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Sophie Groenendijk, *Deadlock negotiations in Nagorno-Karabakh: is there any room for the EU?* (June 2021)



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Deadlock negotiations in Nagorno-Karabakh:

Is there any room for the EU?

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Introduction

April 2016: a four-day war breaks out in the Nagorno-Karabakh region, between the Azerbaijani and Armenian armies, costing the lives of over 100 soldiers on both sides (Mustafayeva, 2018). However, the attention that this short war received was not so much caused by the number of deaths, as by the fact that a cease-fire agreement had been in place since 1994 and had now seen the largest violation in years (Askerov, 2020). The Nagorno-Karabakh conflict has been built up for decades, going back to as far as the 1920's, when the Soviet Union declared Nagorno-Karabakh an autonomous oblast, while it was inhabited by an Armenian majority in Soviet Azerbaijani territory. When the Soviet Union started to disintegrate, tensions between the Armenian and Azerbaijani army turned into full-blown conflict (Commission on Security and Cooperation in Europe, 2017). Since the cease fire agreement in 1994, the conflict has been defined as a no-peace, no-war situation, where small-scale conflict still causes deaths and displacement throughout the years (Mustafayeva, 2018). Because of failed negotiation between the involved parties, the conflict is nowhere near the end, and repeated violations of the cease-fire agreement raise concerns for further escalation of the conflict (Askerov, 2020). While the situation has often been defined as an internal conflict, the international arena could be of help in solving or at least diminishing the threat that is becoming more and more imminent (Cornell, 1997). So far, the United States Security Council (UNSC), France and Russia, among others, have tried to push Azerbaijan and Armenia into a peace agreement (Janssen, 2012). However, this has proven unsuccessful so far, which is why more involvement from other actors may be needed. In this line of thought, the question comes to mind whether the European Union, the foundations of which lie in negotiation and diplomacy, has or could play a role in solving the conflict. Much research has been dedicated to the shortcomings of the EU in the conflict (Simão, 2012). However, there is not yet a clear outline of potential policy solutions and how to improve EU involvement. Thus, the main question that this paper aims to answer is: "How can EU involvement help settle the disputes in the Nagorno-Karabakh conflict?" To answer this research question, the focus will be on the questions of how the EU has been involved in the conflict so far, and what effect this involvement has had. As the conflict consists of many decades of fighting and is continuing, this essay focuses on providing policy implications based on the last few years of the conflict, while investigating the full course of the dispute in the first section. After this, the focus will be on the EU decision making system and the policies the EU already has in place. Then, the

main problems that arise between the EU and the conflict at hand are analyzed, after which three potential solutions are presented. After having discussed the implications of these solutions and the most feasible option, the research question is answered in the conclusion.

The conflict in Nagorno-Karabakh

As said in the introduction, the Nagorno-Karabakh conflict originates from the 1920's. When the Soviet Union started to form in 1922, the border of Soviet Armenia and Soviet Azerbaijan were not yet clearly defined, already then leading to disputes. During the following decades, the position of the USSR towards the two countries shifted constantly (Cornell, 1997). Still, the Bolshevik rule over the region ensured a certain amount of stability (Council on Foreign Relations, 2021). It was not until 1988 that the situation escalated into a full-scale war. With the Soviet Union falling apart, its grip on the Karabakh conflict also started to diminish, leading to more nationalistic sentiments on both sides (Commission on Security and Cooperation in Europe, 2017). During the Soviet reign, the Nagorno-Karabakh region was declared an autonomous oblast (Cornell, 1997). In 1988, the region, consisting of a majority Armenian population, filed a petition for complete separation from Soviet Azerbaijan and incorporation of the region into Soviet Armenia (Gamaghelyan, 2010). This fueled the tensions between the two sides, leading to Azerbaijan rejecting the autonomy of the Karabakh region and claiming it as their own territory, while the majority Armenians in that same territory were receiving backing from Soviet Armenia. With the end of the Soviet Union in 1991, the conflict would continue for 3 more years until a ceasefire agreement was closed, negotiated by the Russian government, that would mean the beginning of a frozen conflict (Mustafayeva, 2018).

