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## Detachment by Default: the International Framework of the Karabakh Conflict

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### INTRODUCTION

At the end of 1991, the Nagorno-Karabakh conflict changed from being an internal conflict inside the Soviet Union to being an international dispute between the newly independent republics of Armenia and Azerbaijan.

Since then, the overall international context of the Karabakh conflict has changed surprisingly little. On the one hand, there is a broad international consensus that the conflict needs to be resolved through mutual compromises; yet no outside power, either singly or in combination with others, is sufficiently strongly committed to bending the will of the conflict parties to make that conflict resolution happen. As a result, by default there is a second international consensus, of concerned detachment, in which international actors strive merely to create an enabling environment that will persuade the conflict parties to reach an agreement by themselves.

In contrast to other sovereignty disputes, the two principal actors in the dispute are now the international capitals of Baku and Yerevan. Karabakh Armenians – much to their discontent– have had only a limited role in post-conflict diplomacy. They attended talks in Rome in the 1990s and signed the ceasefire deal of 1994 (Karabakh Azerbaijanis have had even less of a role in the process). Diplomats from the Organization for Security and Cooperation in Europe (OSCE) still visit Stepanakert. Yet Nagorno-Karabakh itself, the territory at the heart of

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the dispute, and its people, have become more or less a blank space as far as most of the world is concerned.

Both Baku and Yerevan have facilitated this state of affairs. Baku's isolation tactics mean that there is a minimal international presence in Karabakh –the Red Cross is the only major international organization with an office there. For its part, by not recognizing Nagorno-Karabakh's declaration of independence in December 1991, Yerevan effectively took on itself the main burden of international diplomacy in the conflict. This situation became more entrenched after the Karabakh leader Robert Kocharyan became president of Armenia in 1998.

Thus, for all intents and purposes, at the OSCE, UN and other international forums, the Karabakh conflict is a dispute between Armenia and Azerbaijan. This status of being chiefly an inter-state dispute between two international capitals distinguishes the conflict from other post-Soviet conflicts –Abkhazia, Chechnya, South Ossetia, Transnistria– where the territory at the heart of the conflict has had a seat at the table.

This has helped to create a state of equilibrium, in which the Karabakh Armenians –in contrast to Abkhaz, Chechens and other aspiring

separatists (as most of the world sees them)– have a fully supportive international advocate. At the December 1996 OSCE Lisbon Summit, Armenia openly dissented from a document affirming the territorial integrity of Azerbaijan. Ever since then, international actors have been less forthright and more ambiguous on this issue than they have on the territorial integrity of Georgia, Moldova or Ukraine. There is an international perception that this is a conflict not just of two sides, but of two countervailing and equally powerful forces.

Equilibrium facilitates international stasis. For both Baku and Yerevan, the Karabakh conflict is the no.1 national issue, an essential matter of identity and security. It is probably the one question which a president cannot decide without support from society –as Levon Ter-Petrosyan discovered to his cost in 1998, when he was forced out of office after giving his agreement to an OSCE draft peace plan. Societal resistance to international mediation is so strong that although the international community shares a consensus that the conflict needs to be resolved for the sake of regional stability, it is not willing to put excessive pressure on the two capitals which hold the key to that resolution.

This cautious approach also applies to Russia. The fact that Moscow has multiple interests in the region and is the most active international actor does not mean that it is in control. Rather, mediation in the Karabakh conflict competes with other issues for attention in the Kremlin, ranging from Armenian Diaspora politics to gas deals in the Caspian Sea to the money that can be earned by Russian defence contractors. When asked about the conflict, President Vladimir Putin repeatedly expresses reluctance to get more fully involved and says that it is not up to Russia to “knock heads together”. For example, in 2010 at a press conference with Turkish Prime Minister Recep Tayyip Erdoğan, Putin stated, “Both Russia and other participants in this process are ready to help, but we cannot take Armenia or Azerbaijan’s place. Russia will not take on any additional responsibility to press the countries to act, only to be viewed as guilty of some misdeed by one or both of the countries later on. Our relationship with Azerbaijan and Armenia spans centuries. We do not want to be seen as having pressured one side to accept an unfair outcome. I would like to stress that we can only guarantee any agreements that are reached”.<sup>1</sup>

### THE MARKETPLACE OF GLOBAL OPINION

From the very beginning, the Armenian-Azerbaijani conflict has not just been a territorial and military contest but a competition for international support and solidarity, waged both by diplomats and “information warriors” from each side.

