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A DEEPENING AND WIDENING CONFLICT: THE NAGORNO-KARABAKH DISPUTE AND THE REGIONAL CONTEXT

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Dubbed the four-day war, the early April clashes between Azerbaijan and the breakaway region of Nagorno-Karabakh (South Caucasus) shed renewed light on the long lasting dispute, “frozen” since the ceasefire of 1994. After having shortly recalled how the current situation crystallized after the bloody years of war between Azerbaijan, NK, and Armenia, the present analysis focuses on the regional dimension of the conflict. The NK conflict is *per se* an extremely complicated issue, and it is now exacerbating in the midst of a turbulent conjuncture where strategic, tactical and situational factors embroil its primary and secondary actors (Russia, Turkey, and Iran). Squeezed between domestic policies dominated by hostility and isolation on one side, and rising regional tensions on the other, the dispute needs an articulated response.

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A renewed old war in the Caucasus

More than 100 casualties on both sides, 150 or plus wounded among civilians and military staff, approximately 15 tanks destroyed: these are the numbers of the so-called four-day war between the breakaway region of Nagorno-Karabakh and Azerbaijan. The confrontation erupted on April 2nd and a ceasefire was resumed on the 6th.

The clash doesn't come as a surprise, in the last few years the early 90s ceasefire between the parties became pretty unstable. The Nagorno-Karabakh conflict entered into a state of no-war/no-peace in 1994, after almost 6 years marked by a progressive escalation of violence which led to a full-scale war, claiming about 30 000 lives and causing massive displacement in the area affected by the conflict and from the territories of the conflicting parties. These were the Republic of Azerbaijan, the *de jure* ruler of Nagorno-Karabakh, the breakaway region of Nagorno-Karabakh, at the time the conflict erupted populated mostly by Armenians - presently inhabited solely by Armenians - and the Republic of Armenia, whose direct involvement in the conflict has been disputed, but soundly confirmed at least for the years 1992-1994.¹ The context in which the war broke out was that of the territorial adjustments of administrative units of the Soviet Union in its last years of existence on the basis of minorities' national aspirations, a process that led in the South Caucasus alone to three secessionist wars, South Ossetia, Abkhazia, and Nagorno-Karabakh.

None of these early-90s wars has so far found an agreed-upon political solution among the parties involved, and for more than one decade they were called frozen, or protracted, conflicts. In 2008, after the Five-Day War, South Ossetia and Abkhazia were recognized as independent republics by Russia and a few other states. Since 2010 the conflict regarding Nagorno-Karabakh has been slowly but steadily heating up. Periodically, especially in spring-summer, skirmishes and cease-fire violations are reported with more frequency. Still, the April escalation is qualitatively different, not only because of the degree and the intensity of the confrontation, but also because the Line of Contact (LoC) has been moved. The previous violations of the cease-fire did not imply an alteration of the territorial status quo on the ground, marked by a LoC dividing the disputants entrenched in the battlefield. This time Azerbaijan for the first time after more than two decades claims to have re-conquered a slice of land from the secessionists, information confirmed by Yerevan.²

¹ Thomas de Waal, *Black Garden*, New York, New York University Press, 2003.

² Alina Nikoghosyan, *Tension Over Territory: MOD says lost ground will be discussed during peace negotiations*, in "ArmeniaNow", <https://www.armenianow.com/en/karabakh/>

In the framework of an evolving regional context, of increasing geopolitical pressure exerted on the Caucasus – all combined with a growing number of cases disrespecting the principles of states' sovereignty and equality in the former Soviet bloc – the Nagorno-Karabakh conflict risks spiraling up again with tragic consequences.

From autonomy to secession

The current situation is the outcome of a long and articulated process.

