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THE KARABAKH CONFLICT
Variants of settlement:
Concepts and reality

Third edition
revised and updated

The foreword and comments are by Ambassador Extraordinary and Plenipotentiary of the Russian Federation V. N. Kazimirov

Baku-Yerevan

2006

This book, written jointly by an Armenian and an Azeri researcher, presents the current visions about the causes of the Nagorno Karabakh conflict, and its impact on the parties concerned. The possible ways for a solution to the conflict are described in detail as well as the “technologies” by which these solutions can be achieved. The Appendix contains the texts of official international documents on the Nagorno Karabakh problem adopted since 1991.

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AUTHORS' FOREWORD TO THE THIRD EDITION

Whereas the first edition of our book, **“KARABAKH CONFLICT. Variants of Settlement: Concepts and Reality”** appeared in 2002 simultaneously in four languages (Armenian, Azerbaijani, Russian and English), and the second edition was in Russian only, this third edition is in English. This edition is basically an English translation of the second Russian edition, which was published in Moscow in 2004. At the same time, we tried not to be behind the times, and whenever possible, to reflect in this book the new events that have taken place after the issue of the aforementioned edition. In particular, Chapter IV, “The conflict and the social-political atmosphere in the two countries” is written completely anew. A great number of amendments and additions are also presented in the text, with the largest passages marked with special references. We have also made attempts, through the embassies of the United States and France in our countries, to receive comments on our book from former co-chairmen of these countries in the Minsk Group like those of a representative of the Russian Federation, Ambassador Vladimir Kazimirov. Unfortunately, our efforts have failed. We do hope, however, that such important comments will appear after the publication of this edition.

We express special gratitude to the Friedrich Ebert Stiftung for their help in the publication of the present English edition, which will become available to foreign experts and a wider audience of readers.

A. Abasov, H. Khachatrian

FOREWORD BY AMB. VLADIMIR KAZIMIROV TO THE SECOND EDITION

The exacerbation of inter-ethnic differences, mainly on the social-cultural ground, which in some places assumed the extreme shape of armed conflicts of varying scale and duration, has played a considerable role in both the disintegration of the Soviet Union, a multinational and once powerful state, and in the emergence of many post-Soviet national states. Among them, undoubtedly, the first one by all indicators – by the time of the outbreak of hostilities, by the prehistory of events, by the geographical coverage and scale of military operations, by the use of heavy armaments and the fierceness of hostilities – was the conflict between the Armenians and the Azeris over Nagorno Karabakh, which to some extent became the detonator for other bloody conflicts in the territories of post-Soviet Eurasia.

On May 12, 1994, sustained hostilities in this conflict were effectively halted through the mediation of Russia. The ceasefire has been maintained for well over ten years, although no progress has been made in the direction of achieving a peaceful political settlement despite the efforts of the parties to the conflict themselves and the assistance of international mediators. Neither can one see prospects of solving the problems which were either caused the conflict and were caused by it. The “neither war nor peace” state of affairs had cost the two nations dearly as they remain locked in

uncertainty and despair under the pressure of considerable military spending, the danger of renewed military operations and other burdens of the smouldering conflict – obviously at the expense of the socio-economic and democratic development of their states. It is no coincidence that the phenomenon of migration from the Transcaucasus in search of peace and earnings, which is so usual for Armenians, now increasingly involves Azeris as well.

The causes of the deadlock in the settlement are varied. Of course, one can invoke the objective intricacy and complexity of both the problem of Nagorno Karabakh itself and the related conflict. But the main cause is rooted in the fact that the leaders of all sides continue to put forward maximalist, unrealistic, and practically mutually exclusive claims, which only stalemates the solution to the problem and entails the hardening of propaganda, sowing seeds of hatred, rejecting the search for mutual understanding and raising gleams of realism to the rank of national betrayal. The negotiation process, sluggish over recent years, is carried out by the conflicting sides under the flag of national egoism in spite of the fact that both nations share a number of common vital interests. The leaders do not dare bring to the forefront, and, on the contrary, cover up, the only reasonable prospect – a historical reconciliation between the Armenians and the Azeris for the sake of their converging interests.

Of course, there are also objective difficulties of a different nature. The break-up of the USSR, the declaration and establishment of new states have also substantially complicated the legal basis of settlement. The sides utilize, for propaganda purposes, only those facts of the Soviet period which are favorable for them, rejecting all the rest. The parameters of the conflict have changed since then. It has “grown” from an internal conflict into an interstate and regional one. Western powers with their geo-strategic interests have also invaded the region, which was not instrumental in solving the conflict but rather complicated the path to lasting peace.

Discontent with the fruitless and frustrated nature of efforts to settle the conflict is rising among both the Azeris and the Armenians (as well as in many capital cities abroad). Advocates of “Grassroots Diplomacy” gradually raise their voices, making their way to mutual contacts in search of easing tension and possible compromises. Despite the hysterics of pseudo-patriots, meetings of public figures, journalists, and political scientists of all sides take place from time to time, although in some places authorities try to take them under their control or end them altogether.

* * *

The simultaneous publication in Baku and Yerevan in 2002 of the brochure entitled “Variants of Settling the Karabakh Conflict: Concepts and Reality” by two authors – Ali Abasov and Haroutiun Khachatryan (in a small number of copies, but in four languages – Azeri, Armenian, Russian and English) set forth a new daring challenge against this background. The novelty lies in the attempt to bring together, under one cover, different proposals for the settlement of the Nagorno Karabakh conflict. The daring is also demonstrated by the co-authorship of an Azeri and an Armenian on such a controversial and emotional subject.

It was with their participation as well that two dialogue websites have been simultaneously created on the Internet – both Azeri and Armenian – on the Karabakh conflict, its settlement and opportunities for economic cooperation between Azerbaijan

and Armenia. But unlike the book, which resulted from a compromise between the co-authors, each website suffers from one-sidedness stating its own version of the conflict, its set of traditional arguments, which fails to take the matter further to settlement.

The brochure also contains errors, but the Mezhdunarodnye Otnoshenia publishing house seeks to reinvigorate the work, republishing it with some specifications and additions from the authors, as well as with a number of commentaries and a set of relevant documents. The personal and professional aspirations of the scientist from Baku and the analyst from Yerevan “to start at long last a direct dialogue of the peoples with the purpose of reaching mutual understanding” deserves to be supported in every possible way. The researchers were not dissuaded by the fact that in conditions of accumulated mutual distrust their brochure would be ambiguously received by their compatriots. Everyone who stands up for the liquidation of this dangerous seat of conflict in the Transcaucasus, or the South Caucasus, will appreciate the civil courage displayed by the authors at its true worth.

The co-authors declined the term the Transcaucasus and call the region the South Caucasus – by analogy with the North Caucasus and because of its convenient abbreviation SC. Geographically it was hardly worth calling it into question. But another thing is interesting: this renaming is being actively introduced by Westerners as well as Russophobes with obvious political goals: to oust Russia from the region, shading the fact that in spite of Urartu and Kolkhida it came into today’s “world circulation” in many respects through Petersburg and Moscow. (If the Japanese mastered this logic, they should call the Far East the Near West!).

By the way, I also want to note that toponymy has become one of the frontlines of the conflict between the Armenians and the Azeris. Both sides have been struggling with geographical names (primarily, the names of settlements) for many years with a stubbornness deserving far better application, apparently trying to prove their primogeniture in these places. In practice this campaign became a symbol of inability to get along with the neighbor, and it propagates the spirit of national exceptionality. For example, the Azeris stubbornly call Stepanakert Khankendi (by its former name). The word “Nakhichevan” (this is also the name of a town near Rostov-on-Don) which is accepted in Russian since olden times, in Azerbaijan from recent times has been written as “Nakhchyvan” even in Russian. The Armenians “return the favor”. Fewer and fewer towns have single names. To tame the passions, the sides could have relieved this unnecessary tension a long time ago – say, by making a gesture of goodwill and reconciliation and switching to double names until better times: one’s name as the basic name and then indicating in brackets the name preferred by the other side. Nothing of the sort!

How difficult it was for the co-authors of the brochure to come to the compromise text is apparent from many places in the brochure. Sometimes the “political correctness” of one of them allowed the prevalence of the version of the other side. During the years of confrontation, the two sides have elaborated arguments on any disputable issue, quite often supplying it with propaganda tactics. This is also why only the middle line, which is “equidistant” from their propagandistic settings, takes us closer to the truth, whereas any tendency is fraught with taking us away from it.

For the sake of future generations, the two nations need a “peace without winners and losers”. But each side suffers from the syndrome of the “victor”, imagining itself as the victor. The Armenians are obviously let down by the euphoria following the battles of 1991-1994. (But while the Armenians of Karabakh have combat traditions, then mainly bloody hardships affecting the nation’s psychology and causing the mass exodus from the historic homeland and formation of diasporas throughout the world were falling to the lot of the rest of the Armenians for centuries. And now it is the Diaspora that from the distance excites to exaltation the defense of national interests of Armenia!) The Azeris have also been vexed by military failures try to win back at the negotiating table what they lost in battlefields, considering that a number of advantages will ensure their success. Baku holds expectations of winning economic competition with Armenia that lacks resources and enhances the military build-up at the expense of petrodollars. Meanwhile, the national-radicals dream of, and even loudly threaten, a revanche by force. Unfortunately, top officials also periodically adopt such threats. As a matter of fact, if we take a deeper look, there are no true “winners” in this conflict, as in a hypothetical nuclear war, there are only losers.

In short, the false euphoria of the “winners” disappoints everyone (however paradoxical it might sound, “defeatism” would be more fruitful from both sides, since both nations severely suffer from the direct and indirect consequences of the conflict and would welcome reasonable compromises, which, alas, can not be achieved without mutual concessions). A lie of virtual victory quite logically leads to mendacious silence, as none of the leaders defending polar claims has yet dared to tell his nation honestly that in the course of the settlement it is impossible to gain everything they want, that they have to be satisfied with less or even the least against the background of grandiose ambitions and promises. Let alone the fact that none of them took the risk of calling for contentions between the Armenians and the Azeris to be overcome, and this is the only way to the civilized future for both nations. The unrealistic and even harmful nature of maximalism have yet to be denounced either in Baku, or in Yerevan and Stepanakert, as radicals there remain subject to primitiveness and demagogy, and realists and pragmatics have not been given preference.

Each side falls into the trap of self-deception, as if time works in its favor. The Armenians dream of finalizing the existing status quo through everyone’s getting accustomed to it (hence their demand for a package solution to the conflict that would allow them a time-out), while the Azeris dream of bolstering their economic and military strength and solving the conflict by force or from new positions of strength. Yet time is running against them all, only aggravating the arguable problems and fostering scepticism, impeding the normal development of the young states. To delay the settlement of the conflict means to stir up animosity, and to poison the new generations with its miasmas.

* * *

Returning to the brochure, it is difficult to regard the introductory part as successful, where the authors along with interesting judgements made a noticeable bias in the evaluation of Russia’s role in the course of the conflict and its settlement. Its role is

almost demonized. But our reader should know the way of thinking of some analysts throughout the Caucasus.

One of the initial premises, that during the years of perestroika the Center (i.e. Moscow) allegedly furthered the escalation of ethnic differences in some republics to remove from office conservative nomenclature and promote new personnel, is already doubtful. Russia's maintenance of its historical positions in the region is characterized not very approvingly ("Russia tries to recover the influence that the USSR used to have in this region"), though it would be more correct to speak about its influence that had objectively developed there before 1917 as well. An obviously negative role in maintaining the conflict is ascribed to Moscow and it is alleged that it has an interest in preserving the occupation and having the conflict suspended for an indefinitely long time, in carrying out destabilizing actions in the region, etc. It is worth feasting the eyes upon the following consumer wording: "Russia failed to offer the region a reasonable variant of settling conflicts, providing economic assistance or a way of integration". I will restrict myself to the settlement of the Karabakh conflict only, since the core of the brochure is in it. Here everything is "quite the opposite": the sides failed to use a number of Russia's proposals in the mid-90s. It is time for some people to feel sorry for that.

Whether the authors want to or not, the penetration of Western powers into the Transcaucasus is shielded in the brochure. In conditions of globalization they fail to see any anomaly in the statements of the United States about its "vitally important strategic interests" in this region. On the whole, the authors failed to observe the objectivity or at least "equidistance" with respect to notorious "external factors". Thankfully, at least the decisive role of Russia in establishing ceasefire regimes in all the three conflicts in the Transcaucasus is not denied.

It can also be told of how Washington hinders the efforts on stopping the bloodshed in Karabakh. In the second half of 1993, the mediatory mission of Russia several times succeeded in establishing ceasefires as well as arranging the first meetings of H. Aliyev with L. Ter-Petrosyan and R. Kocharyan in Moscow on September 25. A few days later we were officially informed that the United States in principle did not mind the achievement of the ceasefire agreement by means of direct negotiations between the parties to the conflict, but not with the mediation of Russia (!). The U.S. Department of State was concerned with Moscow's attempts to confront the Minsk Group with the fait accompli of a ceasefire and end-of-hostilities agreement, whereas all efforts on the settlement, as they say, should be made in this format. If something like this was stated to us, then it is not difficult to guess what was suggested to Baku and Yerevan, of course, for the welfare of "collectivism"!

How much more blood had to be shed by the Azeris and the Armenians to reach an agreement themselves? Or when would the CSCE Minsk Group, which failed to give priority to the curbing of military actions, achieve the stopping of bloodshed?

The powers that be in the Transcaucasus often archly overestimate the impact of "external factors". They do so to hide the ineffectiveness of their own approaches to the settlement. Those who do not want or can not assume the responsibility for inevitable concessions, readily seek an "alibi" that it is the competition of powers that ostensibly impedes the agreement.

As a matter of fact, the destiny of the settlement is basically in the hands of the ruling elites and peoples of the region. No doubt, it depends primarily on them. And

when it is said that other states will agree with whatever solution is reached by the parties to the conflict, it is not a departure from the constructive role of the international community, from the support of peace efforts but a direct invitation for the sides to prove in practice by flexibility their striving for lasting peace. It is important for the international community that the sides come to an agreement, and how exactly they will do so is more important for the sides themselves.

All too often, there are complaints about mediators. I know that from my own experience in the Karabakh conflict in 1992-1996. Official Baku gives preference first to one and then to other mediators, but then reproaches each of them for failing to adequately recognize or consider Azerbaijan's interests. It would be worth understanding why all the mediators suddenly became so unfair towards this side. Does it happen without any reason?

As H. Aliyev has said, if he and R. Kocharyan are to conduct negotiations with each other then what are the mediators for? What will they do? But by such complaints, the sides pass over in silence how many times one side or the other rejected various proposals of the mediators. They even rejected them as a basis for conducting negotiations. This superficial position of the sides led to the situation that the mediators handed over the "ball" to the leaders themselves so that they would work on the approximation of their positions. It turned out to be more difficult than rejecting proposals. Then H. Aliyev began to ask: "How to come to terms if the positions are diametrically opposite?" It's time to value the hard work of the mediators and not to use them only for writing off one's hesitations and mistakes.

Of course, it should be acknowledged that no "sterile pure" peacemaking can exist. Every mediator-state also considers and pursues its own national interests, however the distinction between good and evil can be easily found here – what the priority is given to: the interests of settling the conflict or self-interested geopolitical expectations? Karabakh can richly illustrate both of these approaches.

* * *

Analyzing the international and legal aspects of conflict settlement the co-authors forgot to point out that all the ten Helsinki principles of the OSCE are equal and must be considered all together and not selectively – whoever likes which one more. The principles of peaceful settlement of disputes, non-application of force or a threat of force have no less significance than the principle of territorial integrity and the right of nations to self-determination. Their universality is indisputable. In them is the root of settling the conflict.

