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A forgotten conflict: escalation in Nagorno Karabagh Unpredictable effects of 'the no peace, no war' situation

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Nagorno Karabagh (NK) is the oldest conflict in the post-Soviet space having lasted for 28 years. Nagorno Karabagh conflict which started not unlike many other secessionist conflicts in this part of the world turned into a full scale interstate war in 1991 before the ceasefire was signed in 1994 after the Armenian forces had advanced deeply into the Azerbaijan territory establishing control both over the autonomous region of Nagorno Karabagh and seven more regions beyond it, not without help of Russian military. The long lasting ceasefire in Nagorno Karabagh conflict –for 22 years– which has been preserved without peacekeeping forces, intensive diplomacy or permanently deployed observers and monitors on the spot, signaled the solid nature of factors behind this stability. At the same time, the frequent violation of ceasefire and the number of casualties during these years reflected its potential fragility. Still, it was paid less world attention as it was overshadowed by other, more pressing and 'hot' conflicts. The last decade, however, witnessed a few escalations, such as in 2008 or 2014, but the last one was the most profound with more intense battles and greater casualties on both sides. On April 2, Azerbaijan sources reported about Armenia violating the ceasefire 127 times in various parts of the contact line between Azerbaijan and Armenian armies.¹

Addressing the question 'why now' is not possible without understanding 'why ceasefire was lasting' or 'why it was violated at all'. What is called 'frozenness' or lasting status quo of the conflict was beneficial to many parties which could have influenced its course. It allowed Russia to keep both states (and even the whole region, as it prevented trilateral cooperation between Armenia, Azerbaijan and Georgia) under control through the 'divide and rule' policy, while it allowed Armenia/NK to create 'facts on the ground' – i.e. building roads, infrastructure, connecting Armenia and NK, settlements, political and economic institutions of the autonomous region. This 'no peace, no war' situation was, although, in a different way, somewhat satisfactory even for the West, as the status quo contained sufficient stability to allow major interests – primarily in the area of energy - to be realized anyway. Azerbaijan was the least interested party in the 'frozenness' as it suffered most – with nearly 20% of the territory under occupation, and with more than 800,000 refugees and IDPs waiting for return to their lands. However, the legitimacy of the consecutive leadership in Azerbaijan has been based on stability which was required for the investments in the oil industry and the realization of major energy projects, which also made Azerbaijan an unlikely violator of the ceasefire agreement. Thus Azerbaijan also tried to utilize the ceasefire to its benefits boosting its economy, based on the oil revenues, and then later building up its military power.

The normative uncertainty and legitimization of military force as main factors of the parties' intransigence and fragility of ceasefire.

While the timing of escalation is causing most questions, the violation of the ceasefire itself is not surprising. There are some structural factors behind it. First, there are factors of geopolitical nature. For Russia, the conflicts have been the tool for dividing, weakening and preventing the South Caucasus states from uniting, reforming and integrating in the West. The Nagorno Karabagh conflict from the early years of independence formed a division line in the South Caucasus creating new alliances, such as Turkey, Azerbaijan and Georgia on the one hand, Russia, Iran and Armenia on the other hand. Russia as a security and military ally of one of the parties i.e. Armenia, has been the only external actor who was involved in the conflict militarily siding with Armenia, but at the same time it managed to supply with weapons the other party of the conflict too, namely Azerbaijan. Moreover, contrary to the logic of mediation, Russia became one of the co-chairs of the Minsk group of negotiations process within the OSCE framework which allowed it to control the status quo also at the official level.

¹ 'Armenia breaks ceasefire with Azerbaijan 127 times', Trend News Agency, 2 April 2016. Available at: <http://en.trend.az/azerbaijan/karabakh/2513552.html>.

