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## How to move forward in Nagorno Karabakh after the Four Day War

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By now it's been an established fact that Azerbaijani armed forces attempted a blitzkrieg offensive against the self-declared Nagorno Karabakh Republic in pre-dawn hours of April 2, when both the Presidents of Armenia and Azerbaijan, Serzh Sargsyan and Ilham Aliyev were concluding their visit to Washington D.C. participating in a Nuclear Security Summit. Although, according to *Financial Times*,<sup>1</sup> satellite images are not available to pinpoint who instigated the unprecedented armed hostilities in a conflict that was largely dormant since 1994 trilateral ceasefire agreement, Ambassadors of Azerbaijan in Russia<sup>2</sup> and United Kingdom<sup>3</sup> have unequivocally confirmed armed aggression against Nagorno Karabakh on the record, using different metaphors and relying on perverted interpretation of relevant United Nations Security Council (UNSC) resolutions of 1993 which according to a view from Baku, would justify belated self-defense after 22 years of ceasefire and deadlocked peace process since 2011.

There is a cohort of reasons that triggered the Azerbaijani offensive – both internally and internationally. The ruling regime in Baku has been cementing its power since 1993 and the streamlined cash revenues from Western-oriented oil and gas exports especially since 2006 has been primarily used to underpin the regime's stronghold. The power consolidation in Baku, as in any other petro-regime, like pre-war Libya or Iraq, was based on allocating thin shares of the cash flow for public spending, bigger shares for hosting grand international events (e.g. Eurovision, European Games, or Formula One pending in June) and contracting public relations' firms and other groups in U.S., Europe and Russia to shape user-friendly image (despite mounting criticism from human rights groups) and the biggest shares for the ruling family and affiliates at home to enjoy life. With thinning oil revenues since mid-2014, down from over \$110 to only \$31 in January 2016 and depreciation of national currency to 20-year-low in December 2015, crumbled the foundations of the stability the country enjoyed for years. Under social pressure and worsening life quality, rising unemployment,<sup>4</sup> flagrant corruption scandals,<sup>5</sup> numerous jailed activists, public protests and Western criticism, there are just two solutions to such crises in petro-regimes: 'tightening the screws' further or rally the nation round the flag against a 'usual' enemy. Apparently, President Aliyev chose the second avenue, perhaps because imprisoning civilians on trumped-up charges reached its limits.

But the sources of Aliyev's brinkmanship are much deeper. Arguably, Armenia and Nagorno Karabakh prevailed in the first war of 1992-94 and secured mostly defensible borders for yet unrecognised Nagorno Karabakh Republic. Mostly

<sup>1</sup> Jack Farchy, 'Russia senses opportunity in Nagorno-Karabakh conflict', *Financial Times*, 19 April 2016. Available at: <http://www.ft.com/intl/cms/s/0/3d485610-0572-11e6-9b51-0fb5e65703ce.html#axzz46RmJJWdm>.

<sup>2</sup> 'В каком случае Азербайджан начнет войну с Арменией. Интервью с послом Азербайджана в России', Dozhd TV, 2 April 2016. Available at: [https://tvrain.ru/teleshov/here\\_and\\_now/karabakh-406645/](https://tvrain.ru/teleshov/here_and_now/karabakh-406645/).

<sup>3</sup> Jack Farchy, 'Russia senses opportunity in Nagorno-Karabakh conflict', *Financial Times*, 19 April 2016, <http://www.ft.com/intl/cms/s/0/3d485610-0572-11e6-9b51-0fb5e65703ce.html#axzz46RmJJWdm>

<sup>4</sup> 'London law firm helped Azerbaijan's first family set up secret offshore firm', *The Guardian*, 5 April 2016. Available at: <http://www.theguardian.com/news/2016/apr/05/panama-papers-london-law-firm-helped-azerbaijan-first-family-set-up-secret-offshore-firm>.

<sup>5</sup> Casey Michel, 'US/Azerbaijan: Lobbyists Continue to Flout Travel Rules', OCCRP, 24 April 2016. Available at: <https://www.occrp.org/en/corruptistan/azerbaijan/2016/04/24/us-azerbaijan-lobbyists-continue-to-flout-travel-rules.html>.