The authors undertook to collect possible variants of the political settlement of the conflict. But was it worth excusing to exotic, obviously useless ones? Of course, they are not aware of everything that happened at different stages at the negotiating table – it is not always published. But, anyway, a number of gaps of the first edition are bridged now.

The problem of Nagorno Karabakh is the core of the conflict and its settlement, but the standoff has caused many other problems as well. There is a mass of causes and sequences here. The brochure is focused on the variants of solving the problem of the status of Nagorno Karabakh, and it touches less upon derived problems (liberation of

occupied territories, security needs of both sides and possible necessity for demilitarization of some zones, return of refugees and displaced persons, restoration of economic and transport links, etc.). The authors appear to believe that they will be solved depending on the solution to the central question. But some of them became of no little importance and who can predict the sequence of their solution?

The concentration of considerations stated in the conclusion and deductions of the brochure is perhaps the most interesting. Being in the epicenters of public consciousness in their countries, the authors reveal the main political-psychological obstacles to the peaceful settlement of the conflict – an “absolute psychological deadlock”, which resembles a theatre of absurdity.” They emphasize the necessity of forming elites capable of tuning the public opinion of each side to the wave of searching and finding mutually acceptable compromises.

A. Abasov and H. Khachatryan soundly and firmly clamour against the harmful mythologies in peoples’ consciousness, against “the excited mass consciousness sodden with nationalistic myths”, against “the violent, fierce, irrepressible, destructive nationalism”, and “the different forms of national and religious collective hysteria.”

I consider the authors’ putting forth the capacious wording: “Compromise is higher than victory” to be one of their important achievements. The aphorism of common sense sounds like a reproach to all virtual “winners.” It is a cry to them from the future when reason will not be subject to prejudices and emotions. This formula could serve as the epigraph to the brochure and a slogan of grassroots diplomacy devotees in Azerbaijan, Nagorno Karabakh and Armenia.

History shows that victories are not everlasting and sometimes are even short-term. Very often they keep the development of events in the tight grip of confrontation and are fraught with dangers of revanche. A sensible compromise is more lasting. It clears the way to normalization of the situation in the region, gradual overcoming of distrust and resumption of mutually beneficial cooperation. The authors reasonably emphasize mankind’s need in philosophy and culture of the world as opposed to the cave cult of war and violence, which, unfortunately, prevails over the common sense of peoples in the heads of some rulers in this new millennium as well.

Let us be frank: no feeling of gratitude has yet grown in public opinion, let alone in official structures of Azerbaijan and Armenia, and in Karabakh itself, to the two authors for their efforts in the interest of the resolution of the conflict. But this time will come. Both peoples are so much eager to get closer to the improvement of the situation! I know well that there is the same wish in Russia, which did and still continues to do much for overcoming the conflicts in the Transcaucasus.

* * *

In some places of the brochures I had to make a number of notes and comments (as the supplement of the authors’ text or because of discrepancies, but nonetheless in coordination with them). The authors’ notes are marked with numerals; mine are given in italic and marked with asterisks and also with the initials V. K. at the end.

Ambassador V. Kazimirov

From the authors

The Nagorno Karabakh (NK) conflict, one of the earliest and most large-scale conflicts on the territory of the former USSR, is increasingly assuming the shape of a protracted interstate and international problem with vague prospects of development. Emerging in the 1980s, still within the political area of the USSR, after the collapse of the Union it automatically turned into an interstate problem of the two independent states - the Azerbaijan Republic and the Republic of Armenia. Moreover, because of this problem both these newly formed states became involved in a bloody armed conflict from the early days of their independence. According to many estimates, the conflict has claimed more than 40,000 lives. But these are only the direct military casualties on both sides, and no one undertakes to give the exact numbers of victims among civilians. The military actions were brought to an end in 1994. However, the political solution to the conflict was not achieved despite the efforts of the parties to the conflict and assistance of many international mediators.

The consequence has been a situation of “neither war nor peace” between the two states, a lack of diplomatic relations, and with the borders between the two countries resembling a frontline. All transport and other communications connecting these countries – and partially connecting these countries with third countries – have been blocked. Due to the fact that the key countries of the region hold different positions towards the Karabakh conflict, it has become an essential factor of tension in the region, turning at times into a toy of geopolitical and economic interests of the world powers, and, first of all, the United States and Russia.

The state of “neither war nor peace” is quite dangerous, for it is fraught with a permanent threat of renewed hostilities. Even if such a turn of events is unlikely (and in the opinion of most politicians and experts, it is really so, at least for the visible future) there are still too many reasons to be worried. First, both states have already suffered great losses because of the conflict and are still suffering significant economic losses due to the conservation of the conflict for an indefinite period of time. The Azerbaijan Republic and the Republic of Armenia, like most of the former Soviet republics, were linked by close economic relations, the disruption of which played a considerable role in the large-scale drop in the living standards in both states. Moreover, every new day of their mutual isolation is a day of new lost possibilities – the potential partners have to turn to other countries. A great number of regional projects have also come to a standstill due to the unresolved conflict.

But the most alarming thing is that the delay in finding a solution to the conflict, the absence of at least a little progress toward settlement, potentially aggravates the search for ways to reconciliation. Unfortunately, both countries have instead developed a stable “image of the enemy” in relation to the opposite side, and most political forces of both countries, including the government structures in Baku and in Yerevan, to different extents contribute to the consolidation of this “image”. But such a situation leads, first of all, to the loss of mutual trust – the basis for any negotiations and attempts to get closer to each other and search for avenues towards reconciliation. Hostility begets more intense confrontation. In fact, only a few groups of people and some public organizations show their concern over such a tendency.

The project that resulted in this brochure was intended as an attempt to oppose this destructive tendency. Its participants – experts from Azerbaijan and Armenia -- created a series of materials, which, we hope, have presented to the public of both countries the viewpoints of each side on painful problems as well as possible ways of overcoming them. Besides this brochure, our work resulted in another two materials – the viewpoints of the two sides on the background and development of the conflict in NK (“monitoring”), and also the concepts of what kind of common economic interests currently exist between the two countries and peoples. These materials are available online (the web address of the Azeri version is www.gender-az.org, the Armenian version can be found at www.dialogueArmAz.nt.am). The brochure itself is published in the Azeri, Armenian, Russian and English languages. We regarded this project as an initial stage of cooperation with the view of melting a little of the ice of distrust between the two countries and peoples. Unfortunately, no progress has been reached in the negotiating process yet. There is still much work to do to bring the positions closer together and to decrease mutual distrust. Unfortunately, it is obvious that there will be much work both if the present situation is “frozen” for a long time and if the settlement process finally gets underway. Even in the event of the most favorable outcome, the process of rebuilding trust between our peoples will take a lot of time and effort.

The main work on this complex project was being completed at a time when the process of negotiations had entered its latest “stagnation” period (mid-2002). Stagnation was evident due to the fact that after three years of contacts at the level of presidents of the Azerbaijan Republic and the Republic of Armenia, there has been a return to negotiations through the agency of envoys representing the presidents (the two countries’ deputy ministers of foreign affairs). On the other hand, the joint statement of the US and Russian presidents in May 2002 proved, as we thought at that time, that the South Caucasus (SC) region might very soon be subjected to a “compulsory reconciliation” that had very little to do with “the principles of law and justice”. Therefore, we were in a hurry to publish this book, hoping to do so before decisions crucial for the region were made. But (fortunately or unfortunately) the world once again was occupied with another region, in this case it was Iraq. And this convinces us again that no one but our two peoples can solve our problem¹. It remained only to regret that during the two “post-Iraqi” years (2004-2005), the period that seems favorable for the display of independent political will of the parties to the conflict, meetings of the leaders and diplomats of Armenia and Azerbaijan only proved fruitless once again.

Presenting this brochure to public judgment, we hoped that this first step would serve as an impetus for further steps in the direction of overcoming mutual distrust. We think it important to note that even for us, the authors of this brochure, people confident in the possibility of a rapprochement and reconciliation of the Azeri and Armenian positions and disposed to work towards this, creating this small work was not an easy task. We made sure once again that such an endeavor was a hard search for ways to achieve mutual concessions and breakdown stereotypes. We presumed that the second

¹ A recent attempt to involve the Council of Europe in the process of settlement of the NK problem (see the Appendix for the documents of the January 2005 session of the Parliamentary Assembly of the Council of Europe) may be considered as additional proof to what was said above. This activity has not yet resulted in any positive shift, but it has provided an occasion for a further aggravation of the rhetoric of hatred both in Armenia and Azerbaijan (NK itself in this respect has shown a great deal of restraint).

edition of this brochure would also arouse different attitudes and opinions both in our countries, and within the Russian Federation. But we still think it necessary to start a direct discussion of the problem which previously was held over the heads of the peoples bearing the main burden of the endless conflict.

We feel obliged to express once more our sincere gratitude to the Embassies of the United Kingdom in the Azerbaijan Republic and in the Republic of Armenia which supported us in bringing this project to life. We would like to express our deep gratitude to Togrul Juvarly and Sergey Shakaryants as well as to Professor Rakhman Badalov for their invaluable assistance in this work. We express our condolences to the family of Professor Suren Karapetyan who recently passed away and who was not only an active participant of the programme but was also one of its initiators.

The fact that the prestigious publishing house *Mezhdunarodnye Otnoshenia* of Moscow considered our work worth being presented to the judgment of Russian readers, gives us additional confidence that our work was done not in vain and it is not without prospects. We should especially point out the role of Ambassador Vladimir Nikolayevich Kazimirov, the plenipotentiary of the President of the Russian Federation on the political settlement of the Nagorno Karabakh conflict in 1992-1996, in the realization of this publication. We express our sincere gratitude to Ambassador Kazimirov for a number of remarks and comments to our text (although we do not necessarily agree with all of his judgements) as well as for the laborious work on the preparation of texts in the appendixes. It is only left for us to hope that the other co-chairmen of the OSCE Minsk Group will express their opinion on our humble work as well.

I. INTRODUCTION. THE LEVELS OF THE KARABAKH CONFLICT: FROM LOCAL TO GLOBAL SCALE

Since the time of entering the USSR the multinational Azerbaijan had already had its own ethnic problems, but only one of them developed into a full-scale war with the Armenian population of Nagorno Karabakh and Armenia for NK. According to the statistics, Armenians made up 70-75 % of NK's population (150-160 thousand people), living in an enclave inside Azerbaijan. As a result of this confrontation the "freedom" of Karabakh Armenians cost the lives of tens of thousands of people on both sides, a forced resettlement of 250,000 Azeris from Armenia and 400,000 Armenians from Azerbaijan, a seizure of seven more regions of Azerbaijan outside the enclave of NK, which caused the emergence of 800,000 refugees and forcibly displaced persons in their own country. The Azerbaijan Republic claims that 20% of its territory is occupied by the Republic of Armenia².

Armenia deems that it was the result of the struggle of the Defense Army of the unrecognized Nagorno Karabakh Republic (NKR) against the 7-million Azerbaijani Republic and, consequently, it is Azerbaijan's internal affair, although the enclave of NK turned into a territory united with the Republic of Armenia almost all along the state frontier between the two countries³.

For the further presentation of the material it useful to get an idea of what can conventionally be called "the levels" of the conflict. Their importance arises from the fact that transitions from one level to another substantially changed the nature of the confrontation and ways of solving the problem⁴. Chronologically, the dynamics of the Karabakh conflict can be presented by the following scheme.

1. *Ethnic-confessional level*: Azeris – Armenians.
2. *Regional level*: Azerbaijan – Karabakh – Armenia.
3. *Soviet – post-Soviet level*: Azerbaijan – USSR (Russia, RF) – Armenia
4. *International level*: Azerbaijan – Armenia and others states (the most important of them are the United States, Russia, EU countries, Turkey, Iran).

² *A favorite aspect of the Azeri propaganda – the "rounding up" of figures for the sake of exaggeration. Nagorno Karabakh Autonomous Region made up 5% of the territory of the Azerbaijani SSR, but not all of it is under control of the Armenians now. Outside it the Armenians have occupied about 9% of the territory of Azerbaijan. Together it makes less than 14% (and even if they round up this figure then 15 or 10 is much nearer to the truth than 20). The number of displaced persons in Azerbaijan is enormous (about 800,000 people), but propaganda all the time "rounds up" the figure to one million. Regular overstating of reliable data (rather impressive as they are!) as a result only undermines trust towards Baku. (V.K.)*

³ *The Armenians, in their turn, even though inertly but still try to deny the participation of regular troops of the Republic of Armenia in the military operations, covering it by the participation of volunteers and the like. For serious investigations of the Karabakh conflict this fact is indisputable. Another bend of the Armenian propaganda is the unwillingness to admit that territories outside Karabakh are occupied, seized or taken by them during battles, and obtrusive attempts to represent them even as "liberated" (V.K.)*

⁴ *The co-authors here and then use almost as synonyms the words "conflict" and "problem" whereas they are different notions. For example, the problem of NK might not have ended in an armed conflict. The escalation of the parameters of this conflict ("levels") engaged new actors to its settlement and, no doubt, had an influence on its course, but not so much on the ways of solving the conflict. (V.K.)*

We think it necessary to analyze these levels separately before passing on to the analysis of possible variants of stabilization, and then to address the ways of solving the conflict.

1. The ethnic level of the conflict

The radical distinction of ethnic-confessional self-identification of the Azeris and the Armenians is obvious, although sometimes, whoever paradoxical it may sound, it turns into likeness. The Azeris refer themselves to the large community of Muslims and to the smaller, but still considerable community of Turks. The Azeris consider themselves to be a large nation and are practically not concerned over the problem of ethnic survival and its possible extinction. The Azeris are mostly Shi'ites, which puts them in a special position in the Muslim world in general and in an almost exceptional position in the Turkic world. Armenians, belonging to the large community of Christians, due to their confessional specificity hold a special place among them (and they conceive the fact). They regard themselves as a unique ethnic group. Owing to the long period of their life in the surroundings of non-Christian culture and historical collisions, Armenians have developed a persistent sense of a constant threat of extinction as "a small ethnic group in conditions of hostile surroundings". It seems that this element of Armenian mentality played an important role in the development of this conflict, and, furthermore, it plays a significant role at the present stage. In particular, it adds to the distrust towards the assurances of the Azeri side about providing guaranties of security to the Armenians of NK.

During the years of the Soviet system both peoples lost their spirit of religion. As a result, Islam and, correspondingly, Christianity, turned into a form of everyday religion. Nevertheless, the Armenians retained their perception of religion as a factor of consolidation of the people, and of the church as an institution of self-government and social organization (the Armenian Apostolic Church indeed played this role during the centuries when Armenia held no statehood).

At the same time, the closeness of these two people appears to have much deeper roots than the 70 years of life in approximately similar conditions of the Soviet regime (let alone the earlier historical periods). Thus, the historical situation has repeatedly promoted in both cases the de-ethnization of some strata of these peoples. The "ethnic-genetic material" of native Albanians was mainly shared by these two ethnos. After all, the long period of habitation side by side resulted in a great number of mixed marriages leading to a marginalization of both ethnos. It is a striking fact that the closeness of the Georgians and the Armenians by all accounts should have been greater than that of the Armenians and the Azeris, but a great many of historical-cultural facts and regularities prove the opposite. This fact found its most vivid reflection in places, usually in provinces, where representatives of the two peoples lived together and formed a peculiar symbiosis. The Azeris always distinguished "our" and "foreign" Armenians, and "our" Armenians ("from Karabakh") (from the Azeris' point of view) always opposed themselves to "Yerevanians". That is why it was possible to speak about several "Azeri" ("Baku", "Armenian", "Georgian", etc.) and "Armenian" ("Karabakh", "Yerevanian", "Diasporan") mentality towards "neighbors" and "history". The inverted comas in either case mean that all these spheres are quite mythologized, saturated with unconscious and

subconscious motives and saturated with “facts”. The historical myths and the shift of responsibility from one ethnic group (people) to the other never lost ground.