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Another deficiency is the nature of the OSCE negotiations process. Unlike in the cases of many other conflicts in the former Soviet Union space this framework brings a normative uncertainty, letting the parties to negotiate not only their interests and positions, but international principles themselves which is practically an unachievable task as each side has arguments in favor of the international principle that supports its interests and this creates irreconcilability of positions. An important factor is that normative principles have not been applied to the cases of international law violation and in addition there were no cases of restoration of justice - either with regard to refugees and IDPs (only selected cases were won in the ECHR) or perpetrators of ethnic cleansing. Nor the cases of violence against civilians in the cities and towns of both states were seriously investigated. Furthermore, none of the international organizations or states applied any sanctions against the violator of internationally recognized borders. This served as precedent, giving the 'green light' to Russia to cross internationally recognized borders without suffering consequences as in the cases of Georgia in 2008 and in Ukraine in 2014.

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Another problem in the negotiation process is 'legitimization' of military gains. As usual in such negotiations, the occupied territories of Azerbaijan are directly used as Armenia's bargaining chips in negotiations where the Madrid principles suggest withdrawal from the occupied territories and determination of status of Nagorno Karabagh region through referendum (after return of refugees) and restoration of communications. However, in spite of four Resolutions of the UN Security Council calling for the withdrawal of Armenian troops, so far Armenia was intransigent due to its military alliance with Russia and political support from some Western states due to the influence of diaspora. Until few years ago Azerbaijan has been using non-military bargaining tools which is economic cooperation in exchange for Armenia's respect for sovereignty and territorial integrity of its neighbor. The economic consequences of the conflictual relations which were strengthened by the trade embargo by Turkey and revealed the existing interdependencies, were mitigated by Armenia's trade with regional actors such as Iran and Russia and the extensive aid received from the EU and USA.

The power of what seemed to be an influential tool –namely energy cooperation– as an incentive for compromise and normalization of relations eventually exhausted itself as Yerevan preferred to remain dependent on Russian energy supply rather than compromise on the Karabagh issue. Having the international law on its side, Azerbaijan has been resisting the attempts to 'legalize' the forceful change of its internationally recognized borders, as the Armenian side attempts to turn its de facto control over the territory into that of de jure. Thus, facing the ineffectiveness of attempts to utilize economic leverage in the bargaining process Azerbaijan resorted to boosting its military power. By 2013 the country's military budget reached \$ 3.6 bln exceeding the total budget of Armenia.² Yet, this increase in defence spending did not led Azerbaijan to launch military actions on return of occupied territories. On the contrary, it rather aimed at strengthening its bargaining position.

What triggered the escalation?

As there is little information and ways of verification of who first violated the ceasefire in the absence of an international monitoring body, both countries blame each other for starting the recent escalation of conflict. There are, of course, a few possible explanations of how the recent escalation was triggered.

² Zulfugar Agayev, 'Azeris to Boost Defense Spending Amid Risk of Armenia War', Bloomberg, 19 November 2014. Available at: <http://www.bloomberg.com/news/articles/2014-11-19/azeris-to-boost-defense-spending-amid-risk-of-armenia-war>

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One explanation is that the armament of the last decade, which was a logical result of the nature of the negotiation process and the ineffectiveness of the peace settlement tools, created a dangerous probability of escalation from a random violation of ceasefire. Experts warned about this possibility of igniting of the hot conflict from the random exchange of fire for years since the armament race became obvious and intensified. This explanation is circulated among current versions of how ceasefire violation took place this time.