The battle lines in the virtual and diplomatic space between the two sides have continued to change, even as the Line of Contact on the ground, the ceasefire line fixed in May 1994, has barely altered. Each side appears to believe that it must be tireless in winning this battle in even the smallest corners of the globe.

In the early phases of the conflict, the Armenian side had a clear upper hand in the information war. This began in the late Soviet period, when the Russian intelligentsia, beginning with Andrei Sakharov, displayed a clear sympathy for the Armenian position that Karabakh Armenians, by being put under the rule of Soviet Azerbaijan, were the victims of an injustice, perpetrated by the Bolsheviks in the 1920s.

From the late 1980s, a steady stream of information, in both Russian and English, was published supporting the Armenian side of the argument. The Armenian Diaspora, after

initial equivocations about whether or not to support the Karabakh Movement, began to lobby enthusiastically on behalf of their ethnic kin in Europe and the United States. In the early stages of the war, media reporting on the bombardment of Karabakh Armenians elicited more sympathy for their plight than for Azerbaijanis. The first substantial book in English on the conflict, *The Caucasian Knot*, by three Diaspora Armenian authors, was published in 1994 and gave a detailed historical account of the conflict which was highly favourable to the Armenian side.

Azerbaijan began to put itself on the international map only in the early 2000s, when investments began to flow to Baku, thanks to its new west-bound oil pipelines. Azerbaijan made friends and money which allowed it to mount a serious international information campaign on the Karabakh issue for the first time. By the end of the decade, Baku had opened more embassies around the world than Yerevan. In 2011, Azerbaijan won a non-permanent seat on the United Nations Security Council and in 2014 it secured a six-month chairmanship of the Council of Europe. Lobbying organizations, such as the European Azerbaijan Society, were founded. A new generation of young Azerbaijani English-speakers defended their country's position and attacked Armenians in Internet

wars. Thus parity –or even advantage– was secured in the international diplomatic and information space.

The Armenians and Azerbaijanis who engage in these ferocious skirmishes in international space, whether it be at sessions of the OSCE or in the comments sections of articles on the conflict, apparently believe that there are “swing voters” in the middle ground of global public opinion who can be swayed by their arguments, or their lobbying. In actual fact most global opinion-makers either care little about the Karabakh conflict or are alienated by the aggressive tone of both sides –but this does not deter them in waging endless verbal combat.

It must be said that the international community also indirectly encourages the diplomatic and propaganda warriors to continue the fight. Diplomats with knowledge of the conflict do not articulate in public a “third narrative” of peaceful co-existence that pushes back against nationalist narratives. They also take an agnostic position on the issue at the heart of the conflict, the question of the final status of Nagorno-Karabakh. That is because the world has never given a clear judgement on the almost irreconcilable contradiction at the heart of the conflict,

between, on the one hand, the Armenians' claims of self-determination and to have changed the facts on the ground, and on the other hand, Azerbaijan's assertion of territorial integrity. The fundamental idea in the OSCE Minsk Group's Basic Principles framework –the only viable plan on the table– is to thread a thread of brilliant equivocation through the tiny sovereignty needle, by granting Nagorno-Karabakh “interim status” while a vote on final status is postponed into the future as far as possible. That still leaves a lot of space for the parties to the conflict to try to tilt the status issue in their favour.

Both sides see opportunities in this situation of deliberate ambiguity on final status. And it is true that there seem to be cyclical fashions on the issue of to what extent the big powers of the world are willing to tolerate separatism. In 2008 the idea of “standards before status”, first advanced by the UN –the notion that an aspiration for independence can be granted if certain standards are met– was granted a certain legitimacy when the United States and several major European powers recognized Kosovo as an independent state, without the consent of Serbia<sup>2</sup>. Even though those powers insisted that Kosovo did not set a precedent, their act of recognition nonetheless changed calculations

and perceptions in all the sovereignty disputes in Europe. The Armenian authorities hailed the fact of the recognition of Kosovo, even as they did not recognize Kosovo itself –or indeed Nagorno-Karabakh. Serzh Sargsyan, then prime minister, said, “If countries recognize the independence of Kosovo and then don't recognize the independence of Nagorno-Karabakh, we'll think of double standards”.<sup>3</sup>