In 1920 Azerbaijan (April) and Armenia (December) were annexed to the emerging Soviet Union. The state agency in charge of establishing the boundaries among the newly annexed republics was the Caucasian Bureau. In July, before the enlargement to Armenia, it decided to include Nagorno Karabakh (NK) in the Azerbaijani Republic, provided it was granted an autonomous status, under Azerbaijani pressure and in the interest of having good relations with Turkey, the fellow state of Azerbaijan.³ In 1923 the Autonomous Region of Nagorno-Karabakh (ARNK) was officially recognized as a consistent part of Azerbaijan, and thus it remained for almost seven decades, despite the appeals coming from the Armenian side to the central authorities to reconsider the assignment of the area. The Armenian population in NK represented 94% of the total share in 1923, decreased to 76% in 1979, and it enjoyed linguistic and cultural rights due to its autonomous status. To locals as well as to Armenians in the Soviet Socialist Republic of Armenia the core issue was the unfair allocation of a territory perceived as historically Armenian. The historical possession of NK was and remains a thorny controversy, as specular claims are voiced by the Azerbaijani side. As highlighted by Hoannes Geukjian “*In situations of ethno-territorial conflicts, infusing territory with symbolic and transcendent qualities makes it intangible and difficult to divide. [...] resolving a territorial issue, like the N-K conflict, is not simply drawing the border between N-K and Azerbaijan, but resolving the symbolic and transcendent value of the territory which is endemic to the rivalry or historic animosity between the two nations*”.⁴ Thus long incubated grievances and situational factors led to NK's tumultuous secession.

While in the very late 80s it was clear that the central authority crisis could have led to a fragmentation of the USSR along ethno-national cleavages, it was not yet clear that the fate of NK was to become a *de facto*

2016/05/23/karabakh-war-seyran-ohanyan-jirair-sefilian/3704/ (retrieved 6 June 2016).

³ Heiko Krüger, *The Nagorno-Karabakh Conflict, a Legal Analysis*, Heidelberg, Springer, 2010, p. 16.

⁴ Ohannes Geukjian, *Negotiating Armenian-Azerbaijani Peace*, Farnham-Burlington, Ashgate, 2014, p. 25.

secessionist republic. In 1988 the Regional NK Soviet expressed a vote in favour of a change, making official – but not legally recognized⁵ – the wish to be shifted to Armenia. The step triggered a first wave of expulsions and killings that was to be the fire starter of an ever-escalating tension culminating in an all-out war. By 1992 NK political demands had changed: in December 1991 a referendum was held to become an independent republic, which was indeed declared the following January. The republic was and remains unrecognized – including by Armenia – and the parties did not halt fighting till the ceasefire of 1994 when not only the ARNK ended up under Armenian control, but also 7 adjacent districts previously populated by Azeris, thus depriving Azerbaijan sovereignty of approximately 14% of its territory.

A snapshot of the situation at the time of the ceasefire would portray the following: the *de-facto* NK Republic in control of the former ARNK plus 5 other Azerbaijani districts in full (Kelbajar, Lachin, Kubatli, Jabrail, Zangelan) and another two partially (Agdam, Fuzuli), thus bordering Iran to the south, Azerbaijan to the east and north, and being strategically contiguous to Armenia to the west; as a consequence of its military involvement, Armenian borders were closed with Azerbaijan and with Turkey; diplomatic relations between the belligerents and between Armenia and Turkey severed. Last but not least: the elites and public opinions in Armenia, in NK, and in Azerbaijan were entrapped in mutually exclusive narrations, ever since harbouring and feeding reciprocal hostility, hatred, and hate speech.⁶

A deepening and widening conflict

NK has been tagged as a frozen conflict. The definition does not capture an essential feature: while for years, despite violations, the military ceasefire held, the political and social situations on the ground kept evolving. With time the dispute deepened and enlarged, as the issues at stake radicalized, exacerbated, and the level of implications for primary and secondary actors widened.

NK step by step enhanced its *de facto* sovereignty, developing the requirements of statehood in the hope of having its succession recognized as legitimate *ex factis ius oritur* [law arises from facts].⁷ The

⁵ Article 78 of 1977 Soviet Constitution: “The territory of a Union Republic may not be altered without its consent. The boundaries between Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics.”

