

NAGORNO-KARABAGH CONFLICT AND ROLE OF MAJOR POWERS: AN INTERNATIONAL LAW PERSPECTIVE

*Asma Rashid**

Abstract

Nagorno-Karabagh is a long-drawn-out conflict crafted around two competing positions identified as self-determination and state sovereignty. The political tactics of Stalin based on divide and rule and pan-Turkism in 1870 coupled with the Armenian genocide in 1914 fuelled the deep hatred and antagonism crammed between Azerbaijan and Armenia over the mountainous terrain of Nagorno-Karabagh. This paper attempts to comprehend the dynamic nature of this protracted conflict (in 2020) with the perspective of newly emerging regional alliances in the south Caucuses. It recognizes the convoluted regional interests that shaped a recipe of convergence between Azerbaijan, Russia, and Turkey that led to controlled chaos and one-sided settlement in Nagorno-Karabagh at the dispense of Karabagh Armenians. It addresses how this decisive war between Azerbaijan and Armenia transformed the landscape of future warfare.

Keywords: Self-determination, State Sovereignty, Armenian Genocide, Regional Alliances, Nagorno-Karabagh.

Introduction

The tranquillity in the south Caucuses came to an end after the embroilment of the protracted conflict over Nagorno-Karabagh since 1905, stemming from the decision made by Joseph Stalin. It initiated an eternal debate and confrontation concerning the historical, cultural, and religious linkages of the Armenian kingdom to Artsakh since 180 BC¹, which gave Karabagh Armenians the right to self-determination based on their distinct identity aligned with present-day Armenia. On the other hand, Azerbaijanis (Caucasian Albanians) claimed that Nagorno-Karabagh's autonomous status was abolished in 1991 after the collapse of the former USSR and became an administrative division of Ganja province. USSR disintegration led to the compartmentalization of the south Caucasus due to religion and ethnicity. The status quo in the area diminished as guarantees associated with a two-pillar policy of the USSR were no longer intact. The absence of any pivotal regional power and guarantees descended the region into protracted conflicts due to overlapping claims concerned with territorial integrity. The competing positions were further intensified and convoluted in the backdrop of

¹Dr. Asma Rashid is a Lecturer at the Department of Politics and International Relations, International Islamic University, Islamabad.

communal violence (1988), genocide (1915), and propaganda based on religion and ethnicity, endorsed by regional powers (Turkey and Russian Federation) over subsequent years.²

Border clashes between two states (Armenia and Azerbaijan) from 1988 to 2020 resulted in massive casualties and sufferings on both sides that invoked a sense of insecurity and hatred, which provided political leaders with patriotic legitimacy for recurrent clashes over Nagorno-Karabagh. For mobilizing domestic enthusiasm, support, and sentiments required for internal political and administrative consolidation within these new and fragile republics, both states were tempted to indulge in these acts of international boasting and bravado. Discourse analysis of the situation can vividly deduce that offensive actions from both sides were justified by intentional reconstruction of facts for promotion of nationalistic narratives within general masses through electronic and print media.

The historical antagonism between two states could be the imposition of modern state formation and revolutionary ideologies based on symbology, language, and beliefs. To view the region from optics of timeless cultural forces would be a mere oversimplification; therefore, it would be better to view history as a product of the specific and frequent cognizant political intervention. The divergent history of Nagorno-Karabagh remained the product of modern nationalism for serving an unequivocal purpose of state-sponsored national identities and official ideologies. Lack of shared perception and recurrent dividing lines remained incessant in the Nagorno-Karabagh conflict. These themes, therefore, became vital subjects of strategic instability within the south Caucasus.

Against this background, this study investigates: Firstly, what is the international legal status of this conflict, and why is it problematic. Secondly, how this conflict transformed the nature of future warfare reiterated the importance of passive defence for the security of ground forces and civilians. Thirdly, what are the interests of regional powers in this conflict, and what are the military and strategic lessons for middle power states. It is a descriptive and explanatory study in its entirety. From a historical perspective to the contemporary situation, it is a thorough summary of the causal mechanism of events leading to a decisive victory in Nagorno-Karabagh.

