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The Karabakh Peace Process

Rebuilding Trust for International Engagement

Dennis Sammut

The engagement of the international community in dealing with the Nagorno-Karabakh conflict has been somewhat erratic and the efforts to broker a peace deal largely unsuccessful. Short outbursts of violence now regularly alternate with even shorter moments of optimism when peace appears within reach.

Since the ceasefire agreement of 1994, geopolitical considerations have contributed to the reinforcement of deeply entrenched local animosities, fears, and distrusts, all of which have reduced the ability of the international community to act as an honest broker. A conflict that many believed could have been defused and resolved 30 years ago now appears intractable and unsolvable.

In the meantime, ongoing peacebuilding efforts—from the track 1 OSCE Minsk Group co-chair

mediation to the EU-supported track 2 peacebuilding initiatives—need to step-up their efforts, focusing on a number of directions including incremental peaceful and negotiated changes to the situation on the ground in the conflict zone; confidence-building measures between Armenia and Azerbaijan; and people-to-people contacts and initiatives involving the populations affected by the conflict. These need to run in parallel with renewed, meaningful, and substantial negotiations on substance in a mutually reinforcing way. The next task of the mediators is to convince the sides of the expediency of this approach.

The Conflict in Brief

In the early twentieth century, as the Russian and Ottoman empires collapsed, nationalism emerged as a strong force in the South Caucasus with the birth of

the short-lived independent republics of Armenia, Azerbaijan, and Georgia. That process, and the demarcation of the borders of the three states, happened in somewhat chaotic circumstances, leaving many unresolved issues that continue to haunt the region. Soviet rule with an internationalist doctrine at its core, and its nationalities policy within a single Soviet Union, by and large froze many of the issues for nearly seventy years, until it emerged again once the Soviet Union started disintegrating and the hold of the Communist Party on Moscow's periphery started to ease.

The Soviet leadership under Mikhail Gorbachev is often accused of mishandling the Nagorno-Karabakh issue. Certainly, the easing of a tight central control offered plenty of opportunities for individual power centers—the KGB, the Ministry of Defense, and others—to push their own agendas. Even within these institutions, vertical power became weak or non-existent, and many officials deployed in far flung corners of the once mighty USSR found themselves left to their own devices in the absence of instructions. Some exploited this, to the

point of selling arms from their inventories to sides in the many local conflicts that erupted.

Relations between Armenians and Azerbaijanis deteriorated as a wave of nationalism swept over the entire South Caucasus. This resulted in many terrible stories of human suffering as people were killed because of their ethnicity, whole populations were displaced, and in the case of Nagorno-Karabakh, an ugly conflict lasting nearly five years left 30,000 dead and many more suffering the consequences of war.

An uneasy ceasefire has been in place since 1994, and an international mediation effort under the auspices of the Organisation for Security and Co-operation in Europe (OSCE) has been ongoing since 1992. The ceasefire is breached nearly every day with incidents for which both sides blame each other. On two occasions, in April 2016 and more recently in July 2020, sharp escalation in violence resulted in dozens of deaths and

a fear the region may once more become embroiled in an all-out war. That this has not happened offers absolutely no guarantee that it will not happen in the future.

So far the Karabakh mediation process has failed and people across the conflict divide have lost trust in it. Rebuilding this trust will require an international effort.

Dennis Sammut is Director of LINKS Europe, and has worked and commented on the Nagorno-Karabakh conflict and peace process for more than two decades.

Expectations from the efforts of the international community to resolve the conflict have been high. But so far the Nagorno-Karabakh mediation process has failed and people across the conflict divide have lost trust in it. Rebuilding this trust will require an international effort.

The OSCE Minsk Process

Overwhelmed by euphoria and chaos following the dissolution of the Soviet Union, the international community stumbled indecisively to respond to ongoing fighting between Armenians and Azerbaijanis in Nagorno-Karabakh in the early 1990s.

