

[2] https://acleddata.com/2024/04/04/the-growing-threat-of-explosive-devices-in-ukraine-acled-brief/
[3] https://www.acaps.org/fileadmin/Data_Product/Main_media/20240124_ACAPS_thematic_report_Ukraine_Analysis_Hub_Humanitarian_implications_of_mine_contamination_.pdf
[4] https://reliefweb.int/report/chile/chile-ends-mine-clearance-operations-americas-step-closer-becoming-mine-free-region

This means that 960 km^2 of lands has been mined. We are talking about hundreds of thousands of mines buried there"[5].

During World War II, the warring parties drew up a "defence line" that limited the enemy's ability to move, such as the "Maginot Line" (Springer, 2015). The "Ohanyan Line" created by Armenia was similar to the "Maginot Line". The Armenian plan to occupy Karabakh during the First Karabakh War was based around a barrier known as the "Ohanyan Line". This barrier consisted of various obstacles, mines and barbed wire, concrete firing positions and other long-term fortifications. There is information that the depth of this zone was from 6-8 km to 15 km (Güner, 2022). This line was already broken in several directions during the April battles of 2016. In the Second Karabakh War, the strong fortifications of the Ohanyan line were destroyed, which was an important factor leading Azerbaijan to victory (Hamid, 2023).

Until 2020, the only mine clearance facility in Karabakh was the international company Halo Trust, which claims to have cleared 60% of the mine-contaminated areas there as a result of its services to the so-called regime between 1994 and 2020. After 2020, the mine clearance task has been carried out by ANAMA and other state institutions of Azerbaijan.

ANAMA Chairman Vugar Suleymanov, who participated in the international conference on "Reducing the Environmental Impact of Landmines - Mobilizing Resources for a Safe and Green Future" held in Zangilan and Baku on May 29-30, 2024, noted that 10 285 km^2 of our liberated territories are contaminated with mines and unexploded ordnance to varying degrees[6].

In the speech addressed to the participants of this Conference by the President of the Republic of Azerbaijan Ilham Aliyev, it is noted that approximately 12% of the territory of Azerbaijan is contaminated with mines. According to preliminary estimates, 1,5 million mines and an unknown number of unexploded ordnance are buried in our lands. As a result of mine explosions, 361 civilians and military personnel have been injured so far and 68 of them have died. In total, since the beginning of Armenia`s military aggression against Azerbaijan in 1990`s, more than 3 400 Azerbaijani citizens have been affected by landmines, 358 of whom were children and 38 were women (https://president.az/az/articles/view/66120).

As a result of demining operations carried out in Karabakh and East Zangezur from November 2020 to April 2, 2025, a total of 190 thousand hectares (1,9 km^2) of land were cleared of mines and explosive remnants of war[7]. This also means that it will take many years to fully clear the mined land in liberated territories of Azerbaijan.

3. The impact of landmines on Great Return of Azerbaijanis to the liberated lands

After the liberation of Azerbaijani lands from occupation in the Second Karabakh War, large-scale work began on the restoration of settlements on the basis of the "I State Program on the Great Return" adopted on November 16, 2022. Continuing work on the restoration and development of the liberated territories, creation of modern infrastructure

[5] https://apa.az/foreign-policy/nazir-son-3-il-erzinde-qarabagdaki-qanunsuz-rejim-480-km-erazini-temas-xetti-felsefesi-ile-minalayib-794026

[6] https://azertag.az/xeber/zengilanda_minalarin_etraf_muhite_tesirinin_azaldilmasi_tehlukesiz_ve_yasil_gelecek_uchun_resurslarin_seferber_olunmasi_movzusunda_konfrans_kechirilib___yenilenib_2-3029338

[7] https://azertag.az/xeber/avropa_ittifaqinin_numayendeleri_agdamda_minatemizleme_fealiyyeti_ile_tanis_olublar_video-3483623

there and eliminating the problems, including the mine problem, are of strategic importance and therefore are among the national priorities of Azerbaijan. On the last day of 2024, the head of state called with great pride the implementation of the "Great Return' program a priority for 2025. Under this Program, a total of about 140 000 IDP`s will be resettled in Karabakh and East Zangezur by the end of 2026. As of April 2025, there are 40 000 people in Karabakh and East Zangezur.

According to the "Trust Index: 10" survey conducted by the Social Research Center between June 12 and July 1, 2023, 26,1% of 1 071 respondents (280 people) mentioned the mine problem in the liberated areas, thus indicating the mine problem as one of the 5 main problems in the country. However, it should be noted that according to the results of subsequent surveys (Trust Index: 11, 12 and 13), this figure has decreased significantly.