However, the experience of conflict in the inter-relations between the Armenians and the Azeris in the region had begun approximately since the middle of the 19th century. It continued with bloody confrontations of 1905, 1918 and the following years up until the contemporary events, when the sides again showed a tendency toward mutual annihilation, and crossed the threshold of humanity, like the Serbs and Croats did at their time. The attempts to identify the opposing side as “barbarians” were expressed in numerous phobias, in the fright of each other, in the formation of an image of the enemy, and in the conversion of subconscious phantoms into reality. Two components of the forming elite – intellectuals and religious figures, devoid of the experience of democracy, played a negative role, and the decisive role of “revolutionary anarchy” was exercised by the “newly arrived” bellicose elements. It was in that environment that there emerged the idea of a genocide of Azeris, or claims for the so-called Western Azerbaijan (as some Azeri politicians name the modern Republic of Armenia) in response to the Armenian claims for Karabakh and Nakhichevan (Nakhchyvan after changing the writing of the names of a number of cities and towns in Russian in Azerbaijan).

One of the ways out of the deadlocks of consciousness is seen in the modeling in the region those principles of joint Diaspora life of Armenians and Azeris that was formed in Russia and where their cooperation is seldom burdened by “the idols of the past and the present”. The possibilities of destroying the myths also proceed from the processes of democratization that bring transparency into the social, political and economic spheres of public life.

2. The regional level of the conflict

The Karabakh conflict became a factor in the (early or late) formation of the new national elites claiming political power in Azerbaijan, Armenia and even in the NK. The path to power was possible only by riding the wave of nationalism. It is a mistake to think that the Baltic states witnessed a democratic, liberal breakthrough, however. There, too, everything was happening on the wave of nationalism, but that was consolidated by the Baltic republics and targeted with solidarity directed against the outside, against the USSR. This didn't take place in the South Caucasus. The different attitudes of the three republics to the search for an external reference-point, their constant shifts from position to position, and Georgia's and the Azerbaijan Republic's late accession to the CIS moved apart their expectations and results.

The leaders of the Azerbaijan Republic and the Republic of Armenia have forever become hostages to the nationalist slogan and sentiments, and not only because of necessity, but also proceeding from the fact that the prolongation of the conflict was, and is, an indispensable condition of retaining personal power. (The only exception, the case with the first President of the Republic of Armenia Levon Ter-Petrosyan, only confirms what was said above). The fact that the politically active masses and leaders were mainly mobilised from the peasantry led to a modification of the psychology and logic of the political situation and its analysis. The leaders of Armenia and Azerbaijan, Robert Kocharyan and Heydar Aliyev, relied on certain forces (of a “Diasporan” character) and had to curry their favor and support. Meanwhile, the hard and cruel period of the primary

accumulation of capital had already ended in the republics and brought the capital under the control of narrow groups (“clans”) of people tied to each other. In such a situation, an urgent need for a certain “new way of thinking” appeared among the political elites of Azerbaijan and Armenia, but there was not enough time for that. Time will show if the formation of such a new approach may demand a change in the present political elites and their leaders (Ilham Aliyev, who replaced his father in 2003, still declares the need for a continuation of the policy and trust toward the team of his father, which, however, is unlikely at least because of the changed situation in the region⁵). The following question first of all arises: may a change of elites in the Republic of Armenia and the Azerbaijan Republic destabilize the situation in the region even more? The events in Georgia in late 2003 showed that these processes may begin in an absolutely “unexpected” way.

Georgia, which could have assumed the task of consolidating the region (and forming that very “new way of thinking”), itself has been buried under the burden of its own problems, including ethnic conflicts. The impossibility of a Tripartite Alliance in the South Caucasus today bears a striking resemblance to the situation that existed at the beginning of the 20th century when all three republics obtained short-lived independence. Also the sentiments of the NK population should not be underestimated. For more than 10 years the Armenians of the NK, like the Abkhazians, have de facto lived without any submission to another state, and this fact reflects on their mentality and turns them into a separate factor in the political situation of the region – something that outside forces⁶ often make use of.

It is obvious that the development of civil societies and institutions, and the strengthening of democracy in general, are a necessary (but not sufficient) precondition for an ultimate resolution of the conflict and reconciliation between the two peoples. The formation of civil unions and structures directing their activities at the consolidation of democratic processes in the three republics and the formation of an intellectual forum of the South-Caucasian countries are major factors in these processes. The search for a common model to resolve the numerous conflicts in the republics of the region, the analysis of the problem of ethnic homogeneity and its different representations in the republics of the South Caucasus, setting up Russian, American and European forums of the peoples of the South Caucasus (as a significant part of population has migrated to all countries worldwide), for example, and coordination of their actions are potentially important activities in reducing the level of tension in the region.

3. The Soviet-post-Soviet level of the conflict

The Karabakh conflict is not the first ethnic conflict in the dying agonies of the USSR, but it is both the first long-term and most fierce such armed conflict. One tendency was observed at those times – growing tensions in the area that was later called the “southern underbelly” of the USSR (Russia). Here there were concentrated conservative regimes

⁵ In October 2005, just before the publication of this edition, Ilham Aliyev, apparently, initiated steps to change the team he inherited from his late father (comment of the 3rd edition).

⁶ *By external forces the authors obviously imply Russia as well. It is important to emphasize that the pro-Russian orientation of the Karabakh Armenians has long historical roots and does not only result from the last decade. Besides, a natural inclination of the Karabakh people to Russia is, undoubtedly, stronger than the inverse vector.*

that considered communism as a suitable form of medieval rule. It is in this region that “perestroika” failed to find support in government structures. There is an opinion that inter-ethnic confrontations, uncharacteristic for the Soviet regime, had been provoked by the “Center” with the only goal of undermining the prestige of the local conservative authorities and replacing the leaders of the old type with new “reformist” ones, although still from the communist nomenclature. If it is so, then these processes were not thoroughly thought over, nor were they supported by any efforts aimed at containing the consequences of the conflicts and removing third party agents and actors that were inevitably involved in such events that had a good prospect in terms of realisation of their political ambitions⁷. By changing the elite, the Center was faced with qualitatively new problems that it could never control as fully as it had done before. The hypocritical slogans of “perestroika” were seized at the early stage by the emerging national elites, but then, however, they again passed to the arsenal of the regenerated nomenclature that tasted pure initial capital and was deprived of any, except verbal, support for liberalism, freedom, democracy, market relations and human rights.

For new elites, ethnic conflicts were gradually turning into a method for:

- a) political mobilization;
- b) putting pressure on the government;
- c) seizure of power;
- d) retention of power;
- e) creation of “black holes” on the territory of what was still a single state for smuggling abroad great amounts of money, raw material, narcotics, “human commodities”, weapons, etc.

This suited everyone “running from the sinking ship of the USSR”, except the inhabitants of these “black holes” who were forced to ensure these channels were kept open at the price of the escalation of military confrontation and a sharp fall in living standards, a weakening of security and chaos in law, and a paralysis of the human rights protection mechanisms on the territories in conflict. The formation of significant capital helped the new elites to “lobby” their interests with the Center that was also passing into the hands of the new nomenclature.

The sudden collapse of the USSR, performed by the scenario of the “Belovezhie agreements” provided a favorable moment to end the conflicts in the South Caucasus, but it was missed because of the dependence of the stability of the authorities in the region on successes and failures in conflicts. And the course of the conflicts largely depended on the deliveries of Russian weapons and even the participation of Russian military instructors. The post-Soviet victories and defeats of the countries of the region, especially the Republic of Armenia and the Azerbaijan Republic, relied heavily on “donations” from the Russian Federation. The Azerbaijan Republic and Georgia, which had not joined the CIS, gradually became the targets of Russia’s political, economic and military pressure and eventually changed both their governments and, temporarily, their political orientation. Nevertheless, Russia failed to propose any sensible variant of solving the conflicts in the region, to render any economic assistance or to offer a way for integration (although Russia played a decisive role in the achievement of the ceasefire in the Karabakh and other conflicts of the region). No one can foresee the dynamics of the

⁷ As it was already mentioned in the foreword, the authors’ hypothesis that the Center pursued this policy is very doubtful (V.K.).

economic development of this country. And the fatal frustrations and failures of reforms arouse stable scepticism even in relation to such an active figure as President Putin. Out of necessity, Russia is being guided by the priorities of its political interests and, in the aspect of these interests, the conflicts of the South Caucasus have to remain suspended for an indefinite time. It is quite predictable what attitude Russia will manifest in case of an achievement of a hypothetical agreement between the Republic of Armenia and the Azerbaijan Republic and their reorientation to the West, excluding Moscow from partnership in the region⁸.

History again presents such a chance to the countries of the region, however strange it might seem. But what will be the actions of the authorities and the public? The Republic of Armenia holds the key role in this matter. But again, there is no common center in this country to take a history-making decision. It can not be ruled out, though, that these countries of the region may make a decision in favor of the Russian Federation, that is, to return to the political umbrella of Moscow. In this case it is necessary to consider variants for political and especially economic development and the rate of the Russian Federation's integration into the European community. The point is that this rate will determine the degree of the United States' "withdrawal" from European affairs. But for the time being, we can observe a polarization of the political orientation of the countries which is on the whole negative for the region: Azerbaijan – USA, Georgia – Western Europe (and lately the USA) and Armenia – Russia. True, the involvement of all the three countries of the South Caucasus in the EU program (known as "The New Neighborhood") in June 2004 has raised hopes that integration tendencies in the South Caucasus will finally prevail over the prolonged "disintegration."

Anyway, there may again be a historical chance for the countries of the region to come to terms on the differences that have been rending them apart. It seems, however, that their political elites are not yet mature enough to make unpopular, but eventually necessary decisions capable of putting an end to conflicts and restoring mutual trust in the region. However, it is already a positive phenomenon that the growing understanding holds that there is no real alternative to peaceful negotiations and only in this way can the conflicting sides enter a system of mutual guarantees of security, stability and cooperation in the region.

Considering what was stated above, the intellectual and political elites must assume the task of mulling over variants of uniting and elaborating a common political orientation for the countries of the region. It does not at all mean that this, as many people think, will be a new, one-sided and strict orientation to one country. It means a tripartite, complex of vision of the political future of the South Caucasus.

4. The international aspects of the conflict

⁸ *The extremity of the authors' judgements regarding Russia's policy towards the conflicts in the Trans-Caucasus causes bewilderment. The real feeding of the conflicts from inside and outside: bloody hostilities and increased animosity, division and seizure of Soviet armament in the Trans-Caucasus, recruiting of mercenaries, breaking of armistices, support of the conflicts from the West first to weaken the USSR and after its collapse to penetrate the Trans-Caucasus are pushed to the background. The authors are not always logical: they ascribe to Russia multiform interest in the three Trans-Caucasian conflicts and have to acknowledge Russia's decisive role in the discontinuance of bloodshed in all three conflicts. (V.K.)*

Owing to the conflicts, the processes of globalization embraced the South Caucasus region sooner than other parts of the post-Soviet space. The presence of oil aggravated the conflicts turning them into an international problem. The consequences of these processes have barely been studied and hereby we endeavour to outline the scope of problems that emerged in consequence of this.

Since May 1994, a fragile armistice has been preserved in the region. In the course of this armistice the sides have failed to find acceptable variants of solving the inter-ethnic conflict. Had the region been faced with other geopolitical conditions and had Azerbaijan not had the strategic resources of energy (oil and natural gas), the conflict would have probably been settled long ago. However, several large countries and the world superpower, the United States, see the region as in their “vitally important, strategic” interests, entangled in a complex web of contradictions and not always clearly stated⁹. On the other hand, Russia, which has been trying to determine its political priorities in the South Caucasus for years, does its best to recover the influence that the USSR had in the region. Iran, worried by a possible entry of the US and NATO into the region more than by anything else, resists in every possible way the inflow of Western investments and the formation of a new center of world economic development, which implies connecting Western Europe with the Far East by means of communications and oil-gas pipelines. Despite several quite real contradictions, the Russian Federation and Iran at the present moment have to become tactical allies, striving to oppose the grandiose ambitions of the West to include the vast regions of the South Caucasus and Central Asia (CA) into its sphere of political and economic influence. The three recognized republics of the South Caucasus are assigned different roles by these opposing countries, but it is clear that a full-scale realization of anybody’s ambitions in the region is possible only if these republics are included in a common geopolitical space.

It may seem paradoxical that Armenia, which has the most significant Diaspora in the West, became an ally of Russia and, as a matter of fact, a conductor of its political interests in the region. Despite the fact that it was on the insistence of the Armenian Diaspora that the US introduced in 1992 sanctions against Azerbaijan set forth in Section 907 of the “Freedom Support Act” (making Azerbaijan the only country in the CIS deprived of US government assistance until the 9/11 events), the Republic of Armenia continues to believe that it can realize its goals only through its alliance with Russia. The grounds for such a choice centers on the coincidence of interests of the Russian Federation and the Republic of Armenia: the former strives to turn the Republic of Armenia into a military-strategic outpost of its influence; the latter sees in the Russian Federation a protector from its traditional foe – Turkey, which unequivocally defends the position of the Azerbaijan Republic in the Karabakh conflict. The Azeri side contends that in the mid-90s the Russian Federation granted to the Republic of Armenia heavy armaments worth 1 billion US dollars (including missiles capable of reaching Baku). There is a fear in Azerbaijan that all this military power is intended to deliver a new blow against Azerbaijan to seize new territories having strategic importance for the functioning of the Baku-Supsa (Georgia) pipeline and the new Baku-Ceyhan (Turkey) oil pipeline. Those in Armenia say that one can hardly agree with such a contention, as close by, there is an equally strong army of another country concerned – Turkey.

⁹ Pay attention to this calm assertion by the authors: there is not a shadow of condemnation of the West’s proclamation of the region of “newly independent states” as an object of its claims. (V.K.)

Generally, Turkey's relations with the countries of the region are an important aspect in the international "dimension" of the situation in the South Caucasus. Turkey itself, as a large and powerful regional state, is naturally seeking to strengthen its influence in the newly independent countries of the region. Besides, as both a NATO member and the main regional ally of the US, Turkey is objectively taking part in the competition (albeit somewhat weakened and indistinct lately) between Russia and the West for influence in the South Caucasus. However, the positions of Turkey in the region are being consolidated more slowly than it might be expected on the face of it. The reason is the existence of the Karabakh conflict. Having common ethnic characteristics with Azerbaijan, Turkey took a tough pro-Azeri position in this conflict. The matter is not in the material or military aid. More important is the psychological aspect of such support consolidated by internal political realities in both Turkey and Azerbaijan. All too often, the media (Armenian and foreign) have expressed the opinion that but for the factor of Turkey, the political elite of the Azerbaijan Republic would probably have been more inclined to compromises. One way or another, Turkey factually imposed economic sanctions on the Republic of Armenia: closed the common border and refused to trade directly with it. This was done in the interests of a third country – Azerbaijan, and became quite a rare case in the history of the last decade. Perhaps the only comparison it bears is with Iraq's unilateral embargo in April 2002 on oil exports in support of the Palestinian struggle against Israel. Add to it such a factor as the traditional mutual wariness of the Armenians and Turkey constantly fuelled by the problem of qualifying the events of 1915. The Armenians presume that, in essence, the problem is whether these events should be called "genocide", for nobody in Turkey itself denies that hundreds of thousands of Armenians perished at that time. Those in Turkey consider that the Armenian estimation of 1.5 million victims to be exaggerated and stress that no less Turks and Kurds than Armenians perished at those times. As a result, the border between the Republic of Armenia and Turkey became the second line of tension after the border dividing the Republic of Armenia and the Azerbaijan Republic (however, let us make it clearer and say that in the latter case it would be more appropriate to speak not about the borders, but about the lines of opposition, at least for the simple reason that as a result of the military operations those lines became different from the official borders).

