

# The Conflict In Nagorno-Karabakh Within The International Scenario

**Walter Morana**

**Abstract** In April 2016, Azerbaijan and Armenia resumed their conflict in Nagorno-Karabakh, reawakening tensions that had not been settled since the first years of the Soviet Legacy and, most of all, the end of the 1992-94 war. The first part of the present article aims at investigating the main historical and political reasons behind this “frozen conflict”. In order to reach this goal, the author will analyze the main issues in support of the status quo in the area, such as the Turko-Russian influence, the role of the European Union (EU) and the situation of minorities and IDPs. The article also offers an analysis of the Minsk Group, originally formed by the OSCE for conflict prevention and resolution in the territory, and proposes new perspectives to overcome the power games affecting its current structure and activity. Particularly, in the conclusion, the author promotes the benefits of an exercise of soft power such as a ground-level cooperation between the EU and Azerbaijan. Especially if placed within a wider reform of the European Neighborhood Policy (ENP), this promotion of structural reforms in Nagorno-Karabakh might represent a valuable model to look at within the relations entertained by the EU with its Eastern Partners.

**Key words** Armenia, Azerbaijan, Nagorno-Karabakh, EU, Russia, Four-Day War

**JEL Classification** F52

## Introduction

The four-day war burst in Nagorno-Karabakh in April 2016 unearthed an unresolved conflict whose increasing voltage has been threatening for more than twenty years the balance in South Caucasus. Although both local and International actors have committed themselves to prevent any future conflict in the area, the political and economic relevance of the tensions between Armenian separatists and Azerbaijan has been eventually underrated under political and socio-economic aspects.

In “Il Conflitto del Nagorno-Karabakh e il Diritto Internazionale” (2014), Professor Natalino Ronzitti of International Affairs Institute (IAI) had considered the possibility for peace to return in Nagorno-Karabakh only after the outbreak of a new war. Actually, the tension have never ceased in this small region since, after the 1992-94 war, a temporary truce had the effect of paralyzing each side’s positions into a “frozen conflict”, where an apparent peace had led to increasingly

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violent disruptions instead. As well as in South Ossetia, Ukraine and Kosovo, Russia's traditional paternalism towards its "minor" allies also plays a role within the troubled instability in Nagorno-Karabakh. Although Gorbachev's *Perestroika* had actually encouraged a critical review of the Soviet Union and its policies, a smooth democratization process has never taken place in many former Soviet states, not allowing historical ethnic divisions to be totally settled. However, prolonging the existing *status quo* might no longer be a sustainable solution to preserve the precarious balance in South Caucasus.

Starting from Professor Ronzitti's opinion, the present article aims to explore the historical, political and socio-economic developments behind the four-day war in Nagorno-Karabakh and what peace scenarios it opens. In this regard, the article also invites the "Powers" involved in the conflict to focus on the opportunities that a sustainable peace process might bring, rather than the perspectives of short-term solutions.

The developing role of Turkey as the watchdog of Russia's responsibilities within the OSCE Minsk Group and, most of all, the need for the European Union to deepen its sight towards the Southern Asian Market might drive the change towards this direction. Therefore, the article will also focus on the issue of IDPs in Azerbaijan, showing that promotion of democratization and structural reforms are the requirements needed for a harsh quest for stability to turn into an effective stabilization.

## 2. The two-year war (1992-1994)

Nagorno-Karabakh's vicissitudes date back to the immediate post-World War I period. In 1922, the USSR merged Georgia, Armenia and Azerbaijan in to the Transcaucasia Republic, where Catholic Armenia and Muslim Azerbaijan had already faced each other about the respective positions towards Turkey, already at war with the Soviet Empire. In 1937, once Transcaucasia was dissolved, Stalin conceded to Turkey a forcible annexation of the territory of Nagorno-Karabakh to Azerbaijan, despite the Armenian community constituted a great majority of its population (around 94%).