However, by 2016 few significant changes took place in the region at the geopolitical level: aggravation of Russia–West relations and application of sanctions, internationalization of conflict in Syria with Russia's involvement, deterioration of bilateral relations between Russia and Turkey, US–Azerbaijan rapprochement especially during Obama administration and US–Iran nuclear deal. This means that the 'tectonic' layers on which the stability rested started to move, as these events touched the interests of the major actors and power centers in the South Caucasus too. Observers have noted that the escalation started while both presidents –Sarkisian and Aliyev– were at a Summit on nuclear weapons in the US while Putin was not. One implication of the crisis was reasserting Russia's role as the only big regional power involved militarily in Karabagh conflict and thus presenting it as the only guarantor of 'peace' between the parties. This happens as Russia has been antagonizing Europe and fearing an increasing US influence in the region. All these events were taking place against the background of Russia's promotion of military cooperation in CIS³ and the Caspian.⁴ While direct Russian influence on military actions is hard to observe due to the 'hidden' nature of such influence, the ruling elites of both parties are quite aware of this influence and of the Russian leverage over their fate. This influence was confirmed with Armenia joining Eurasia Economic Union (EEU) last year, and it was demonstrated during elections in Azerbaijan in 2013. Thus, there is a very low probability that any of the parties would undertake military action without Russia's consensus.

At the same time, the military power balance between the parties in confrontation has changed. Azerbaijan has increased its military might through cooperation with countries in the wider region as with Israel supplying it with modern weapons, and continued cooperation with Turkey on military training. Russia-Ukraine conflict significantly undermined international perceptions of legitimacy of secessionist causes due to the overtly discredited role of Russia. The absence of unity in support of Armenia in Collective Security Treaty Organisation (CSTO) added to the change of power balance. The political support to Azerbaijani position was expressed by Turkey, Pakistan, and the Organisation of Islamic Cooperation (OIC). Thus, in spite of the continued control by Russia over the conflict, first of all from a military aspect, the changed power balance increased unpredictability in case of escalation.

Russia's behavior during the conflict was indicative. After the telephone conversation of foreign minister Lavrov with Armenian and Azerbaijan leaders on April 2, the truce was announced between the fighting parties on April 5, while two high level representatives - Prime Minister Medvedev and Foreign Minister Lavrov - visited Armenia and Azerbaijan respectively. In his interview to the Russian TV Prime Minister Medvedev said that it was better to keep the conflict frozen, than to allow a bloodshed.⁵ Later, in his TASS interview foreign minister Lavrov said that '... Azerbaijan is not a member of Eurasia Union or CSTO, but I hope the situation will change'⁶.

³ On 28 March 2016 just four days before the escalation, the chiefs of military headquarters of CIS (including Azerbaijan and Armenia representatives) met in Minsk under the chairmanship of the first deputy of Defence Minister of Russia Valeri Gerasimov to discuss cooperation before 'the emerging threats'.

⁴ The meeting of representatives of the Marine forces of the Caspian littoral states took place in Sankt –Petersburg on 5 April 2016 and it was devoted to the discussion of the questions of collective security and creation of the Committee of the Chiefs of Marine Forces of the Caspian states. Минобороны РФ: Обсуждается вопрос создания Комитета командующих Военно-морских сил Прикаспийских государств от 5 Апреля 2016, Interfax, 6 April 2016. Available at: http://www.express-k.kz/news/?ELEMENT_ID=70904

⁵ 'Медведев о Карабахе: Пусть лучше сохраняется та ситуация, которая есть'[Medvedev about Karabagh: It is better to keep the situation as it is], Minval Agency, 9 April 2016. Available at: <http://minval.az/news/123570174>

⁶ 'Лавров хочет членства Азербайджана в ЕАЭС и ОДКБ' [Lavrov wants Azerbaijan to become member of Eurasia Union and CSTO], Minval Agency, 7 April 2016. Available at: <http://minval.az/news/123569375>

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At the same time, three days of fighting demonstrated that the invincibility of the Armenia/NK army is not granted without Russia's support. Second, that Azerbaijani army has significantly increased its capabilities. Third, that Azerbaijan's population have not reconciled with occupation or with the factual loss of control over Karabagh and other territories and, in spite of casualties, military victories boosted self-confidence of the state and society.