Nagorno-Karabagh Conflict (2020)

In September 2020, Armenia and Azerbaijan again locked their horns over the black garden (Nagorno-Karabagh), but startlingly, it ended in a decisive victory of Azerbaijan.³ During the conflict, about 5,000 fatalities occurred, including 143 civilian deaths.⁴ Moreover, corresponding statistics given by the Syrian Observatory for Human Rights reiterated the death of 541 Syrian mercenaries of the Free Syrian Army (SNA).⁵ Though Azerbaijan officially refuted claims about the involvement of Syrian mercenaries in the region, UNHCR took notice of the situation and called for an immediate withdrawal of Syrian mercenaries from Nagorno-Karabagh.⁶ These

mercenaries were used as cannon fodder on the battlefield, thus, reducing overall expenses of war and securing military leverage for the state. This tactic was not new. Armenia had already employed such tactics in previous conflicts or clashes over Nagorno-Karabagh. In the western landlock exclave of Azerbaijan, a Russian Mi-24 helicopter was also shot down due to miscommunication between both sides, which resulted in the death of two Russian soldiers.⁷ Despite Russian and French support for Armenia, the conflict ended in a robust victory of Azerbaijan, leaving many questions unanswered. What were those factors that played a crucial role in ending this century-old conflict? Nonetheless, the critical role played by regional and global dynamics is also worthwhile to consider in this pursuit that started a debate over the nature of future warfare.

Legal Status of Nagorno-Karabagh Conflict

From an international legal perspective, the yardstick of the settlement history of any ethnic group is impertinent and inapposite. In such a case, the existing global edifice of states would run jeopardy and menace of fissures due to recurrently disputable ancient insights and accounts leading to a subjective approach towards prevailing ground realities.⁸ Therefore, the preliminary theme for international legal appraisal would be grounded on the association of Nagorno-Karabagh with inference to sovereignty at the time of the advent of modern international law. In November 1919, Karabagh People's Congress conceded with Azerbaijan after signing a temporary legal agreement. This agreement was endorsed and modified as a permanent accession agreement at the Paris Peace conference in 1920.⁹ Later, in 1960, due to economic hardships and Azerbaijani settlement programs, peasants of Nagorno-Karabagh sent several petitions to USSR authorities to pursue acceding with Armenia. However, due to the Cold War situation, USSR tried to maintain the existing political structure, avoiding any external backlash and breakup.¹⁰ The end of the Cold War, which resulted in the independence of Armenia and Azerbaijan in 1991, led to full-scale military escalation over Nagorno-Karabagh. Despite the ceasefire in 1994, violent skirmishes, scuffles, and deaths continued. Migration and displacement of a large chunk of masses across the border added fuel to the fire. They created an environment of interminable resentment, aggression, and strain between two neighbouring states.

Nagorno-Karabagh is internationally perceived as an integral part of Azerbaijan (*de jure* recognition) as neither the Treaty of Paris reverted nor the USSR altered the official status of this region (retroactive effect in international law). It was further endorsed by UNSC resolutions 874, 822, 884, and 853 on Nagorno-Karabagh. The Organization for Security and Co-operation in Europe (OSCE) Minsk Group also tried to bridge differences by offering mediation and conciliation between both parties. Still, these attempts (over 30 years) ended in persistent deadlock.¹¹ In 2020, after initial skirmishes over Nagorno-Karabagh, the OSCE Minsk Group did nothing considerably for sorting out the situation. Since 1992, the OSCE Minsk Group failed to produce any comprehensive plan to resolve the protracted conflict. Different approaches among Russia, France, and the US towards a tangible solution led to mere condemnation of

violence, but nothing substantial came out of these negotiations. The Madrid principles provided by the Minsk Group were also not updated after 2009. This stagnation and ignorance towards sufferings born by the people, who were impatiently waiting for a final verdict on their future, became the source of confrontation in Nagorno-Karabagh. The international community remained unsuccessful in fulfilling its duties. Azerbaijan, therefore, took matters in hand and sorted them forcefully using military power and diplomatic influence of allies. This description appears safe and sound, but a closer analysis divulges several notches in this international legal narrative.