⁶ Marilisa Lorusso, *NagornoKarabakh: the hate speech factor*, in “Osservatorio Balcani e Caucaso”, April 2016, <http://www.balcanicaucaso.org/eng/Areas/Nagorno-Karabakh/Nagorno-Karabakh-the-hate-speech-factor-169907> (retrieved 1 June 2016).

⁷ Heiko Krüger, *The Nagorno-Karabakh Conflict*, p. 89.

territorialization of NK Armenian identity, once restricted to the former ARNK, spread to the conquered Azerbaijani districts, no longer indicated as the so-called “security belt” but now perceived as natural possessions of NK and therefore no longer tradable in negotiations. Quite the opposite, a local irredentist movement pledges to conquer the swaths of territory that are not in full NK control.

The generation of Armenians and Azerbaijanis who used to live peacefully together in the three primary players of the conflict, Armenia, NK, and Azerbaijan, is slowly being replaced by new generations grown up with no common memories but a bloody war, and whose national identity is fraught with the demonization of the enemy living along the homelands’ borders.

As for the bilateral and multilateral relations between and among primary and secondary actors, remarkably the conflict had indeed enlarged before the ceasefire. The current rhetoric of a return to the “Cold War” risks being misleading about alliances and interests intertwined with the NK issue, and to trivialize a far more complex picture where independent players try to maximize the chances and challenges offered by the conflict. Starting with the primary actors: whereas the main goal of Armenia and NK is to persuade the international community of the legitimacy of NK on the basis of the right to self-determination, Azerbaijan strives to have its territorial integrity granted. In pursuing their apparently incompatible goals, they dragged into the confrontation or were forced to accept secondary actors, who are themselves moved by dissonant interests. Probably, if the Cold War prism is likelier not to be the best analytical lens through which to interpret the tension in the region, a comparison which could better serve to portray the contemporary South Caucasus might be Europe before WWI, with the region chopped up by chains of alliances built on choices and needs. Regional powers, significantly Iran, Russia, and Turkey, stand as the second layer of the conflict, with different, and sometimes opposite agendas.

With its borders to the west and to the east closed, Armenia was bound to increase its exchanges with Iran and Georgia. Iran is duly concerned about the deterioration of the security situation along its border and its territory was mistakenly hit during April clashes.⁸ In 1992, with Russian power temporary waning in the region, it stepped in as a mediator to the conflict, unsuccessfully. Now that its international position has changed, it might again consider playing a pro-active role, but the prevailing opinion

⁸ Gayane Mkrchyan, *Analyst: Iran seeks to strengthen its role in Karabakh process, prefers current status quo*, in “ArmeniaNow”, <https://www.armenianow.com/en/karabakh/2016/04/14/armenia-iran-karabakh-azerbaijan-conflict-analyst/963/> (retrieved 1 June 2016).

is that it will move cautiously.⁹ Iran has its own open issues with Azerbaijan: the unsolved division of the Caspian Sea,¹⁰ and the irredentist claims by Azeri nationalists. The latter peaked in the early years of Azerbaijan independence, when a national movement pushed for the unification of the so-called South and North Azerbaijan, the former being actually northern Iran. The Azeri ethno-linguistic community was divided into two after the Russian-Persian wars, and the Turkmanchay Treaty (1828) definitely settled the biggest part of the community within the then Persian border. Irredentism arose at the end of WWII, and it took a masterpiece of diplomatic maneuvering by Teheran to peacefully quell the situation and to pull back the Soviets, advancing on its own territory under the pretext of Azeri re-unification. The context is different now: behind Azerbaijan no longer stands Russia but Turkey, a country it might well be interested in containing, regionally.

