


WHY WAR WON AND NEGOTIATIONS LOST? IS THE ABSENCE OF WAR THE SAME AS PEACE?

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Abstract

The article comparatively analyzes the systemic dependence of military victory and negotiation defeat, which is manifested in a situation of absence of war and still unsettled peace. The article examines the negotiations on the settlement of the Karabakh conflict, along with cooperation and struggle, which constitute the main form of expression of world and regional politics in the modern world.

Taking into account the genesis and changing nature of the Karabakh conflict, the author analyzes the main reasons why the negotiations on the settlement of the Karabakh conflict were not successful. In this context, the purpose of this article is to study the process of conducting international negotiations of the Karabakh conflict, its structural and functional components, to analyze the negotiation activity as a means of settling and resolving conflict situations in Nagorno-Karabakh, the implementation of international cooperation, as well as to study the main characteristics of the negotiation process between Armenia and Azerbaijan.

The author focuses on the military, political and diplomatic dimensions of the Nagorno-Karabakh conflict from 1988 to its last phase in 2020. The negotiation process to resolve the conflict in this article is considered, both in terms of their content, results and positions of their participants, as well as in terms of the procedural side of the negotiation.

Keywords: Karabakh conflict, negotiation, war, peace, Russia, US, France, Turkey, Armenia, Azerbaijan, OSCE Minsk Group, UN Security Council, diplomatic dimensions, Armenian Diaspora.

Introduction

To understand the reasons why negotiations to resolve the Karabakh conflict failed—the main issue addressed in the first part of this article—is a daunting task in view of

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the shifting grounds undergirding that conflict over three decades. From its onset in 1988 as a conflict between two member republics of the Soviet Union to the last installment in 2020 that ostensibly brought it to a close by war international order was transformed drastically, the modes of negotiations and of the mediation effort evolved significantly, and the perception of the nature of the conflict changed perceptibly.

To project the future and assess the prospects for peace based on the new realities created by the 2020 war—the subject of the second part of this article—may seem easier; yet enough uncertainties remain on all levels to view the task as a major challenge.

It is not all that obvious to this writer that one or more theories of conflict resolution can adequately answer these challenges. Considering the domestic, local, regional and international factors that have impacted past processes and are likely to impact future ones, it is best to approach this conflict with the assumption that each conflict has its unique characteristics and must be treated as such, although conflicts can share actors and factors affecting their progress.

The development of the modern system of international relations, the formation of which began after the end of the Cold War, has entered a new phase in the post-Soviet space (Ciută 2007; Della Sala 2018; Kilroy 2022). Regional conflicts on the territory of the states that are members of the EU's Eastern Partnership pose a serious threat to the security system of both these countries and the EU and NATO (DeBardeleben 2011; Kocamaz 2022). First of all, this is expressed in the growth of military escalation between Armenia and Azerbaijan, with the aggravation of the military and political situation in the zones of armed confrontation in Nagorno-Karabakh. In this context, the EU and NATO have always been interested in settling regional conflicts in the Eastern Partnership space, also due to the fact that the development of relations with the newly independent countries is officially called a priority in the foreign policy of the EU and NATO. At the same time, it must be recognized that after 1998, Armenian diplomacy, as an independent actor in international relations, failed to develop a clear and strategic policy aimed at interaction with Western European, as well as with post-Soviet states. The result of this was that even in recent years, Armenia's relations with a number of them have seriously deteriorated, while with others they are highly dependent on the political situation that is developing both in these countries and in the international arena (Cooper and Morris 2013, 89-100; Krüger 2010, 93-114; Cornell 2017, 1-21). This leads to the fact that there is a reduction in the political influence of Armenia in the South Caucasus, which, in turn, is a serious obstacle to integration processes both with Nagorno-Karabakh and in the regional and European ones. One of the manifestations of the miscalculations of the Armenian foreign policy in the space of the Eastern Partnership was the almost passive role that Armenia took in the settlement of the Nagorno-Karabakh and other interstate conflicts that arose at the end of the existence of the USSR (Coyle 2018, 207-256). At the current stage of development, it is obvious that Armenia should take the diplomatic leadership in the settlement of the Nagorno-Karabakh conflict in order to clear the way for its foreign policy initiatives aimed at strengthening the integration processes. In the South Caucasian direction, the solution of this problem would have been unattainable without the beginning of the

settlement of the Armenian-Azerbaijani conflict over Nagorno-Karabakh (Babayev and Spanger 2020, 277–320; Yavuz and Gunter 2023, 67-105).