Although this ceasefire agreement is officially still in place, there have been a multitude of violation and small-scale clashes have taken hundreds of lives since (Council of Foreign Relations, 2021). Since the war, Armenians controlled the Nagorno-Karabakh region and even extended their control to surrounding regions in Azerbaijan (Cornell, 1997). The four-day war in 2016, as mentioned in the introduction, marked a peak in casualties on both sides of the conflict, and while a new ceasefire deal was agreed after, there still remain tensions and regular disputes along the line of contact between Armenia and Azerbaijan, questioning if the conflict is in fact as frozen as it is though to be (Mustafayeva, 2018). On September 27th, 2020, the tensions heightened again in a war that lasted until the 10th of November. Yet again, a ceasefire, brokered by Russia, was signed, but, yet again, it was violated and fighting continued and is still ongoing (Modebadze, 2021).

During the decades of conflict, many actors other than Azerbaijani and Armenian forces have been involved. As mentioned, Russia has negotiated ceasefire agreements with the Foreign Ministers of Azerbaijan and Armenia. Although, this is a step in the right direction, according

to Modebadze (2021), Russia might be interested not in solving the conflict, but freezing it for as long as possible to weaken both states and gain influence over them, as the two countries have a geopolitical value of functioning as a gateway between Europe and Asia. Another player involved is Turkey, backing the Azerbaijani Forces militarily, since Armenia gaining influence could be a threat to Turkey if Armenia tries to claim Turkish territory (Cornell, 1997). With Turkey backing Azerbaijan and Russia being a military ally of Armenia (Janssen, 2012), tensions between the two superpowers may rise as the Karabakh conflict continues. Apart from both Turkey's and Russia's interest in the geopolitical position of the Caucasus region, the natural resources that Azerbaijan possesses increases the international interest in the conflict. Both the EU, China and the US have an interest in Azerbaijan's oil and gas reserves (Ismailzade, 2005).

Naturally, more actors are involved and have their stakes in the conflict. Although all these actors each have their own interest and perspectives that shape the difficulties in solving the conflict, this essay will take an EU-based perspective. The case at hand can be defined as a wicked problem, defined by Zhao et al. (2019) as a problem that is "highly resistant to resolution and any given solution may lead to other problems" (p. 264). The complex nature of the case is partly caused by the multitude of involved actors and, thus, interests. The European Union, consisting of 27 member states, deals with negotiations among a plethora of actors who all have different views. As negotiation has been considered the most feasible option to solve the Nagorno-Karabakh conflict over the years (Bekiarova & Armencheva, 2019), the EU might have valuable insights and skills that could be of use in negotiating and enforcing compromise on all sides of the Karabakh conflict. Additionally, in 1994, mediation was supported by the creation of the OSCE Minsk Group, co-chaired by the US, Russia and France. As France is member of the EU, this increases the involvement of the EU in the conflict as well (Council of Foreign Relations, 2021). Finally, the EU is involved in the conflict because of their dependency on Azerbaijan's energy supplies. The EU is involved in setting up an East-West gateway for communication and transport, and is providing technical assistance to Georgia, Azerbaijan and Armenia. Furthermore, influential member states of the EU, such as Germany and the UK, have shown support for peace mediation in the region and have acknowledged the territorial integrity of the three countries (Ismailzade, 2005).