Up to December 1991 the Nagorno-Karabakh conflict was an internal matter of the Soviet Union. When the Union collapsed, the 15 constituent republics were recognized as independent states and applied to join the United Nations. In late January 1992, Armenia and Azerbaijan were admitted as full members of the Conference for Security and Co-operation in Europe (CSCE). Since at the time the UN had its hands full with a number of other major issues, it was the CSCE (renamed and re-organized in December 1994 as the OSCE)—the guardian of the Helsinki Final Act and other key agreements between East and West—that took the lead on the conflict in Nagorno-

Karabakh that had already been raging for several years.

The CSCE Council meeting in Helsinki in late March 1992 requested the CSCE Chairman-in-Office to convene a conference on Nagorno-Karabakh as soon as possible; provide an ongoing forum for negotiations towards a peaceful settlement of the crisis on the basis of the principles, commitments, and provisions of the CSCE; and hold this conference in Minsk. A number of countries were designated as the Minsk Group to coordinate the process. The Swedes held the Chairmanship of the CSCE in 1992 and provided one of the two co-chairs. It was considered a *sine qua non* that the other one had to be Russia. Thus was born the Minsk Process.

Diplomats who were directly involved in this early period are on record in saying they had no idea how they were going to deal with the issue. Veteran Russian ambassador Vladimir Kazimirov says that the process was “somewhat chaotic.” The international community needed both to do something and to be seen as doing something, but nearly all the cards were held by Russia. This conundrum has bedeviled the Minsk Process ever since.

In 1996, when the post of co-chair became vacant, both the United

States and France started lobbying for the place, and diplomats in their wisdom decided to have three co-chairs, and so the trio emerged and were formally installed in January 1997. The activity of the Minsk Process and the activity of its three co-chair mediators since their appointment in January 1997 has been chronicled many times, and it is not necessary to repeat it here. However this long life span enables an evaluation of its strengths and weaknesses in order to shed light on why the Minsk Process has so far failed.

The involvement of France, Russia, and the United States in the Nagorno-Karabakh peace process upped the stakes for the sides in the conflict too, with mixed results. On the one hand the involvement of three UN Security Council members in the resolution of their problems played to the ego of the countries and their leaders. After all, in 1997 Armenia and Azerbaijan were, in the bigger scheme of things, small, fragile, newly independent states with little diplomatic exposure. The invitations to meet the leaders of the co-chair countries and the

attention given provided a glamour effect, in which respective Armenian and Azerbaijani leaders thereupon basked.

On the other hand, the direct involvement of the three big powers increased the suspicion amongst elites and populations, already paranoid under the weight of the baggage of history, that their respective leaders may be arm twisted into the wrong deal. This has led to an increasing entrenchment of maximalist positions. As time passed, the glamour of hobnobbing with the great leaders of the world faded, but the entrenchment deepened.

The following question therefore arises: if the mediation had been done by, say, a Swedish diplomat under a UN mandate instead of representatives of three big powers, would the outcome have been different, or less, or more?

The blunt answer is probably not. Finesse is not the strong point of either Armenian or Azerbaijani foreign policy. Power is respected. So initially the aura of the mediators from three big powers kept the sides focused. But in truth, over the years the sides became adept at massaging the ego of the

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mediators, often resorting to brinkmanship but never letting the frustration of the mediators spill over. So a Swedish diplomat may have been able to achieve the same results. On the other hand, a Swedish diplomat would not have had to worry about his country's bilateral relations with the conflict sides—not too much, anyway. France, Russia, and the United States all have interests in the region that they are keen to protect, and this to some extent has also clouded the mediation work. Thus, having the process led by diplomats of three big powers may have hindered its overall chances of success, rather than helped it.

The process has been bedeviled by a number of factors. However, intriguingly, big power rivalry does not appear to have been one of them, at least until recently. Whilst relations between the United States and its allies and Russia have deteriorated considerably, especially since the 2008 Georgia-Russia war and the 2014 Ukraine crisis, and even relations between America and France at some point appeared strained, the atmosphere of cooperation between the three co-chair mediators has, according to multiple sources, been extremely harmonious. Indeed, ironically, the Minsk co-chair mechanism appeared to take the role of a confidence-building

measure—ironically not in support of a Nagorno-Karabakh conflict settlement, but in the management of big power relations.