After the second Karabakh war, this conflict again became the object of close study of the scientific and expert community not only in Azerbaijan and Armenia, but also far beyond their borders. At the same time, the features of the foreign policy of countries aimed at the peaceful settlement of the conflict remain outside the scope of research for a long time. It is obvious that Azerbaijan is building up its military potential and the military way of resolving the Karabakh conflict is still going on (Yavuz and Gunter 2023, 153-193; Avdaliani 2022, 225-234; Coyle 2021, 115-164), and this is despite the fact that the current political leadership of Armenia will pay great attention to finding ways to peacefully resolve the conflict. In turn, this approach to the problem is in the sphere of national interests of world and regional powers, which repeatedly declares that the conflict must and can be resolved peacefully within the framework of international law (Mihir 2021, 287-297, ANG 2020, 117-134).

Thus, a comparative study of the features of the foreign policy and diplomacy of Armenia to ensure a peaceful settlement of the Karabakh conflict is in demand (Mitchell 2022, 1-28; Bellamy 2022, 83-101; Lebow 2020; Kertyzia 2022, 167-194), as this can help in developing new approaches to resolving the conflict with the active participation of world and regional powers, which will help strengthen the political image of Armenia in the South Caucasus.

I. Failures on multiple fronts

We could begin with four simple but important observations.

1. It was possible to avert war through negotiations and effective mediation.
2. Primary responsibility for the failure to resolve the conflict through peaceful means rests on the shoulders of the parties to the conflict but responsibility must be shared by all, including the powers that assumed the role of mediators and those with vested interests in who benefited from the different way it could be resolved.
3. If the above is true, then someone(s), some parties are responsible for the failure. And yet no one, no party, local regional or international, has assumed any responsibility in this matter.
4. If that is true, then the parties may not be ready to reassess their roles and the manner in which they play that those roles, which does not bode well for the resolution of the remaining issues.

Now let us set the stage for the conflict:

- A. **Who are the parties to the conflict?** Azerbaijan, Nagorno Karabakh, and Armenia. And now Turkey.
- B. **What other actors have a direct interest in the outcome?** Russia, Iran, the US, China, Georgia and other countries with secessionist movements; the OSCE and EU, the UN, NATO, the Organization of Islamic States; British Petroleum and other major oil and gas companies that have invested in the exploration, exportation, transportation, and use of Azerbaijan's hydrocarbon resources. And the Diaspora.

C. Who attempted to or otherwise got involved in negotiations at various times? Russia, Kazakhstan, Iran, Turkey, Italy, Sweden, Finland, France, Germany, the US, (and other member countries of the OSCE Minsk Group), the UN, even, at one point, the International Olympic Committee, as odd as it may sound.

D. What modes or forums of mediation were exercised: unilateral, multilateral, etc.) ? Russia, Russia and Kazakhstan, Iran, the US, Turkey as direct intermediaries; Russia, the US, Turkey, Azerbaijan, Armenia in secret negotiations in Geneva; advisors of the presidents of Azerbaijan and Armenia in confidential consultation. The winner has been the OSCE through its Minsk Conference, reduced to the 3-way co-chairmanship of the Minsk Group, the current Group of actors: Russia, France and the US.

E. Why was this conflict important?

Because of the intersection of conflicting geopolitical interests of regional and international players, and hydrocarbon resources,

F. What were the elements of the conflict under negotiation?

- (1) The future status of Nagorno Karabakh or Artsakh
- (2) Seven districts around the Soviet era NK Autonomous region, districts not populated by Armenians within the internationally recognized borders of Azerbaijan, districts that came under Armenian control by the summer of 1993 during the first Karabakh war, 1991-1994. This is one dimension of this conflict that is different from similar post-Soviet era conflicts.
- (3) Security guarantees for any agreed upon status and for civilian populations impacted by any agreement
- (4) The return of refugees and internally displaced persons largely from Nagorno Karabakh and the seven districts in general.

A. Failures on the Armenian side

It is possible to separate the time span from 1991 to 2020 into two distinct periods as far as negotiations on the Karabakh conflict are concerned.

The first is from 1991- to early 1998, during the administration of the first president of Armenia, Levon Ter-Petrossian. During that period Armenia thought that the war had not ended with the cease-fire of 1994, that the balance of power was likely to change in favor of Azerbaijan, that all things considered time was not on our side, that if concessions had to be made they are better made when the Armenian side was in the stronger position. The Ter-Petrossian administration considered (a) the problem to be primarily its own and supported the work of the mediators with its own initiatives and ideas, (b) the conflict to be primarily an issue between neighbors without ascribing to it any symbolic global significance, (c) the problem one that must be resolved above all else, otherwise all other issues—democratization, economic reforms, strengthening of state institutions, normal relations with all neighbors as the best guarantee for Armenia's long term security—to be threatened if not impossible to achieve, and (d) that it was impossible to reach agreement on the status of Karabakh but peace could be achieved in two phased negotiations, and peace would be secured in the first phase.