It is problematic as no due consideration was given to the endeavours of separatist Armenians living in this region. The right of self-determination has a considerable legal character enshrined in the UN Charter, but this conflict was dealt with optics of traditional international law.¹² The worldwide narrative on this account also overlooked the Vienna Convention on Laws of Treaties (1969) in blind pursuit of *Pacta Sunt Servando* (a classical axiom meaning 'agreements must be kept').¹³ Therefore, the complexity of interstate relations (based on heterogeneity) was not apportioned accurately. The reluctance to recognize revolutionary governments on the account that they came into existence by applying force is quite absurd in the 21st century, where the role of non-state actors cannot be denied.

Transformation of Future Warfare

A war (overlapping with Artificial Intelligence) based on Unmanned Assault Drones can provide inexpensive tactical advantages to small countries for precise guided missile attacks on adversaries. The Nagorno-Karabakh conflict (September 2020) vividly offered a view of future warfare and successfully displayed the importance of comprehending advanced warfare tactics backed by cyber, space, and electronic technology. This 44-day military clash rolled back the essence of ground forces and costly traditional and sophisticated weapons (tanks and radars) as they could easily be preyed on by high-altitude modern drone technology.¹⁴ Azerbaijan relied heavily on Turkish drones Bayraktar TB2s (Medium Altitude Long Endurance – MALE) to target Armenian military trenches and surface-to-air missile systems during this war.¹⁵ These drones targeted ground forces and defences of Armenia before they came to know what precisely confronted and attacked them. The supportive role played by electronic warfare systems further demolished and exposed Armenian bases and stockpiles. The element of the surprise based on drone fleets completely baffled military-strategic thinkers of Armenia. Azerbaijan quickly knocked out Armenia's old soviet-period military defences (devoid of modern technology). The Israel-made Unmanned Combat Ariel Vehicles (UCAVs) also played a decisive role in targeting Armenian radars and weapons. These UAVs (High Altitude Long Endurance – HALE) are for surveillance, inspection, and intelligence gathering.¹⁶

The military developments in Nagorno-Karabagh raised concerns about traditional strategies and the employment of AI-based weapons in future warfare. Several states are interested in purchasing or developing AI-based drones after assessing

their importance in shifting the entire dimension of an armed conflict. Initially, these drones were developed using specific artificial intelligence. Still, combat has started to create general artificial intelligence automated with the consciousness and realization of war tactics and strategies. These drones can decide their targets freely for inflicting maximum destruction over the adversary. Their potent calibre and advanced technology can completely transform the crux and structure of modern warfare, putting an end to the age of tanks and radars not immediately but ultimately.¹⁷

Nagorno-Karabagh Conflict and Passive Defence

The Nagorno-Karabagh conflict has also echoed the importance of passive defence. Passive defence is an art to secure strategic and military sites from an adversary. It is an instrument of reducing vulnerability on the battleground. In the Nagorno-Karabagh conflict, both sides, especially Armenia, lacked passive defence tactics, which resulted in massive casualties. In an age of emerging disruptive technologies, passive defence remains vital for securing and reinvigorating ground forces. It can help to camouflage military installations and logistics from adversary's thermal sensors, drone fleets, and satellite imagery by eliminating the possibility of divulges.¹⁸ The importance of electronic warfare in passive defence was brought to light by the Russian-made Poly-e-21 electronic warfare system during the confrontation in Nagorno-Karabagh.¹⁹ It successfully interrupted and demolished drone operations of Azerbaijan for four consecutive days.

The passive defence also concerns defence mechanisms, imparted and inculcated for the security of areas comprising the civilian populace. Armenia and Azerbaijan failed to meet the duties adjoined with this passive defence periphery as civilian commercial and residential areas were beleaguered and attacked in broad daylight. Armenian forces were accused of a missile strike in Ganja that resulted in 13 civilian casualties,²⁰ while Azerbaijan was implicated in an airstrike on the residential area of Stepanakert.²¹ The active military actions from both sides violated the 1907-Hague Convention that restricted unnecessary damage to civilian infrastructure during military confrontations.²² Similarly, both sides did not adhere to the principle of distinction (1925-Geneva Protocols) concerning using force against combatants and non-combatants.²³ Due to surmountable civilian sufferings, it violates the concept of just war under international law. The Nagorno-Karabagh conflict recapped the importance of passive defense strategies as their judicious and suitable application can secure strategic areas, logistics, and civilians of any state. While, if neglected, it would result in unnecessary torment and reparations for the state at war.