Russia

In the Caucasus, Russia is always the elephant in the room. Nowhere more so than in the Nagorno-Karabakh peace process, where Russia has played a double game. On the one hand it is one of the three co-chairs of the international mediation process, and it conducts itself in that context impeccably. On the other hand, from day one and since, it has run a parallel bilateral process, talking to the sides separately and together, pushing its own ideas and visions, and generally making sure everyone understands that it is that parallel process that matters.

Vladimir Putin has personally dedicated a lot of time to this issue, as he has indeed done with a number of other issues related to the Caucasus, because of the strategic importance Russia continues to attach to the region as its soft underbelly. But it was his predecessor, Dimitri Medvedev, who during his time as president really tried to pull the bull by the horns and achieve a breakthrough. He also failed. At Kazan in 2011 a deal appeared within reach, but the two sides blinked.

The question needs to be asked if Russia's role as a mediator—considered widely to be necessary—is not in fact part of the problem. Russia often uses the “white man's burden” argument to justify its role in the South Caucasus—and particularly its involvement in the Nagorno-Karabakh conflict settlement process. Yet it has simultaneously flooded the region with sophisticated military equipment costing billions. For the sides to the conflict therefore, Russia is not primarily a mediator but an arms supplier.

Russia's not-so-hidden agenda on Nagorno-Karabakh is that it wants to be able to have a military force deployed in Azerbaijan as part of a peacekeeping force. This Russian need has lurked in the background over the whole life span of the Minsk Process.

The Kremlin's intentions in its engagement with the Nagorno-Karabakh conflict-settlement process is constantly being questioned, especially in Azerbaijan, but more recently also in Armenia. For the sake of the credibility of the peace process, Russia should be much

more transparent in its intentions. It should stop providing the sides with sophisticated armaments—perhaps declaring initially a one year moratorium on arms sales, which can be extended annually. And it should be one of the countries that declares upfront that it does not have the intention of participating in any future military peacekeeping force in Nagorno-Karabakh. Such actions will contribute to restoring trust in the Minsk Process and in the efforts of its three co-chair mediators.

Ambivalent Roles

Apart from the framework of the OSCE Minsk Process, and occasional UN engagement, the other state actors to engage in any meaningful way with the Nagorno-Karabakh conflict settlement process were the United Kingdom and the European Union, working separately long before Brexit.

The UK had a historical link with the South Caucasus through the short period of independence of the first Transcaucasian republics in 1918-1920. By the time they regained their independence in

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December 1991, London's main interest was largely commercial: the energy resources of the Caspian and BP's huge proposed investment in Azerbaijan. The UK swiftly opened an embassy in Baku in 1992—Tbilisi and Yerevan had to wait until 1995 and 1996, respectively. Initially, the British approach was to try to avoid the politics and the conflicts. The UK Foreign Office in this period had its hands full with events in the Balkans, and the general view in Whitehall was that the Caucasus was a largely a Russian matter. For this reason, when the Minsk Group was constituted in 1992, ostensibly to organize the Minsk Conference, Britain stayed out—to the surprise of many. Some blame this on incompetence on the part of the officials involved, others say it was perfidious Albion trying to avoid rubbing the Russians the wrong way.

In any case, that this was not such a smart decision became obvious soon thereafter, but given the usual bureaucratic lethargy, it took about a decade for London to start engaging on the Nagorno-Karabakh conflict settlement issue meaningfully. At the start of the new millennium, the Foreign Office toyed with the idea of having an experienced British diplomat, Sir Brian Fall, who had served as UK Ambassador to Russia (1992-1995), appointed

to the new post of EU Special Representative for the South Caucasus. The EU procrastinated and the British lost patience: London appointed Sir Brian as the first (and last) UK Special Representative for the South Caucasus. This was meant to send a signal of increased British interest in the region, and a big part of his remit was to deal with the conflict issues. An EU Special Representative was eventually appointed, and the two co-existed merrily.

Whilst Britain adhered to the mantra of support for the Minsk Process and rejection of the idea of forum hopping, it was not averse to engage in a little bit of nudging of the process on the side. The Foreign Office recognized that whilst it was busy elsewhere, several British NGOs had engaged with the South Caucasus, including the difficult conflict issues, and their work was starting to be noticed and appreciated. Britain therefore launched what was at the time a unique and ambitious program of civil society activity in support of the Nagorno-Karabakh peace process, involving three NGOs: International Alert, Conciliation Resources and LINKS.