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all proposals, tabled by the international mediators of OSCE co-Chair countries – Russia, France and United States – have been accepted by Armenian side as a basis for negotiations, with Azerbaijan either rejecting outright or coming up with additional proposals on top of already agreed texts in the last moment, as arguably happened in June 2011 in Kazan (Russia) at the peak of efforts of then President, now, Prime Minister of Russian Federation Dmitry Medvedev.<sup>6</sup> None of the improper demarches of Azerbaijan in the peace process, including the frequent and deliberate violations of ceasefire regime, the downing of a military helicopter in Nagorno Karabakh in November 2014, and a micro-war of August same year,<sup>7</sup> led to condemning statements either from mediators or any other country but Armenia. The mediators adhered to asymmetrically balanced wordings so as not to alienate Baku from the peace process and keep them on track. As a logical consequence, the apparently meticulously planned blitzkrieg on 2 April 2016, according to the view held in Baku, would render a win-win situation; even if the offensive failed and *status quo* re-constructed, the international community would again adhere to neutrality with no sanctions imposed or condemnation voiced, while the leading power-brokers, including the Kremlin, would resume negotiations with a new *status quo* in mind. President Aliyev would have all the freedom to preach for ‘unity’ in the country against the ‘faithless aggression of staunch enemy’. Due to the nature of Aliyev’s regime, President Aliyev had ‘free hands’ as a more risk tolerant leader than those in more open societies. Yet, in an effort to present a more favorable picture of his military adventure, Aliyev refrained from unveiling the full scale of losses in manpower and military equipment. The tightly state-controlled Azerbaijani media has so far confirmed only 31 killed in action (KIA), while anti-government Meydan TV identified more than 90 casualties and open-source intelligence source Bellingcat estimated ‘at least 400 Azerbaijani fatalities’.<sup>8</sup> The Armenian sources confirmed 69 servicemen and 14 volunteers killed and many more wounded.<sup>9</sup>

The Four Day War has not only left many casualties on the battlefield but also renewed the grievances inherent to any ethnic conflict and created fertile ground for maximalist positions. For years Azerbaijan has been creating a legal docket, comprised of its official interpretations of four UN Security Council resolutions (adopted in April-November, 1993), circulated in the United Nations between October 2007 and January 2009 and flooding the international *fora* with other distorted interpretations of resolutions of various international organisations, including Non-Aligned Movement and Organisation of Islamic Cooperation, in a bid to create legitimacy for more hawkish position in meetings under the auspices of OSCE Minsk Group co-Chairmen. One of the most notable attempts, raising eyebrows in expert community, has been the allegation that belated self-defense, 22 years since the ceasefire, shall be lawful if peace talks fail to render the results demanded by Baku – something that international lawyers and judges in international courts still have to comprehend. To complicate things further, Azerbaijan also unilaterally denounced the 1994 ceasefire agreement in a Letter dated 14 April 2016 (UN Doc. S/2016/346), which triggered bold response from Armenian Foreign Ministry<sup>10</sup> giving ‘hawks’ in Yerevan and Stepanakert additional line of arguments.

Speaking after an apparently failed meeting between the Presidents of Armenia and Azerbaijan in Bern, Switzerland, on 19 December 2015, Armenian Foreign Minister Edward Nalbandian said in an exclusive appearance for Armenian

<sup>6</sup> Richard Solash, ‘Kazan Summit: Time For Breakthrough In Nagorno-Karabakh Peace Process?’ RFE/RL, 24 June 2011.

<sup>7</sup> Sergey Minasyan, ‘The Silent Guns of August. Why the Karabakh War Has Not Begun Anew’, *Policy Brief 1*, Caucasus Institute, Yerevan, September 2014. Available at: [http://c-i.am/wp-content/uploads/policy-brief-09\\_2014\\_en.pdf](http://c-i.am/wp-content/uploads/policy-brief-09_2014_en.pdf).

<sup>8</sup> Masis Ingilizian, ‘Azerbaijan’s Incremental Increase on the Nagorno Karabagh Frontline’, 12 April 2016. Available at: <https://www.bellingcat.com/news/rest-of-world/2016/04/12/detailing-azerbajians-incremental-increase-in-nagorno-karabaghs-frontline/>.

<sup>9</sup> Names of 69 soldiers and 15 members of volunteer forces fallen in the Four Day War [in Armenian], 12 April 2016. Available at: <http://razm.info/82623>.

<sup>10</sup> ‘Statement of the Ministry of Foreign Affairs of Armenia’, Ministry of Foreign Affairs of Armenia, 25 April 2016. Available at: <http://mfa.am/en/interviews/item/2016/04/25/statem/>.

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pool of journalists: ‘Azerbaijan cannot get rid of the delusion that it can translate the use of power, the escalation of the situation, into a negotiation tool’.<sup>11</sup>

### Way out: Armenia hardens its position

If the Minsk Process is here to endure – as everyone but Turkey and Azerbaijan agree today – **two mutually reinforcing measures shall be facilitated by the mediators to disable resumption of hostilities in the near future. First, the use of force and military operations shall be ruled out by all sides, incident investigation mechanisms shall be installed along the Line of Contact and the presence of OSCE monitors be strengthened. Second, to gain popular support, all sides shall commit to refraining from inflammatory rhetoric**, something that Baku has famously perpetuated in and out of the country, despite Minsk Group calls. Both proposals have long been on the table but Azerbaijan has been rejecting them claiming that they strengthen the *status quo* in favor of Armenia.

Russia has undoubtedly played an important role on one hand, supplying deadly weaponry to all sides in the conflict, and on the other hand, halting violence and ending the Four Day War as Chiefs of General Staff of Armenia and Azerbaijan met in Moscow and agreed to ceasefire on April 5. Now the Kremlin will most likely try to monopolize the peace process and bring the parties to some sort of paperwork (as in Meiendorf in November 2008)<sup>12</sup> so as to be seen and appreciated as a crucial peacemaker and ideally to dispatch peacekeeping mission to the region, something that both Iran and the West will try to derail.