One should also not underestimate the impact of the unbalanced approach of the West to the parties of the conflict manifested, for instance, in US Congress adoption of 907 amendment prohibiting all aid to Azerbaijan, or the votes of the three co-chairs of the Minsk group (Russia, US and France) against the UN resolution confirming the territorial integrity of Azerbaijan at the UN Security Council. Even the language used in reference to Nagorno Karabagh as a 'disputed' territory (none of the other secessionist territories are called this way) or 'buffer' zones and a 'corridor', which were created by the ethnic cleansing of the local Azerbaijani population, reflects a bias of the West in the conflict and once more it provides for the justification of military gains.

Another 'behind the scene' scenario might be also possible. This one, could be quite risky to both Russia and the other actors, as it could turn escalation into a large scale war. According to this scenario, the counterattack of Azerbaijan may have been provoked through a similar situation to that of Russia-Georgia war of 2008. Then Russia's troops movement provoked Georgia's military actions leading to large scale war and to the recognition of the independence of the 'break away regions' by Russia. During the last escalation in Nagorno Karabagh, Armenian president Serj Sargsyan stated that Armenia will recognize Nagorno Karabagh if the fighting continues.⁷ Russian media also called for recognition of Nagorno – Karabagh.⁸

Whatever a plot behind the scene is, one message is that in the situation of normative uncertainty although Russia still 'manages' conflict at some point it might be harder to predict the outcome of the conflict. This is due to Russia's behavior, the policy of 'diversification' of actors in the South Caucasus, and the interlinkages between developments in the region and the wider regional and international turmoil.

The escalation served also as a distraction as at the domestic level all three states experience increasing pressure. Fueled by the steep drop of the world oil price hit both Russia and Azerbaijan, the recent revelations of the Panama files and the decline of revenues of resource dependent economies. This might also explain the limited nature of military actions during the escalation. While Armenia looks as the least beneficiary of this escalation, the domestic pressure from the exceeding dependence on Russia both in military and energy sectors has been visibly growing in Armenia. Thus after the escalation, Azerbaijan seems to have won a 'victory', Russia has gained in terms of its enhanced role in mediation and as the 'peacemaker', while for Armenia the escalation proved that there is an 'imminent threat' for the nation, it raised among the public the insecurity feeling especially and the indispensable role of Russia as their security guarantor. In turn, the public in all three states were distracted from domestic problems caused by the kleptocratic nature of regimes.

⁷ Sargsyan threaten to recognize the independence of Nagorno Karabagh territory in case of escalation, 4 April 2016. Available at <http://en.reporter-ua.ru/sargsyan-threatened-to-recognize-the-independence-of-nagorno-karabakh-territory-in-case-of-escalation.html>

⁸ See for instance Russia's news agency Regnum article by Sarkis Tsaturian 'Priznaniye Karabaha spasiot Kavkaz ot boshoi voini' [The recognition of Karabagh will save the Caucasus from the big war], 5 April 2016. Available at: <http://regnum.ru/news/polit/2111533.html>

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The last scenario relates to the question of what the bargain was (if it was any) between Azerbaijan and Russia which prevented Russia from engaging militarily on the Armenian side during the escalation of the conflict. Officially, Russia declared that its obligations as reflected in the joint defense agreement relate to security threats to Armenia proper but it does not extend to the territory of Azerbaijan. Bearing in mind how little Russia takes into account legal norms and rules in its foreign policy behavior one should assume that there was another reason. In the course of Russia-Azerbaijan relations during the recent 'geopolitical tectonic moves' Azerbaijan paid a visit to Turkey sending a message to Russia, who after a 4 bln arms deal with Azerbaijan gave a 200 mln loan to Armenia to modernize weapons.⁹ This was followed by a statement of the Azerbaijan foreign minister on the poor quality of Russian weapons and its refusal to implement the deal.¹⁰ Earlier Azerbaijan had sent an official note to Russia with a 'request to take into consideration, that the weapons it supplied to Armenia should not be stationed on Azerbaijan lands'.¹¹ In February 2016, Russia also deployed advanced aircraft (a few MIG 29s fighter jets) against the background of Russia's conflict with Turkey.¹² By not getting involved in the battle on the other side, Russia may have tried to balance Azerbaijan's disappointment, while Azerbaijan used this 'window of opportunity' in its own favor and thus tried to influence the power balance in negotiations, making the Armenian party less intransigent. Whether Russia expects greater concession from Azerbaijan as a result of its non-involvement on the basis of an informal agreement between Moscow and Baku is still to be seen.