EU and decision making

Clear is that the EU is involved in the conflict in Nagorno-Karabakh in more than one way. So far, this involvement has revolved mostly around economic affairs (Ismailzade, 2005), but to help solve the conflict, more is needed. The extent to which the EU has enough influence or means to substantially influence the conflict, in part depends on their policy implications and decision-making process. In the late 1990's, there was a shift in the EU towards a more independent role in security and defense, aiming to build international structures and capabilities of its own (Sjursen, 2003). This strengthening of the EU's Common Foreign and Defense Policy (CFDP) puts more weight on the EU's second pillar, as mapped out in the Maastricht Treaty, which entered into force in 1993. In this treaty, the three-pillar structure was used to characterize the EU's main competences and objectives, which are 1) the community, 2) the CFSP, and 3) justice and home affairs (Council of the European Union, 2018). The second pillar aims to increase diplomatic activity on an international level by the EU, and, in doing so, preserve peace and increase international security. Additionally, peacekeeping, human rights, and enforcing the rule of law are other objectives included in the CFSP (Council of the European Union, 2018). Under the policy, the EU is not restricted to security initiatives within the EU. In the last 10 years, over 10 civilian missions have been undertaken not only in the EU, but also in the Middle East and Africa (European Commission, n.d.). Part of the CFSP is the CSDP: The Common Security and Defense Policy. This framework lays the foundation for military and political structures to uphold the CFSP and includes not only military intervention in crisis situations, but also long-term peacekeeping missions to ensure stability in insecure regions (Bickerton et al., 2010). Considering all this, EU involvement in Nagorno-Karabakh would fit within this framework quite well, and given the operations the EU has already performed in the last 10 years, such as the ones in Bosnia-Herzegovina, Georgia, Iraq and the Balkans, a more extensive EU involvement would not be unusual (Bickerton et al., 2010). Measures that can be taken by the EU include sanctions, operations, and taking measures for the control of arms. Additionally, special representatives can be assigned (German Institute for International and Security Affairs, 2021).

Not only does the Nagorno-Karabakh conflict involve a multitude of actors, the actors involved are also related to multiple levels of governance. This multi-level governance is likely to make this wicked problem all the more complex for the EU, especially since the EU will be operating outside of the boundaries of their Member States (Janssen, 2012). Not only the governments of the involved states, such as Russia, the US, Turkey, Azerbaijan and Armenia, are involved,

but also supranational institutions such as the UN Security Council and NATO. Additionally, because the Armenians have taken over control over 7 provinces surrounding Nagorno-Karabakh, in which the Armenian minority of the Azeri's used to live, local and regional actors in those areas also must be considered (Modebadze, 2021). In the European Union Global Strategy report (2016) it is stated explicitly that the EU aims to increase resilience in countries to the East and the South of the EU, and to adopt a comprehensive approach to solve violent conflicts. It also acknowledges that contemporary conflicts involve a multitude of actors from all levels of governance, as just explained, and that the EU cannot solve these alone, which is why effective cooperation is imperative.

Many scholars have argued that we are witnessing a decrease of the influence of the EU on the global arena. Where the EU was representing 25% of the worldwide GDP 30 years ago, that number is likely to decrease to less than half in the coming decade (Borrell, 2020). To restore this position, the EU could benefit from aiding in the conflict as an autonomous political union, that can show its enduring relevance on the world stage. Borrell (2020) also argues that the concept of strategic autonomy, which means that states should be autonomous where needed, but should cooperate if possible, is crucial to stabilizing the internal relations of the EU. If the EU member states can agree on their objectives and can achieve internal congruence, it will be more successful in serving their external relations, rebuilding their weakened position.

Currently, Armenia and Azerbaijan fall under the European Neighborhood Policy (ENP), which is meant for countries that are in the process of negotiating accession to the EU, but are not a Member State yet (Janssen, 2012). As the main foreign policy tool, the EU uses the possibility of accession in conflict management, as a way to make countries comply. However, as this is not a tool that can be used in the Karabakh case, as the association agreements are currently on hold, the EU has no major sources of power left to force either country into an agreement. Therefore, many have argued that the EU will not be able to make a substantial difference in solving the conflict, and should leave it to other players (Janssen, 2012).