In 1988, similarly to other independence processes occurred after the fall of the Soviet Giant, Armenian separatists gradually pushed Yerevan to claim back Nagorno-Karabakh from Azerbaijan until when, on December 10<sup>th</sup>, 1991, an internal referendum established the independence of Nagorno-Karabakh. Such controvert political act led to new claims from Baku and, eventually, to a bloody two-year war of large scale violence bringing about the deaths of 25,000 victims. In May 1994, delegations from Armenia and Azerbaijan signed the Bishkek Protocol, through which the participants declared their willingness to stop the conflict *sine die* and asked for a mechanism aimed at preventing a future resumption of hostilities. However, the ceasefire called upon in the Protocol did not bring any concrete change for the political status of Nagorno-Karabakh: what before 1992 was a geographical *oblast'* (area) maintained its status of a seceded State that the International Community has always refused to recognize. At this point, two main issues seem to feature the 1994 truce, as well as the uncertainty over the socio-political situation in Nagorno-Karabakh. First, the ceasefire lacks of a *dies ad quem*, making it inherently temporary. The document sets a deadline as «no later than 22 May» of the same year, when a trilateral "agreement on the cessation of the armed conflict" would have completed the negotiation. However, such an agreement is still pending. As a main consequence, «if duration is not defined», states the IV Hague Convention on the Laws and Customs of War on Land, Article 36 of the Regulations, «the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed». Using John Galtung's definition, Nagorno-Karabakh is experiencing a "Negative Peace", whose unsettled matters are ready, at any moment, to burst into a new war.

## **FOCUS: Internally Displaced Persons and Minority Rights**

Several reprisals and short cease-fire have taken turns in Nagorno-Karabakh since the end of the two-year war, slowly cracking the weak provisions included in the 1994 truce. Due to a lack of concrete peace conditions and the total absence of any exercise of power from Baku, the Republic of Nagorno-Karabakh is, today, a land of nobody. In fact, as the International Crisis Group denounced in 2011, from the territory it does not transpire the current situation in terms of arms trafficking, military expenditures and even the status of peace talks.

Nevertheless, the local humanitarian situation is sadly known. Most notably, in 2009, the UN High Commissioner for Refugees (UNHCR) reported an estimated 15,000 Armenian Internally Displaced Persons (IDP) inside Nagorno-Karabakh and 600,000 Azeri IDPs forced to flee to Azerbaijan. The result of this unceasing internal migration process is that, nowadays, 7% of the population in Azerbaijan consists of IDPs: it is truly one of the highest per capita concentrations in the world. From the last Census conducted in 2005 in Nagorno-Karabakh, it results that the progressive *diaspora* occurred from the 90es would have caused a tragic reduction of Azerbaijani people living in the territory. Nowadays, *sic stantibus rebus*, this minority would represent less than 0.1% of the whole population, in comparison with the 40.7% registered in 1989.

Since Nagorno-Karabakh is a mere territorial entity, all people fled from the war scene to Azerbaijan have to be regarded as Internally Displaced (and not refugees). Nonetheless, the 1998 UN Guidelines Principles on Internal Displacement oblige Azerbaijan to protect Armenian people in Nagorno-Karabakh from displacement, particularly due to their status of minorities, granting IDPs the right to benefit from internal self-determination.

However, the quest of Armenian separatists would clash against the International law. In 1960, the UN General Assembly had remarked that secession can occur only if based on «complete equality» between peoples and 1995 Council of Europe's Framework Convention for the Protection of National Minorities (FCNM), states, in Article 21, that the rights of minorities shall be granted in compliance with the fundamental principles of international law «and in particular of the sovereign equality, territorial integrity and political independence of States».

In few words, an Armenian Government based in Stepanakert would not be representative of the Azerbaijani people that forcedly left the Region (or that might still live in it) and respectful of Azerbaijan's territorial integrity. Since the UN Security Council Resolutions 822, 853, 874 and 884 simply talk about «Armenian people in Nagorny Karabakh», therefore underlining their status of minorities, the Government of Yerevan (that never officially claimed Nagorno-Karabakh as part of its territory) is entitled to protect their rights in Azerbaijan, but not also to back them up in their fight for external self-determination.

### **3. The main actors within the conflict settlement in Nagorno-Karabakh**

For these reasons, in 1993, the UN Security Council issued Resolutions 822, 853, 874 and 884, oriented to protect the territorial integrity of Azerbaijan, resume negotiations for the resolution of the conflict and endorse newly formed CSE Minsk Group's efforts for peace building in the area. Probably, the most significant outcome in terms of conflict settlement in Nagorno-Karabakh was reached by the 1994 OSCE Budapest Summit and the resulting establishment of the OSCE Minsk Group ("Minsk Group", from now on). This *ad hoc* steering group, chaired by Russia, France and the US was built to promote the continuation of the cease-fire and to conduct negotiations for the conclusion of a «Political Agreement on the Cessation of the Armed Conflict». However, despite the activity carried out by the Minsk Group, which has worked well so far in terms of crisis management, its mandate does not include any task related to conflict prevention. In fact,