Ahead of the visit of Russian Foreign Minister Sergey Lavrov to Yerevan on April 22, Russian *Kommersant* newspaper, notable for frequent leaks about behind-the-scene nuances about Nagorno Karabakh conflict, quoted an unnamed source in Armenian Government on April 21, who claimed that ‘Yerevan will listen to what Russian side has to offer, but without stepping back from the main requirement – the recognition of independence of [Nagorno Karabakh]’.<sup>13</sup> On the same day, Armenian Deputy Foreign Minister Shavarsh Kocharian confirmed on record that ‘compromise’ solution is still on the table, but after the recent war, ‘other approaches’ shall be applied instead of elements such as ‘delayed referendum’ for determining the final status of Nagorno Karabakh, which was included ‘to allow face-saving in Baku’.<sup>14</sup>

Of course, it would be naïve to claim that after the Four Day War the two sides have reached the tipping point, and are already unable or unwilling to move forward with their age-old hostility, and would thus readily embrace compromise solutions. However, neither Azerbaijan, which is economically depressed and with ample weaponry just like the Soviet Union in late 1980s, nor Armenia, which fights hard to stay afloat amid economic crisis, may rationally calculate the benefits of a new war. This may open a window of opportunity for new diplomatic efforts that Russia now is seemingly willing, and able, to champion.

<sup>11</sup> Briefing of Foreign Minister Edward Nalbandian with journalists on the results of the meeting between the Presidents of Armenia and Azerbaijan in Bern, Interview, Ministry of Foreign Affairs of the Republic of Armenia, 19 December 2015. Available at: [http://www.mfa.am/en/interviews/item/2015/12/19/min\\_nksum/](http://www.mfa.am/en/interviews/item/2015/12/19/min_nksum/).

<sup>12</sup> Denis Dyomkin, ‘Russia’s Medvedev hosts Nagorno-Karabakh talks’, Reuters, 2 November 2008. Available at: <http://in.reuters.com/article/idINIndia-36280420081102>.

<sup>13</sup> Ольга Кузнецова, К Нагорному Карабаху ищут подход со стороны Армении, Официальное мнение, *Kommersant*, 21 April 2016. Available at: <http://kommersant.ru/doc/2968965>.

<sup>14</sup> OSCE Minsk Group co-chairs’ proposals not Armenian side’s dream – Armenian deputy FM’, *Tert*, 21 April 2016. Available at: <http://www.tert.am/en/news/2016/04/21/shavarshkocharian/1997213>.

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To my mind, the new phase in peace process shall come up with a new formula that excludes the use or threat of force and opens two strands of negotiation formats. First, negotiations between Armenia and Azerbaijan about the normalization of inter-state relations; and the second negotiations between Azerbaijan and unrecognized Nagorno Karabakh Republic about remedial recognition and eventual return of refugees and international peacekeeping operation in defined areas, demilitarization along the common border and other measures for enduring peace in the region. Phased return of territories around Nagorno Karabakh outlined in the text of Madrid Document of November 2007 that was leaked in Armenian media on April 11, 2016 as one of most crucial elements of future Comprehensive Peace Agreement may only be executed with credible guarantees of non-use of force, which Azerbaijan has so far been rejecting outright and where the Kremlin – a strategic ally to both nations – has a homework to do. The big elephant in the room, undoubtedly, is Turkey, a NATO member that has wasted its honeymoon with Russia after the downing of Russian military jet in Syrian skies in November 2015.

**Last but not least, the conflict shall also seek a legal track to allow for long-term and comprehensive resolution.**

Armenia and Nagorno Karabakh have already made clear their intention of seeking international justice<sup>15</sup> for alleged war crimes committed during April War, and Azerbaijani Defense Ministry came out with a vague statement expressing interest in looking ‘at the conflict as a whole’.<sup>16</sup> Although criminal justice alone has not allowed estranged nations or societies to live in peace, there is no doubt that this will need to be part of a more inclusive peace process.

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<sup>15</sup>‘Ереван не исключает создания международного трибунала по военным преступлениям Баку в Карабахе’, *News Armenia*, 13 April 2016. Available at: [http://newsarmenia.am/news/nagorno\\_karabakh/erevan-ne-isklyuchaet-sozdaniya-mezhdunarodnogo-tribunala-po-voennym-prestupleniyam-baku-v-karabakhe/](http://newsarmenia.am/news/nagorno_karabakh/erevan-ne-isklyuchaet-sozdaniya-mezhdunarodnogo-tribunala-po-voennym-prestupleniyam-baku-v-karabakhe/).

<sup>16</sup>‘В Баку больше всего заинтересованы в создании международного военного трибунала по боестолкновениям в Карабахе – Минобороны Азербайджана’. Available at: <http://interfax.az/view/670207>.