The Ter-Petrosyan administration labored toward this goal intensely and as an urgency, at times facing the disagreement, even the active opposition, of the Karabakh leadership. On two or three occasions it brought Azerbaijan close to an agreement that would establish peace through mutual concessions. To do that this administration avoided many of the pitfall that would become problems in the second period, discussed below. On these occasions Azerbaijan balked at the end, hoping that it could get a better deal. The last such occasion when an agreement seemed very possible, was the September 1997 proposal offered by the Minsk Group. That document was likely to be accepted by Azerbaijan and Armenia as a basis for constructive negotiations. But this time it was a group within the Ter-Petrosyan administration that vehemently opposed the proposal, and left no choice to the president but to resign. The group opposed the document because it did not think the Armenian side needed to make any concessions, regardless of what it received in return.

The second period extends from 1998 to the summer of 2020. The major difference with the first period is that successive administrations of Armenia and, of course, Artsakh, insisted that the occupied districts should be restored to Azerbaijan in return for (a) Azerbaijan's recognition of Karabakh's independence, or (b) Azerbaijan's recognition of the right of the Armenians of Karabakh to self-determination which, for all practical purposes, meant the same thing. In general terms, the following problems stand out as factors that have made negotiations for the most part unproductive during this period:

1. The refusal of the Armenian side—Armenia, Karabakh and a good chunk of the Diaspora, political leaders and intellectuals and academics—to recognize the shifting power relations in favor of Azerbaijan,

2. the refusal of the Armenian side to properly assess the significance of the support of the international community, without exception, for Azerbaijan's position on the fundamentals of the conflict, especially for the territorial integrity of Azerbaijan and the return of most of the districts to direct Azerbaijani control; the disregard for interim or step by step solutions offered by the mediators. Insisting, instead, that Azerbaijan recognize Karabakh's independence or, at the least, the right to self-determination, which amounted to the same, be recognized before any concession is made by the Armenian side.

3. the absence of any power, regional or otherwise, to support the Armenian position unconditionally, when Azerbaijan, in addition to its superior resources, had at least Turkey's unconditional support.

4. The Armenian side underestimated Azerbaijan's resolve to get back what they considered to be theirs. Armenians dismissed the patriotism of the other side as being manufactured, while believing that their own patriotism alone had integrity and legitimacy.

5. Armenians convinced themselves that all that was need for the world to recognize Karabakh's independence was a stronger diplomacy and more hard work.

6. Armenia thought being democratic would change the balance of power in our favor; that is, we wrongly assumed that our recent record on democracy and human rights matter to the West. Azerbaijan has been an autocracy since 1993 and that never stopped the international community and the West from supporting the Azerbaijani

position of denying NK independence and demanding that the 7 districts around it be returned.

7. Armenians confused the sympathy of some states and politicians in other countries with evidence that they will help us where it matters: in the diplomatic arena and in times of war, when all evidence showed that they had not given any reason for us to think or believe so.

8. The Armenian side assigned countries roles they **could not** and **would not** perform. It found many reasons why they should: because Armenians have a long history, because they had been subjected to a genocide, because they are Christians, or because, by and large, we are a nice people with a very ancient culture.

9. The Armenian side confused diplomacy with lobbying and lobbying with diplomacy. Lobbying is community and Diaspora based activism; diplomacy is state-based decision making and pursuit of national, vital interests in the real world, where targets are not congresspeople but powerful neighbors that think the Armenian side have done something wrong.

10. Armenians wanted to believe principles matter. They did not care to know how these principles were created, by whom, why and when and why they are applied or ignored. They thought principles could act to compensate for the allies they did not have

In other words, the Armenian side was making policy based on maximizing assets, which were diminishing in relation to those of Azerbaijan, and minimizing dangers and threats and thus justifying maximum demands that were essentially unattainable. This criticism does not constitute a judgment on whether Armenians' demands and expectations, such as the recognition of Karabakh's independence, were justified or not. It simply indicates that the assumptions and calculations underlying policy were either faulty or completely false.

B. Failures on the Azerbaijani side

The Azerbaijani position on how to resolve the conflict has shifted too but far less than that of the Armenian side. Azerbaijan has always had two foundational policies: What matters is that Karabakh remain within Azerbaijan; and, war is a clear option to achieve that goal¹. Such consistency may have had its advantages but it presents problems too.

1. The contemporary phase of this conflict started in 1988 as a political campaign in Stepanakert and then in Yerevan to be united with Armenia. Azerbaijan bears the responsibility for the brutalization and then militarization of the conflict.