Main obstacles and policy implications

To outline the extent to which the EU can, despite its limited tools of power, still invoke change, the main problems in the conflict need to be examined. Currently, the main difficulty is the unwillingness of both Armenia and Azerbaijan to make concessions of any kind (Modebadze, 2021). Before the 2020 war, Armenia was satisfied with its position, being in charge of the Nagorno-Karabakh region and seven surrounding districts in Azerbaijan, and was unwilling to return any part of the territory. However, during the war, Azerbaijan managed to retake territory, including the center of Karabakh: Shusha. After, the latest ceasefire agreement was signed by Azerbaijan, Armenia and Russia (Modebadze, 2021). Currently, both sides are unwilling to give in and make concessions, which is why the negotiations are in a deadlock situation. In 2007, the OSCE formulated the Madrid Principles, which outlines guidelines for resolving the conflict. It includes the withdrawal of Armenian forces from the occupied territory in Azerbaijan, the free movement in the corridor between Armenia and Nagorno-Karabakh and the return, on voluntary basis, of internally displaced people and refugees. Additionally, it states that a referendum should be held in Nagorno-Karabakh regarding the desired status of the region (Bekiarova & Armencheva, 2019). These principles are certainly a step in the right direction, but with neither Armenia nor Azerbaijan agreeing to these terms, a peace agreement is far from reach. Additionally, Azerbaijan deems its territorial integrity, referring to the UN Charter, not fully restored by just retrieving the seven provinces that are now occupied by Armenian forces (Bekiarova & Armencheva, 2019). As for the European Union, it has shown support for the Madrid Principles since they were created, and it has made its contributions to solving the conflict in its aim towards a Europeanisation strategy of the Caucasus region, which is a structural approach into democratization and the transfer of European norms and values such as human rights, transparency and the increased influence of civil society (Simão, 2012). However, because of the previously said absence of the option of accession to the EU, this approach proved not very successful.

A somewhat more influential tool is the beforementioned European Neighborhood Policy (ENP), in which Armenia and Azerbaijan are included since 2003. It aims at providing a framework for the relations between the EU and neighboring countries. Although it could potentially be beneficial for both Armenia and Azerbaijan, it is not specifically designed for crisis management and resolving conflicts. Therefore, the policy needs improvement (Wolff, 2007). Still, the policy provided the EU to have a closer relationship with the two countries and can monitor the democratization process in the region closer. Thus, where the policy fails to

create a pathway to a peace agreement, it does provide a long-term incentive to a democratic society. This, however, is not what Nagorno-Karabakh currently needs to solve the crisis (Simão, 2012). Since neither Azerbaijan nor Armenia has asked for help from the EU, the question remains whether either of the actors is willing to seriously consider EU's input if they were to assist in negotiations (Popescu, 2020).

In short, the general complications involve the negotiations ending in disagreement for multiple decades now, and the geopolitical interests of players like Russia and Turkey arguably standing in the way of a peace agreement (Modebadze, 2021). Furthermore, the current situation for citizens that are being heavily affected by the conflict should be considered. If the EU proves unable to substantially contribute to a solution for the conflict, it could possibly take other measures that, in the meantime, lighten the conditions under which citizens have to live. For the EU, there are multiple paths to take. This paper distinguishes three. The first option, which is the least impactful, is to remain in the same position as previous years. This means that the EU will remain neutral in the conflict, continues to be mostly involved through the support of the OSCE Minsk Group, its co-chair countries and the Madrid principles, and to build a long-term relation with Azerbaijan and Armenia through the ENP. The second option is not to focus primarily on solving the current conflict, but on the EU's peacebuilding capacities and, arguably, obligations. The third and final option is to increase EU involvement by forcing a seat at the table and using hard power measures to increase their influence. In the following part, all three options are explained, and their feasibility is assessed, after which the optimal solution is chosen.

Consequences of policies

As said, the first policy entails that the European Union will continue its position as it is now. This entails, as said, that the EU keeps a neutral stance in the conflict, in the sense that it does not explicitly make any notion of the territorial integrity of either Azerbaijan or Armenia, and that it continues to support the Madrid Principles through France's position as co-chair of the Minsk Group (Popescu, 2020). Currently, there is an EU special representative present in the conflict area, with the aim to encourage the peace process and work towards the return of refugees and internally displaced people (European Union External Action Service, 2019). This would remain the case if the EU were to choose this policy option. The main reason for choosing to remain neutral is because of the EU's dependency on gas and oil from Azerbaijan, as well as Russia (Ismailzade, 2005). One of the projects related to this is the Nabucco pipeline, a project signed in 2009 which involves a gas pipeline from Turkey to Austria, which would diversify the supply of natural gas (Pashayeva, 2009). A key player in this project is Azerbaijan, who would be one of the suppliers of this gas. Currently, both Azerbaijan and Armenia are interested in strengthening their energy relations with the EU, but if the EU were to choose sides or engage in any other way in the conflict, it risks losing its beneficial energy relations with its Eastern neighbors. Additionally, although Russia and the EU seem to have a similar image in mind as to what need to happen in Nagorno-Karabakh, Russia's geopolitical interest in the region leaves no room for Europe, which is why the EU should be careful meddling. The conflict in Ukraine, and especially the annexation of Crimea, have sparked much debate on EU-Russia relations, and the EU has imposed economic sanctions towards Russia. Because of this, additional tensions between Russia and the West in the Nagorno-Karabakh conflict would only further provoke Russia and escalate the situation, at the expense of the EU. Thus, both for economic and political reasons, it is understandable that the EU has remained on the background so far.