this limits the Personal Representative to three main tasks. Besides achieving «an agreement on the cessation of the armed conflict and in creating conditions for the deployment of an OSCE peace-keeping operation», the Minsk Group shall assist the parties «in implementing and developing confidence-building, humanitarian and other measures facilitating the peace process» and cooperate «with representatives of the United Nations and other international organizations operating in the area of conflict». In occasion of the 2007 Madrid Summit, the three co-Chairs presented the “Basic Principles for a settlement of the conflict” (otherwise known as “Madrid Principles”) that should have led the way to comprehensive peace talks in Nagorno-Karabakh. They particularly call for:

- The return of the territories surrounding Nagorno-Karabakh to the control of Azerbaijan;
- An *interim* status for Nagorno-Karabakh providing guarantees for security and self-governance;
- A corridor linking Armenia to Nagorno-Karabakh;
- Future determination of the final legal status of Nagorno-Karabakh through a legally-binding expression of will;
- The right of all Internally Displaced Persons (IDPs) and refugees to return to their former places of residence;
- International security guarantees that would include a peacekeeping operation.

Although the principles address correctly the current issues in the area and provide solutions in compliance with the tools permitted by International Law, they provide a vague solution about the political *status* of the Nagorno-Karabakh and lack of any references to the violations committed by Armenia. At the end of the document including the Madrid Principles, the Parties stated that «the rights and privileges of the inhabitants of NK» would have been finalized «during the interim period with the participation (in a form to be agreed) of NK representatives». However, at the opening of the Third Armenian-Azerbaijani Public Peace Forum (24 March 2009) France’s Ambassador Bernard Fassier confessed the impossibility to implement this point of the Programme, stating that «The status of Nagorno-Karabakh cannot be agreed on now, as both [...] - international recognition of Karabakh as an independent state, and its return back into Azerbaijan - are now impossible».

In addition, the internal composition of the Group (beyond Armenia and Azerbaijan, four EU members - Germany, Italy, Sweden, Finland - Belarus and Turkey belong to it) has caused repercussions onto the conflict prevention promoted by the “Minsk Process”. On one hand, the interest of the EU Members about the stabilization in Nagorno-Karabakh has always been rather marginal, as the adoption of policies for development is essential to attract EU’s focus. The European Neighborhood Policy (ENP), through which the EU regulates its relations with Southern and Eastern Partners, is based on a “More for More” principle: the more reforms national Governments adopt, the more access they earn from European Market. Since 2006, Azerbaijan’s oil revenue has increased from €1 billion to €19 billion, and such enhanced dependency on oil business made the country more vulnerable to external shocks, consequently weakening any promotion of structural reforms. Therefore, the fragility of the current *status quo* in Nagorno-Karabakh is unattractive for European investments in Azerbaijan. In 2007, Professor Stefan Wolff of the University of Birmingham had underlined that, in relation to Azerbaijan, the ENP had been «more focused on the actual settlement of the conflict (“increase diplomatic efforts”, “increase political support to OSCE Minsk Group”, “intensify EU dialogue with the states concerned”) rather than on “accompanying” measures (civil society initiatives, de-mining, IDP assistance) ». On the other hand, Turkish and Russian moves in the Bosphorus are hemmed in a vice of mutual control. The clash between Ankara and Moscow upon Nagorno-Karabakh is mainly reflected in

the contention between two fundamental UN Principles: whereas Russia backs Armenia up for respecting the principle of self-determination of people (UN Charter, Article 1.2), Turkey stands for Azerbaijan's right of territorial integrity (Article 2.4).

Russia's position as a mediator within the Minsk Group coexists not only with the responsibility of security provider for Armenia, but also with the necessity to consolidate its economic power in the region. Russia keeps a solid economic partnership with Armenia, which entails massive investments on infrastructures such as energy, metal, telecommunication and banking. Furthermore, Russia is Armenia's natural political ally in South Caucasus, recognizing Armenian genocide in 1995 and protecting its national borders within the framework of the 1992 Charter of the Collective Security Treaty Organization (CST), of which Azerbaijan is no more a member State. Therefore, any future peace resolution might hinder Armenia's economic dependency from Russia, which would be deprived of an important outpost between Georgia, Iran and, especially, Turkey. However, Russia's role as mediator within the Minsk Group aligns with the Kremlin's ambivalent cooperation with Azerbaijan, on both military and energetic fields. Since 2013, the Russian state's oil group Rosneft benefits from a trade cooperation with SOCAR, the State Oil Company of Azerbaijan. Furthermore, Azerbaijan's proximity to Syria and Iran has attracted a massive arms flow from Russia over the last years, satisfying the willingness of the country to prepare for an eventual war in its territory. Notably, Azerbaijan received 85% of its weaponry from Russia between 2010 and 2015, with an impressive increase of 249% over the five previous years. Most important, Azerbaijan provides an attractive "energy alternative" outlet towards Europe, thanks to the Baku-Tbilisi-Ceyhan oil pipeline and Baku-Tbilisi-Erzurum gas pipeline.