2. The Azerbaijani side saw the Karabakh problem as one of territory that it must bring under its control, with or without its Armenian population. The human dimension enters only with regard to the Azerbaijanis in Karabakh and surrounding areas that became displaced persons and refugees as a result of Armenian military actions in

¹ There is one exception to this statement. President Heydar Aliyev briefly considered, some would insist accepted, a solution based on a territorial swap with Armenia: Karabakh exchanged with Armenia for the Meghri district of Armenia, the southernmost part that constitutes Armenia's border with Iran and the shortest link between mainland Azerbaijan and its exclave Nakhichevan.

those areas. Azerbaijan does not even recognize grievances of Armenians of Karabakh under Azerbaijani domination as legitimate or anything to be concerned with. This position fueled Armenian fears that Azerbaijan was pursuing a policy of ethnic cleansing with regard to Armenians in Karabakh. For Azerbaijan the war was about Armenian aggression against Azerbaijan and there was nothing to talk about with the Armenians of Karabakh.

3. As a consequence Azerbaijan failed to even enter into any political discussions with the Armenians of Karabakh, when it insisted on their being its citizens.

4. Although at times willing to consider tactical adjustments, Azerbaijan's negotiating tactics were based on the considerations above. Baku saw no need to make compromises on issues, since the war option was not only present but also absolutely legitimate.

5. Additionally, Baku's intransigence was fed by its belief that it was the duty of the international community, and specifically the mediators, to compel Armenia to deliver the occupied districts and Karabakh to it. By not doing so, Azerbaijan promoted the grievance that it was a victim of Western bias toward it as a Muslim country².

C. Failures common to both sides

Beyond then failures particular to each of the warring sides, we need to mention a few of which both sides are guilty to various degrees:

1. The parties to the conflict saw this conflict as the continuation of previous episodes of armed hostilities going back to 1905-1907 and as integral to their state and national identity formation, especially in the case of Azeris.

Thus, they have invested their identities, historical perspectives, and cultural sensibilities in the conflict and not just interests that are more often than not easier to negotiate. Concessions became equivalent to loss of identity, and each case of rhetorical explosion by one side as the equivalent of denial of identity by the other.

2. Following the collapse of the Soviet Union the two peoples tended to replace the so-called socialist ideology with nationalism, and the Politburo Moscow with Republican Moscow, Brussels, and Washington. That left no room for the development of a sense of regionalism and common regional interests beyond their differences on the conflict.

3. The conflict, the fortunes of war on the ground, and possibilities of resolutions have been instrumental in the domestic politics of Armenia and Azerbaijan, legitimizing or delegitimizing leaders of governments, a process that has pushed populations toward more nationalistic and maximalist positions, making concession more difficult and providing leaders excuses for not making any concessions.

4. Each side developed its own narrative of events, where it focused on its own victimization, ignoring totally the narrative of the other, the pain it caused the other. The righteousness of one's cause made it caused the other legitimate, therefore natural, therefore not worth mentioning.

² Since the collapse of the USSR and Yugoslavia the "West" has used force twice to support a population. One was a Muslim state against another Muslim state, the first Iraq war; the second was Kosovo against Serbia, a Muslim entity against a Christian state.

Also, as a consequence, societies have become alien to each other, unwilling to understand each other, each seeing the other as completely untrustworthy, to say the least. In the case of Azerbaijan, the loser of the first major round of battles, this alienation has become outright hatred with racist overtones. The Armenian side has manifested a parallel process, by ascribing Azerbaijanis with genocidal instincts. Although the Armenian side has increasingly equated Azeris with Turks, hence genocidal by nature, the Armenian side has not imitated the Azerbaijani campaign.

Both societies thus became vulnerable to manipulations of public opinion in favor of extreme negotiating positions and supportive of “no concessions” positions.

5. Furthermore, when considering ideas, proposals, possible solutions, each side imagined the worst possible scenarios that would follow, not having grounds, each believed, to trust the other. And ascribing the worst possible intentions to the other.

6. For the most part, the parties to the conflict defined their maximum demands but not their minimum ones, making negotiations slippery. Thus, they went after what they wanted and not what they needed. When one party was ready to be flexible the other was not. Thus, they both missed opportunities to benefit from each other’s flexibility. In doing so each party to the conflict relied on their version of history, on their sense of victimhood, but above all on principles of international law, each highlighting the ones that support their demands. Each wanted to believe, mistakenly, that international principles were adopted to protect the interests of small nations, when in fact they are formulated by big countries, they serve the interests of the big countries, and they can be used or discarded at will by them.

7. The parties ignored the fact that modern communications technologies do not allow for distinctions between words and rhetoric intended for domestic consumption and those uttered for an international audience. More often than not, each side found comfort in the populist and extremist public utterances of the other’s leader to justify their lack of readiness to make concessions and to invest the necessary energy, imagination, patience and political capital on negotiations.

