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"The EU and the Post-Soviet Space"

Normative Battery About to Die:
Azerbaijan–European Union Relations in
the Context of the Energy Crisis and the
Nagorno–Karabakh Conflict

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Introduction

Marked by a series of impactful developments, among which the rapid spread of a novel, pandemic-inducing virus, and the thawing of frozen conflicts, the new decade can appropriately be characterized as turbulent. While mankind is no stranger to armed conflicts, nor are these rare, sporadic occurrences, the novelty of the current state of affairs is that it has reintroduced war to Europe, bringing home the otherwise abstract concept. The outbreak of the Second Nagorno-Karabakh War in 2020, coupled with subsequent provocations and sustained tension between Armenia and Azerbaijan, on top of Russia's full-scale invasion of Ukraine, have brought about instability regionally in the case of the former, and globally in the case of the latter. Subsequently, this has contributed to the legitimization of the vivid and emotion-laden description of the European Union's (EU) immediate neighborhood as a ring of fire, a perception reflected in the bloc's very own Global Strategy that sets out to tackle this issue (Tocci 2017).

Using the Nagorno-Karabakh Conflict as a contextual backdrop, the current paper seeks to unravel the dynamics underlying the foreign-policy approach of the bloc vis-à-vis neighboring Azerbaijan, as informed by the energy-supply implications of the deteriorating EU-Russia relations. The study is divided into six parts, comprising an introduction, a literature review, a neorealist theoretical framework, a method section centered on discourse analysis, the data analysis, and a conclusion. As part of the introduction, the paper will now chart into the current energy crisis and will map out the development of the Nagorno-Karabakh conflict before moving on to subsequent sections.

1.1 The Energy Crisis

In spite of the Russo-Ukrainian war's geographic proximity, perhaps the most tangible repercussion of the conflict for the majority of the bloc's citizens has been the disruption of energy supplies. This has followed the unprecedented scope of EU economic sanctions against the Kremlin, imposed in an attempt to cripple its economy and strain its ability to fund the war. As a response, Vladimir Putin signed a decree mandating that all gas deliveries be paid in rubles instead of the currency stipulated in each country's contract with supplier Gazprom (Thompson 2022). Opposing such a unilateral move, member states such as Bulgaria and Poland refused to comply with Moscow's demands, resulting in abrupt delivery suspension (Strzelecki et al. 2022). Over the course of the following months matters worsened, with gradual decreases in gas supplies via Nord Stream 1, officially due to maintenance and repair works, as per Gazprom – a questionable statement given the de facto government-controlled nature of the company, with Moscow counter-sanctions as a more probable explanation (Connolly 2022).

To put the implications of the cut offs into perspective, in 2021 Russian deliveries accounted for over 80% of the bloc's entire gas imports (Council of the European Union n.d.). As a result, a race ensued to ensure energy supplies for the winter by scaling up imports from alternative providers, turning to liquefied-natural-gas (LNG) substitutions, and slashing energy demands by at least 5% (Council of the European Union 2022b; Merk & Penke 2022). For example, Bulgaria, whose Russian gas imports amounted to 95%, revived an interconnector project with Azerbaijan, ensuring the supply of a third of its annual consumption and making its strategic partnership with the

Caucasian country of key importance (Council of Ministers of the Republic of Bulgaria 2022; Robinson 2023). As a result of the rampant search for resources whereby prices played a secondary role to procurement, member states recorded an inflation rate of 11% on average, more than twice as much compared to the year prior (Eurostat 2022). With the green transition as a viable solution not yet in sight and the volatility of the energy market, question marks about next year's supplies are bound to surface, acquainted by popular demands for stability and affordability.

1.2 The Nagorno-Karabakh Conflict

Importantly, the energy crisis also has notable ramifications for the Nagorno-Karabakh conflict in the EU's immediate neighborhood. Border disputes between Yerevan and Baku have originated already in the 20th century and have escalated into full-fledged wars on two occasions. The First Nagorno-Karabakh War centered around the secession move of the Nagorno-Karabakh Autonomous Oblast (NKAO), whose ethnic composition is predominantly Armenian, in an attempt to unite with Armenia. Hostilities were tentatively put on hold through a ceasefire agreement which, however, was never superseded by a peace treaty, essentially freezing the conflict. As a result, NKAO and the other territories conquered by Yerevan remained within internationally recognized Azerbaijani borders. The region was nonetheless effectively claimed by the Armenian-majority, the de facto Republic of Artsakh.

