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The European Union's involvement in the peace process between Azerbaijan and Armenia – A path destined to fail?

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#### Introduction

The current international security landscape has seriously undermined the trust of the global population in the ability of diplomacy to create and sustain peace, preventing this way the emergence of armed conflict. After all, the post Second World War global order was established with the goal of preventing the mass human suffering experienced in the first half of the 20<sup>th</sup> century from ever occurring again. The death of over 60 million people in the Second World War fuelled the reform of the League of Nations and the positioning of the United Nations (UN) at the core of international diplomacy. The UN was to act as a leading forum for states to come together and allow their diplomatic capabilities to bridge divides and prevent armed conflict. However, the current international situation, with a full-scale conflict in Europe between Russia and Ukraine, is the ultimate reflection of the failure and inability of the international community to let go of the past. With numerous other examples of both inter-state and intra-state violence currently taking place, achieving 'peace', de facto or de jure, is becoming an increasingly obsolete development.

The aftermath of the September 2023 military operation that completed the disbanding of separatist forces located in Azerbaijan's Karabakh region initiated a highly convoluted but certainly promising process that seeks to achieve the signing of an unprecedented peace agreement between Azerbaijan and Armenia. The geopolitical implications of the relationship between the two countries and the potential ramifications of another war highlight the importance of 'official peace' for the future of the region. Given the strategic importance of the South Caucasus, particularly its role as a transit hub, numerous attempts at mediation by external powers have failed to materialise. In fact, a geopolitical 'tug of war' between Western powers on one side and Russia and Iran on the other threatens to derail the peace process and damage the prospects of long-term stability in the region.

This piece will propose that the negotiation of a peace treaty should be an exclusive matter for the respective governments involved. It will demonstrate that recent susceptibility of Armenia's political leadership to forces considered 'external' to the conflict has done key damage to the existing negotiation framework. This has been aggravated by the participation of Western powers that have been unable to act in a truly balanced and impartial way. Crucially, this paper will focus on the European Union (EU) and the extent to which it has fulfilled and succeeded in its commitment to peace in the South Caucasus. The EU is an institution that is swift to make pledges

and outline plans for change but has a history of falling short in its foreign policy engagements. Has this pattern repeated in its attempt to help resolve the decade long Azerbaijani-Armenian hostility?

#### Recent developments: A mutual commitment to peace?

Azerbaijan inflicted a significant military defeat on Armenia in the Second Karabakh war, a result of its continued investment into its armed forces with the support of military allies Turkey and Israel. One of the unknowns after the trilateral agreement that eventually stopped the 44-day conflict was whether Armenia would attempt to re-arm and pursue a policy of 'revenge' following its comprehensive defeat. However, despite occasional statements that suggest the opposite, the country's political leadership has more often than not reiterated its desire to proceed with the signing of a peace treaty. Deputy Foreign Minister Kostanyan suggested that there is adequate political will on the Armenian side for this to be a possibility, whereas Prime Minister Pashinyan more recently stated that he is willing to 'compromise' on the return of villages to avoid the start of a catastrophic new war. These statements are entirely logical as Yerevan appears to be, although slowly, reaching the obvious conclusion that a peace deal with Azerbaijan and as a result, the normalisation of relations with Turkey, is imperative for its long-term economic prosperity. Given the country's increasingly strained relationship with Russia, its traditional economic and military ally, this appears to possess more significance than usual. Having said that, productively engaging with the Armenian government remains a complicated matter. The extent to which the country's leadership is truly committed to securing peace is ambiguous. For example, cooperation on issues such as de-mining, something that requires frequent and transparent communication, remains largely limited. Furthermore, and as to be argued, it is unclear whether Armenia's approach to the situation is independent enough with regards to minimising the influence of foreign powers which fails to meet the categorisation of 'impartial'.

On 7<sup>th</sup> December 2023, the Presidential Administration of Azerbaijan and the Office of the Prime Minister of Armenia issued a joint <u>statement</u> that announced an agreement reached on the mutual release of hostages. The statement, described as unprecedented, provided a glimmer of hope that the sides could develop a mutual understanding to an extent at which long-lasting progress can become a genuine possibility. This was followed up by Armenia <u>withdrawing</u> from the race to host COP29 in support of Azerbaijan's bid. Unfortunately, though, key areas of disagreement remain, preventing any consistent progress from taking place. Although such signals can be characterized as 'diplomatically productive', the reality 'on the ground' is significantly more complex and necessitates both sides to reach a previously unimaginable level of mutual understanding.