8. Each party to the conflict imagined that time was on its side. Each side convinced itself of the validity of its argument. The Azerbaijani side was certain time was on its side; the Armenian was sure time was not against it and that time could be made into a factor for its side.

Azerbaijan was confident time would deliver the benefits of its oil diplomacy and oil income to secure continued international support for its position and to prepare for the next war.

The Armenian side thought of the Diaspora as the equivalent resource that countered the Azerbaijan’s assets. The Armenian Diaspora did nothing to disabuse Armenia and Artsakh of their illusions.

Evidently, some arguments were obviously more valid than others. Meanwhile opportunities were lost.

9. the reliance by the parties on international principles which are largely subservient to other interests, essentially to those of the international community that formulates, amends, and enforces them. On a more strategic level, Azerbaijan’s insistence on the principle of territorial integrity exclusively at the expense of many other principles cannot be explained by the primacy of that principle over other

relevant principles, such as the peaceful resolution of conflicts and the right of peoples to self-determination. The 10th OSCE principle, mandates that all principles be considered as a whole when addressing conflicts. The OSCE principles matter since that is the organization that was mandated to resolve the conflict in 1992 with the support of the UN.

Thus For the most part of the post 1994 ceasefire negotiations, the parties themselves undermined the negotiations, while declaring themselves willing to achieve peace. Meanwhile Azerbaijan prepared for the second war and the Armenian side believed it could repeat its success in the first war.

D. Failures on the part of mediators and the international community

The international community, with particular reference to the mediators that were entrusted with the resolution of the conflict, have argued that it was up to the parties to agree on a solution and they did their best. The validity of this argument is limited, considering all the tools available to the mediators and the international community, tools that have been used unilaterally, as a group, or as the international community, to compel parties to come to an agreement or to impose a solution. The importance of this point becomes clearer especially when the co-chairmen of the OSCE Minsk Group, Russia, France, and the US, are three of the five permanent members of the UN Security Council and the UN Security Council, in turn, has entrusted the resolution of the conflict to the OSCE Minsk Group.

The OSCE took upon the task of mediating the Karabakh conflict in March 1992, at a time when hopes were high that the demise of the USSR would open an era of international cooperation rather than rivalries. US president George Bush declared that a New World Order would be established, modeled after the 1991 joint action against Iraq that had invaded Kuwait. This new order would assume the end of the Cold War. It also offered a consensus on how to resolve conflicts that had arisen on the heels of the collapse of the USSR and Yugoslavia.

The consensus was based on the premise that the international community would recognize the independence of constituent republics of the two federations: 15 in the former USSR and six in the former Yugoslavia. All other entities, such as autonomous republics and regions within these former constituent republics would have to remain part of that republics; the international community would not recognize their independence. In return the international community would ensure that all 21 republics transitioned into a market based economic systems and democracies that respect minorities' human, cultural, and political rights and market-based economies that would ensure the economic development. The market-based economies and democratic systems would thus address any grievances minorities may have had under the former systems and the need for independence would be obviated.

The fact is, a few years after the New World Order was declared, it was obvious that:

1. The dissolution of the Soviet Union did put an end to the ideological underpinnings of the Cold War but not to the geopolitical rivalries. The dissolution of the Soviet Union had opened new areas for contention and control. The South Caucasus was one of them.

2. The newly independent republics did not uniformly move toward becoming democracies and their transition to market-based economies, to the extent that it was undertaken, did not prove to benefit all elements of society equally.

3. In 2008 the last of the fundamental premises of the consensus regarding recognition of independence of secessionist states was reneged by the West that recognized the independence of Kosovo from Serbia. The West remained oblivious to warnings from Russia and pleas of the president of Georgia that if the West actually recognized the independence of Kosovo, Russia would recognize the independence of Abkhazia and Georgia in Georgia.

There is no doubt that, despite officials to the contrary, many on the Armenian side, but certainly the Karabakh leadership, became convinced that that if it can happen to Kosovo, with hard work Karabakh's independence too can be recognized.

4. Beyond the already complex issue itself, the Karabakh conflict became a tool in the hands of the mediators to resolve their own issues.

We are faced with an interesting paradox: The Minsk Group mediators, Russia, the US and France, had conflicting interests and pursued opposing goals with regard to a variety of global and regional issues; but they achieved a rare unanimity on the basics regarding the two most important issues of the Karabakh conflict: withdrawal of Armenian forces from the seven districts accompanied by measures to provide for the security of the population of Artsakh, with the understanding that negotiations on the future status of the region would follow, with the understanding that all three accepted the territorial integrity of Azerbaijan as the dominant principle.

Yet the US and Russia often checked each other when it came to the details and practical aspects of a plan. Each wanted to make sure that any plan would maximize their interests and influence in the region and minimize those of the other. In other words, the mediators tried to resolve their own issues, beyond the Karabakh conflict itself.