Displeased with the status quo, in September 2020 Baku launched an offensive to regain control over lost territories, initiating the Second Nagorno-Karabakh War (Kucera 2020). It managed to regain the areas surrounding Artsakh, in addition to the ones occupied by it during the war, as per the 2020 armistice (Kremlin 2020). The territorial change bore important implications for Artsakh, with the Lachin Corridor as its sole transportation road connecting it to Armenia. As such, the ceasefire agreement contains provisions requiring Azerbaijan to safeguard the bidirectional transport and the safety of both peoples and cargo along the corridor, since it remains under its jurisdiction. Importantly, it also provided for the dispatch of a Russian peacekeeping force to the disputed region (ibid).

However, just six months after the signing of the agreement, violations have already surfaced after Azerbaijani military forces entered into Armenian sovereign territory, occupying parts of it to this day (Broers 2022). Subsequently, soldiers of both countries have repeatedly been exchanging fire on different occasions, also in other border areas. Baku has been accused by Yerevan and third parties alike of initiating the escalations through shellings and the launching of the September 2022 attack that took the life of at least 284 people, including civilians (Asbarez Staff 2021; De Waal 2022; Ghazanchyan 2021). Furthermore, another escalation has emerged through the blockade of the Lachin corridor by Azerbaijani protesters, preventing the import of commodities and the move of peoples from and to Artsakh.

The unwillingness of Baku to abide by the ceasefire agreement and to secure the free passage of goods and peoples through the corridor, as well as its invasion into sovereign Armenian territory, on top of armed provocations that cost the lives of soldiers and civilians alike, raise the question about the imposition of restrictive measures. Coupled with the context of the current energy crisis, the following research question is formulated: How is the European Union's self-interest in the ongoing energy crisis impacting a potential sanctions policy against Azerbaijan in light of the latter's non-compliance with international norms?

2. Literature Review

To provide an informed answer to the question, let us first take a closer look at the European Union's sanctions policy, by studying what such measures entail, when, where and why they are imposed. As the 1970s oil crisis represents the closest analogy to the energy crisis currently experienced by the bloc in terms of its gravity, the then-European Community's response to it will be scrutinized, with a focus on how energy-supply considerations have interfered with the conduct of member states' foreign policy as a whole, and with the EC's sanctions policy in particular. Let us now turn our attention to the restrictive measures.

2.1 EU Sanctions

In recent decades, the EU has increasingly been adopting restrictive measures as a foreign-policy tool against an array of states both close and faraway, with considerable surges between 2001-2004 and in 2011 (Cardwell & Moret 2022; Giumelli et al. 2021; Hörbelt 2017; Meissner & Portela 2022). But what are they essentially?

2.1.1 Definition and Types

In their traditional sense, sanctions represent punitive measures undertaken by states, international organizations, or both, against another state with the goal of disrupting the international relations with it or the benefits it receives, in an attempt to alter its behavior (Hörbelt 2017). As a body that is neither a state, nor a conventional international organization, the EU operates with a unique set of instruments. Unlike regular states, it does not have a military capacity to use as a foreign-policy tool, but it can leverage its economic power through the imposition of restrictive measures to the same end (Giumelli et al. 2021).

Scholarship differs in the way it classifies the bloc's sanctions. Pertaining to the actor imposing them they are divided into autonomous, issued by individual states/bloc of states as the EU, or multilateral, adopted by international organizations such as the United Nations (Meissner & Portela 2022).

With regards to the nature of the target, some distinguish between targeted and comprehensive (Cardwell & Moret 2022; Giumelli et al. 2021; Meissner 2022). The former are more restricted in nature, as their aim is to only affect specific legal or natural persons whose behavior is perceived to need correction (Cardwell & Moret 2022). Comprehensive sanctions, on the other hand, are diametrically opposed to them in that they affect all the peoples of a target country and thus impact not only wrongdoers but also regular citizens, for example by banning the import of specific goods to the target state (Meissner 2022).

Another classification uses an economic/non-economic dichotomy, whereby the former aims to disrupt the economic exchange, for instance through financial restrictions, while the latter is more individual-oriented, such as a travel ban (Bahgheri & Akbarpour 2016; Meissner 2022). In spite of the similarities however, these two classifications do not overlap because economic/non-economic sanctions can also be targeted, respectively comprehensive. For example, the banning

of a specific bank from the SWIFT system is economic, as it disrupts the economic exchange through the affected institution. Yet, it is targeted in that it only impacts one bank instead of the whole financial sector.