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In conclusion, one may say, that the recent escalation is the coincidence of long term structural factors as well as new dynamics in geopolitical, regional and domestic conditions. While in the conditions of limited information it is hard to determine, who is to blame for the recent escalation, one thing is obvious: the major conflict in the South Caucasus cannot be left alone. This was confirmed once more this time by international actors such as High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini who stated that 'Everyone now understands, that status quo can only lead to more violence and this is exactly what happened'.¹³

⁹ Hasmik Mkrtchyan, 'Russia grants 200 mln to Armenia for arms purchase', 2 July 2015. Available at: <http://www.dailymail.co.uk/wires/reuters/article-3147359/Russia-grants-200-mln-loan-Armenia-help-modernise-army.html>

¹⁰ 'Azerbaijan complained about quality of Russian weapons two weeks before the war', 7 April 2016. Available at: <http://www.mediamax.am/en/news/karabakh/17597/>

¹¹ Seba Aghayeva, 'Azerbaijan sends note to Russia over arms sale to Armenia', Trend Agency, 24 February 2016. Available at <http://en.trend.az/azerbaijan/politics/2498771.html>

¹² Alexander Vulf, 'Russia deploys an advanced aircraft to Armenia', Blogfactory, 4 April 2016. Available at <http://blogfactory.co.uk/archives/32151>

¹³ 'Mogherini: Status Quo in Karabagh conflict can only lead to a more violence', Trend Agency, 12 April 2016. Available at: <http://en.trend.az/azerbaijan/karabakh/2518803.html>.

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What is to be done?

The recent escalation of conflict in Nagorno Karabagh proved that the passivity of the West toward the conflict reinforces Russia's domination in the region. While the conflict persists, Russia's political influence flourishes, posing a major obstacle for the development of the whole region. It is thus expedient for the European and the US actors to become

more involved in conflict resolution through policies promoting principles of international law and democratic values in the region. The EU and the US should apply instruments and policies to compensate for the gap of 'normative uncertainty' in the region and contribute to moving conflict resolution forward. Both parties in the conflict should comply with international law: Armenia – with the 4 UN SC resolutions and withdraw troops from the occupied territories, while Azerbaijan quit military rhetoric and suggest specific proposals for the NK population, providing all their rights and the set of security guarantees. The mediators should acknowledge the fact, that there is a great deficit of normative framework in the region which creates a sense that military power gives one an upper hand in bargaining. The last escalation showed that a military advantage is a very conventional and unreliable basis for intransigence in negotiations as it is subjected to shifting dynamics and change. It should also be recognized that preservation of status quo is malignant as it most probably will result in greater radicalization or escalations of the conflict if not addressed. There is no law which allows or justifies the displacement of thousands of people for a 'buffer' zone or a 'corridor' for the benefit of others only on the basis of ethnicity. Justice for those who suffered in this conflict should be restored via ECHR, international tribunals and other relevant organizations. This will give a significant impetus to conflict resolution and intensify negotiations.

Being unresolved, the conflict is manipulated by the kleptocratic elites in the region and it is used to consolidate and prolong their rule.

Most importantly, however, this conflict which is built mainly on the manipulation of fear holds and drags people of the South Caucasus back to history rather than consolidating their resources toward the realization of the region's vast development potential. Thus, another primary objective by the West is to promote reforms and liberalization in all states in the region.

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