In the same fashion, in 2014 Armenians cheered as Scotland voted in a referendum on independence from the United Kingdom. London, one commentator remarked approvingly, was not fighting for “Great Britain's territorial integrity”.<sup>4</sup> Unsurprisingly, a prominent Azerbaijani commentator wrote that the cases of Karabakh and Scotland had “nothing in common”.<sup>5</sup>

In 2014 however, the idea of separatism was again less in vogue in Western capitals because of the case of Crimea, forcibly taken over by Russia. In the United Nations resolution 68/262 on Crimea of March 27, 2014, reaffirming the territorial integrity of Ukraine and declaring the referendum in Crimea to be illegal, Armenia was one of only ten countries which supported Russia. Azerbaijan enthusiastically backed Ukraine's

territorial integrity and used a statement to condemn “extremism, radicalism and separatism in all their forms”.<sup>6</sup>

Crimea is indeed an uncomfortable case for the Armenian side. Despite the many differences, Crimea and Nagorno-Karabakh are twins in their Soviet-era status. In Soviet times they were both autonomous regions inside one Union Republic, Ukraine and Azerbaijan, whose majority population had a strong allegiance to another Union Republic –Russia and Armenia respectively. For that reason and because of Armenia’s strong alliance with Russia, Yerevan supported Russia in the UN resolution, even though that caused diplomatic damage with Ukraine and Western countries. For its part, Azerbaijan evidently sensed that the Crimea crisis signalled another “change in the weather”. Since 2014 Azerbaijani officials have insisted that firm Western declarations of support for the territorial integrity of Georgia and Ukraine must also be applied to Azerbaijan –and that not to do so is a case of “double standards”.<sup>7</sup> This issue was at the top of the agenda for Azerbaijan at the latest Eastern Partnership Summit in Brussels in November 2017. In the final declaration the EU expressed its “support to the territorial integrity, independence and sovereignty of all its partners”

but did not mention the Karabakh conflict at all.<sup>8</sup>

In this pull-and-push dynamic over the status issue, the voice of the mediators –their calls for compromise and their concept of postponing the issue so as to work on other more achievable issues– is mostly silent. The end result of this is that the ambiguous international environment informs Armenians and Azerbaijanis that there is a “global marketplace” in which they can bargain with the international community over competing versions of the final status of Nagorno-Karabakh.

### **THREE BIG NEIGHBOURS, POWERFUL BUT CONSTRAINED**

The three big powers, Russia, Iran and Turkey, which have an interest in the resolution of the Karabakh conflict, have differences in their vision for the preferred outcome, but all share features in common. All three are neighbours; all are former imperial powers in the region; for all of them the Karabakh conflict has a bearing on domestic policy as well as foreign relations.

The policies of Moscow in the conflict –both

as the “centre” in the final days of the Soviet Union, then as chief mediator and external actor post-1991– deserve a whole article in itself. Suffice it to say that, in contrast to the other post-Soviet conflicts, Moscow has never “pulled the strings” of the Karabakh conflict. It has always struggled to find a resolution for it and employed a variety of instruments, ranging from economic investment to military pressure, to exert its influence –generally without success.

One thing has not changed since 1988, when Moscow first pulled off the feat of being blamed by both sides for its role in the conflict –by Azerbaijanis for not having forcibly repressed the Karabakh Armenian movement, and by Armenians for not having met their demands and transferred Karabakh to the jurisdiction of Soviet Armenia. Twenty-eight years later, in the “four-day war” of April 2016, both sides were still resentful and suspicious of Moscow’s intentions towards them.

As early as 1988, it was impossible to talk about a single policy in Moscow towards the issue. Mikhail Gorbachev’s principal liberal adviser was more sympathetic to the Armenians, his conservative right-hand man Yegor Ligachev strongly supported the Azerbaijani position. That dysfunctional attitude continued, as different actors in Moscow backed first one side, then the

other. In 1990-91, the conflict became caught up in the Gorbachev-Yeltsin power struggle. The central Soviet authorities supported Baku and Azerbaijani leader Ayaz Mutalibov and authorized the punitive “passport-checking” exercises known as Operation Ring. At the same time, deputies in the new Russian Supreme Soviet held out a hand of friendship to the Armenians, who during that period were rebels against Soviet power on a par with the Baltic States.