A more nuanced classification has been developed by Giumelli and colleagues (2021) whose typology consists of asset freezes, travel bans, arms embargos, trade, financial, and diplomatic restrictions, ranked in descending order in terms of their imposition frequency. Their study is also the most comprehensive one to date, as it encompasses the period from the entry of the Maastricht Treaty into power in 1993 to 2019. More specifically, their research demonstrates that the lead among restrictive measures – asset freezes – were adopted in 75% of instances of sanction imposition, followed by travel bans with a share of about 60%. They furthermore remark that in over two thirds of cases different sanction types are issued jointly, with asset freezes and visa bans as the most common combination.

2.1.2 When?

By looking at all autonomous economic sanctions in place in 2019, Katharina Meissner (2022) finds two paths that explain their imposition in spite of the burden they place on sender states, apart from the targeted ones (Giumelli et al. 2021). In essence, the bloc's economic sanction policy is triggered when the state, whose behavior is condemned, has a strong military presence and has committed considerable human-rights violations. However, according to the findings, these two factors alone cannot account for the adoption of restrictive measures. This only occurs when on top of these two conditions the US takes the lead and proceeds to target the non-complying state, representing the first path. The second path does not necessarily foresee a preceding US response, but rather if the target state's violation is highly salient in the public. A closer examination of the European Council's website provides support for this finding in the context of the Russo-Ukrainian war. Since 2014 the bloc has shown teeth with economic sanctions after being triggered by particular events – the annexation of Crimea, its destabilizing actions through a military inflow onto Ukrainian sovereign territory, the recognition of Donetsk People's Republic and Luhansk People's Republic, and following their subsequent annexation by Moscow (Council of the European Union n.d.b). Not only did these events involve human-rights violations through the armed conflict they started, respectively maintained, but they were characterized by high salience in the public. This, combined with Russia's military strength, ticks all the boxes formulated by Meissner that explain the imposition of economic sanctions and could inform future predictions.

2.1.3 Location of Targeted States

Literature on the geographic location of sanctioned states has inconclusive results. While Hörbelt (2017) claims that these are more often located in the EU's vicinity than not, Giumelli and colleagues (2021) argue that the geographical spread is more or less equal, with a third of sanctions in Asia, and a fourth in Africa and Europe each. It is important to note, however, that the former's study includes the period from 2005 to 2013, while the latter subsumes that by looking from 1993 until 2019. As such, the latter provide a more exhaustive picture, giving its finding that vicinity does not explain sanction adoption an advantage.

2.1.4 Reasons

Generally, the Giumelli and colleagues' (ibid) paper partially confirms the Normative Power Europe (NPE) framework, with democracy promotion as the most common reason for adoption of

sanctions as a whole, accounting for nearly half of all cases. Following it, in a descending order, are considerations pertaining to crisis, respectively post-crisis management, and international norms. The study however finds an interesting interaction with geographic distance. Although democracy promotion is the most common cause, this is only the case in areas outside of Europe, as exemplified by the sanction boom in the Middle East and North Africa region in 2011. Within Europe, the bloc does not take action for the purpose of promoting democracy, but to manage crisis- and post-crisis situations, indicating a rather self-interested instead of a normative decision-making when matters are close to home. The interaction with the geographic location is also corroborated by Hörbelt's (2017) findings, who reports the further away the target state is, the greater the likelihood of NPE reasoning explaining the sanction adoption. Haukkala (2015) exemplifies the importance of self-interest and the inconsistency in the EU's behavior relative to its normative-power status by discussing its unwillingness to sanction Russia's dealing of the Chechen crisis and has instead chosen to preserve its strategic relations with Moscow.

Expanding on this line of thought but from a different angle, Bagheri and Akbarpour (2016) do not argue how self-interest can help explain implementation of restrictive measures. Instead, they bring attention to how it can act as a deterrent to their imposition by highlighting the possibility of retaliatory counter-sanctions by the targeted state – a point that we will come back to in the analysis section.

2.2 Oil Crisis of the 1970s

The oil crisis of the 1970s is perhaps the closest analogy to the one that the EU is currently experiencing in terms of scope and implications. It was created by the increase in oil prices orchestrated by the Organization of the Petroleum Exporting Countries (OPEC), alongside its decision to impose an export embargo on countries such as the Netherlands. Of course, in 1973 the bloc was quite different from how we know it today – the then-European Economic Community (EEC) consisted of just nine member states as opposed to 27, and its foreign policy was even less coordinated than it is nowadays due to a strongly pronounced nationalistic sentiment.

This has had its manifestation in the EEC's inability to collectively impose sanctions, with the first restrictive measure adopted only in 1981, way after the onset of the crisis (Giumelli et al. 2021). As such, there has been no interaction between the EEC's sanctions policy and the 1970s' energy-procurement considerations that we might expect to observe nowadays.