Border delimitation (known as the process of agreeing and fixing the limit of something), the unequivocal recognition of Azerbaijan's territorial integrity, transparent cooperation on reconstruction efforts in Karabakh and more recently, the return of villages that remain occupied are just some of the barriers that remain to be overcome. Is the current bilateral framework sufficient and reliable, and does a potential third actor such as the EU have a serious role to play?

#### The 'European' approach

Security and defence policy has often been described as the 'achilles heel' of the European Union. Despite serving as a leading example of successful economic integration, as demonstrated by its status as the world's largest single market, the EU has failed to gain such a reputation in its foreign policy engagements. It has often been the lack of consensus on how to best approach security and defence, and particularly whether to pursue the creation of a European army, that has divided the member states. Nevertheless, the 1999 <u>Treaty of Amsterdam</u> created the position of 'High Representative for Common Foreign and Security Policy' with the aim of shaping a foreign policy that was consistent and did not conflict with those of its member states. This included security and defence, an umbrella term that encompasses the EU's 'external' relations in situations of armed conflict and other forms of violence. The thirty-year confrontation between Azerbaijan and Armenia evidently meets the necessary criteria of such an event, given that Azerbaijani territories were occupied, and the sides engaged in two major wars over the period.

Despite widespread criticism, the EU has attempted to undertake an institutional remodelling in its approach to its foreign and security policy. Motivated by the pursuit of strategic autonomy, the EU has published several documents that attempted to clarify its approach to international security. In its own words, the EU has felt that it is being <u>'excluded'</u> from various conflicts in its immediate neighbourhood. This is something that suits the geopolitical motivations of its traditional 'rivals, such as Russia and China, with it being unable to influence areas where its interests are 'at stake'. This calls for a two-fold evaluation. First, has the EU addressed what it described as a <u>'capability loophole'</u> in its approach to foreign policy? Second, has it applied this approach to the relationship between Azerbaijan and Armenia? If so, has

tradition of the EU being unable to adequately exert its influence in foreign policy matters? Given the EU's status as a normative power, defined in a foreign policy context as a power that follows ideational guidelines and certain values to bring about change, one would expect actions and statements that seek to establish peace on the ground in full accordance with key pillars of international law such as the respect for territorial integrity.

#### The EU's role: A serious mediator?

The lack of a consensus among member states on a common foreign and security policy was evident in its role in the Azerbaijani-Armenian conflict. Until the Second Karabakh War, the EU was largely 'absent' and did not participate in any meaningful way in the direct facilitation of peace talks. The OSCE Minsk Group, composed of France, the US and Russia, 'took on' this responsibility but failed to have any reasonable influence, something best illustrated by Azerbaijan's reliance on force as a measure of last resort to take back control over its internationally recognized territories. This dynamic prompted leading EU officials, in their quest to finally implement a strategic autonomy, to directly refer to this conflict as one that lacked a European presence. Essentially, this was a perfect example of where the EU could begin to act strategically and leave its footprint as an effective international actor. Moreover, key geopolitical circumstances, most notably Russia's more 'laid-back' approach in the South Caucasus due to the war in Ukraine, provided the EU with a historic opportunity to make a real difference.

On paper, a significant change in approach was in fact observed. Following the effective <u>'stopping'</u> of the Minsk Group's activities, as confirmed by Russian FM in June 2022, the EU attempted to provide a reliable middle ground for both sides. This was most vividly reflected by the role played by Charles Michel, EU Council President, who organised face-to-face meetings between both leaders. December 2021 saw the first EU hosted summit, with both leaders participating. Further meetings, in similar spirit, were held on three further occasions in 2022 and six occasions in total to this day. It was arguably the September 2022 that achieved a first tangible impact, with the participants agreeing to the temporary deployment of <u>'up to 40'</u> monitoring experts to the border. This was followed up by the creation of the EU Mission in Armenia (<u>EUMA</u>), in line with the EU's self-promise that it was going to contribute, decisively, to crisis management in its neighbourhood.

As mentioned initially, conflicts between 'small' countries run the risk of being used by larger and more renowned actors to their advantage. The EU's attempt to become more involved forced a predictable reaction from Russia, highly sceptical of Brussels' motivations to suddenly participate in a region that was traditionally considered 'external' to its strategic priorities. Unlike Moscow, the South Caucasus, in the views of leading Russian diplomats, was not in the EU's traditional sphere of influence and therefore its immediate interests. On top of this, an increasingly tense relationship with Armenia given the country's apparent desire to become more Western and its frustration with Russia as a 'security guarantor', has forced the Kremlin to constantly reconsider its approach to the situation.