The contradictions deepened further after the end of the Soviet Union and reached their zenith in the summer of 1992 when Russian soldiers –acting in at least a semi-freelance capacity– fought on opposite sides of the same battle in the northern part of Nagorno-Karabakh.

The overall impact is that Moscow is regarded as both indispensable and untrustworthy by both sides in the conflict. Sharing this attitude, on one occasion Armenians and Azerbaijanis covertly worked together and blocked Moscow’s plans to send a peacekeeping force to the region after the 1994 ceasefire.

Under the Putin presidency, we see the fruit of this dynamic in what I have described elsewhere as a “Project Minimum”.<sup>9</sup> This is a

conservative policy towards the conflict which still seeks its resolution, but which comes second to a more important agenda in Moscow: maintaining good relations with both Baku and Yerevan. In this way, lobbyists, business interests and defence contractors can be kept happy, while Russia's mediators occasionally probe for openings that might lead to a resolution of the conflict in a way that preserves Russian influence.

Iran and Turkey, not being formal mediators of the conflict, are, if anything, even more subservient to this dynamic of the "tail wagging the dog". Iran has a very large ethnic Azerbaijani population and a smaller Armenian one. It acts very carefully so as not to upset either side and import the conflict onto Iranian soil. Iran's only attempt at mediation, in May 1992, ended in disaster, coinciding with the Armenian capture of the town of Shusha. Since then it has been shut out of diplomatic initiatives to mediate the conflict, even though, as the one outside country which borders the conflict zone, it has a strong stake in the issue.

Turkey of course supports one side in the conflict, Azerbaijan, and has no diplomatic relations and a closed land border with the other, Armenia. The remarkable feature of the Turkey-Azerbaijan relationship is that the

smaller partner, Azerbaijan, is the demandeur. Turkey has a real interest in seeing the Karabakh conflict resolved, something which would give it new access to the South Caucasus and open up new communication routes to Central Asia and beyond. Above all, Turkish officials say, this would be the key to opening bilateral relations with Armenia. Yet, effective lobbying efforts by Azerbaijani politicians and appeals for solidarity were the chief reason why the Turkish government pulled back from the 2009 rapprochement process between Ankara and Yerevan.

In sum, big power status and geographical proximity do not translate into effective influence over the Karabakh conflict, as none of the three powerful neighbours judges it to be in its interests to use its leverage with one side or the other to seek resolution of the dispute. Shorter-term bilateral relations and domestic considerations trump the long-term strategic imperative.

#### THE OSCE – OVER-STRETCHED AND UNDER-FUNDED

In 1992, almost by chance, Europe's newly-invigorated multi-lateral security organization, the Conference for Security and Cooperation in Europe, the CSCE, decided to



engage with the Karabakh conflict. At a CSCE meeting in March 1992, the representative from newly-independent Belarus offered to host a conference in Minsk to resolve the conflict. The idea of a “Minsk Conference” was born –even though no such meeting has ever been held.

In December 1994, the CSCE turned into the OSCE at its summit in Budapest. Simultaneously it formalized the setting up of what has been called a “three-legged stool” to deal with the conflict. This consists of: the co-chairs of the “Minsk Group”, international mediators who work on a political solution; the personal representative of the chairman-in-office who heads the ceasefire-monitoring mission, which for an unprecedented 21 years has been the veteran of the OSCE process, Amb. Andrzej Kasprzyk; and the Vienna-based High-Level Planning Group, which is mandated to work on designing a peacekeeping force.

The first leg of the stool, the Minsk Group and its three co-chair mediators, is by far the most visible. Its role is most closely discussed and criticized. The Minsk Group co-chairs have become by default the keepers of the international gateway to the Karabakh conflict. Blaming them for their failure to resolve the conflict is close to being a national sport in Azerbaijan and Turkey, as well as in

some parts of Armenia and some Western analytical circles. I do not propose to revisit these arguments here. Suffice it to say, that mediators can only mediate within the limits of the possible and that in a conflict as intractable as the Karabakh one, the mediators have little room for manoeuvre and few arguments as to why their higher-ups should take a more urgent interest in the dispute than in, for example, the world’s other “NK”, North Korea. To put it more simply, it is the job of the mediators to provide a form and framework and it is up to the parties to fill the negotiations with real content.