As the large-scale "Great Return" State Program to the liberated territories is being implemented, the mine problem stays as a serious threat and the number of deaths and injuries is increasing. The most recent incident, on April 6, in Aghdam, Karabakh where three members of a recently returned family (one elderly and two children) were injured in a landmine explosion, brought the total number of deaths and injuries since 2020 to 392 (https://www.bbc.com/azeri/articles/c8x844lnd9xo).

In addition, the mine problem also threatens economic activities. Since the end of victorious II Karabakh War the Ministry of Agriculture of the Republic of Azerbaijan every summer announces that farmers can move their livestock and beekeeping activities to pastures in the liberated territories, but they must participate in mine safety trainings firstly. Several shepherds and farmers are among the civilians killed or injured by landmines since 2020.

Azerbaijan carries out its mine clearance activities almost entirely at the expense of its own domestic resources. According to the Landmine Monitor (2023) report, Azerbaijan received a total of $10,4 million of international assistance for mine clearance in 2022 from 4 donors (EU, USA, France, Japan). The bulk of this assistance - 94% - fell to the EU and the USA. International assistance to mine clearance in our country in 2021 was significantly less, $1,4 million. In general, more than 90% of the mine clearance work carried out in our country is carried out at the expense of the state`s material, technical and financial resources and foreign assistance is not at any level. It would be appropriate for our country to make an official appeal to increase international assistance in this direction. Gaining the support of the international community in this area, including international condemnation of Armenia for committing mine terrorism, is of great importance. Although many states and organizations, including the European Union, have declared their strong support for Azerbaijan`s mine action efforts, mere statements are not enough in this matter; real support or increased support is desirable.

4. Legislative framework for the prohibition and clearance of landmines in Azerbaijan

Neither Armenia nor Azerbaijan are parties to the Mine Ban Convention. It is desirable to launch a relevant discussion panel on this issue, especially within the framework of the Azerbaijan-Armenia normalization and peace process.

An important step in this direction is the declaration of the participants of the 3rd International Mine Action Conference, which took place in the Zangilan region of Azerbaijan and the city of Baku on May 30-31, 2024. Although Azerbaijan is not a party to the Mine Ban Convention (Ottawa Convention) and the Convention on Cluster

Munitions (Oslo Convention), the declaration accepted at the Zangilan conference states that adherence to the principles and values of the relevant conventions and steps will be encouraged to comply with these documents[8].

However, since Azerbaijan is seriously suffering from war crimes by Armenia, including mine terrorism, it is trying to raise the mine problem in almost all possible international legal instances. For example, at the 15th meeting of the States Parties to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954) held on 11 December 2023, a resolution on the "Impact of Mines on Cultural Heritage" was adopted at the initiative of Azerbaijan[9].

It can also be noted that Azerbaijan initiated the establishment of a special contact group on humanitarian demining within the framework of the Non-Aligned Movement. The group has begun its activities since September, 2023.

Currently, Azerbaijan, together with the UN, is working towards the establishment of a "International Center of Excellence on Mine Action Training". Azerbaijan has also proposed including humanitarian demining as Goal 18 in the UN Sustainable Development Goals.

5. Political processes related to the resolution of the landmine problem in Azerbaijan

At the June, 2021 meeting of the UN Mine Ban Treaty, Armenia denied that it had mined the land during the 2020 war[10]. However, in May 2021, Armenian Prime Minister Nikol Pashinyan publicly stated at a meeting of the Cabinet of Ministers that Armenian soldiers had mined the territory to increase security on the border and had placed markers identifying the locations of these mines[11]. In addition, on June 6, 2021, the confession of Armenian colonel and director of the Tigran Mets military training school Koryun Gumashyan, who gave an interview to Armenian television and media, that mines were brought to the territory of Kalbajar and Lachin regions in 17 trucks and buried in an area covering 500-600 hectares, also caused a serious resonance. In this regard, a criminal case was initiated in Azerbaijan and Koryun Gumashyan was put on the international wanted list as a person accused of criminal actions (https://genprosecutor.gov.az/az/post/3799).

One of the most important indicators of the political normalization process between Armenia and Azerbaijan after the Second Karabakh War is the transfer of mine maps. In exchange for the map showing the location of 97,000 mines buried in Agdam, which was presented to Azerbaijan by Armenia on June 12, 2021, Azerbaijan returned 15 Armenian saboteurs as a gesture of goodwill. After that, a similar "exchange" took place on December 4, 2021 (Kucera, 2021). Azerbaijan handed over 10 military personnel in exchange for the mine maps (https://dtx.gov.az/az/news/1667.html). However, these mine maps are not accurate and Armenia deceived the world community by providing false maps.