The questions then became: Whose peace was it going to be: a Pax Russica or a Pax American?

The result was an ineffective mediation. It became impossible for them to bring about the equivalent of the Dayton Accords, that settled the conflict of Bosnia and Herzegovina. In this case the mediator, the US used all of its influence and resources to force the parties to make concessions in order to reach an agreement. Thus in the case of Karabakh the three mediators, one superpower and two major powers, did not perform any better than any set of three other states might have since their major or super power status was not used. Each mediator was concerned that exerting pressure on one of the parties might drive that party to the other.

What we witnessed during the recent war was a repetition of that pattern. The three Minsk group Co-Chairmen tried hard to bring about an effective cease-fire. All three thought that the first order of business should be a cessation of military operations on the ground. On this, they agreed with Armenia, while Azerbaijan and Turkey disagreed.

Up until the last minute the Minsk Group mediators were declaring that there was no military solution to the conflict, when it was obvious that there was and Azerbaijan was preparing for war with the active support of Turkey. It is possible to interpret that

dissonance as sign of the Group's impotence or the fact that it had been reduced to a chat forum. And while the Minsk group mediators had agreed that in case of a resolution of the conflict peace-keepers could not be from any of the mediating countries, obviously aimed at Russia, at the end it was Russia that managed to mediate a ceasefire, working alone, and stationed its own peacekeepers in a region that has considerable geopolitical significance to them. This is not an insignificant point, because the post-war management of the situation is now a new arena for rivalry and competition.

It is possible to argue that to the extent that the success of negotiations depended on the role of the international community as played by the co-chairmen of the Minsk Group, international, multi-party mediation did not contribute to the resolution of the conflict. On the contrary, it interjected international rivalries into an already complex issue. The failure of negotiations highlighted the failure of the New World Order liberal framework which the international community developed and followed subsequent to the collapse of the USSR and Yugoslavia.

II. What did the 2020 war resolve?

The Azerbaijani victory in the 2020 Karabakh war seems to have resolved some issues but left others unresolved, at least in the minds of some of the players.

1. The seven districts around Artsakh previously under Armenian control.

Azerbaijan has either conquered militarily or received as part of the ceasefire agreement all seven districts around Karabakh, previously under Armenian control. De facto control of lachin has been trusted by Azerbaijan to Russia, as a corridor between Armenia and Karabakh. While some on the Armenian side insist otherwise, there is no longer any doubt that these seven districts are, de jure as well, part of Azerbaijan.

2. The future status of Nagorno Karabakh or Artsakh, the central issue, and the security of Armenians there.

In addition to the seven districts, Azerbaijani forces took possession of the southern part of the Soviet era NKAO, including the city of Shushi/Shusha.

What remains of the self-proclaimed Artsakh Republic is the capital of Stepanakert and the northern sector. Here an Armenian government and its defense forces continue to function under the protection of Russian peacekeeping troops, whose mandate remains to be defined.

For Azerbaijan, the status of Karabakh is resolved: it is now de facto under control of Baku, although the Armenian controlled sector is *temporarily* assigned to the Russian peacekeepers. At some point in the future, state Azerbaijani authorities, the Russian troops will leave and Armenians will live as Azerbaijani citizens, enjoy the benefits of economic development Baku is bringing to the region, and be granted certain rights as an extraterritorial ethno/religious minority. There will also not be any need for Armenian defense forces, since Armenians, as Azerbaijani citizens and like other Azerbaijani citizens, will be protected by the forces of order of that republic.

For the leadership of the Artsakh Armenians, the future lies with some kind of association with or protectorate of Russia, while still insisting on international

recognition of their republic. The southern part of Artsakh must be reunited with the north they insist. But under no circumstances do they accept or can imagine living under Azerbaijani sovereignty and without the protection of Russian troops.

The leadership of Armenia is less clear on a number of issues and is now more inclined toward generalities, as the field of issues with Azerbaijan now includes the question of Armenia's borders with Azerbaijan. The fact is that Azerbaijan is continuing the use of its military to stake claims on border areas Armenian considers its own. Nonetheless, it has insisted that the status of Karabakh remains to be negotiated.

3. The November 10, 2020, Ceasefire Statement has raised a new issue: some kind of communication route between western Azerbaijan and Nakhichevan with a special status, also under Russian control, going through Armenia, in general projected to go through Meghri, the southernmost district of Armenia.

The Ceasefire Statement is a hybrid document: more than an agreement to cease military operations but much less than a treaty. It also has the imprint of Russian document writing: many constructive imprecise provisions and some planted time bombs that will require Russian intervention to be diffused.