Turkey and Azerbaijan can be defined a community of choice. They refer to themselves as “two countries, one nation” due to their cultural and linguistic continuity, and their relations are not just tactical, but long-lasting and strategic for both. Alliance and affinity run deep in culture and society, and are stable and well rooted. National interests do not always coincide, but both Baku and Ankara display a good degree of cautiousness when at risk of annoying the partner. Besides the high level of exchange and cooperation, since 2010 the two are bound together by a military agreement. The Agreement on Strategic Partnership and Mutual Support states in its article 2 that if one of the parties is subjected to an armed attack or an aggression by a third state, or a group of states, the parties will aid each other by all means.¹¹ The cultural and relational continuity between Azerbaijan and Turkey did not bode well for the confidence building process around NK. Armenia and Turkey have *per se* extremely complicated relations, and so does NK. The heavy heft of the unsolved dispute around the partially internationally recognized Armenian Genocide, and of territorial claims by early Armenia on eastern Turkey – a pretension that would have been buried had the 2009 Protocols between Armenia and Turkey been ratified – already represent a complex problem in bilateral relations. The last thing needed was an additional dispute to push them to the opposite sides of the barricade, which is exactly what happened when the NK crisis erupted.

Russia is the protector of Armenia. The Baku-Ankara and Yerevan-Moscow axes display a certain degree of asymmetry in internal

⁹ Interviews with Armenian International relations experts, Yerevan, January 2016.

¹⁰ See the seminal study: Barbara Janusz-Pawletta, *The Legal Status of the Caspian Sea*, Berlin, Springer, 2015.

¹¹ Shahin Abbassov, *Azerbaijan-Turkey Military Pact Signals Impatience with Minsk Talks*, *Analysts*, in “EurasiaNet”, <http://www.eurasianet.org/node/62732> (retrieved 2 June 2016).

power relations. Yerevan is far more dependent on Moscow than Baku on Ankara, and Russian interests constrain Armenia's even more significantly. Still, there's room for mutual benefits: Moscow needs Yerevan as its bridgehead in the Caucasus and Yerevan has a numerically important diaspora in Russia that generates significant remittances and relies on Moscow for military protection.

Turkey and Russia's roles are thus as parallel as opposite in the NK crisis. This trend is well established and did not cause major problems for most of the last two decades. But the two loom now in a far deteriorated relationship, partly for structural reasons, partly due to situational factors. Besides the persistent pattern of regional competition, the current juncture poses additional challenges: not only have the partner states exacerbated their animosity, but Ankara and Moscow themselves are undergoing one of the tensest periods in their recent history. The two regional powers find themselves on opposite sides of the fence in other theaters, in Syria above all. Like the monarchic empires they once were, the present-day Russia and Turkey might unleash their rivalry through a Caucasian war.

Armenia and Azerbaijan are well aware of the chain reaction their conflict might spark and, quite interestingly, in April they seem to have implicitly coordinated to avoid it. For both it would mean not only an unmanageable escalation, but also a shift of the baton of the military control of their territory. Not really a desirable outcome. Thus during the four-day war, no episode of violence was recorded on the Armenian-Azerbaijani borders, whereas the battle took place in NK only. It is hard to believe this to be a coincidence: a few days after the ceasefire was restored, tensions and shooting were registered along the state borders of the two republics. Had a comparable exchange of fire involved the two it would immediately have activated the military agreements between Turkey and Azerbaijan and between Armenia and the Collective Security Treaty Organization (CSTO). This organization, whose members are Armenia, Russia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan, has so far never operated in any war theater, but it doesn't mean it won't ever be employed. Armenia was to have hosted its only academy, a project dropped last year, and upon the eruption of the conflict in April it got the outspoken support of the CSTO Secretary, who paid a visit to Yerevan recently.¹² In May joint special tactical exercises, "Cobalt 2016", involving special police units of CSTO member states were held in Armenia.¹³

¹² CSTO, *Генеральный секретарь ОДКБ Николай Бордюжа направляется в Республику Армения для встречи с высшим политическим и военным руководством страны*, http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=6051&SECTION_ID=91 (retrieved 4 June 2016)

¹³ CSTO, *В Армении началось учение формирований сил спецназначения КСОР ОДКБ «КОБАЛЬТ-2016»*,