Meanwhile, the Republic of Armenia is going through another stage of its attempts to limit the influence of the Russian Federation or at least to find a parity with the influence of the West (the USA). This is largely promoted by the foreign political concept that Armenia adopted, the so-called "complementarism", presupposing a possible removal of discrepancies between the interests of Russia and the West in the region. It is typical that these efforts are undertaken by the forces that came to power on the wave of criticism of the position of former president Levon Ter-Petrosyan, who was removed from power in 1998 after his attempts to solve the NK problem in accordance with the statement of the OSCE Chairman at the Lisbon Summit¹⁰.

Even official sources in the Republic of Armenia acknowledge that about one million people left the country as emigrants and in search of work, although some

¹⁰ *The wording is not quite exact. But the thing is that Levon Ter-Petrosyan intended to seek a compromise with Azerbaijan at the cost of concessions and by stages, assuming the Armenians' pullout from some of the occupied regions of the Azerbaijan Republic before the question about the NK status was solved. (V.K.)*

independent experts think that this number is understated¹¹. The number of Armenians who left NK is also considerable. So, the vast territories including the occupied ones are practically desolate. But in the neighboring countries – the Azerbaijan Republic (about 2 million people left the country) and Georgia (about 1.5 million left) – the situation is just as sorrowful, so it is time to speak about a demographic disaster in the region, since the majority of those leaving their countries are young men of reproductive age. The economic stagnation of the Republic of Armenia, lacking vast raw materials and energy resources, prods its political leadership towards solving the conflict and joining the strategic projects on reforming the region, which, possibly, contradicts the interests of the Russian Federation (if it is possible to speak about a fully developed concept of the Russian policy in the South Caucasus at all).

On the other hand, during recent years, the OSCE Minsk Group (MG) has been more and more actively putting forth a thesis in favor of developing economic cooperation between Armenia and Azerbaijan before a political solution to the problem is found. Obviously, the West sees not only the possibility of removing tension in the region and expanding its investment programs in this way, but also a certain decrease in the military-political influence of the Russian Federation in the region. However, similar proposals are always discarded by Azerbaijan which thinks that any cooperation with the country occupying its territory is impossible prior to the settlement of the conflict. This will be dealt with in more detail below.

Under the circumstances, Georgia, which could assume an intermediary mission between the two countries of the South Caucasus, has itself, not without Russia's involvement, been plunged into the depths of inter-ethnic conflicts in Abkhazia and South Ossetia and by the latent confrontations in Ajaria and Javakheti. It should be noted that unlike the Azerbaijan Republic, which is consistently advised to seek a solution to its problem only by peaceful negotiations, in the case of Georgia, the West silently admits the possibility of a military solution to the problem of its territorial integrity (nevertheless, the attempt of Georgia to reach a military solution of the South Ossetia conflict was condemned by the West). In any event, Georgia and the Azerbaijan Republic today are strategic allies and strive to jointly reduce the presence and influence of Russia in the region. (Time will show if this aim remains unchanged after the change of the two countries' leaders.) The formation of the GUUAM Union (comprising Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova, though recently Uzbekistan announced its quitting this organization) has thus become one of the forms of such activities clearly directed against Moscow's military-economic dictate. The recent decision of the US to invest \$45 million into this organization may give it a fresh impetus for development.

The last two years have been marked by expectations over the consequences of the "color" revolutions in Georgia in November 2003 and in the Ukraine in January 2005 and what changes may come in the geopolitical situation in the post-Soviet area. It is considered that these two revolutions should lead to the greater reorientation of these countries from Russia to the West. Although this process is far from being so unequivocal and besides, it is far from being complete, but the following events draw attention. Even before the "color revolutions" in Georgia and the Ukraine, the United States made a decision to allocate financial assistance to GUAM. At a summit of this

¹¹ According to the data of the October 2002 census, the number of those who left Armenia was between 800,000 to 900,000.

organization in Chisinau, Moldova in the spring of 2005, appeals for a large-scale offensive of “color revolutions” in the post-Soviet area were made. In August 2005 the Presidents of Georgia and the Ukraine, Mikhail Saakashvili and Viktor Yushchenko, initiated the establishment of a new interstate union called “the Democratic Choice”, including the Baltic states and some states of the Black Sea Coast. Overcoming the authoritarianism of the post-Soviet area was one of the stated purposes of the future organization, a sort of “Arches of Democracy” from the Baltic Sea to the Caspian Sea (Azerbaijan had been invited to join the new structure). On the other hand, Russia was also invited (at the CIS summit in Kazan at the end of August 2005) which makes the contours of this yet emerging organization not quite clear). Parliamentary elections in Azerbaijan scheduled for November 2005 should give the answer to the question: which way – revolutionary or evolutionary – will prevail in the post-Soviet area?

Moscow’s direct military-technical collaboration with Teheran and the formation of a sort of alliance by Russia, Iran and Armenia are intended as a response to the West’s challenge. Islamic Iran renders support to the Republic of Armenia and has cool relations with the Azerbaijan Republic. Iran has consistently opposed the US policy of penetrating the regions of the South Caucasus and Central Asia and, unlike the Russian Federation, is not burdened with the rhetoric of recognising the democratic values of the West. The dragging out of the solution of the status of the Caspian Sea also contributes to the efforts of Moscow and Tehran to oust the US from the region^{12 13}. They are periodically confirmed by Iran’s declarations about its non-recognition of the oil contracts of the Azerbaijan Republic with the West. The latest example was in the summer of 2001 when the Iranian navy forced Azeri geological survey ships and representatives of the British Petroleum oil firm to stop working in the disputed Azeri sector of the Caspian Sea that Iran claims. Iran’s tough position towards the Azerbaijan Republic is also explained by another factor – the presence of a considerable number of ethnic Turks-Azeris in northern Iran (according to different estimates, they number as many as about 20 million, or about 30% of the population of Iran), who can be provoked by external forces to secede. Iran, not least due to a special position of Western Europe countries, is skillfully balancing on the verge of having global sanctions imposed on it. The US initiated the subject of the “nuclear programme” of Iran, which it earlier used in Iraq, as another stage of pressure on this country. Against the background of a sharp rise in oil prices, the intrigue surrounding the existing and planned pipelines has reached its climax. Iran, deprived of participation in the extraction of Azeri oil through US efforts, does its best to develop cooperation with Turkmenistan and Kazakhstan, thereby, trying to direct their oil and gas pipelines to Western Europe and the Far East via its territory.

Mass media extensively cover the possibility of a planned military invasion of Iran by the US with the purpose of establishing a friendly, Western-type democracy in this country and, naturally, for control over its oil potential. In this connection,

¹² Russia has already signed bilateral agreements with Azerbaijan and Kazakhstan about the principles of division of the Caspian Sea. But there are still disagreements with the two other coastal states – Iran and Turkmenistan.

¹³ *The very fact that Russia reached the agreements on the division of the Caspian Sea with both of its neighbors – Azerbaijan and Kazakhstan shows as groundless the ascription of Moscow to those that delay the resolution of the question about the status of the Caspian Sea. And Teheran doesn’t oust the US from the region either, rather it tries to prevent it from penetrating there. The vocabulary is in itself revealing here. (V.K.)*

discussions about the creation of US military bases in Georgia and Azerbaijan under the pretext of protection of the Baku-Tbilisi-Ceyhan oil pipeline and communications became more active. Meanwhile, most recently officials of both the US government and the AR leadership have unambiguously emphasized that no negotiations for military bases are being conducted.

Traditionally, exports of Azerbaijani oil, except for the low-capacity Baku-Batumi pipeline, have gone to the European market via the Baku-Novorossiysk pipeline. The new Baku-Tbilisi-Ceyhan pipeline, whose cost was estimated at about \$3 billion (in reality it proved to exceed \$4 billion), will pump Caspian oil bypassing the Russian Federation. It is clear that the “pipeline war” that broke out will substantially determine the course of political events in the region. It has become especially true in the wake of 9/11 that placed the regions of the South Caucasus and Central Asia in the very center of modern geopolitical processes. The semi-velvet revolution in Kyrgyzstan and the brutal events in Uzbekistan have precisely designated the vector of these processes, and Kazakhstan has confronted a strong necessity of rationally (from the point of view of politics) filling all existing oil pipelines of the region with its hydrocarbon resources.

It is worth mentioning that according to media reports, the widely advertised meeting of the presidents of the Azerbaijan Republic and the Republic of Armenia in Key West (Florida) in April 2001 was, as a matter of fact, an attempt at “specification of relations” between Russia and the US regarding their influence in the region, and not between the parties to the conflict around NK¹⁴.

The situation in the South Caucasus, as we have already pointed out, paradoxically bears comparison with the beginning of the 20th century, when Georgia, Azerbaijan and Armenia gained independence for a short period. Just like it was then, the republics are involved in an inter-ethnic confrontation accompanied by frequent military operations between them and within their borders. Will the outcome of the modern confrontation be any different from the sad experience of that time that deprived the countries of the South Caucasus of independence and furthered, with the tacit consent of the West, the establishment of the Soviet regime in the region? The answer to this question not least depends on the degree of understanding by the political elites of the South Caucasus of the lessons of the past experience. Will the elites of the three countries be able to overcome their political ambitions and irrepressible lust for personal enrichment to find an opportunity for the integration of the region into the global political and economic system which is currently going through the processes of formation of a new order? Of course, it is not the early 20th century today, but to deprive independence of its real contents, to turn the republics of the South Caucasus into vassals and hostages of alien political ambitions and interests is quite possible.

And for the time being, the region is united by the common phenomena of hopelessness, neediness and despair among the population, as unemployment, mass emigration, monstrous corruption, clanship and authoritarian methods of government revived by former Soviet party functionaries who crammed during short-term courses the western slogans of democracy and free market. These are the real results of the ethnic confrontation, and they are not final either, because the desert sands are already spreading

¹⁴ *The co-authors see in everything the clash of interests of Russia and the USA as an axiom. Mutual understanding and cooperation on the Karabakh settlement among the co-chairmen of the OSCE Minsk Group before and during the meetings in Key West were quite normal. (V.K.)*

across the whole South Caucasus territory, which was abandoned by between three to five million people in search of work and a peaceful life. And the economic growth observed in Armenia and Azerbaijan during the last several years has little impact on the well-being of the population of both countries, but has only generated new stereotypes which are adverse for the cause of peace. In Armenia, it is that it is possible to develop successfully without establishing peace along the borders with Azerbaijan. In Azerbaijan, it is that petrodollars will make it possible to strengthen the army and to win back Nagorno Karabakh.

The seemingly transient conflict may last for decades, becoming latent, swallowing more and more victims. The genuine democratic education of the population and protection of democratic values in the region is the only possible means for reviving it in the third millennium. It is another matter who is going to do that and how it will be done!

Still, before the coming of the 21st century began, mankind has little by little begun to profess the philosophy and culture of peace and that was not because of good life. The first shoots of this culture are too weak to find their way to the sunlight through a thick centuries-old forest of the cult of war and violence. It is hard to say when and how this symbiotic existence will reach its outcome, but the fact that the only path to survival is in the rationalism of culture of peace as opposed to the irrational culture of war is out of the question. Those who have not realized it, those who profess the surgery of war very soon themselves become victims of its sharp and ruthless scalpel.

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II. THE ANALYSIS OF POSSIBLE VARIANTS OF POLITICAL SOLUTION TO THE KARABAKH CONFLICT

Since 1988, i.e. the beginning of the Karabakh events, the officially interested parties (states, international organizations) as well as individuals: statesmen, scholars and many public and political organizations, have advanced different proposals for the resolution of the Karabakh conflict. In the given chapter we attempt to offer as full an account as possible of these proposals according to the following scheme:

1. The international-legal aspects of the problem.

2. The possible schemes of principles for the resolution of the problem.

1. The international-legal aspects of the problem

One might think that the international-legal principles ought to have made their own decisive contribution to the resolution of the Karabakh problem. However, a conflict arose between two major principles – the right of nations to self-determination and the principle of territorial integrity and inviolability of state frontiers. The parties to the conflict and often states involved in its settlement interpret these principles according to their own interests¹⁵. We cannot but mention that the situation which formed in international law after the Second World War is not least connected with the inconsistency of the world community itself which lags behind in its legal evaluation of political processes in various parts of the world. To completely assess the situation, it is enough to turn to the source we ourselves refer to in our analysis of the international-legal aspects of the conflict¹⁶.

On the face of it, these two principles are indeed incompatible in cases where the population residing on part of the territory of a certain state declares its intention to secede, that is, to subject the borders of this state to change or revision.. It seems that the universal solution of such conflicts could be found if the international community was to come to the opinion that one of these principles prevails over the other. But there is nothing but ambiguity in this question, and one has to seek various solutions in every concrete case.

Many researchers note that the preference given by one entity or another to one of the aforementioned principles often changes depending on the prevailing political conjuncture. For instance, it is evident that during the cold war the principle of inviolability of borders and territorial integrity dominated in international relations. The world was then divided into two opposing hostile military-political blocs headed by the

¹⁵ By the way, very often, for a variety of reasons, a part of a unitary state, the population of which does not differ from the rest by nationality, often strives for self-determination (or, as it is often said, display separatism). During the last decade movements for secession with most various motivations could be observed in Italy, Indonesia, Canada, Mexico and the USA.

¹⁶ What is implied is the articles by E. Kurbanov, "International Law on Self-determination and the Conflict in Nagorno Karabakh"; A. Iskandaryan, "The Genesis of Post-Communist Ethno-Political Conflicts and International Law (Trans-Caucasus as an example)"; and N. Hovhannisian, "The Nagorno Karabakh Conflict and Variants for its Solution", presented in the book "Ethno-Political Conflicts in the Transcaucasus: Their Sources and Ways to Solve Them" (Published by Maryland University. – Baltimore, 1997).

US and the USSR respectively. Each side was afraid that any changes in the world based on the right of self-determination could affect the already established balance of forces.

An exception was observed for the peoples under colonial rule. As far back as in 1960, the UN General Assembly adopted a Declaration about decolonization which embraced absolutely all colonial peoples. At the same time, it should be said that even in that period, there were cases of secession and formation of new states by people who had already emerged from the yoke of colonialism (for example, Bangladesh, Singapore and Eritrea).

The situation changed after the cold war, however, with the collapse of the USSR and the liquidation of the socialist camp. Since then a new world order requiring different approaches to the question of correlation between the right of self-determination and the principle of territorial integrity has become a subject for discussion. The essence of the new situation is formulated by American researchers M. Halperin and D. Scheffer: *“With the end of the cold war the international community ran unexpectedly into multiple demands of peoples for self-determination in the context of different variants. The clear principles, which served as guidelines during the confrontation with the Soviet Union, have disappeared and it is impossible any more to state that all existing states must be indivisible and no changes can take place in international borders”*¹⁷.

It seems there are no more grounds to set off the principle of self-determination against the principle of inviolability of state borders. The above-mentioned authors note that it is time to pursue *“a creative policy which would take into account the peculiarities of each situation”*¹⁸. In their opinion, a demand for self-determination may reflect a legitimate aspiration, which should not be ignored, and in most cases such wishes can be realized within the borders of the existing states, but in some cases there is a necessity for the formation of new states and a peaceful procedure for secession, that is separation, must be found.