Zooming out a bit to look at then-member states' response to the crisis, including but not limited to the foreign-policy aspect, self-interested decision-making has precluded the formation of a unified approach, as each were affected differently and have thus pursued different solutions (Labbate 2013; McGowan 2011). The negative economic consequences raised the main concern for states, preoccupying them with figuring out ways to avoid them as much as possible. Each state rushed to meet its demand differently – some by seeking an improved relationship with exporting countries, others by investing in the drilling of new sites to become more import independent, or a mixture of both. What mattered most was procurement and all factors obstructing that were to be eliminated (McGowan 2011).

3. Theoretical framework

The probability of the EU sanctioning Azerbaijan's violation of international norms will be analyzed through a neorealist theoretical lens, more specifically by focusing on the concept of interest.

The neorealist perception of politics views the international system as essentially anarchic, as there is no overarching body presiding above sovereign states and imposing order of any kind on them (Jackson et al. 2018). States, for their part, are rational actors whose main priority is that of survival. As such, their behavior is ultimately guided by self-interest that would ensure their survival in the international system. By assuming that everyone else is also guided by the same principle and thus would not hesitate to pursue their own goals even if it comes at the expense of their partners, states have a deep mistrust of each other. This is then further exacerbated by the anarchic nature of the international system as there is no authority that can monitor and ensure the implementation of inter-state commitments. As such, international relations is perceived as a zero-sum game, whereby for you to win, you would necessarily make someone lose. Consequently, progressing out of this loop is impossible and history keeps on repeating itself (ibid).

With the caveat that the EU is not a state in the traditional sense of the word, its foreign policy, a tool of which are sanctions, is the function of unanimity among rational, sovereign states. As such, for the purpose of this paper the bloc will conditionally be regarded as such in the specific context.

With this in mind, in addition to the neorealist line of thought, the EU's pursuit of its interest would be regarded as its *modus operandi* which will subsequently inform its foreign-policy decisions. When confronted with a choice to prioritize its own or another state's interests, it will go with the former, so as to not pose a threat to its own survival. It is then expected that:

H: The need for gas procurement in light of the current energy crisis will negatively affect the likelihood of the bloc sanctioning Azerbaijan for its violations of international norms.

The reviewed literature provides provisional support for this hypothesis, as Giumelli and colleagues (2021), Hörbelt (2017), and Haukkala (2015) all note the bloc's self-interest as an important factor determining the adoption of restrictive measures, regardless of their type. Bagheri and Akbarpour's (2016) consideration of counter-sanctions builds upon this argument by raising the stakes of a potential retaliatory move by Baku. As a supplier to multiple member states, some of whom are strongly reliant on its imports, such as Bulgaria, they are unlikely to endorse the imposition of any sanctions against Baku out of disruption concerns. As such, unanimity would not be feasible, essentially hindering the adoption of restrictive measures. The literature on the bloc's response to the oil crisis also suggests a prioritization of gas procurement over foreign policies that could potentially jeopardize this goal and would thus go against the EU's interest of mitigating the negative economic repercussions as much as possible (Labbate 2013; McGowan 2011).

It should be noted that Manner's (2002) Normative Power Europe provides an alternative theoretical lens through which the research question could be answered. In this seminal study, he argues that the EU's power is expressed in its ability to shape others' opinion of what should be regarded as normal and acceptable and should not. It furthermore, and importantly, ascertains a

commitment to promote democracy through its actions. Subsequently, this would also entail its foreign policy, which in this case would include the imposition of sanctions. As such, it would be assumed that as a normative-power actor, the EU would use whatever tool it has at its disposal to correct Azerbaijan's authoritarian and international-norm non-complying behavior, including through the adoption of measures that could harm its own interests.

While such an approach would indeed fit the research question, the provisional data from the reviewed literature indicates that the NPE rationale is not the one determining the bloc's sanctions policy within Europe. As such, neorealism was chosen as a lens that could potentially better explain policy towards a sanctionable, European country.

4. Methods

To answer the research question, discourse analysis method will be used as a method. Therefore, the data analyzed will constitute of primary and secondary sources pertaining to political policies, debates, suggestions, remarks, questions, and importantly, their salience. More specifically, the content of institutional websites such as the European Parliament (EP), the European Commission (EC), the European External Action Service (EEAS), as well as that of member states, in addition to journalistic articles, will be studied. Only materials published from the onset of the Second Nagorno-Karabakh War on September 27, 2020, until present day, January 19, 2023, will be sampled, as the period marked by the most prominent escalations between Yerevan and Baku since the end of the First Nagorno-Karabakh War in 1994. Special attention will be devoted to the period after April 27, 2022, when Russia disrupted gas deliveries to EU member states for the first time, effectively starting the energy crisis.