The threat of Russian incursion is particularly feared by Georgia. The country is along the route to the Russian military base in Armenia, and it hosts the two warring minorities.¹⁴ Georgia engages in active cooperation with Turkey and Azerbaijan, and at the same time cultivates stable relations with Armenia. The connection is not always easy, and there are sound reasons why the latter pair might occasionally be mutually wary. But both are extremely interested in preserving a good neighbourhood.¹⁵ Tbilisi is keen on keeping Yerevan from fomenting secessionism among the Armenian minority and Yerevan considers vital the unimpeded transit of its imports and exports through Georgian territory. The escalation in NK for Georgia is a bad headache, and its possible implications in terms of enlargement, both territorially and to other players, is extremely worrisome. Therefore in April Tbilisi immediately called for a renewed proactive role of the international community to defuse the huge, frightening potential threat.

NK from a regional issue to an international conundrum

When the dispute flared up the international community reacted to the NK war with individual, uncoordinated initiatives (first Russia and Kazakhstan, then Iran, then again Russia), until by assertive intermission and UN resolutions the Organization for Security and Cooperation in Europe (OSCE) took the lead. The diplomatic effort is embodied in the *ad hoc* created Minsk Group, chaired since 1997 by Russia, France and the United States. The Minsk Group mediates between Armenia and Azerbaijan, and it pays regular visits to NK, which is not officially party to the negotiations, as Azerbaijan fears its involvement being viewed as an act of political recognition. The Group has been criticized for its ineffectiveness in finding an exit point to the crisis for almost 20 years. It should be acknowledged, though, that not only it is extremely complicated to find a common ground between incompatible positions, but even to try to find a viable implementation for measures already approved.

One of them is the ceasefire provision regarding the deployment of peacekeepers. Here the shaky balance among different actors' interests drastically reduced any chance to see ever any peacekeeper in the region. Russia wanted CIS peacekeepers in NK, Turkey is strongly against any additional Russian military presence, already having Russian border

http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=6414&SECTION_ID=91
(retrieved 3 June 2016).

¹⁴ Onnik James Krikorian, *Karabakh: the view from Georgia*, in "Open Russia", <https://www.opendemocracy.net/od-russia/onnik-james-krikorian/karabakh-view-from-georgia> (retrieved 3 June 2016).

¹⁵ Interviews with experts, Tbilisi and Yerevan, January 2016.

guards stationed along the sealed Armenian-Turkish border. Iran at the beginning took a conciliatory stance about a force of interposition, postponing making up its mind about an international armed presence on its border. The US as well grew increasingly suspicious about Russian peacekeepers, even more so after having seen them turn from UN-tasked military staff into permanent Russian armies in Abkhazia and South Ossetia in 2008. And this is just a small sample of how tricky, intricate and sometimes intractable the NK negotiations have become.

When fights erupted in April, no member of the international community seemed particularly happy – or even duly notified in advance – about the dramatic development. The Co-Chairs hastened to state that the negotiation format was still there, and urged the parties to resort to their good offices and cooperation. The so-called Madrid Principles concerning regulation of the conflict were also pushed back on track. The Principles enlist a set of priorities to progressively normalize the situation on the ground: the return of the territories surrounding Nagorno-Karabakh to Azerbaijani control; an interim status for NK providing guarantees for security and self-governance with a corridor linking it to Armenia; future determination of its final legal status through a referendum; the right of all internally displaced persons and refugees to return to their former places of residence and international security guarantees that would include a peacekeeping operation.

The set of principles would provide the stabilization, people-to-people contacts and confidence building measures necessary to find politically agreed-upon arrangements and a juridical settlement for the dispute. They do not foresee them in themselves, and once implemented the ball would roll back to primary actors. From the outset Armenia and Azerbaijan proved to be refractory to any other way to solve the conflict but the diplomatic or the military. The judicial option allegedly was not taken into consideration, and neither country ever addressed international courts even if just for an advisory opinion. As a consequence, if diplomacy fails, it is extremely likely that war will be the only option.