Modern conflictologists, the supporters of a new approach to the problem of self-determination and inviolability of state borders, have done useful work from the point of view of a classification of demands for self-determination:

A. Anti-colonial self-determination. This means a solution according to the Declaration of the UN General Assembly adopted in 1960. It practically arouses no arguments.

B. Sub-state self-determination. This implies the aspiration of a certain ethnic group in an already existing state to secede and form a new state. This category includes Tibet in China, the Sikh community in Punjab (India), Chechnya in Russia, Corsica, which seeking to secede from France, etc.

C. Trans-state self-determination. This case can be applied to groups of peoples, residing in more than one country. The researchers note that *“a group (of people) may strive to break away from one state and join another state. An example is the ethnic Armenians of NK, striving to become part of Armenia”*¹⁹. This category also includes some movements in Kashmir in favor of uniting with Pakistan, the movement in South Ossetia striving to unite with North Ossetia, which is part of Russia, or the Russians in the Crimea and Transdnistria striving to secede from Ukraine and Moldova and unite

¹⁷ Halperin M., Scheffer D. Self-Determination in the New World Order. – Wash. D.C., 1996. – P. 46.

¹⁸ Ibid.

¹⁹ Halperin M., Scheffer D. Self-Determination in the New World Order. – Wash. D.C., 1996. – P. 46.

with Russia, and also the Serbs of Bosnia and Herzegovina seeking to unite with Serbia, the Irish Catholics in Northern Ireland trying to re-unite with the Republic of Ireland.

Among other categories of self-determination one should note the self-determination of dispersed peoples, the self-determination of aboriginal peoples (Guatemala, Nicaragua, Mexico, Rwanda, Australia, etc.) and representative self-determination, which is connected with the change of the political structure of a given state.

The anti-colonial (since the Armenian sides contend that NK had never been part of the Azerbaijan Republic of its own will), sub-state and especially trans-state self-determination appears to be of the greatest interest for the resolution of the Karabakh problem from the standpoint of the Armenian side.

At present a more tolerant attitude, as compared with the period of the cold war, towards people striving for self-determination is apparent. And, in the opinion of Armenian experts, it is time to give up the opposition of the two principles to each other. Contradictions are not in them, but in their interpretation. In the opinion of A. Yenokyan: *“The principle of inviolability of borders prohibits trans-border conflicts, the seizure of the territory of one existing state by another existing state, that is to say, it vetoes local conflicts. The principle of national self-determination acknowledges as something of high value the right of a free community of free people – the people – to have their own sovereign political formation – an independent state – and with this lofty aim it doesn’t prohibits global wars”*²⁰. According to the opinion of Azeri experts, the seizure of a neighboring country’s territory and an attempt to present it as self-determination are apparent in the Karabakh conflict.

The Armenian side also invokes the work of the German lawyer O. Luchterhandt, *“Nagorno Karabakh’s Right to Independence According to International Law”*²¹. He acknowledges that there is a certain contradiction between the two principles and notes that the principle of sovereignty finds its restriction in the right of self-determination and, on the contrary, the right of self-determination is restricted by the principle of sovereignty. That is, they balance each other. However, this scholar is convinced that any conflict or confrontation can be solved by means of differentiation between a normal case and an exceptional case. In a normal case the priority of the principle of sovereignty is applied as a decisive basis for international law on the whole. “Exceptional” cases require a different approach. “In exceptional cases,” writes Luchterhandt, “that is, when a national minority is discriminated in an unbearable form, then the right to self-determination in the form of the right of secession has a priority over the sovereignty of the state concerned. In the case in question the right of Azerbaijan to sovereignty loses its weight in comparison with the right of self-determination (the right of secession), because Azerbaijan itself has just become free of the disintegrated USSR, taking advantage of its right to self-determination”.

Consequently, the compensatory granting of the status of a national minority, which could be justified in other cases, is not appropriate for NK, the German lawyer thinks. Luchterhandt emphasises that the “analysis of the policy of Azerbaijan towards

²⁰ Materials of the seminar “The Process of Peaceful Settlement of the Nagorno Karabakh Conflict”, Tsakhkadzor, 23-25 July, 2001.

²¹ **Luchterhandt O.** *Nagorno Karabakh’s Right to Independence According to International Law.* – Boston, 1993.

NK as well as the conditions of life in the region show that from the administrative, national-cultural, social-economic and demographic points of view, the Armenian ethnic group was an object of permanent and mass discrimination that lasted for decades. The state of Azerbaijan lost the right to subject the Armenian ethnic group of NK to its sovereignty". These circumstances create the prerequisites to consider the problem of NK as an exceptional case. It means that the right of NK to secession gains priority over the principle of the inviolability of Azerbaijan's borders. As a result, O. Luchterhandt comes to the following conclusion: *"As a result of the expert study we can establish on the whole that in accordance with the current international law the Armenian ethnic group of Nagorno Karabakh has the right to self-determination in the form of secession from the Azerbaijan Republic (the right of secession), which has priority over the right of Azerbaijan to sovereignty. Owing to the right of self-determination, the Armenian ethnic group of NK has the right either to form its own state or to unite with the Republic of Armenia"*²². For Azerbaijan, these conclusions appear to be one-sided and unconvincing. Following from this logic, the Azeri ethnic group that earlier compactly lived in Armenia and was expelled from there also has a right to form its own state or to unite with the Azerbaijan Republic.

In the context of the problem of the correlation between the two principles Armenian experts note one circumstance, which they think to be very important and has to do with the problem of NK. The thing is that the leaders of Armenia, including its current President Robert Kocharian also speak in favor of the principle of the inviolability of state borders and underline that the self-determination of Nagorno Karabakh does not run counter to the principle of the territorial integrity of Azerbaijan because NK has never been a part of the independent Azerbaijan Republic – either in 1918-1920 or after the break-up of the USSR (NK declared independence in September 1991, three months before the USSR's demise). Moreover, the fact that Azerbaijan, having accepted the Declaration of the Supreme Soviet (Council) on the Restoration of the State Independence of the Azerbaijan Republic (on August 30, 1991) and the Constitutional Act On the State Independence of October 18, 1991, has proclaimed itself the successor of the Azerbaijan Republic of 1918-1920, (and has declared the annexation of Azerbaijan by the Red Army illegal) is, in the opinion of Armenian experts, is a basis for legally proving the presence of NK separate from AR.²³ The Azeri side regards this approach as a free interpretation of both the real historical events and international principles, pointing out that the international community invariably acknowledges that NK is part of the Azerbaijan Republic. Moreover, contrary to the opinion of the Armenian party, still in September, 1919 Azerbaijani Democratic Republic and the congress of Armenians of Nagorno Karabakh concluded a temporal agreement on the belonging of this territory to Azerbaijan up to the decision of the international conference. During the Soviet period, congresses of the Armenian population of NK defined the determination to create an autonomous region within Azerbaijan. According to the laws of the USSR, the establishment of an autonomy

²² **Luchterhandt O.** Nagorno Karabakh's Right to Independence According to International Law. – Boston, 1993.

²³ **See Manasyan A.S.,** The Karabakh Conflict: Internationally Recognized Bases of The Problem. (The Open Folder of Legal Documents). Yerevan, 2004. This author specifies that in 1918-1920 the Azerbaijan Republic not only did not have NK as its part, but had no internationally recognized borders at all – just like the other republics of the South Caucasus, it simply has not had time to get corresponding documents during its short life.

of a region was initiated by the Supreme Soviet of a union republic upon the presentation of the Soviet of People's Deputies of an autonomous region, and the aspiration of the Armenian party “not to notice” the legal capacity of these representations can lead to refusal (de jure and de facto) to recognize the legitimacy of the creation and existence of the autonomous region during the Soviet period.

The Azeri side considers the Karabakh conflict exclusively from the perspective of Armenia's territorial claims and, therefore, insists that this question has no contradictions in the context of international law or clash with other principles. The conflict must be considered exclusively within the framework of the international principle of the integrity of the state within the borders recognized by the international community when the Azerbaijan Republic was admitted to the United Nations: namely, within the administrative borders of the union republic (the former Azerbaijan Soviet Socialist Republic). As to the frequently debated problem of self-determination, it is noted that in all international documents there are clauses which completely remove its priorities. Thus, all international documents on self-determination contain a clause according to which “*nothing in this document can be interpreted as violation of the territorial integrity of a state*”. On the other hand, it is said that “*at present the world community recognizes only the internal aspect of self-determination – the right of the existing states to restore their independence if they are occupied or conquered by foreign forces*”²⁴.

Azerbaijan also refuses to discuss the grounds for NK's secession from the Azerbaijan Republic, which are presented and declared by the Armenian side as “legitimate”. Azerbaijan doesn't recognize the so-called referendum on independence held in NK in December, 1991, stating that it was held without the participation of the Azeri population and in conditions that formed as a result of ethnic cleansings of the region. After the events of November 20, when the helicopter with leading members of Azerbaijan's government and representatives of the presidents of Russia and Kazakhstan was brought down, the parliament of Azerbaijan abolished the Nagorno Karabakh Autonomous Region on November 26, 1991. It was in that period that the population of the region, under the influence of the aggravating conflict often turning into acts of confrontation and armed clashes, segregated by ethnic principle and territorial enclaves, which excluded any negotiations on “the referendum on independence” in December, 1991.

The Azerbaijan Republic notes that the opposite side persistently covers up the fact that during numerous conventions and meetings in 1923 and in following years, the Armenian population repeatedly spoke in favor of establishing an autonomous region within Azerbaijan, motivating it by the geo-economic interdependence of Mountainous (Nagorno) and Lowland Karabakh²⁵.

²⁴ See in this connection the statements of leading foreign specialists Khannum Kh., Eizner M., Espinel G. et al., quoted in the aforementioned article by Kurbanov E. – P. 58, 59, 60 etc.

²⁵ *Sometimes the conduction of such a referendum in August 1923 in Nagorno Karabakh is even mentioned in Azeri literature. The Armenians call it into question arguing that there is no document proving the fact of the conduction of the referendum. And indeed, there is no exact data, and it is unclear how the questions were formulated and what the concrete outcomes of the referendum in figures were. (V.K.)*

The Azeri side states that if the main thing, a territorial difference between Azerbaijan and Armenia, is eliminated, the existing problems of the future status of NK must be solved between its two ethnic groups.

The Azeri side mentions that today not a single state in the world – and the Republic of Armenia is not an exception – has dared to recognize NK's independence at the state level, whereas the territorial integrity of the Azerbaijan Republic is recognized by all international documents. After the statement of Presidents Bush and Putin in 2002 about the search of peace within the framework of the territorial integrity of the countries involved in ethno-political conflicts, the Azeri position obtained new support.

The last year was marked by a new wave of discussions about the problem of Nagorno Karabakh at prestigious international forums. Within the framework of the winter session of the PACE (on January 25, 2005) in Strasbourg, the report of British MP David Atkinson on the question of Nagorno Karabakh, which initially had been prepared by its first rapporteur Terry Davis, who is now the Secretary General of the Council of Europe, was heard. This document for the first time admits that “significant parts of the territory of Azerbaijan continue to remain occupied by Armenian forces, and separatist forces are still in control of the Nagorno-Karabakh region.” Besides, the CE Parliamentary Assembly confirmed that “the seizure of the region from a state and its sovereignty can be achieved only as a result of a peaceful and legal process based on democratic support of the residents of a given territory, but not by way of an armed confrontation leading to ethnic resettlements and a de facto annexation of this territory by another state.” A resolution on the report was adopted.

The Parliamentary Assembly of the OSCE, for whose session (Washington, July 2005) the report of special representative of the PA of the OSCE on NK Göran Lennmarker had been prepared, became another similar forum. The report, which, as one could expect, should have become a basis for the discussion and adoption of the resolution, additionally contained the following provisions:

- Armenian central concern is national security, Azerbaijani central concern is of injustice caused by the occupation of a part of the country and refugees and internal immigrants. It is vital that the parties should satisfy the central concern of the opposite party.

- It is necessary that a certain bi-partisan “truth and reconciliation committee” should try to reach a common and objective understanding of the past.

- There is a golden opportunity for Armenia and Azerbaijan to build mutual relations based on European standards on the support of European structures.

- Armenia and Azerbaijan could strive to build, together with Georgia, a common area characterized by security, democracy, and prosperity.

It is stated in the report that granting independence to NK would be a bad precedent for the South Caucasus where there are a lot of territories trying to achieve independence, though NK could receive the greatest degree of security as part of Armenia. As to the alternative, in the form of a high-degree autonomy within Azerbaijan, in the opinion of the speaker, this variant could be realized under the scheme of the Aland Islands (see below). In any case, in Lennmarker's opinion, the first step should be the establishment of direct contacts between Azerbaijan and NK.

No resolution was adopted on the Lennmarker report in view of the negative attitude to it of the Azerbaijan delegation. Both the PACE resolution and the Lennmarker report are included in the Appendices of this book.

In the light of all stated above, the viewpoint of a number of experts, who believe the legal approach to finding a solution to the problem of NK is a dead end, seems important. In particular, they point out that international law contains a lot of different principles that can often come into clash. Speaking at the conference “Formation of the Environment for Peace, Stability and Trust in the South Caucasus” in Yerevan on April 25, 2002, Ambassador V. Kazimirov, a former Russian representative of the OSCE Minsk Group, said: “*The resolution of the Karabakh conflict is unlikely to be purely legal, it is likely to be political with other factors, including legal ones taken into consideration. That is why pragmatic solutions to disputable questions are more useful than framework discussions about principles*”²⁶. It is another matter what legal force this political decision will have for the future generations of the two republics²⁷.

2. The possible schemes of principle for the solution of the problem

In this chapter we set ourselves the task of bringing together all variants of a political settlement of the problem of NK available to us. We also tried as far as possible to assess the degree to which these variants are realizable.

1. The position of Azerbaijan

This position consists of the fact that the conflict which began in 1988 was the result of military aggression carried out by Armenia against Azerbaijan with the aim of seizing and uniting part of Azeri territory to Armenia. As a result of the aggression, the Armenian side seized entirely or partially seven regions of Azerbaijan outside the borders of NK. Hundreds of thousands of Azeris became forced migrants²⁸. Azerbaijan demands

²⁶ A report of the Noyan Tapan News Agency, April 25, 2002.

²⁷ *No matter how interesting may be the discourses of scientists and experts concerning the priority of one of the principles of international law over the others, they remain no more than discourses – they can't be considered internationally accepted norms, the grounds for reconsidering this law, let alone its application in practice by the states. Primordially neither contraposition of these two principles to each other nor the establishment of their hierarchy is acceptable. As it was noted in the Declaration of the UN General Assembly on the Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the United Nations Charter adopted on October 24, 1970, “while interpreting and using the principles stated above the latter principles are interconnected and each principle must be considered in the light of the others.” The OSCE which assumed the basic role in the settlement of the Karabakh conflict displays the same approach. The Helsinki Final Act after stating 10 well-known principles especially emphasises: “All the principles stated above are of primary importance and, therefore, they will be equally and undeviatingly applied in the interpretation of each of them taking into account the others.” (V.K.)*

²⁸ *Unlike many mass media the authors quite correctly use this very term. In the press and in private life in connection with conflicts it is mostly spoken about refugees but terminologically it is not always correct and it is sometimes used inappropriately. In the international humanitarian law and in the legislation of many states there is a distinction between **refugees** on the one hand and **forced migrants** or **displaced persons** on the other hand (the first ones moved to another state, the second and/or the third ones remain in the territory of the state where they lived). Who should help and support them substantially depends on the distinction of these categories of persons who suffered from the military conflict. It is worth specifying that*

as immediate measures the withdrawal of Armenian military units from the occupied territories as well as the return of refugees to their homes. The Azerbaijan Republic is ready to grant NK “the highest status of self-government within the Azeri state”, the form and likelihood of realization of which are not specified and must be worked out in the course of the negotiating process. The main point, according to this position, is the preservation of the territorial integrity of the Azerbaijan Republic, which means recognition of the Azerbaijan Republic within the borders of the Azerbaijan Soviet Socialist Republic. This question cannot become a subject of negotiations. As to the de facto independence of NK (the existence of the unrecognized Nagorno-Karabakh Republic), the Azerbaijan Republic believes it to be entirely the result of aggression on the part of the Republic of Armenia.