5. Analysis

Since the onset of the war in September 2020, the Foreign Affairs Council, chaired by the EEAS's head – the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP), has issued multiple condemnations of the conflict escalation, calling for recommitment to the violated armistice (European Council 2020; European External Action Service 2020e). Notably, the condemnation has not been directed at any of the warring parties, but at the conflict itself. Violation of international humanitarian law through repeated attacks on civilians has been heavily criticized by the bloc, without naming states, and it provided humanitarian aid to those affected on both sides of the border to alleviate their grievances (European External Action Service 2020a; 2020b; 2020c; 2020d).

After the signing of the ceasefire agreement, the EU again urged for compliance with international norms by upholding the terms in the armistice, once again without drawing attention to a specific party as a violator (Council of the European Union 2020). Out of line with established behavior, the EU did denounce Azerbaijani invasion into Armenian sovereign territory in May 2021 and urged Baku to comply with international agreements by exchanging Armenian prisoners of war (European External Action Service 2021; Ghazanchyan 2021). Member states also followed suit, with French President Macron directly noting Baku's transgression (Khojayan & Agayev 2021).

A consistent shift in the EU's pattern has become observable since September 2022 when Azerbaijan shelled Armenian villages and at least 280 lives, soldiers and civilians, were lost on both sides. This time around, the violator was directly accused of its wrongdoing by the HR/VP and the EP on multiple accounts (European Parliament 2022b; Ghazanchyan 2022). The response went as far as the adoption of a resolution by the French legislators in support of sanctions against Azerbaijan – a sentiment, echoed by some members of the EP (European Parliament 2022a; Radio Free Europe/Radio Liberty 2022).

However, calls for restrictive measures did not take root. Baku swiftly criticized the French resolution (Eruygur & Hamit 2022), indicating a low probability for Azerbaijan to stay low in case sanctions are adopted against it. While these calls by a single member state do have high visibility, actual implemented policies should be observed as a better indication of the bloc's attitude towards the transgressor.

Instead of adopting sanctions or even initiating high-level discussions of those, the EU has intervened and negotiated with both sides the dispatch of a monitoring capacity alongside the border in hope of contributing to the conflict's sustainable resolution (Council of the European Union 2022a). However, the capacity's mandate was just two months and even though there are talks for a continuation in a different form, so far it has not been superseded while the conflict still looms. As such, the initiative acts more as an attempt to throw dust into the public's eyes and avoid the imposition of actual sanctions that the violations and the bloc's reputation of a normative actor would otherwise necessitate.

Not only does the EU not consider curbing its trade relations with Baku through potential restrictive measures, but it takes decisive action to strengthen them through the establishment of high-level working groups and the signing of an EU-level memorandum to double the gas imports (European External Action Service 2022; Radecic 2022).

As such, calls for sanctions against Azerbaijan are rather sporadic and do not meet support by the EU as a whole, and member states reliant on Baku's energy reserves. Not only is the bloc's foreign policy not considering restricting relations with the Caucasian country, but it actively seeks to strengthen those, specifically by doubling down on cooperation in the energy sector. Read together with recent forecasts by the International Monetary Fund that half of the bloc would plunge into recession in 2023 as a result of the gas market volatility and the subsequent inflation, the EU's interest would be to secure the energy imports it requires (Davies 2023). Failing to do so would strain its already contracting economy, placing a considerable financial burden on governments challenged to adequately address public grievances. This poses a threat to the bloc's economic performance, albeit not to the extent of it constituting a threat to its economic survival. Following the neorealist line of thought, it is therefore expected that the bloc will prioritize its self-interest of mitigating the negative economic consequences through increased Azerbaijani gas supplies over NPE-informed considerations to punish the latter for its transgressions. The reason – the adoption of a sanctions policy against Baku might aggravate it, as its reaction to the French resolution indicates, to the extent that it follows Kremlin's example and disrupts the energy supply as a retaliatory measure.

As such, support is found for the hypothesis that the need for gas procurement, in light of the current energy crisis, will negatively affect the likelihood of the bloc sanctioning Azerbaijan for its violations of international norms.

Conclusion

The current paper contributes to the academic debate on the EU's sanctions policy by providing insight into the novel developments of the Nagorno-Karabakh conflict that are not yet studied. It can also inform public perception of the rationale behind the bloc's foreign-policy decisions and start a debate whether that should be retained or changed to pursue normative considerations instead. Future research could expand on the current paper by investigating whether the decision on sanction imposition as predicted by self-interest would differ for the various sanction types.

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