The ambiguity of the policies pursued by the Kremlin in Nagorno-Karabakh has certainly allowed Turkey to compete with Moscow for the role of mediator within the Minsk Group, clashing, so far, against its indispensable pro-Azeri position.

#### **4. The four-day war. A predictable event leading to unpredictable effects**

In February 2016, Armenia's First Deputy Minister of Defense David Tonoyan declared that Yerevan's strategy in Nagorno-Karabakh turned from defense to deterrence, shaking the apparent satisfaction that both opponents seemed to show to hold up the *status quo* in Nagorno-Karabakh. In fact, while Azerbaijan could count on its military superiority and social stability caused by the economic growth, Nagorno-Karabakh's unrecognized independence has been so far a great achievement also for the self-determination of Armenian minorities, supported by limited economic sources and Russia.

Yet, the outbreak of the four-day war on April 1<sup>st</sup>, 2016 was the inevitable outcome of the unsettled matters outlined above and fatally aggravated by mutated power relations between Yerevan and Baku. The status of Nagorno-Karabakh has continuously exposed Armenian settled separatists to repeated provocations from Azeri forces, and these episodes were featured by increasing violence over the years immediately preceding the conflict. In the meantime, also the slope between the two countries has seemed to be progressively reducing. Whereas Armenia's disadvantage in economic terms has been compensated by the benefit of disposing of more militaries in the enclave, Russia's support (helped by the increasing tensions with Turkey) and the tremendous raise of its Defense budget (up 71% in 2015 compared with 2006), the superiority of Azerbaijani Government has been proving to be as brittle as the oil business itself. The sharp fall in oil prices in 2015 and the consequent depreciation of manat (100% against the US dollar) and oil exports favored rising inflation and stopped a positive trend of poverty reduction that Azerbaijan had been experiencing for over a decade.

The tension between the two countries has progressively pushed the Azerbaijani troops to cross the border arbitrarily drawn in 1994 and quickly conquered 14 front posts in the Talish-Seysulan area and 7 in Lale Tepe. After this first limited *blitzkrieg*, Baku proclaimed unilaterally a ceasefire, arousing new tensions and leaving the conflict open to any possible outcome. During the following days, Russian Prime Minister Medvedev met his counterparts in Armenia and Azerbaijan to discuss the terms for a comprehensive agreement on a new ceasefire, expressing the necessity to avoid a large-scale war «that could have the most tragic consequences for the region». Although the four-day war took place exclusively within the borders of Nagorno-Karabakh, the high costs in terms of human lives still denounce a huge gap between the opportunities showed by diplomatic talks and the permanent urgency of conflict settlement. Whereas Armenian official sources reported more than 80 fatalities and at least 120 injured, Azerbaijan has referred to its fatalities as a state secret and has not yet updated its April 2016 confirmation of 31 combatants and 6 civilians killed.

In short, this new massive violence brought the territory back to the exact post-1994 conflict situation, both in terms of domestic policy and diplomacy. Particularly, through the Minsk Group co-Chairs meeting held in St. Petersburg in June 2016, Russia maintained its interests as the mediator in South Caucasus under the sole request to increase the existing ceasefire monitors. It seems clear that, says Thomas de Waal of the Carnegie Endowment for International Peace, the current ceasefire framework «no longer fits», as further highlighted by the casualties that welcomed Minsk Group's last visit in June 2017.

## 5. Conclusion: Stabilization as the ideal condition

Although more parts expressed the need for a definitive resolution, the present analysis underlines that some actors, formally involved in the peace process, have not demonstrated sufficient ability – or willingness – to change the *status quo*, while it seems that others showed rather a strong interest in maintaining it. Nevertheless, determining a recognized socio-political status of Nagorno-Karabakh remains a much-needed achievement.