Serious question marks remain, however, on whether the EU, through its crisis management mechanisms, can generate any momentum that can be classified as 'decisive' for the signing of a peace treaty. There are serious concerns about whether EU foreign policy chiefs are willing to give the individual narratives of both sides an equal weight and a truly accurate representation. One example of this is the EU's response to the events that occurred in September 2023. Azerbaijan's use of force to finalise the elimination of the presence of separatist forces on its sovereign territory is something that is justified by international law. As per resolution <u>3314</u> adopted by the United Nations General Assembly in 1947, the presence of these forces, which were clearly established and then supported by Armenia, met the necessary criteria for it to be classified as an act of aggression. The UN Charter labels such acts as a threat to international peace, warranting a right to self-defence. Ironically, the immediate <u>reaction</u> of foreign policy chief Josep Borrel to Azerbaijan's use of force in September 2023 was to call for Azerbaijan to recognize the territorial integrity of Armenia and not the other way around.

More recently, Josep Borrel failed to adequately <u>reflect</u> on an escalation that occurred at the border in February of 2024 which saw an Armenian sniper fire at and injure an Azerbaijani serviceman in the Zangilan district. Azerbaijan responded the following day, resulting in four deaths and one injury. Predictably, the incident was framed in a way that put the blame on Azerbaijan and failed to account for an entirely unprovoked attack on an Azerbaijani soldier which resulted in the above-mentioned response. The same can be said about the <u>Lachin corridor</u> dispute, with several European institutions condemning Azerbaijan for supposedly 'cutting off supplies' to ethnic Armenian inhabitants. The formulation of this critique completely fails to acknowledge that the Lachin Corridor, as sovereign Azerbaijani territory, was under the control of the Azerbaijani government, along which it had every right to implement a checkpoint. This is without mentioning the evidence that Armenia was relying on the corridor to supply weapons and other means of support to those separatist forces that, through their presence in Karabakh, violated international law. Azerbaijan's Foreign Ministry has repeatedly highlighted its frustration with the tone and terminology used by Borrel.

Another example is the suggestion that Azerbaijan 'forcibly' displaced Karabakh Armenians from their homes, a claim that was rejected by the country on more than one occasion. Such statements tend to only consider the information disseminated by one side, disregarding the various measures that the Azerbaijani government has put in place to facilitate the integration of ethnic Armenians (including the right to apply for Azerbaijani <u>citizenship</u>). Even though the EU has a moral responsibility, given its traditionally normative power status, to prioritise dealing with and minimising the potential impact of hostilities on civilian population, an approach that fails to be constructive and accurately reflective of realities on the ground only risks further delaying the building of mutual trust, and therefore, the commitment to peace.

#### France: Inflicting revenge on Armenia's behalf?

Another example of the ambiguous nature of the EU's status as a peace broker is the conduct of individual EU member states. Azerbaijan has, for some time now, been unsatisfied with Armenia's and the EU's insistence on the presence of France in faceto-face negotiations. France is, along with Germany, the most influential EU member state and has a clear vision for Europe which it seeks to institutionalize via the Union. However, there are serious concerns about its suitability as an actor given the close proximity of its official position and rhetoric to Armenia, earning it the label of 'pro-Armenian' in Azerbaijan and elsewhere. This sentiment is not only visible through President Macron's peculiar statements on Azerbaijan's 'disregard' for international law. In fact, it is a more institutionalized and widespread dynamic that renders the participation of France in any peace negotiation as counterproductive. The French Senate actually passed a resolution that called for the recognition of Nagorno-Karabakh, something that Armenia itself never committed to. It also called for sanctions against Azerbaijani officials and a commitment to the intensification of military support for Armenia. France's stance on the issue resulted in President Aliyev's decision to withdraw from a planned meeting with his Armenian counterpart in <u>Granada</u>, a tension that culminated in a full-blown diplomatic crisis as both sides took turns in expelling each other's diplomats. Unfortunately, this strained relationship spread to institutions such as the Parliamentary Assembly of the Council of Europe, with whom Azerbaijan suspended relations.

The French population leads the way in terms of demonstrated enthusiasm and belief in the EU. An <u>ECFR review</u> conducted in 2021 indicated that EU supporters in France are most passionate about the Union's role in preventing armed conflict, more so than driving economic cooperation and promoting exports. France stood out from other member states, with results for Finland, for example, highlighting a slight scepticism of the EU's potential as a conflict mediator. President Macron regularly mentions the previously discussed concept of 'Strategic Autonomy' in his speeches and emphasizes the importance of working together with allies to consolidate European solidarity. However, the country's approach to Azerbaijan and the broader South Caucasus could not be more detached from this commitment. If a Western power is to engage constructively, it has to take into consideration the position of both of the sides involved. It has to unite, rather than divide, and anti-Azerbaijani rhetoric by French and EU politicians have so far only achieved the latter.