III. Prospects for peace

Let us begin with some basic considerations.

The absence of war is not peace; besides, a mini-war is continuing on the yet to be determined Armenia-Azerbaijan border. Azerbaijani victory has not settled all the issues, Baku's assertions notwithstanding. Had that been the case, Azerbaijan would have ceased military operations.

Additionally, each side, Azerbaijan and Armenia, have failed to implement all the provisions of the Ceasefire Statement relevant to it, accusing the other of non-compliance and justifying its own on that basis. The uncertainties of the document have not helped.

It is also possible to argue that the 2020 war changed the character of the conflict in many ways but certainly with respect to international involvement. For all practical purposes, the conflict is now regionalized. Turkey has replaced the West, and Iran has assumed a larger presence. The West, though, is not yet ready to concede. The uncertainties and issues yet to be resolved have become the window through which the West is trying to get back into the process.

Finally, it is doubtful that Armenia can now actually play the role of guarantor of Karabakh's security.

In order to visualize the future and the prospects for long term peace, we need to consider the following factors with uncertain developments:

1. There is a fundamental discrepancy between the two sides on whether the status of Karabakh is settled or not. In addition to the opposing views discussed above, Baku has questioned whether a special status is justified for the small number of Armenians who have returned after the war. Baku insists that number is no more than 25,000; the Armenian side insists that number is at least twice that, and that is increasing every day.

2. There is a discrepancy on the future of the southern part of NKAO that is now under Azerbaijani control.

3. The mandate and rules of engagement of Russian peacekeeping troops is yet to be defined; Russia has offered to work with Azerbaijan to do so, Azerbaijan does not seem to be in a hurry.

4. The future of Russian peacekeepers itself is in uncertain; the Ceasefire Statement provides for a five-year stay, renewable for subsequent five-year intervals. Russia, and the Armenian side, would certainly want to have unending renewals. Baku has hinted that there may not be any need to do have such forces at some point. In principle all that Baku needs to do to end the Russian presence is not to renew the agreement.

5. Baku has indicated it sees no need for Karabakh Armenian defense forces. The Armenian leadership disagrees. With strict Russian and indirect Azerbaijani control over traffic through the Lachin corridor, the defense forces may have difficulty with supplies.

6. Baku has linked the release of Armenian POWs and hostages to the Armenian side willingness to provide maps for mines placed by them in the former occupied districts and possibly other expectations.

7. Azerbaijan is certain that Paragraph 9 of the Ceasefire Statement that provides a communications link between mainland Azerbaijan and Nakhichevan through Armenia means, for all practical purposes, a corridor equivalent to that of Lachin. Armenia insists that open, normal communications should satisfy the requirements of Paragraph 9.

8. A January 11, 2021, document agreed upon by the leaders of Armenia, Azerbaijan and Russia provided for the formation of a trilateral commission that would engage in the demarcation of the border between Armenia and Azerbaijan. That Commission hit obstacles soon after it started its work. It is not clear under what circumstances the Commission will resume its work.

These contentious areas are related to the interpretation and application of the Ceasefire Statement and related, subsequent agreements. There are other factors that add to the increasing unpredictability of the situation.

For one thing, who will determine the future of what remains of Karabakh? As suggested above, Armenia's role has decreased tremendously; so has the role of the Karabakh leadership. The latter will depend on how and to what extent Russia may use that factor in continuing its presence. Baku had insisted that the problem of Karabakh was Armenia's occupation of Azerbaijani territory and refused to have a political dialog with the Karabakh leadership. And now that it has reinstated de facto control over those lands, there is nothing to discuss. Nonetheless it still addresses Yerevan on the issue and expects Armenia to agree to its interpretation. Except for the fact that there are still Armenians in Karabakh and they do not accept Baku's position.

Then there is the role Turkey will play in the resolution of the issues, with particular reference to any conditionality Ankara may place in normalizing relations with Armenia, a goal it has said it wishes to do, "now that the Karabakh issue is resolved."

Equally important is the position of the West, especially the US and France, that were relegated to the role of observers as Russia and Turkey drove the process

immediately before, during and after the war. The US and France have argued that there are too many issues that remain unresolved and which require their expertise and contribution and that the Minsk Group format should be revived as the venue for future negotiations. While still paying lip service to the Minsk group Russia, joined by Azerbaijan and Turkey, do not seem to change the current configuration of problem solvers based on the formula of a regionalized conflict.

The first question to be asked, at this point is, which party to the conflict is capable and likely to restart a war? Armenia's capabilities are greatly diminished; they were no match to the Azerbaijani capabilities to start with. The current government of Armenia has indicated that essentially it accepts the result of the war, although it may want to negotiate some of the remaining issues. Even if the current government is, for any reason, replaced by another one that is more belligerent, more inclined to change the consequences of the defeat, it will still be unable to resort to war to do so for a long time to come, if ever. Azerbaijan, on the other hand, has and will continue to have that capability.