Taking as a model the strategies adopted by the USSR and the US during the “Cold War”, Sergey Minasyan of the Caucasus Institute suggests that a gradual stabilization is possible only if the two opponents will decide to adopt a steely deterrence about the use of weaponry and a political and diplomatic containment. Nonetheless, leaving the future status of Nagorno-Karabakh to the sole will of the direct opponents might lead to new unpredictable violations of the International law under the profiles of protection of IDPs and minorities, use of force and territorial integrity. For this reason, an effective containment can take place only if helped by «third countries and great powers», Minasyan says.

In this regard, Russia might be interested to maintain an advantaging *status quo*, at least as long as Turkey will not be able to represent a concrete challenge within its race for the Chairmanship of the Minsk Group and the EU will not push for major involvement. Although the Madrid Principles have lacked of effectivity, they undoubtedly represent the legal framework that needs to address the future peace process. However, the current contrasts on the status of the territory is currently influencing management of the “frozen conflict”, as well as their effective endorsement.

In its capacity of Chair State within the Minsk Group, the US might hold the balance of the power and turn its non-recognition of the Government of Nagorno-Karabakh into a push for a mediation in favor of Azerbaijan's sovereignty over its own territory. Indeed, the weak trade ties with Yerevan and the difficult relations with Russia have not ever helped Washington accept the infringement of the International Law committed in 1992 by Armenian separatists. Nonetheless,



the absence of US diplomatic corps in Nagorno-Karabakh has been showing a substantial neutrality from last three White House administrations on this matter. Nevertheless, in the light of Azerbaijan's weight as oil and gas exporter, especially towards Europe and Central Asia, the instability in South Caucasus might still threaten a rise in the oil price, therefore representing a meaningful challenge for the interests of the US and its allies.

For these reasons, the stabilization in Nagorno-Karabakh could be rather reached through a targeted ground-level cooperation. This solution might represent a better solution to reach an effective stabilization in South Caucasus, and the European Union has now the opportunity to play a leading role in it. The Southern Gas Corridor reaching Europe through Azerbaijan and Turkey would provide the Old Continent with energy that reduces notably the mid-term dependency from Russia and whose supply would bypass the current price disputes between Moscow and Kiev. Through the EU-Azerbaijan Strategic Partnership, the two partners are working closely towards this direction, for an improvement of energy security and diversification of energy supplies. Indeed, as stated by the EU Commission within the 2015 European Neighborhood Policy in Azerbaijan: «The commitment to implementing the Southern Gas Corridor continued to be of utmost importance for EU-Azerbaijan dialogue».

Most important, the challenge ahead of an effective cooperation within the ENP is to shift the application of the "More for More" principle from State actors to non-State actors in cases, for instance, of oil-dependent Partners, such as Azerbaijan. In this regard, the EU would be able to maintain a strong influence on States that do not focus on mid and long-term reforms, by giving voice to representatives of their civil societies. European soft power in the South Caucasus, the IAI encourages, needs to be a sharp instrument of diplomacy: such a different approach would allow Azerbaijan to create the conditions for Azeri IDPs to return to Nagorno-Karabakh, in order to involve them directly in any decision process concerning the future political status of their Region. This goal is also encouraged by the Minsk Group through the first Madrid Principle: «The final legal status of NK will be determined through a plebiscite allowing the free and genuine expression of the will of the population of NK. The modalities and timing of this plebiscite will be agreed by the parties through future negotiations [...]. The population of NK is understood as the population of all ethnicities living in NK in 1988, in the same ethnic proportions as before the outbreak of the conflict».

Already in 2012, the EU Parliament had recommended to the Council, the Commission and the European External Action Service to provide an impetus for internal reform in Azerbaijan. In this view, they shall aim to ensure a mechanism for active incident-prevention, an investigation of cease-fire violations, the right of all IDPs and refugees to return to their homes and «a genuine multinational peacekeeping operation», in order to create suitable conditions for a free vote concerning the final status of Nagorno-Karabakh. The Commission seems to have already undertaken this path, increasingly focusing its dialogue with Azerbaijan on economic diversification, support to infrastructures, civil society empowerment and fair elections.

Supporting democracy at grass root level and opening new market prospects in South Caucasus seems to be the right way for a "great Power" to trigger an endemic peace process in Nagorno-Karabakh. Most important, no third Power should shape the identity of this small territory, driven by the hunger to assert its fragile predominance. Only by aiming to a durable security for the civilians in Azerbaijan, Nagorno-Karabakh will be enabled to find its straight way to a socio-political stabilization.

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