The EU often praises its own work in the region, with the appointment of a Special Representative in 2003 repeatedly cited to signal a long-lasting commitment that initiated well before others. However, it has been unable to contribute, in any meaningful way, to the most important, and equally, the most fragile pillar of this peace process. This is the building of trust, which for countries separated by war stems from the mutual acknowledgement of sovereignty and a comprehensive commitment to peace. Not only has France made statements that openly disregard all of the above, but it has also engaged in activities that according to its own criteria, can be classified as 'hostile' and 'aggressive'. Russia's war in Ukraine has forced Armenia to look for alternative suppliers of weapons, an opportunity that France picked up on instantly. In the words of French Ambassador to Armenia Olivier Decottignies, cooperation in the field of defence via military procurement and the training of senior officers' characterizes' the relationship between the two countries. In addition, the Ambassador suggested that France is in 'agreement with Iran' on the 'Armenia issue' – a statement that is certainly unusual for a leading contributor of NATO. This, along with other examples, justifies Azerbaijan's reluctance to approve and encourage European participation in the peace talks. External participation must be free of pre-determined judgments and positions, representing the positions of both sides in a way that facilitates rather than complicates the turning of disagreement into agreement. Unfortunately, and as shown so far, this is not something the EU nor France (as a leading member state) appear to be capable of guaranteeing.

#### An approach destined to fail?

In 2020, the EU committed, through its strategic autonomy <u>concept</u>, to establishing a foreign policy that was not going to be defined by the "preferences of the most powerful states". It recognised that despite a broader agreement on cooperation, different member states perceived security (and other) risks differently. This was always going to be an obstacle but one that was to be overcome by the EU's common security and defence policy, revised by the <u>Treaty of Lisbon</u> in 2009. The EU itself described its uncomfortableness with being on the 'periphery' of conflict management in its neighbourhood, with its foreign policy chief actually referring to the "Nagorno-Karabakh conflict" as a leading example.

This pledge, however, has not been fulfilled. In the last few years, especially since the end of the Second Karabakh war, EU efforts to bring sides together have been repeatedly jeopardized by its own member state(s). This demonstrates that its foreign policy apparatus has not yet been developed to a level at which it is able to act on behalf of all its members, as opposed to one or several powerful members acting on behalf of the Union itself.

Going forward, it is unlikely that the EU's status in the negotiations will change any time soon. Armenia is determined on deepening military ties with the likes of France and even India, something that could cause further escalation given that <u>revanchist</u> sentiments still sadly remain in the country. This is coupled with absurd claims (by both Armenian and European leadership) that Azerbaijan is planning attacks on Armenia as a way of securing access to the Zangezur Corridor (road connecting Nakhchivan to mainland Azerbaijan). Such accusations go as far as suggesting that Azerbaijan wants to capture all of Southern Armenia. This could not be more damaging to an already fragile peace process between two nations that have suffered from decades of deep-rooted distrust. In fact, on the 27<sup>th</sup> of March the Azerbaijani Foreign Ministry issued a statement expressing its discontent with a recently announced trilateral <u>meeting</u> between the US, the EU and Armenia. This arrangement is certainly counter-productive, to say the least, and indicates that the approach of the US and the EU to its relations with Armenia cannot be equated to its statements regarding Azerbaijan.

Moreover, it is unreasonable to claim that a country that has positioned itself at the heart of international cooperation, as shown by the hosting of COP29 in November of 2024 along with numerous other international events, would attack a sovereign state for geopolitical motivations. Azerbaijan, despite the passivity of the

international community, restored its territorial integrity and has no reason to go against a concept in international law that it has historically obeyed.

The century long debate in international relations on the role of international institutions often sparked debate among leading scholars of the field and appears more relevant now than ever before. The 'realist' school of thought claimed that institutions are simply forums through which great powers 'get things done', whereas the alternative 'neoliberal' tradition saw them as the key mechanisms for international cooperation in accordance with international norms. One of these norms is the absence of territorial claims against the sovereign territory of another country, a crucial source of violence in most ethnic conflicts. Unfortunately, the European Union, given its self-proclaimed status as a leading actor in the South Caucasus, has so far failed to apply its 'normative' mindset in a balanced way. Armenia's constitution still contains such a claim, describing Karabakh as part of "historic Armenia". This forms part of a long list of issues that have contributed to conditions that are simply unfavourable for peace. The inability of external actors to directly influence them is the most important demonstration that the achievement of peace in the South Caucasus now depends exclusively on Azerbaijan and Armenia.

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