Interests of Regional Powers

Major regional powers, who undisputedly tried to maintain the status quo in their favour in the south Caucasus, are Russia and Turkey. The interest of Russia over the past three decades was converged on creating an interstate union for its satellite states (treating the EU as a prototype) under the Eurasian Economic Union (EAEU), but

it miserably backfired. On the other hand, Turkey treated the south Caucasus with an inherent pragmatism based on the revival of Ottoman glory and refutation of the Armenian genocide. Russia traditionally backed Armenia since 1991, while Turkey staunchly supported Azerbaijan (diplomatically, but not militarily). This time a clear divergence from the traditional position was observed, but the real quest is to answer 'why' behind all this one-sided settlement over Nagorno-Karabagh.

While posting Russian stakes, it is evident that Kremlin chose to evade turbulent waters in its immediate neighbourhood whose spillover could be dangerous, thus, resolving the conflict through mediation. However, it is not the explanation of divergence from the traditional position. There has been a lack of trust and a clash of Russian and Armenian leadership approaches. Armenian Prime Minister, Nikol Pashinyan, is viewed by Russia as an *hors d'oeuvre* of pro-US policies and politicians in Armenia.²⁴ In 2008, Pashinyan came into power after violent post-election protests bringing down Russian-backed politicians with the promise to introduce neo-liberal policies in Armenia. It raised eyebrows in Moscow, considering it a threat to regional strategy.²⁵

The war between Azerbaijan and Armenia, in this context, proved to be quite advantageous for Russia. It reiterated and reinforced the importance of Russia for the security of vulnerable Armenia and sliced down the domestic fervour and advocacy for Pashinyan, thus, paving the way for regime change in Armenia.²⁶ Besides, the growing intimacy between Baku and Moscow on defence and trade matters also played a part in Russian decisiveness. It restrained to use of force in the conflict over Nagorno-Karabagh. Baku spent nearly \$24 billion on the defence systems procured by Russia between 2008-2018, making it one of the biggest purchasers of Russian military arsenals in the world.²⁷ Russia perceives Ilham Aliyev, the President of Azerbaijan, as a strategic asset whose father was an ex-KGB officer and devotedly served the USSR during the Cold War. Keeping these circumstances in view, Moscow chose controlled chaos and a shift in the balance of power.

On the other hand, Turkey officially extended its military support to Baku for the first time, showing a visible transition from its traditional stand on Nagorno-Karabagh. This bold and apparent support primarily lay in Turkish dependence and investment in Azerbaijan's precious gas reserves through a southern gas corridor.²⁸ Moreover, the new phase of the pragmatic relationship between Baku and Ankara stood firmly on the principle of reciprocity. Both states signed a defence and strategic partnership agreement in 2017 and opened defence collaboration and exchange channels. Furthermore, the Azerbaijan State Oil Company invested heavily in Turkey. Baku also acquired drones at a moment of instability in the Turkish economy that proved to be a blessing in disguise. Therefore, the convergence of interests with Baku and antagonism against Yerevan fuelled Turkey's response in Nagorno-Karabagh.

According to eminent political analysts, the Turkish government under President Recep Tayyip Erdoğan has adopted the political ideology of neo-Ottomanism.²⁹ It shows the ambition of Turkish authorities to have a regional footprint.

President Erdoğan has, therefore, meddled and intervened in varied regional disputes to consolidate the legitimacy of Turkey as a regional power. The ideals concerning the resurrection of pan-Turkic identity remained at the heart of these new developments in the region. Azerbaijan has also remained under Turkic values since the Ottoman Empire. It is regarded as a strategic asset in the south Caucasus to promote Turkish interests.

This *tour de force* served the purpose of both regional players at the dispense of Karabagh Armenia. The blend of Russian and Turkish interests, thereof, cemented and shaped the decisive victory of Azerbaijan in Nagorno-Karabagh. The shift in the balance of power is yet to be actualized after the withdrawal of Russian peacekeeping troops from Nagorno-Karabagh.