This would be true if the conflict were mediated by the UN, EU or CIS. The particular nature of the OSCE adds some complications of its own. The unfortunate truth about the OSCE is that the organization failed to develop into the pan-European security organization that many in the 1990s hoped it would become –and which the continent still badly needs. It thus suffers from two weaknesses that preclude it from exerting a stronger grip here: it is under-funded and its consensus-based structure prevents it from taking a more proactive position on the conflict, as one side or the other has blocking powers. The OSCE Secretariat, the executive

office at the heart of the organization, has much less authority than its counterpart at the United Nations. The organization's budget is just three percent of that of the UN.

The result is that each of the OSCE's 57 nations effectively has a veto, including Armenia and Azerbaijan (even though they paid just 45,000 Euros each into the OSCE budget in 2016, a smaller contribution than that of the Vatican)<sup>10</sup>. Both Baku and Yerevan have learned that the budget for the ceasefire-monitoring mission can be vetoed, a visit by the High Level Planning Group (HLPG) blocked. Most egregiously, Azerbaijan used its blocking power to enforce the closure of the OSCE office in Yerevan in August 2017 on highly debatable grounds.

The most serious effect of this phenomenon is that no serious planning has been done for a peacekeeping force for Nagorno-Karabakh. "The third leg of the stool" –the HLPG– has not been allowed to function properly since the mid-1990s, while the OSCE has not developed a peacekeeping capacity as was anticipated in 1994. That means that there is a big hole in the Karabakh negotiating process when it comes to security provisions, one that the OSCE cannot fill, and other more powerful actors, such as the UN and the EU, have not been asked to address. Elsewhere I have described working on the

political side of the process without addressing the security side as "building a house without a floor".<sup>11</sup> Achieving a peace-deal requires international security guarantees which are simply not being discussed. That is even more true in 2018 than before, as the Line of Contact gets ever more militarized.

#### GLOBAL GAPS AND ABSENT ACTORS

In April 2016, a moment of real crisis and tragedy in the Karabakh conflict, the big powers of the world briefly showed that they were capable of acting together and demanding progress in the faltering Karabakh conflict resolution process. The U.S. Secretary of State, John Kerry, and Russian Foreign Minister Sergei Lavrov were joined by the EU High Representative Federica Mogherini in meeting the conflict parties in Vienna.

However, within a few months, stalling and equivocation by both Armenians and Azerbaijanis meant that the process reverted to a status quo and an international agenda of minimal diplomacy, mostly defined by Baku and Yerevan, and to a lesser extent by Moscow.

In an old Irish joke, a driver on a remote country road in the West of Ireland stops a

local farmer and asks him how to get from here to Dublin. The farmer looks doubtful and replies, "If I were you, I wouldn't start from here." The current less than favourable international environment around the South Caucasus is unfortunately the only one there is. But you have to start driving anyway.

If one were to start again and re-design a more enabling and dynamic international framework so as to promote a peace agreement for the Karabakh conflict, it would look very different from the current one.

The most striking flaw in the process for anyone familiar with other peace processes is that there is no direct channel or bilateral negotiating framework between the parties to the conflict. They only talk directly when invited to do so by the mediators. It is a good year when the presidents talk once face to face. This is a recipe for conflict management, not conflict resolution.

A different international format would also include actors who have a direct interest in resolution of the conflict but who for various reasons were not ready or available to do so in the 1990s. Iran has already been mentioned. Georgia, a close neighbour of both Armenia and Azerbaijan, which would stand to lose more than any other third country if conflict were to restart is another example. A third case is the

European Union, which is now a strong presence in the South Caucasus in a way it was not 25 years ago.

Again, this is not a prescription to change the format of the OSCE Minsk Group. It has the strong benefit of being inclusive and preventing the conflict from becoming a geopolitical battleground between Russia and the West. Re-formatting the process would be costly and of questionable purpose. At the very least the current format both keeps Russia at the table and gives two other big powers, France and the United States, a de facto brake on Russian unilateral initiatives (when Moscow is in a more assertive mood) and an opportunity to share the burden (when it is in more cooperative mode). What would be more helpful would be a more inclusive international context in which outside actors would be encouraged to offer expertise, funding and diplomatic levers to help solve the conflict. Yet for that to happen, there needs to be a fundamental strategic rethink on the part of the conflict parties on the ground to move away from the status quo.

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