The second policy solution is to focus EU efforts on peacebuilding. After the war in 2020, 60% of the Nagorno-Karabakh population sought refuge in Armenia and there were hundreds of losses for both the Armenians and Azerbaijani's (Markosian, 2021). Additionally, according to the Human Rights Watch (2021), Armenian prisoners of war were subject to mistreatment, including torture and humiliation, while in Armenian custody. This maltreatment is prohibited under the Geneva convention, and all forms of torture and degrading treatment are considered war crimes. This is only one of many examples of human rights violations that have taken place during the conflict (Denber & Goldman, 1992). In the light of the UN's

responsibility to protect (R2P) the EU upholds the same principle. R2P entails that a state has the responsibility to protect its citizens from genocide, crimes against humanity, ethnic cleansing and war crimes. When a state fails or neglects to do so, the international community takes over this responsibility and must intervene (De Franco et al., 2015). In this line of thought, the EU has every ground to impose peacebuilding measures and send peace enforcement troops to the region. Furthermore, the EU can choose to lay low in the process of solving the conflict, but step up when a solution has been found, to focus on peacekeeping and the beforementioned long-term Europeanisation of the region. As Janssen (2012) argues: “The most the EU could probably contribute to an eventual peace settlement in Nagorno-Karabakh would be observer and training missions not only for the military, but also for police forces and the judiciary” (p. 163). In this sense, the EU would follow a policy that focusses on its role in the aftermath of the problem, more than solving the current war. However, the major difficulty in this is Russia’s stance towards the West. As said, Russia has its own geopolitical interest in the region, which leaves little room for the EU (Modebadze, 2021). In Russia’s 2014 military doctrine, the West was declared a dangerous actor and the international arena, including the EU, was deemed a front of vulnerability for Russia (Russia Matters, 2015). This means that if the EU were to intervene in any way, either militarily or with the intent of peacebuilding, Russia would retaliate. Because Russia’s sphere of influence covers Russian-speaking countries and the Caucasus, the Karabakh region relies on Russia both militarily and economically (Ebrahimi & Kheiri, 2017). This means that it would not be feasible for the EU to intervene with peacekeeping troops or to send mediators to help stimulate negotiations.

The final policy solution is the strategy of the EU stepping up its game regarding negotiation management. One way in which the EU could do this is by switching places with France for a seat at the Minsk Group table. However, France is most likely not willing to give up its position (Janssen, 2012). The EU could at least increase its visibility on the international arena with active and frequent engagement with Azerbaijan, Russia and Armenia by putting more pressure on the negotiations and force their way into the peace talks that have, so far, been monopolized by Russia (Popescu, 2020). Investing more in military capabilities and shifting from soft power to hard power could strengthen the EU’s position as well, both to end the conflict and to enforce peacekeeping afterwards (Janssen, 2012). The feasibility of this approach is questionable, however. The EU has been and will remain focused on using mostly soft power, negotiation and diplomacy to settle disputes. This approach is unlikely to make sufficient change in an international arena filled with military power, coercion and domination.

If the EU were to intervene with hard power in the region, Russia would, as said, retaliate and an East versus West war would arise. Taking the annexation of Crimea into consideration, the international arena proved before not to have any influence regarding Russia's actions, as the occupation of Crimea was heavily condemned, but not prevented or stopped (Salushev, 2014). Sending troops or military equipment to solve the conflict, or any other form of provocation towards Russia would lead to escalation that the EU will not risk.