2. The position of the Azeris of Nagorno Karabakh

This position is rarely voiced and its official version on the whole coincides with the position of Azerbaijan’s leadership. Another viewpoint is held by the Organization for the Liberation of Karabakh (OLK) that represents the Azeris from NK and occupied territories. The OLC’s approach to the solution of the Azeri-Armenian conflict consists of the necessity of the liberation of the occupied lands by military force as soon as possible and the return of refugees to the places of their former residence. After the liberation of the occupied territories, for the purpose of achieving stable peace between Azerbaijan and Armenia, discussions should be started on the possibility of forming structures of self-government for the Armenian population of the Azerbaijan Republic in the territory of Azerbaijan and of the Azeri population deported from the Republic of Armenia in the territory of Armenia. This would require the use of all resources of international organizations including the United Nations, the OSCE, the Council of Europe, as well as means of people’s democracy and public human rights organizations.

The OLC deems that the main principle of structures ensuring the peaceful co-existence of the Azeri and Armenian populations in the territories of the Azerbaijan Republic and the Republic of Armenia must be the complete coincidence of the status of the administrative rights and powers of the structures formed in the Republic of Armenia and the Azerbaijan Republic.

After agreement is reached with the Republic of Armenia, a plan of realization of the agreements is developed and measures for its simultaneous (hereinafter parallel) implementation begin.

The OLC thinks that stable peace in the region is possible only with a fair solution to the conflict. The peoples will be able to live in a stable and fair prosperous world only if there are neither winners nor losers, if no one is able to benefit from the results of ethnic cleansings and aggression.

3. The position of the authorities of Nagorno Karabakh

The position of the Nagorno Karabakh authorities is the acknowledgement of NK’s right to self-determination up to the formation of an independent state.

the overwhelming majority of Azeri “refugees” are in fact forced migrants as they remained in the territory of their state. The real refugees are the Armenians who left Azerbaijan and the Azeris left Armenia. (V.K.)

NK's leadership gives priority to the question of status in the resolution of the conflict. It believes that according to all provisions of the international law the Nagorno-Karabakh Republic (NKR) must be recognized as a legitimately formed independent state. In particular:

- There were no legal grounds for the inclusion of NK into Azerbaijan, except by a certain resolution of the Caucasian Bureau of the Bolshevik Party in 1921.

- At the same time, from the point of view of Soviet laws which were in effect at the time of the NKR's declaration in September 1991, this act is legally irreproachable. The declaration of the NKR was in full conformity with the USSR Law of April 3, 1990 "On the order of settling matters connected with secession of Soviet Republics from the USSR" and was implemented on the basis of a referendum on December 10, 1991, conducted in the presence of numerous international observers and recognized by the world community. The NKR authorities discard as unfounded the statements of Baku that this referendum was allegedly conducted after the ethnic cleansings of the Azeri population of NK. They emphasise that ethnic cleansings began only after the start of military operations, i.e. after January 1992. During the referendum ballot papers were delivered to all areas of NK inhabited by Azeris but Azeris refused to take part in the referendum on Baku's demand. Finally, the Armenians highlight the fact that even the participation of the Azeri population of NK in the referendum couldn't have changed its outcome, as they (Azeris) made only about a quarter of the population of the NKAR.

- The NKR rejects any attempts to restore the former status quo and extension of the jurisdiction of Azerbaijan to it. The leadership of the NKR believes that they won in the battlefield and the Azeri armed forces suffered a defeat. And this circumstance must be considered in determining the status, because there is no historical precedent for a victor subjecting to the dominance of the defeated country. The relations between NK and Azerbaijan can only be horizontal, with different modifications.

- The independence of NK and the achievement of such a degree of security which would ensure the preservation of the Armenian population of Karabakh are necessary. It is natural that the Karabakh army is the main guarantor of the security of the republic and its Armenian population.

- The declaration of the NKR as an independent republic means that its integration with the Republic of Armenia is not on the agenda. The leadership of NK regards this as a manifestation of compromise, the readiness to remove the tension because of the possible unification of two Armenian states, which is taken painfully by Azerbaijan. Though, the leadership of NK does not hide the fact that they see the ultimate goal in the unification with the Republic of Armenia (This was repeatedly stated by NK's leader A. Ghukasian).

The issue of the return of Azerbaijan's territories occupied by the Karabakh Army must be tied to the issue of the status. So to say, "lands in exchange for status".

4. Nagorno Karabakh as part of Armenia

This variant, which Armenia and NK put forward in the initial "Soviet" period of the development of the crisis, needs no further commentary. Besides, Armenia and the NKR do not advance such a demand now. Armenia's current position is as follows: it will agree with any kind of the Karabakh problem solution acceptable to the Armenians of

NK, including on the status. Proceeding from this, the leadership of the Republic of Armenia doesn't insist on NK's uniting with it. Therefore, the resolution of the parliaments of the Republic of Armenia and NK of December 1, 1989 about the unification of NK and the Republic of Armenia still remains on paper (which, though, serves as a ground for extremist Armenian politicians to criticise the leadership of the Republic of Armenia). This fact, as well as the fact that officially Armenia doesn't recognize the NKR's independence are intended not to complicate the situation, to maintain room for maneuvering and leave the door open for political negotiations.

5. More than autonomy but not a state

Schemes that can be conventionally called "more than autonomy, but not a state" were often proposed in the process of searching for an acceptable solution to the Karabakh problem. Perhaps the first such attempt was the so-called "Willy's Plan," which was proposed back in 1919, and envisaged the transformation of NK into some "Special Zone" (SZ) within Azerbaijan under a sort of U.S. protectorate. (One of the clauses of the project believed to have been authored by U.S. Army Colonel William Haskell, read straightforwardly: "security and law and order in the special zone is ensured by the U.S. Army under the command of the consul"²⁹). Now this plan is only of historical interest, except perhaps that it reaffirms that the Karabakh problem, despite the claims of many of the nomenclature statesmen of the Soviet period, is not "far-fetched" but existed still at that time.

The Aland Islands are very often cited as another example of a conflict of this kind where the ethnic conflict did not result in bloodshed but was resolved by way of finding a special status within the limits of self-determination.

The Alands is an archipelago of 8,000 islets situated in the Baltic Sea. The population of these islets were part of the Swedish Kingdom until 1808, and spoke Swedish from time immemorial. At that time Norway and Finland were both part of Sweden. As a result of the 1808-1809 war, Sweden was forced to cede Finland and the Alands to Russia. After a defeat in the Crimean War in 1856, Russia had to recognize the Alands as a de-militarized zone. At the beginning of the 20th century, Norway peacefully seceded from Sweden on the basis of a referendum. In 1917, Russia recognized the independence of Finland. At that time, the Swedish population of the Alands expressed their desire to reunite with their ancient homeland, Sweden, and sent the King of Sweden a petition signed by the entire adult population of the islands. In December 1917, Finland voiced its opposition to the desire of the Alands population and suggested that the terms of self-determination should be coordinated with it. The Alands islanders rejected these suggestions. A conflict was growing, but neither side took up arms.

In 1921, the League of Nations passed a resolution: the Aland islands, neutral and demilitarized, were declared to be a territory belonging to Finland. Finland was given the responsibility of guaranteeing to the population of the islands the preservation of the Swedish language, customs and traditions and the development of Swedish culture. Sweden and Finland concluded a Treaty according to which the population of the Alands gained the right to preserve their language, culture and traditions and thus the threat of

²⁹ We express our gratitude to political analyst R. Musabekov who kindly provided us with the text of the project.

assimilation was removed. Sweden received guarantees of security for the Swedish population of the islands and the right of unimpeded communication with them.

According to the Law of 1922 on self-government, the local parliament-Lagting is entitled to adopt laws on the internal affairs of the islands and on the budget. The Lagting appoints the government. In accordance with the Constitution of Finland, the laws on self-government can be amended by the Parliament of Finland only with the consent of the Lagting of the Alands. The law-making powers of the Lagting are defined in the following spheres: education and culture; public health; economy; transport; communal services; police; postal services; radio and television. In these spheres, the Alands hold the power of a sovereign state. The rest of the legislative powers are the prerogative of Finland: foreign policy; the bulk of the civil code; courts and criminal law; customs and money circulation.

To defend the interests of the Aland population, one deputy from the archipelago is elected to the Parliament of Finland. With the consent of the Lagting, the president of Finland appoints the governor of the islands. The powers of the governor are as follows: to head the Council of representatives of the Aland Islands (formed on parity principles); to open and close sessions of the Lagting.

In the economic sphere, relations are built according to the following pattern: the government of Finland levies taxes, collects customs and other levies on the islands the same way it does in the rest of the country. The expenses on the archipelago are covered from the state budget. The archipelago receives a proportion of state revenues after the deduction of its share for state debt repayment. It is up to the Lagting to decide how to distribute the remaining sum according to budget items.

The laws adopted by the Lagting are sent to the President of Finland who has the right of veto. This veto can be exercised only in two cases: if the Parliament of the islands exceeds its powers or if the adopted law contains a threat to the internal and external security of Finland.

The right to live on the islands is equivalent to the right to citizenship. Every child born on the islands has that right on condition that one of his/her parents is a citizen of the Alands. The islanders are simultaneously citizens of Finland. The right of Aland citizenship is granted to any citizen of Finland who has moved to the archipelago and has lived there for five years on the condition that he speaks Swedish.

Restrictions on the rights for foreigners regarding the ownership of real estate are explained by the aspiration to secure land for the residents of the Alands. A resident of an island, who has lived for five years outside the Alands, loses his citizenship. A citizen of the Alands is exempted from the duty of serving in the Finnish Army. It is also forbidden to station troops and build fortifications on the islands.

The Alanders may directly cooperate with Scandinavian countries. They also take part in the work of the Northern Council.

Foreign policy is the prerogative of the Government and Parliament of Finland. But if Finland signs an international treaty that affects the internal affairs of the Alands, then the implementation of the treaty should be coordinated with the Lagting.

The Alands model was proposed by international intermediaries as a possible future model for relations between NK and the Azerbaijan Republic. A symposium of Azeri, Armenian and NK parliamentarians was held on the Aland Islands on December 21-22, 1993, upon the initiative of the CIS Inter-Parliamentary Assembly, the Federal

Assembly and the Ministry of Foreign Affairs of the Russian Federation. During the symposium, details of the model³⁰ were presented. However, the authorities of NK consider that the Alands model fails to take into consideration “*the historical basis and psychological consequences of the Karabakh-Azeri conflict and of the war fought for NK’s de facto independence from the Azerbaijan Republic*”. Besides, according to the firm conviction of the Armenian and the Karabakh sides, the Alands model was inapplicable to the conditions of the South Caucasus also for the reason that the question of the status of the mentioned archipelago in the 1920s was not resolved separately, but within the framework of the general issue – the so-called “Sweden problem” in Finland. The Swedes were able to get equal rights not only in the Alands but also in Finland as a whole where the Swedish language is the second state language.

It is not the only example of a settlement according to the principle “more autonomy, but not a state”. Many statesmen and experts proposed such options as an opportunity for both sides to resolve conflict with dignity, with minimal losses both to their security and self-esteem (which is equally important). Let’s look at one more example of this kind presented by American researchers D. Laitin and R. Suny³¹.

1. *Karabakh de jure must remain within Azerbaijan in conformity with the principle of territorial integrity of a state and the inadmissibility of unilateral alternations of borders by force. The symbolic sovereignty of Azerbaijan over Karabakh could be represented by the Azeri flag waving over the Government House in Karabakh and by the appointment of an Azeri representative in Karabakh who will have to be approved by the Karabakh government. The formal aspect of sovereignty implies Azerbaijan’s representation of Karabakh in the UN and other international organizations.*

2. *The citizens of Karabakh must have proportional representation in the Parliament of the Azerbaijan Republic in Baku. The Karabakh representatives in the Parliament of the Azerbaijan Republic must have the powers to stop any proposed law that directly concerns Karabakh.*

3. *The establishment of full self-government of the Republic of Karabakh within the borders of the Azerbaijan Republic, presupposing the formation of their own Parliament with proportional representation of the population, the right of veto on the resolutions of Azerbaijan concerning this republic, sovereign rights of its government in issues of security, education, culture and investments in infrastructure.*

4. *The absence of units of armed forces and the police of the Azerbaijan Republic and the Karabakh Republic on each other’s territories without mutual consent.*

5. *The Armenians and Azeris living in Karabakh would have the right to dual citizenship or full citizenship in either republic with the right of permanent residence in Karabakh.*

³⁰ One should not forget that the symposium in Marienhamn (Alands) was held at the time when military operations around Nagorno Karabakh were in full swing. At that period, to have big ideas about the introduction of the Alands model in Karabakh would be the acme of naivety on the part of the initiators of the symposium. To stop the war at that time, it was more important to familiarize the parties to the conflict with the possibilities of a civilized peaceful solution to the ethnic conflict similar to that earlier reached by the Finns and Swedes around the Alands. (V.K.)

³¹ **David Laitin D. and Grigor Suny R.** Armenia and Azerbaijan: Thinking a Way Out of Karabakh // Middle East Policy. – Wash. – Vol. VII. – N 1. – Oct. 1999.

Summing up what was stated above, one can note that the variants of settlement like “more than autonomy, but not a state”, “associated state” and “common state” often have characteristics interwoven among themselves and it is difficult to draw a clear distinction among them³².

6. Exchange of territories

As far back as 1988, a group of human rights activists headed by Andrei Sakharov proposed a variant of territorial “separation” of the Armenians and Azeris as a model for the resolution of the conflict. At that time this variant failed to become a subject of discussion.

The first elaborated draft of such a variant was proposed by an American political scientist Paul Goble, a former officer of the U.S. State Department, who stated his viewpoint in the article “Coping with the Nagorno Karabakh Crisis”. Goble argued that the Azerbaijan Republic and the Republic of Armenia were unable to solve this problem themselves. And not a single solution is possible if the sides try to return to the old status quo, to the situation that existed before the start of the conflict in 1988³³.