Operating under the brand “Consortium Initiative,” they implemented a range of track 2 initiatives, with at least one—the LINKS-led

South Caucasus Parliamentary Initiative (SCPI)—best considered as track 1.5 (it ran between 2003 and 2009). A number of inter-departmental disagreements on how best to utilize the British government's funding mechanism (the “conflict management pool”) and another round of changed priorities meant that the Consortium Initiative was left to elapse, on the understanding that most of the work could be picked up at an EU level through a similar tool working with civil society. After much ado, in 2010 the EU launched EPNK—the European Partnership for the Support of the Peaceful Resolution of the Nagorno-Karabakh Conflict. It lasted until 2019, with some breaks between phases 1 and 2 and phases 2 and 3.

After the 2008 Georgia-Russia war, the UK Ministry of Defence started taking more of a leading role on British affairs in the South Caucasus. Sir Brian Fall resigned as Special Representative in 2012 after a decade in the job, and it was decided not to replace him, but to have a Trade Envoy instead. That war also impacted the work of the EU Special Representative, whose official title

changed to EU Special Representative for the South Caucasus and the Conflict in Georgia.

This change in designation was not just symbolic. Given that the EU was now co-chair of the Geneva International Discussions on Georgia (together with the UN and the OSCE), much of the EUSR's time became devoted to issues related to Abkhazia and South Ossetia. The EUSR traveled to the region two or three times a year to meet the leaders of Armenia and Azerbaijan, and kept in touch with the co-chairs, but the EU was, and remains, by and large a passive observer to the Nagorno-Karabakh peace process. It was again left to the NGOs to maintain the most visible, and tangible, EU engagement with the conflict issues.

Part of the reason is that the EU understands that the Nagorno-Karabakh peace process is a poisoned chalice. Tensions between Armenia and Azerbaijan have often resulted in unseemly and acrimonious exchanges in the councils of the OSCE and the Council of Europe, and even the EU's own EURONEST Parliamentary Assembly and Eastern Partnership gatherings have not been immune

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to this. It was often argued that there was little to be gained from engaging with the conflict resolution process, that it carried a lot of risk, and that in any case the sides did not want EU involvement anyway.

The EU is now toying with the idea of another civil society initiative, EU4Peace. The fact that it allowed at least a gap of a year before the end of EPNK and the new initiative sent a negative signal about the importance the EU attaches to this work. There are some signs that the new EU High Representative on Foreign and Security Policy, Josep Borrell, is taking a more direct interest in the conflict. This is to be welcomed, for the EU, apart of its experience and its resource, also has the potential to play the role of honest broker.

But beyond this, formal EU engagement within the track 1 peace process should now be actively considered.

The beleaguered Minsk Process would benefit by a widening of the mediators' circle to include, even if only in a consultative role, the United Nations and the European Union. Both are consid-

ered important at the point where an agreement is likely, but they can also contribute to the process now.

Since becoming UN Secretary-General, António Guterres has taken an interest in the Nagorno-Karabakh conflict and has signaled a readiness to engage with the peace effort. It has always been understood that the UN Security Council will have to be

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the ultimate guarantor of a peace agreement and that it should probably be the one that authorizes the deployment of a peacekeeping force if it ever comes to that. Whilst the UN should not replace the OSCE as the lead in the mediation efforts, there

is good reason why it should be involved now, even if in a consultative capacity.

One can make the same argument for the European Union. It is often said that the EU will need to be brought in if ever a deal was reached because its money and expertise will be required for post-conflict reconstruction. There is a good case to be made for it to be brought into the process now, even if, initially at least, in a consultative capacity.

Space for Track 1.5 and Track 2 Initiatives?

There is a whole body of literature produced by think tanks and academics on the Nagorno-Karabakh conflict and the conflict resolution process. There are also hundreds of examples of activities of all sorts that aim to promote a peaceful resolution of the conflict through joint activities, people-to-people contacts, and confidence-building measures implemented by local and international NGOs of all sorts and sizes.