Military and Strategic Lessons

Firstly, the aerial threat to ground forces and armour seems insurmountable with disruptive technologies and the use of drones. It requires an evolution in defence and strategic thinking of middle power states.³⁰ Future wars cannot be fought with conventional thinking; therefore, it is time to equip state defence mechanisms with critical ICT infrastructure. Secondly, drones have become a cheap source of tactical superiority, as witnessed in Nagorno-Karabagh. These flying machines also assisted Azerbaijan in broadcasting videos and imagery of demolishing strategic assets of Armenia.³¹ The patronage of the government, perception of people, and morale of the military played a decisive role in setting the direction of conflict in Nagorno-Karabagh. The lesson learned, without a doubt, is based on creating favourable psychological dynamics using hybrid warfare techniques and ICT. The vivid role of propaganda and social media platforms indisputably prove crucial and central in contemporary conflicts.

Thirdly, for effective countermeasures against a drone attack and cyber warfare, middle power states should rigorously engage in developing electronic warfare capabilities. Limited capabilities in the electronic spectrum saved high-value strategic assets of Armenia for four consecutive days, echoing the importance of Electronic Warfare Command in the military.³² Fourthly, middle power states should focus on passive defence tactics to secure maximum strategic infrastructure, logistics, and civilian lives. With the advent of new offensive arsenals, a complete shift is required in the passive defence doctrine of middle power states. Fifthly, the element of surprise and decisive deception can turn the tide and outnumber the adversary. Unanticipated consequences will confuse the adversary and elevate the chances of a decisive victory. Sixthly, for wrecking an enemy, a strategy of exhaustion, appropriate timing, and assault on economic resources remained crucial in the 21st century. It will dissipate financial resources and dampen the strength of an adversary if used effectively. Azerbaijan evaded its enemy when the adversary was impoverished and survived with gloomy weapons due to internal economic struggle in the backdrop of the COVID-19 situation. Azerbaijan protracted the conflict and strained resources of Armenia that exhausted its will and ardour of its military to withstand difficulties on the battlefield. Lastly, the operational

environment should align with seamless transition across different spectrums of warfare based on the context of confrontation. Therefore, the integration of war theatres would be essential for successful military endeavours in the foreseeable future.³³

Conclusion

This paper highlighted the historical and legal roots of the conflict in Nagorno-Karabagh. The two fundamental pillars of modern nation-states, i.e., the right of self-determination and sovereignty, are competing against each other, opening deep pits and fissures in the existing global political edifice. The decisions and resolutions of international bodies that failed to alter the balance of power in the region forced Azerbaijan to take charge of the situation in 2020. Therefore, it attempted to rectify by using the yardstick of international law, disregarding and snuffing the endeavour of Karabagh Armenians in the pursuit of *Pacta Sunt Servando*.

The conflict of Nagorno-Karabagh led to a decisive victory for Azerbaijan. It gave a glimpse of future warfare based on specific and general artificial intelligence where human soldiers and sophisticated traditional weapon systems would be superseded and replaced. Strategic gaps between military thinking of both sides that led to excessive fatalities restated the importance of passive defence. The outdated tactics exposed strategic areas, logistics, and civilians to missile attacks that led to unnecessary reparation and damages. As found in Geneva Protocols and Hague Conventions, the fundamental principles of a just war were violated by both sides during the 44-day conflict over Nagorno-Karabagh. The interests of regional powers moulded the recipe for an abrupt and one-sided settlement of Nagorno-Karabagh. The Russian interest in regime change in Armenia and the creation of EAEU temporarily coincided with the interest of Turkey and Baku, grounded in the Caspian Sea, rich in oil and gas reserves. These intermingling interests led to controlled chaos and one-sided settlement. The conflict, however, produced several military and strategic lessons for intermediate power states engaged in a confrontation with their adjacent neighbours. The ineffectiveness of the international community in dispute resolution and successive failures of the UN in peaceful settlements led to serious queries over the future effectiveness of international law. Therefore, the conventional attitude of major powers towards revolutionary movements requires a paradigm shift in the 21st century.

International law should elevate its existing jurisdiction for regulating the use of emerging technologies, like swam drones, lasers, etc. The UN should develop an active mechanism ensuring distinction between combatants and non-combatants in active war zones to avoid unnecessary suffering and turmoil. Additionally, regional organizations should develop dispute settlement mechanisms to resolve prolonged and recurrent regional conflicts through peaceful diplomatic channels.

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