In sum, the approaches that the EU can take at this point could be interpreted as three positions in an order from the least to most active stance. If the EU chooses to continue its current policy, tensions between the EU and the East will stay eased. On the other hand, the EU is starting to lose its position as one of the biggest players in the global domain, which will only be fueled by the EU's limited position in the current negotiations in Nagorno-Karabakh. The EU taking an opposite strategy by implementing the third policy recommendation, will most likely cost more than what the EU will gain. There needs to be invested in military capabilities, and the EU would have to squeeze itself into the position of negotiation facilitator, when neither of the actors have asked for it to do so. Taking this in mind, it would seem that the most beneficial option for both the EU and Nagorno-Karabakh is to take the middle way, the second option, and focus on peacebuilding measures alongside long-term democratization of the region, when it is ready for it. In this sense, the EU can show its valuable role to the international domain, while taking an active position, instead of staying on the background. Unfortunately, the Russian sphere of influence that is in place in the Caucasus region leaves no room for any EU involvement that goes beyond the current EU approach. Any provocation of Russia would lead directly to escalation which the EU cannot risk. Therefore, even mild intervention with peacekeeping troops or mediation efforts would be unwelcome to Azerbaijan, Armenia and Nagorno-Karabakh because they rely on the Russian orbit. This leaves us to the conclusion that the most feasible option for the EU is the first scenario, in which the EU continues its background neutral position while trying to keep its relations with the East intact. In the meantime, according to Wolff (2007), "more proactive effective conflict settlement policies are required on part of the EU" (p. 6). This conflict settlement upgrade would not only be beneficial for the Karabakh conflict, but also for many similar crises to come. This is, for now, the most the EU can do, as negotiations are still deadlocked and the players in the field do not ask for the EU's involvement (Janssen, 2012). As long as Russia's sphere is in place and continues to exclude any involvement of the international arena, the EU is left on the sidelines.

Conclusion

In the decades that the Nagorno-Karabakh conflict has existed, little progress has been made in negotiating a peace agreement. The actors that are currently most involved, Armenia, Azerbaijan, Turkey, Russia and the OSCE, have created the Madrid principles as a gateway to a solution, but the implementation of said principles have proved to be a point of stagnation. This essay investigates whether it would be worthy to turn the eyes to the European Union with regards to finding a possible solution. The main question was: “How can EU involvement help settle the disputes in the Nagorno-Karabakh conflict?” After having investigated the major obstacles and potential solutions to them, three potential policy solutions were presented. First, the EU could continue with its current neutral stance in the conflict on the background of the international podium. Second, the EU could shift focus to peacebuilding, or after the conflict has been settled, peacekeeping missions. Furthermore, the EU should improve their current influence as much as they can, by improving their conflict settlement policies and keeping active communication with the Caucasus region through the ENP. Additional to this focus, the EU would continue their current strategy, by supporting the Minsk Group and the Madrid Principles. The third option is to force a way into the negotiations and adding hard power to the equation. However, the EU is not currently in a position where it can coerce or influence in a major scale.

In conclusion, this paper argues that the first option is the most feasible, as the EU is currently too reliant on the East for their energy supply. Moreover, the influence Russia has over the Caucasus region stands in the way of any influential involvement of the EU, as Russia has its own geopolitical objectives for the region and will not tolerate the EU intervening with troops of large-scale mediation efforts. The EU does not currently have the financial, military or legal capacities to intervene in the conflict and claim a place at the negotiations table. Therefore, the answer to this research question is that the most the EU can do, for now, is to take a neutral stance, strengthen its relations with its Eastern neighbors in regards to energy policy, and most of all, not provoke and increase tensions with Russia. Unfortunately, this means that the EU will not be able to play any influential role in solving the conflict, and will have to find other ways to rebuild their influential place in the global stage. Although this essay focused on the EU specifically, it acknowledges that one actor alone cannot solve the conflict. To further investigate this topic, similar research can be done with other actors involved, to find an out-of-the-box solution with more effect than the current deadlock negotiations between Azerbaijan, Armenia and Russia. Also, further research could explore the EU’s current

capacities in relation to the Nagorno-Karabakh conflict more in-depth, to investigate what exactly is possible besides what is already being done. One thing is certain: if negotiations continue to be unfruitful, different solutions including different actors should be investigated, as, in the meantime, thousands of people are still stuck in the middle, in the most damaging position.

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