³² *At the beginning of 1996, by instructions of the new Minister of Foreign Affairs of the Russian Federation, Ye. M. Primakov, within the framework of Russia's “shuttle diplomacy” the project of the “package” settlement of the conflict was submitted to all the three sides as the basis for negotiations. Its essence is stated in Primakov's memoirs “Years in Big Politics” (M., 1999. – P. 408-409) the following way: The recognition by Armenia and NK of the territorial integrity of Azerbaijan was connected with the self-determination of the population of NK within the framework of Azerbaijan as a state formation with the highest degree of self-government. Practical measure from the two sides were envisaged: Baku's consent to the liquidation of the “enclave” character of Nagorno Karabakh and the establishment of unhindered communication between Nagorno Karabakh and Armenia through the so-called Lachin corridor as well as Armenia's consent to free railway communication between Azerbaijan and Nakhichevan. It was envisaged that Azerbaijan and Nagorno Karabakh would sign an agreement according to which Nagorno Karabakh would have its own Constitution. It mustn't comprise clauses which contradict the basic principles fixed in the agreement between the sides (about the settlement of the Nagorno-Karabakh conflict). At the same time, the parliament of Azerbaijan must introduce appropriate changes in the Basic Law of the state. It was envisaged that the laws of Azerbaijan are valid in the territory of Nagorno Karabakh provided that they don't contradict its Constitution and laws. Nagorno Karabakh independently forms its legislative, executive and judicial power. It will have its flag, emblem and anthem, security forces (national guards) and police. At the same time, the population of Nagorno Karabakh will elect their representatives to the parliament of Azerbaijan as well as will take part in the election of the president of the Azerbaijan Republic. The citizens of Nagorno Karabakh will have passports of Azerbaijan with special marking “Nagorno Karabakh”. Decisions of central authorities with respect to sovereign rights, security, territorial division and borders of Nagorno Karabakh will be valid only if approved by the parliament and the government of Nagorno Karabakh.*

The zone of free trade with the circulation of currency of other states will be established in the territory of Nagorno Karabakh. Nagorno Karabakh will be entitled to establish direct foreign ties in the sphere of economy, culture, sport, political (except diplomatic) relations with other states and international organizations, to have its appropriate representations abroad. The return of refugees (except the zone of the Lachin corridor) and guarantees for the agreement between the Azerbaijan Republic and Nagorno Karabakh from Russia, the US and other members of the OSCE which are permanent members of the UN Security Council were envisaged.

In Yerevan this project was taken as a basis for the negotiations, but Baku and Stepanakert rejected it. (V.K.)

³³ **Goble P.** Coping with Nagorno-Karabakh Crisis // The Fletcher Forum of World Affairs. – Boston. – Vol. VI. – N 2. – Summer 1992.

The former status quo, Paul Goble said, was maintained thanks to the USSR, which no longer existed. Now the situation has changed and it dictates the necessity to show a new approach to the NK conflict.

Paul Goble thought that *“in principle there are three ways “to solve” the NK problem: to oust or kill all Armenians living there now, to station a great number of foreign forces to move these sides apart or to hand over the NKAR under Armenian control”*. But the author himself felt that all these options were impossible to realize: the first option because of moral considerations, the second because it was not physically possible, and the *“third one is impossible politically since in this case Azerbaijan will become the side unfairly treated both from the viewpoint of loss of territory and the question of water supply to Baku”*. Therefore, he sought the key to the resolution of the problem in the exchange of territories, including the following conditions:

First, handing over a part of the NKAR to Armenia together with the territories of the sources of rivers flowing in the direction of Azerbaijan. Secondly, handing over the Armenian territory connecting the Azerbaijan Republic with Nakhichevan to Azerbaijan’s control.

Evidently Paul Goble understood that in the case of the realization of this variant, Armenia would find itself in a difficult situation because it would lose its connection with Iran, which is of vital importance to Armenia. That is why, in 1996, he introduced some amendments to his plan. In particular, he proposed to create a corridor through the southern region of Armenia, Meghri, to Iran, where some international forces would be stationed.

Later, Goble suggested handing over a part of the NKAR to Armenia in exchange for handing over a part of Armenian territory, namely the Meghri region, to Azerbaijan. This would enable Azerbaijan to have an immediate border with Nakhichevan.

The Goble Plan, for one reason or another, failed to find support first of all from the Republic of Armenia and NK. It is important, however, to note that according to media reports and oppositionists in Armenia, some variant of a territorial swap like the one proposed by Goble was seriously considered during talks between the presidents of the Azerbaijan Republic and the Republic of Armenia in 2000-2001. Officially, Yerevan and Baku were refuting these reports and there was not any additional information about this variant, even if it was actually discussed. (see further)³⁴.

7. Associated state

Politicians and scholars often pay great attention to the concept of the associated state as one of the variants of solving ethno-political conflicts, including the NK conflict. They usually refer to UN resolutions and declarations, in particular to UN Resolution 2625 adopted by the UN General Assembly in 1970 on the “Declaration on the Principles of International Law Pertaining to Friendly Relations and Cooperation among States in accordance with the United Nations Charter”.

The Declaration admits three forms of the realization of the right of nations to self-determination: formation of a new state; association with an already existing

³⁴ *The Goble plan would have rather significant geo-strategic consequences for Armenia: it would lose the border with Iran and would find itself closed from the west, south and east by a Turkish semi-ring. Tehran also categorically opposes this plan. (V.K.)*

independent state or status of a different level if it is approved by the free expression of will of a given people. In this case the variant of free association with an independent state is of interest. This variant is not only a political postulate but is realized in practice. The islands of Cook and Near already have associated statehood with New Zealand, while Puerto Rico, the Marshall Islands and the Federation of Micronesia have associated statehood with the United States. The last two – the Marshall Islands and the Federation of Micronesia – even became members of the United Nations in 1990.

On the basis of this principle, Ambassador John Maresca, a former U.S. representative to the CSCE Minsk Group, worked out and published on July 1, 1994 a plan for the political resolution of the NK conflict. John Maresca's proposal consisted of eight chapters. In the first chapter, "The Status of Nagorno Karabakh", it was noted that "*NK must be called the Nagorno-Karabakh Republic and must be a completely self-governed legal formation within the sovereign state of the Azerbaijan Republic*"³⁵. "*The NKR must be within Azerbaijan and associated with it*". Maresca proposed the adoption the Basic Law about the status of the NKR on the basis of which its associated unification with the Azerbaijan Republic would be realized. It was suggested that representative offices should be established in Stepanakert and Baku; the NKR would have the right to have permanent representations in the capitals of states of special importance such as Yerevan and Moscow, and receive corresponding representatives from the same countries. But "*the NKR must not be recognized as a sovereign independent state*".

According to Maresca's plan, "*the armed forces of the NKR must be gradually reduced. The NKR may have the right to have local security forces, including self-defense forces, but must not have offensive military forces.*" And the Azerbaijan Republic would gain the right to station in the NKR only local security forces, but no offensive armaments system, including near the NKR.

There are some clauses in John Maresca's variant about the right of the Republic of Armenia to maintain transit links with the NKR via the Lachin corridor, and the Azerbaijan Republic with Nakhichevan via the territory of Armenia. There are also clauses about the return of refugees to the places of their former residence, about turning the Republic of Armenia and the Azerbaijan Republic, including NK and Nakhichevan, into a free trade zone, about the convocation of a conference of donors for financial support of the Azerbaijan Republic and the Republic of Armenia, including NK, etc. And finally, Maresca proposed that the OSCE and the UN Security Council should become guarantors of the implementation of the terms of this document.

The variant of an associated state, though deviating from unconditional demands for the submission of NK to the laws and jurisdiction of the Azerbaijan Republic, nevertheless is based on the principle of non-recognition of the independence of the NKR and views it as part of the Azerbaijan Republic, with the retention of the NKR's vertical submission to Azerbaijan. This, in the opinion of the Armenian side, absolutely failed to correspond to the internationally acknowledged concept of an "associated state". In the NK leadership's opinion, the relations with the Azerbaijan Republic must be based on the principle of full equality, which excludes any vertical ties³⁶.

³⁵ United State Institute of Peace. War in the Caucasus. A Proposal (by John Maresca) for Settlement of the Conflict over Nagorno Karabakh. – Wash. D.C., 1994. – P. 5.

³⁶ J. Maresca is an experienced American diplomat who played an active role in the CSCE Minsk Group at the initial stage of its activities (1992-1993). First he was promoting the scheme of "programmes on

The so-called “synthesis variant” can be considered to be among the varieties of this variant. This variant was put forward in the mid-1990s by the director of the U.S. National Democratic Institute (NDI), Ambassador Nelson Ledsky, who stated his viewpoint in an interview with the “Turkish Daily News” paper (September 1995). In his opinion, in real fact NK must become part of the Republic of Armenia, although possibly, in some form it must be connected with the Azerbaijan Republic. *“There is no doubt,”* N. Ledsky says, *“that the Armenians were a success in this war. And the Azeri side must admit that it has lost something.”*

It would be appropriate to note here that, according to the Azeri side, the constant reference of western analysts to the “military success” and “results of war” hide a hint that a “military solution” to the Karabakh problem is the only possible one.

N. Ledsky expressed that the problem of Nakhichevan, from the point of view of its communication with the Azerbaijan Republic, was an essential part of the settlement of the Nagorno Karabakh conflict. Answering a Turkish reporter’s question: “Do you propose an exchange of NK for Nakhichevan?”, Ledsky replied that *“there must be negotiations, which will provide communications between NK and the Republic of Armenia as well as between Nakhichevan and the Azerbaijan Republic”*.

Although in this chapter we have distinguished the variant of the “Common State” proposed by the Minsk Group co-chairmen in December 1998, it is easy to see that this variant is close enough to the concept of an associated state, and the difference between these two variants is rather conditional. Below we are going to discuss this variant at length.

Let us round up the analysis of this variant by an assessment of the “psychology of fears” of the sides defined by the Azeri politician and scholar Niyazi Mehti.

“There is no doubt that NK has a chance to actually exist as an independent state with the retention of some political symbols, formally remaining within the Azerbaijan Republic. But the Armenians are afraid of such a prospect. Firstly, because if on the one hand the military-economic strength of today’s opponent increases and its international position stabilises, and if on the other hand the international control over the maintenance of peace is weakened the Azerbaijan Republic could take advantage of its legal right of a sovereign state and would abolish the de facto independence of NK. “The absence of 100% guarantees makes NK afraid of snags of even symbolic attributes of NK’s belonging to Azerbaijan. The other reason is the dynamics of the demographic and migration processes in the Azerbaijan Republic, capable, in the opinion of the Armenians, of leading to a repetition of the Nakhichevan scenario: the alleged peaceful ousting of Armenians by Azeris. Thirdly, the proposed subordination of NK to the jurisdiction of Azerbaijan will inevitably encounter the resistance of the Armenians of NK and the Republic of Armenia: official persons state that after so many victories the people themselves will never allow it.

“The stand of the Azeri side is conditioned first by the constant presence in the nation’s consciousness that Upper and Lower Karabakh make up an inseparable part

districts” (programmes on Shusha, Lachin, etc) in which measures to be taken in each district were only outlined without binding them to dates and without determining their sequence. Then he was trying in every possible way to include Turkey in the active part of the Minsk Group, nearly at the same grounds as Russia. He put forward the aforementioned proposals already as a private person – eight months after resigning. They were not discussed in the Minsk Group and didn’t attract its attention. (V.K.)

*with the rest of the country's geography. Karabakh's separation is perceived by this consciousness as a national disaster. Secondly, the systems and principles of international law (inviolability of borders, recognition of the Azerbaijan Republic by the UN and other international organizations within its factual borders etc.) work for Azerbaijan, and to give up these advantages is ludicrous. Thirdly, one cannot exclude the prospects of the state's increased might and as a consequence the possibility of revenge. Fourth, the international law is inclined, especially of late, to accept some precedents which create the situation of automatism and permanence in conflict resolution. At the very first small compromise this automatism turns on the "domino" principle requiring more and more concessions up to NK's secession: for example, the recognition of the Armenians of NK as a party to the negotiations, according to the same principle may become a step on the way towards the recognition of NK's independence.'*³⁷

8. The Cyprus model

The idea of the so-called Cyprus variant very often emerges in discussions of the ways to settle the Karabakh conflict and the status of NK.

The point of the "Cyprus model" consists of the fact that this formation (the Turkish Republic of Northern Cyprus) is only officially recognized by Turkey, and only exists and functions de facto. The Cyprus model as applicable to NK means: not to recognize it de jure, but to agree with its existence de facto. It means that NK would not be an integral part of the Azerbaijan Republic or the Republic of Armenia, would not be officially recognized as an independent state, would not be a member of the international community, but would exist and function as an independent state formation.

In the opinion of the Armenian side, the Cyprus model is a compromise one. It may allow the sides to reconcile themselves to the existing state of affairs without the humiliation of the national dignity of all sides involved in the conflict. It would ease tension, grant a respite and, in future, would promote a broader approach to the resolution of the problem. On the other hand, it would promote the normalization of relations between the neighbors – Azerbaijan and Armenia.

Such a model, in the opinion of the Azeri side, has already been working for about a decade, but has not lived up to anybody's expectations.

9. The "Chechen Variant" and the "Prague Process"

Immediately after the conclusion in 1996 of the Khasavyurt agreements between the leadership of the Russian Federation and the leadership of Chechnya there appeared another variant for solving the conflict later called the "Chechen variant". After a year and a half of bloodshed the Russian Federation and Chechnya came to an agreement on stopping the war, establishing peace and postponing the determination of the status of Chechnya for five years. This is the essence of the Chechen model, a sort of "mechanism of a postponed determination of political status." After the Russian-Chechen agreement, different circles within the Russian Federation, Armenia and the leadership of NK started to talk about the possibility of applying this model in relation to the Karabakh problem.

³⁷ We express our gratitude to N. Mehti for lending us his article.

It is necessary to consider this transition period during which the positions of the parties will be gradually determined. It is thought that if the question of status is delayed, for example for a five year period, during this time a new generation of politicians may emerge, there will be more clarity in the geopolitical situation in the South Caucasus as well as in the economy. Possibly, the parties to the conflict would abandon too categorical a tone in negotiations. Thus, it may become possible to move the problem from deadlock.

To sum up, the “Chechen variant” as applied to the problem of NK rests on three principles:

A. Ensuring maximum security for Karabakh and for the residents of the adjacent territories of the Republic of Armenia and the Azerbaijan Republic.

B. Establishment of a transitional period for a minimum of five years during which the determination of the political status of NK will be delayed. This will create a breathing space and more favorable political, geopolitical and economic conditions for the settlement of the Karabakh problem.

C. A new generation of politicians, free from the burden of the preceding period and mutual enmity will emerge during this period, and this generation will act in a new atmosphere and in new conditions.

At the same time, it is not difficult to see the following obvious obstacle: this variant presumes broad negotiations with the involvement of “the parties to the conflict”, but this question is not solved even within the framework of the current negotiations between Armenia and Azerbaijan.

In fact, one variation of the “Chechen variant” is the Dayton Peace Accord (1996) according to which the Serb population of Bosnia and Herzegovina was granted “a delayed right” of self-determination after nine years. The leadership of NK immediately gave a positive estimation to the possibilities of the “Chechen variant”. The then president of unrecognized NKR, Robert Kocharian, stated on February 27, 1997 in Stepanakert that the “*variant of the resolution of the Karabakh problem in analogy with the Chechen problem is quite acceptable for Karabakh*”. He said that as far back as two years ago, the NK leadership suggested departing from the principles of territorial integrity and self-determination, but that suggestion was rejected by the leadership of Azerbaijan. Azerbaijan, in turn, thought that the “Chechen variant” was incompatible with the situation in NK. There is no one for Chechnya to integrate with, while NK has already widely integrated with the Republic of Armenia and, in another five years, would simply complete this process. Meanwhile, the development of the political situation in Chechnya led to the oblivion of the Khasavyurt agreements, which, however, does not rule out the importance of studying the “Chechen variant” as it is.

The so-called “principle of anomaly” set forth by Niyazi Mehti in his aforementioned article can be presented as a particular variety of the “Chechen variant”. We think it important to consider this variant as an example of how, with the presence of goodwill and readiness of the sides, it is possible to overcome stumbling blocks and try to get used to peaceful co-existence gradually arriving at mutually acceptable legal solutions. Here are the main provisions of this principle.

1. The Azerbaijan Republic, the Republic of Armenia and the two communities of NK agree that the region of the conflict is an internal Azeri anomaly, which can be settled using exceptional, anomalous methods. After acceptance of this thesis the sides

appeal to the international community to regard this situation outside the jurisdiction of international principles, which run counter to the formed situation. Then, the situation is brought to a stalemate situation through a number of mutual agreements.