By its very nature, this work of civil society is often uncoordinated and often looks erratic. This is due to a number of factors: funding for this work has not been steady and funders have been very fickle, often asking for "something new" without appreciating the need to consolidate that which had started to work, even if modestly. This partly explains why the turnover of personnel is very high, which means that there is often lack of continuity. A core of NGO activists have remained committed to the issue and have come to constitute an informal institutional memory collective of the last two or three decades of events. Civil society initiatives have also been either snubbed by the mediators and the sides to the conflict, or, worse, have been the target of often very

unjustified criticism. The situation has gotten much worse since 2008, and continues to deteriorate.

The co-chair mediators have not always appreciated the contribution of think tanks and civil society in discussing the conflict and its resolution. This is partly due to the obsession of the Armenian and Azerbaijani negotiators with secrecy, as well as their distrust of their respective civil society organizations, which they each suspect to be proxies of their domestic opposition. On this point, Armenia and Azerbaijan have had perfect consensus, at least since 2008.

Instead, the sides in the conflict have tried to manipulate civil society initiatives and actors to reflect their own positions and echo their own propaganda. For example, the Armenians often insist on the engagement of civil society initiatives with the de facto authorities in Nagorno-Karabakh, seeking in doing so to increase their legitimacy, international profile, and overall acceptance; on their side, the Azerbaijanis demand that NGOs working on the conflict recognize the territorial integrity of Azerbaijan, regardless of the norm that it is states that recognize states, not NGOs. The working space for civil society has been shrinking over the years, at a time when it

should be widening and expanding. A new approach on this by the sides is much needed.

There are some examples of attempts by the co-chair mediators to open a dialogue with local and international civil society organizations, a process usually instigated by the American representative on the trio. Some of the countries holding the rotating chairmanship of the OSCE in recent years—notably the Swiss and the Austrians—have also used their prerogative to push the co-chair mediators in meetings with small, select groups of NGOs. The mediators’ lack of enthusiasm on these occasions was quite striking.

Given that the peace process now appears to be entering a period of reflection, it would be beneficial if civil society engagement could become more systematic through the involvement of experts from the conflict sides and beyond working on particular issues; and by moving as quickly as possible to the establishment of working groups under the auspices of the mediators to support an invigorated peace process.

Towards Conflict Settlement

It is possible that Armenia and Azerbaijan may at some point decide not to wait for the international community and together muster the necessary courage to work out a solution by themselves. Indeed one can look at some rare moments over the last three decades

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when this appeared to be happening, like the talks between Heydar Aliyev and Robert Kocharyan (1999) or between Ilham Aliyev and Nikol Pashinyan (2018-2019). Both of these initiatives ended nowhere,

but they did show that direct talks without mediation is possible, and that there was a common ground to be discovered.

But most likely, international mediation is going to be required going forward, and the existing framework is also likely to remain, simply because replacing it will be hugely disruptive and may take a long time. This does not mean, however, that the present arrangements under the auspices of the three co-chair countries cannot be improved. Indeed the process is damaged. Trust needs to be

renewed in the process by the sides themselves, and more widely by their respective elites and their populations. The extent to which this trust has evaporated is not always appreciated, and hardly ever admitted. Involving the UN and the EU in some way in the work may make the process a bit more unwieldy, but will add credibility.

The border incidents between Armenia and Azerbaijan in July 2020 have left the atmosphere around the peace process poisoned, and it is going to take a lot of corrective work in the time ahead to create the right atmosphere for substantive negotiations to take place. Local and international civil society organizations, together with the think tank community, have a contribution to make, and the mediators and the

sides have a duty to recognize this and facilitate their work.

In the meantime, on-going peace-building efforts—from the track 1 OSCE Minsk Group co-chair mediation to the EU-supported track 2 peace-building initiatives—need to step-up their efforts, focusing on a number of directions including incremental peaceful and negotiated changes to the situation on the ground in the conflict zone; confidence-building measures between Armenia and Azerbaijan; and people-to-people contacts and initiatives involving the populations affected by the conflict. These need to run in parallel with renewed and meaningful negotiations on substance in a mutually re-enforcing way. The next task of the mediators is to convince the sides of the expediency of this approach. **BD**

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