On the one hand, Armenia is participating in the political process related to mine maps and on the other hand, its military has been causing provocations by planting mines

[8] https://xalqqazeti.az/az/last-news/181622-olkemiz-mina-tecrubesini-dunya-ile (Access date: 05.04.2025)
[9] https://unesdoc.unesco.org/ark:/48223/pf0000388286
[10] https://unesdoc.unesco.org/ark:/48223/pf0000388286
[10] Statement of Armenia, Mine Ban Treaty intersessional meetings, held virtually, 21 June 2021, bit.ly/ArmeniaStatement21June2021
[11] Armenian military carried out mining work with the installation of warning signs, the purpose of sabotage was not - Pashinyan", Novosti NK, 27 May 2021, bit.ly/NovostiNK27May2021

manufactured in 2021 in Azerbaijani territories again and during the prevention of these provocations, 8 Azerbaijani border service servicemen were martyred in September 2022. After that, Azerbaijan launched a short-term but large-scale military operation covering September 12-13, 2022 and although more than 70 of Azerbaijani servicemen were martyred during these operations, very important strategic achievements were achieved. This was of great importance in the complete liberation of Azerbaijani lands from occupation later.

The main mediator between Azerbaijan and Armenia in organizing the exchange of mine maps and the return of Armenian servicemen was the Russian Federation. Russian peacekeepers have been engaged in a number of "humanitarian" activities here since they were deployed in Karabakh based on the trilateral statement of November 10, 2020. After the 1-day anti-terrorist measures of September 19-20, 2023, which resulted in the abolition of the so-called regime in Karabakh, the Karabakh Armenians left the region despite the calls of the Azerbaijani side to "not leave", "accept our citizenship and stay in the region". After that, since there was no purpose left for the activities of the Russian peacekeepers, their withdrawal from our region came to the agenda. Although the peacekeepers wanted to continue their presence in Karabakh with a "humanitarian demining" operation (so, on December 14, 2023, the Russian Ministry of Defense announced that Russian peacekeepers would participate in the process of clearing mines in the liberated territories), such a decision was not made on the basis of mutual agreement and on June 12, 2024, the personnel, weapons and equipment of the peacekeeping contingent completely left Azerbaijan.

Thus, after Azerbaijan is freed from the last remnants of occupation and separatism, it will focus on the only last legacy of the war - the fight against mines. Obtaining international cooperation and assistance in this area is of great importance.

6. Conclusions and recommendations

The mine issue is one of the most important humanitarian and security problems facing our country today. Despite the fact that 4,5 years have passed since the end of the 44-day Patriotic War and the liberation of Karabakh and East Zangezur from occupation, it has not yet been possible to free these territories from mines. Since the mine clearance process generally requires a very long time and serious resources, it is still ongoing. There is a need to condemn Armenia, which has committed mine terrorism against our country, for war crimes and to increase international support for Azerbaijan in mine clearance. Just as HALO Trust has declared that it has cleared more than 60% of the mines in Karabakh (for the so-called regime) during the years of occupation, an official appeal can be made for the clearance of Azerbaijani territories from mines with international support. The European Union's "Emergency Fund for Africa" is engaged in humanitarian mine clearance activities and is an example of how international cooperation can be established in this area.

The steps taken by Azerbaijan in the last few years to convey the harsh realities faced by Azerbaijan regarding the mine problem to the world and to make calls are commendable. In particular, the declaration of the participants of the 3rd International Conference on Mine Action, which took place in Zangilan and Baku on May 29-31, 2024 contains important calls in this direction. Thus, the declaration of the Conference can be assessed as the beginning of an important initiative in the field of mine action by declaring its commitment to the principles and values of the 1997 Ottawa and 2008 Oslo Conventions, to which Azerbaijan is not a party. This international conference is of great

importance as a first step in this context. However, it is important to further expand efforts in this direction. Considering that Azerbaijan was the initiator of the resolution on the "Impact of Mines on Cultural Heritage" in December 2023, more international events on this topic may be held in the coming period. Since the continuation of this process, especially the elimination of the mine threat and the protection of cultural heritage are currently relevant for our country within the framework of international law and policy, an open international exhibition-conference could be organized in Karabakh on this topic. At this event, Azerbaijan could have demonstrated the exposure to cultural and mine terrorism by Armenia, could have brought to the attention of the world that Azerbaijan is protecting Armenian cultural heritage and also could have provided a practical response to the international court cases filed by Armenia against Azerbaijan under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

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