Final remarks and recommendations

A third-party independent assessment of what triggered the April clashes and of their implications and costs is lacking, therefore the two conflicting narrations about the hostilities are so far the only source external observers can rely on. Under the present circumstances, it is pretty unlikely that any fact-finding commission can be established: the resumption of the ceasefire didn't water down the extremely high level of mutual animosity, and the essential requisites for such confidence building measures are at present missing. What can be drawn are a few

lessons learnt from what recently happened.

The first lesson learnt is that track-one diplomacy remains an irreplaceable tool to solve the NK issue. There is sound evidence that pressure eases when the Armenian and Azerbaijani presidents meet, so facilitating efforts should consistently if not structurally be included in the mainstream diplomatic toolbox available to the mediating parties. High-ranking diplomats and politicians should be kept committed and in the spotlight, as prospects of success are clearly bleak when the rank of negotiators is not top-level. All the parties – primary, secondary, international – should act with the specific mandates not only to cooperate in good will and well, but also to contribute to defusing the verbal virulence now so widespread.

The conflict unveiled how fragile were the former measures adopted to encourage people-to-people contacts and cooperation. This is the second lesson learnt: track-two diplomacy, due to the spread of hate speech and virulent propaganda in both the communities, is not working and needs to be re-thought. No solution will ever be accepted and implemented by civil societies prone to no compromise, to no co-existence.

The third lesson learnt is that under the present circumstances, military clashes may burst out more often and with unpredictable results. They may routinely be used by one of the parties (or by both) to exert pressure on their counterparts, or to re-calibrate negotiating positions. This scenario needs to be considered, because the *status quo* is proving more and more unsustainable, and prevented. Mechanisms such as creation of a hotline and the intensification of monitoring activities by the OSCE team stationed in the region are under discussion. Additional tools might be tapped from other experiences, like the Incident Prevention and Response Mechanisms that were activated in Georgia after the war under the auspices of the Geneva Discussions with the direct participation of the European Union Monitoring Mission. OSCE could play the same role in NK. This could represent a smart window of opportunity to engage and make accountable the NK leadership, without granting any political recognition, as IPRM are generally understood to be technical meetings with limited and focused agendas. In general, the cross-border (both *de jure* and *de facto*) security system needs to be enhanced and, where possible, reformulated, with a good deal of expertise but also a certain propensity for imaginative solutions. There is no need to reinvent the wheel, many options were formulated already,¹⁶ and success stories from other theatres may be selectively duplicated.

The very first urgencies are to prevent a new explosion of violence and to

¹⁶ Ali Abasov – Haroutiun Khachatrian, *The Karabakh Conflict, Variants of Settlements: Concepts and Reality*, Baku-Yerevan, Areat-Noyan Tapan, 2006.

defuse tension. Once this has been consolidated through the means already available, plus possibly additional ones agreed among the parties, it will be necessary to move along the path indicated by the Madrid Principles, or any other feasible plan among those already tabled or proposed in future. It is pivotal to address track-two diplomacy as a core means: having reached this stage of polarization, people-to-people, confidence building measures cannot be relegated to programs or projects limited to NGOs, but should be included in a comprehensive trans-border post-conflict related security sector reform. Such a tentative project could harmonize and consistently implement measures tackling the key factors that make the NK conflict so inextricable.

The toolbox offered by national security sector reforms (SSR) – such as addressing military spending and arms procurement, justice, social order and reconstruction, disentanglement from dynamics leading to the escalation of violence, professionalization of law enforcement agents, demobilization, disarmament and integration of former combatants – which are meant to transversally involve a large part of society, all security and justice providers (state and non-state actors), could represent an additional option to be explored. A trans-border SSR could be an innovative effort to keep all the parties responsible and in control of the disputed territory - something they are all keen on - and to enforce inexorably necessary cooperation and contacts, complementing political steps with adequate, technical and pragmatic measures.

If in the past a swap of territory was considered and proved to be unfeasible, perhaps a preliminary evaluation of pragmatic measures of swapped/coordinated sovereignty in an overarching SSR could fit into the extremely narrow political space offered by the parties' uncompromising, zero-sum strategies.