And this last observation bring us to the second question: If the absence of war is not the same as peace, which party is likely to engage in limited or full-scale war? Currently Azerbaijan seems to be using its military advantage to push the Armenia to accept all of its interpretations and understandings by creating instability and insecurity for the Armenian side through border skirmishes and incursions.

In order for the absence of war to be transformed into genuine peace, Baku must recognize that the Armenian side has legitimate concerns that must be dealt with through negotiations based on fairness for all concerned.

Azerbaijan is now in a position to dictate its own terms regarding most of the issues that remain to be resolved by further engaging Armenia's military and depleting its remaining capabilities through constant low-level warfare or more drastic military action. But that will not produce peace.

Azerbaijan also cannot presume to know what is best for Armenians in Karabakh or in Armenia, and what their priorities are. The prospect of an economically prosperous Azerbaijan that will share its wealth with Armenians is not a recipe for the successful achievement of good neighborly relations. To think that Azerbaijan has resolved its problem and now will, unilaterally, impose its own peace on the Armenian side is more characteristic of a conquering colonial power rather than a country that wants to build regional security and stability. Genuine peace cannot be established by the delegitimation of Armenians' concerns and replacing them with Baku's defining of what interests Armenians must have.

For the absence of war to become peace, the two parties must

1. Recognize each other's legitimate interests, fears and concerns
2. Where applicable, begin to de-essentialize and re-humanize the other party by ending the rhetoric of hatred and culture wars and move history wars into scholarly and dignified arenas
3. Move away from the reliance on victimization to advance their interests, and distinguish between catering to maximalist public opinions within their citizenry that the governments themselves have helped shape and develop constructive and diplomatic language to address issues

4. Begin discussions that would include Georgia, on long term security and foreign policy agendas common to the states of the South Caucasus.

As the party with the upper hand, much will depend on Azerbaijan which should

5. End its strategy of military operations to dictate the terms of what remains to be resolved and, instead, negotiate

6. begin a political dialog with the leadership of Armenians in Karabakh

As for the Armenian side,

7. Yerevan should, finally, adopt a clear policy, even if an ostensibly an unpopular one, of reconciling its words and actions with its ultimate goal of normalizing its relations with all its neighbors. To achieve this difficult task, Armenia must first decide not to repeat the mistakes of the past: It must assess regional and international realities and pursue what is possible rather than demanding the impossible and losing everything.

8. This also applies to the Karabakh, which should develop a second plan for the continued presence of its citizens on their ancestral lands, in case Russian protection is no longer available.

And, finally, with regard to the international community:

9. The West should limit its geostrategic re-entry in the region in areas where it can contribute to ongoing discussions and negotiations rather than attempt to reassume the level of responsibility it had for them prior to the 2020 war. This could be done by distinguishing between policies aimed at securing their own interests over the interests of the peoples of the region.

10. Major regional powers too, must not equate their interests with those of the peoples of the region.

These are some policy consideration that might give the South Caucasus a chance to come out of its long nightmare. The alternative is not necessarily a return to full scale war, although that cannot be precluded; rather, it is continued low level military operations that will certainly intensify animosity, hatred and hopelessness. Regional and state level politics in the republics will be more deeply securitized, a situation that will have a negative impact on all other aspects of social, political, and even economic development.

Conclusion and discussion

A comparative analysis of the strategy of diplomatic negotiations around Nagorno-Karabakh shows that in the context of globalization, modern international relations go beyond the framework of a purely regional problem and acquire a global character. Obviously, by the beginning of the 21st century, international organizations faced the global dilemma of unrecognized states.

The situation 'war won - negotiations lost' and the main factors largely confirm the idea that the global realities that have developed in the South Caucasus have been ignored. At the same time, it must be recognized that the security of Nagorno-Karabakh and its people is deprived of solid foundations as long as the entire range of

Armenian-Azerbaijani and Armenian-Turkish relations remains unsettled, of which the Nagorno-Karabakh conflict is an integral part.

The situation ‘the absence of war is the same as peace’ led to the fact that the settlement of the conflict with seemed not only impossible, but even expedient. At that time, despite the complexity and apparent insolubility of the Nagorno-Karabakh problem, the settlement of the conflict before the Second Karabakh War in 2020 seemed possible.

The formation of common interests on security issues is one of the most important components of the system of regional security and cooperation in post-war Armenia and Nagorno-Karabakh. Such a system in the South Caucasus can expect to be effective if it is truly comprehensive, based on taking into account the interests of geopolitical actors. At the same time, the formation of a regional security architecture is possible only through regional cooperation.

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