2. Azerbaijan recognizes NK as the NKR sort of recognising its independence. However, the NKR is deprived of the possibility of changing its name or seceding from the Azerbaijan Republic without approval in an all-Azerbaijan referendum (a situation when the Azeri side would mark “NKR” in its official documents in inverted comas is possible).

3. The NKR formally has its own army, but this structure is inspected by the Azerbaijan Republic and in actual fact becomes a police force deprived of heavy armaments. This symbolic army should also enlist Azeris living in the territory of NK. The quota of Azeris should be proportional to their number in NK.

4. NK has a Parliament to which Azeris are elected according to the quota of the Azeri minority. The Parliament adopts a Constitution on the basis of agreements with the Azeri side within the framework of the basic principles of the Constitution of the Azerbaijan Republic.

5. According to a quota, the NKR has its deputies in the Parliament of the Azerbaijan Republic.

6. Every five years, the Azeri Parliament raises the question of abolishing the NKR. But the deputies of the NKR have the right of veto in this matter. As soon as this question is brought up for discussion the deputies of the NKR, on the basis of an official document submitted by the NKR Parliament (in order to rule out any pressure on deputies or their “consent” due to corruption), apply their veto. The deputies of the NKR can exercise their right of veto only in connection with this question. (A number of other symbolic questions can be added here).

7. Likewise, every five years, the NKR Parliament raises the question of seceding from the Azerbaijan Republic (creation of their own currency, etc.) and the Azeri deputies proceeding from the resolution of the Azeri Parliament impose their veto. This kind of play, meanwhile, must be compulsory because such symbolic procedures remove psychological tension. In due course of time all this will turn into a sort of ritual like some procedures in the political life of monarchic Great Britain. The therapeutic, psychological effect of this procedure on the Armenian-Azeri conflict can be modeled and studied. The number of such symbolic anomalies in world practice is rather great. For example, the Queen of England is the nominal monarch of the whole Commonwealth, but in actual fact she is far from making political decisions in these countries.

8. If the Republic of Armenia declares war on the Azerbaijan Republic or any other country the NKR is prevented from automatically entering an alliance with the Republic of Armenia as an independent entity by force of a veto imposed by the Azeri representatives of the Parliament. Similarly, the Azerbaijan Republic, if it declares war on the Republic of Armenia, has no right to draw the NKR into this war due to the veto of the Armenian side.

It is important to note here that such “rules of the game” do not hurt the ambitions and dignity of the sides and most of the problems are shifted to the symbolic zone of confrontation, in which the procedure of the stalemate situation simulates progress in resolving painful problems thus removing tension. Of course, all the names, examples and symbols used in the model are conditional and are only presented to

*explain the general principles. After consultation the sides can change some provisions of the anomalous autonomy and stalemate situations. In the modern situation of confrontation, symbolism has obtained such an acute nature that solution to the conflict must also be connected with symbolic procedures*³⁸.

In conclusion one should note that, if media reports are accurate, then the present stage of the negotiating process with the participation of Armenia and Azerbaijan called “the Prague Process”³⁹, represents a variety of “the Chechen variant”. On July 12, 2005, Radio Liberty, quoting reliable diplomatic sources, reported that according to the preliminary arrangement, this process includes the holding of a national referendum in Nagorno Karabakh on its status within 10-15 years, with Azerbaijan recognizing the results of this referendum. This process differs from the “classical” “Chechen” variant, however, by the fact that Armenian military units of the party (Armenia and the NKR) would be required to withdraw from parts of the occupied areas around NK beforehand and would allow the return of Azeri refugees to the region. The realization of other confidence building measures is also planned. The officials involved in the negotiating process, naturally, have neither confirmed, nor denied these reports.

10. “Common State”

For a number of reasons in 1996-1997, the efforts of international mediators in settling the Karabakh problem failed to yield results and were resumed only in December 1998, when the OSCE Minsk Group co-chairmen advanced a new initiative based on the so-called principle of the “common state”⁴⁰.

It was, in fact, an attempt to find an “unconventional” solution, which could, as much as possible, formally combine the two basic demands: Azerbaijan’s demands about its territorial integrity, and NK’s demands for self-determination. The most important provisions of this variant published in the press are as follows (not in the order cited in the official document of the Minsk Group):

1. NK is a state and a territorial formation and together with the Azerbaijan Republic make up a single state within its internationally recognized borders.

2. NK has its own constitution and laws effective on its territory. The laws of the Azerbaijan Republic are effective on the territory of NK if they do not run counter to the Constitution and laws of the latter.

³⁸ Niyazi Mehti, the mentioned article.

³⁹ A series of meetings of the Foreign Ministers of Azerbaijan and Armenia, Elmar Mamedyarov and Vardan Oskanyan, in Prague in August 2004 marked the beginning of this process. Hence the origin of its name.

⁴⁰ *Such an evaluation of efforts of international mediators is typical for the parties to the conflict. The non-constructive, maximalist position of the conflicting sides themselves led to the deadlock in the first place. The mediators were quite active before March 1997, while the negotiations were conducted on the basis of the Russian draft Agreement on stopping the armed conflict, which was called in the press a Great Political Agreement – GPA (which in essence is not quite correct as only military-technical and military-political questions were solved in it and political problems were delayed until other agreements) and during 1997, when two new drafts were put forward by the co-chairmen of the OSCE Minsk Group as a basis for further negotiations. However, the way towards reaching the Agreement was blocked by all sides and the proposals of the co-chairmen were rejected three times by one side or the others in 1997-1998.*

3. *NK will have the right to establish direct external relations with foreign states in the spheres of economy, trade, science, education and culture.*

4. *NK will have a National Guard and police forces, but they can not act outside the NK borders.*

5. *The army, security forces and the police of the Azerbaijan Republic are not entitled to enter the territory of NK without the consent of NK authorities.*

However, to all appearances this concept was not fully defined, as there was no consensus even on how to name the concept. Indeed, besides the name “common state” wordings like “single,” “joint” and even “union state” were also used⁴¹.

It is obvious that there is an essential difference between “single”, “common” and “union” states. In the first case – “single state” – a unitary form of state is meant, within the framework of which there may or may not be limited or “broad” autonomy. And if this is what was offered to the conflicting sides in 1998 by the co-chairmen of the OSCE’s Minsk Group, then it should be acknowledged that there was nothing “new” in their offer. But in the second case – “joint state” – two forms of state order are implied at a time: federation and confederation. Judging by what the then Russian representative Y. A. Yukalov said, the Armenians of the NKR were in fact presented with an offer to become a member of some federation, while it is not clear what sort of vague status the Minsk Group co-chairman offered NK as a member of this hypothetical federation.

But as far as “union state” is concerned, this is already a concrete indication of a federation, which can be symmetric or asymmetric, and its entities may exist on an equal or unequal legal basis and so on⁴².

As to the point of the of the “common state” proposals it should be noted that the matter in this case concerns the concept of federalism in the countries of the South Caucasus, which Russia adhered to in its intermediary mission up until 1995 and only then gave up because of the positions of Azerbaijan and Georgia⁴³. Besides, at the stage of the NK conflict settlement under review, this idea was already vaguely advanced by the United States. A study of the text of proposals of the OSCE Minsk Group co-chairmen dated November 1997 gives us reason to believe that the main idea of the Russian Federation, the U.S. and France, which joined it in this question, was the

⁴¹ *Only what was stated in the document about the common state itself may be regarded as the concept of the document. All the rest of the terms in the statements of different persons about these proposals can not be viewed as a change of the concept – sometimes they were nothing but not very clear comments. No one had the power of mediators to change the basic concept. (V.K.)*

⁴² *The proposal about the common state to a great extent was borrowed from the practice of the Transdnistrian settlement where the sides accepted it as a basis for negotiations. It was offered as a basis for negotiations in Karabakh too. Hence, the vagueness of the status. (V.K.)*

⁴³ *Before 1995, political scientists and researchers from different countries many times stated that the concepts of federalization of Azerbaijan and Georgia, however, in the negotiating process of the Karabakh settlement neither the concept of a common state nor the proposals of federalization of Azerbaijan was put forward by the intermediary mission of Russia. In this sense it had nothing to reject. Quite different questions were on the agenda of the negotiations: the Russian draft Agreement on stopping the armed conflict and then since May 1995 also the “key problems” of the settlement. The only similar episode is dated as far back as March 1996 when the Foreign Minister of Azerbaijan G. Gasanov, who was interested in the experience of division of powers between the federal center of Russia and Tatarstan, unofficially asked the head of the intermediary mission of Russia to prepare the preliminary estimates of how it would be possible to divide powers between Baku and Stepanakert. I (also unofficially) made this estimate and gave it to him in April 1996, but it never appeared in the negotiating process. (V.K.)*

intention to broaden the ordinary notions about the mutual relations between the “federal center” and an “entity of the federation”. For instance, it was presumed that NK, while returning to the state-legal space of Azerbaijan, would nonetheless maintain all the external attributes of independent statehood: the institutions of presidency, parliament, government, constitution, court, army (in the form of a National Guard), police, security forces, emblem, anthem, flag, etc. But as to NK maintaining its communication with the outside world, the following form was proposed: Azerbaijan “rents out” to the OSCE the zone of the Lachin humanitarian corridor and the OSCE establishes its control over it “in cooperation and interaction” with the leadership of NK and using manpower provided by official Stepanakert working jointly with OSCE observers. NK would be deprived of the possibility of implementing an independent foreign policy and having an independent banking and financial system. But at the same time this territory was to be declared a free economic zone with unlimited circulation of any foreign currency.

These and other provisions of the studied peace proposals of the OSCE Minsk Group co-chairmen enable us to conclude that, although terminologically it was to be spoken about the preservation of territorial integrity and a single Azerbaijani state, in terms of the contents the international negotiators, tried to realize a policy aimed at forming a union of states – Azerbaijan and NKR – that is to say a confederation, which, above all, would be an asymmetric one.

NK and the Republic of Armenia stated then that they were ready to accept those proposals of the Minsk Group as a basis for negotiations and this position has remained in force up to now. Meanwhile, Azerbaijan, referring to the norms of international law and national interests, turned down this proposal.

11. “Transcaucasian Confederation”

The idea that the future of the South Caucasus countries lies in their integration, up to the integration on the political level, is not new (suffice it to remember the term “the Caucasian Benelux” coined by Eduard Shevardnadze as far back as the first half of the 1990s). But a group of analysts from the Center for European Policy Studies in Brussels, led by Michael Emerson, proposed a very radical variant of such a development, presuming that integration in itself may turn out to be a key to the resolution of both the Karabakh and other conflicts in this region. This “Stability Pact” proposal contained the following elements:

- *Readiness of the leaders of the three recognized states of the South Caucasus to take immediate steps towards regional integration; the establishment of the so-called South Caucasus Community.*
- *Consent of the EU, Russia and the United States to sponsor such integration.*
- *Readiness to realize a six-point plan (“agenda”), three of the points immediately concerning the South Caucasus, three concerning cooperation in a broader region, including the Black sea zone and the South of Russia. The first three items include:*
 - Constitutional resolutions for international conflicts, in particular, with the use of modern European models of shared sovereignty as well as interdependency of different levels of governance.

- It is proposed for the major conflicts – Nagorno Karabakh and Abkhazia, to make provisions for a high degree of self-government, exclusive prerogatives, separate constitutions, horizontal and asymmetric relations with state authorities and shared joint powers in such spheres as security, foreign relations and economy.

- Special provisions must be foreseen for peace-keeping and guarantees of security for refugees.

The project also stipulated the possibility of the federalization of Georgia and Azerbaijan proceeding from their cultural-ethnic characteristics so as to avert conflicts in the areas where national minorities reside. All this was to be followed by concrete measures on the establishment of a new South Caucasus Community, presuming compact political and economic integration of all states of the region. Besides the Russian Federation, the EU and the United States, an active participation in this project⁴⁴ of other organizations such as the OSCE, was also planned.

The project, as one should have expected, failed to bring any concrete results due to the failure to find any interest among the leaders of the region's states.

Here we can mention a similar model of Emil Agayev⁴⁵ which was called the "Transcaucasian Confederation" or "South-Caucasian Union" (SU). According to this concept, the SU could include at first two, and then three, independent states, which after entering confederate relations would retain their sovereignty. On certain conditions (stipulated in each case separately) the autonomous entities of Abkhazia, South Ossetia, Ajaria, Nagorno Karabakh (plus Nakhichevan), could also be included as associate members, remaining entities of sovereign republics and gaining the right to participate in solving the stipulated issues of confederate life as a whole on an equal basis with them. Each of them would gain the right to live as it wishes but within certain limits without interfering with others. All this is stipulated by a treaty covering the formation of the confederation. (In the way, this treaty must stipulate that territorial and other claims are handed to the archives once and for good). But then it would be easier to settle many disputed questions, and would be easier for refugees to return to their native places. But the most important thing was that, in the case of the immediate entrance of NK, as well as other autonomies into a confederation, it was easier to put out these "hot spots".

The formation and functioning of the SU, according to Agayev, could be realized with the help and even through the mediation of the world community, otherwise it would be difficult to come to terms.

The possibility of the formation of such a confederation could be considered in the context of the world integration tendencies. The question is whether it is time to form a common political space and how to organize the process of controlled, "predictable" globalization, leaving space for the development of peoples and their cultures.

The empires which have almost gone into non-existence held one advantage: on their vast territories there really was a dialogue of cultures, a meeting of civilizations and interaction of peoples. It would be ridiculous in the 21st century to aspire to the political past, but the projects on the formation of a new type of confederation of countries included in one region could become a subject for discussion. The South Caucasus and the territories of Russia, Turkey, and Iran adjacent to it, as well as the Caspian countries of Central Asia, and some Black Sea countries, are geographically and economically

⁴⁴ See details on the website: www.ceps.be

⁴⁵ We thank the author for providing us his unpublished article.

predisposed to integration. All the pluses and minuses of such a political step, in our opinion, deserve critical analysis.

The model proposed in 1996-1998 by the left-wing forces of the Republic of Armenia and NK and supported by the communists of the Russian Federation is, as a matter of fact, another sub-variant of an integration solution. According to this scheme, the path towards the settlement of the conflict could lie through joining the internationally recognized and non-recognized states of the South Caucasus to the Russia-Belarus Union (now a Union state) as separate units. In 1997, more than a million signatures in the Republic of Armenia were collected in favor of this decision, as the leaders of the Communist Party of Armenia and the public organization “Armenian People’s Initiative Russia-Belarus-Armenia” claimed. According to some data, NK’s authorities also favored this idea. However, the official authorities of the Azerbaijan Republic and the Republic of Armenia (as well as of Georgia) showed a negative attitude to it.

12. The “Paris principles”

We have to mention separately the initiatives known by this name only because they have been circulating since the spring of 2001. The name of these principles is connected with the meeting of the presidents of Azerbaijan and Armenia held in Paris by the mediation of President Jacques Chirac of France (March 5, 2001). The negotiating parties did not publicize what the gist of these “principles” was and it is, in fact, possible that they coincided with some variants described earlier. After the meeting on April 4 -7, 2001 in Key West (USA), these principles also were often called the “Key West” principles.

It is of some interest to note that the then President of Azerbaijan, Heydar Aliyev, who had previously insisted that there were no “Paris principles”, stated in mid-June 2002 that these principles were nothing but a proposal about an exchange of corridors between the sides, i.e. Meghri for Lachin. Armenian President Robert Kocharian denied these statements, but refused to disclose the essence of these principles⁴⁶. We can only quote the statements of Armenian officials that these principles comprised three basic theses on which Yerevan and Stepanakert insisted: a) exception of the vertical subordination of NK to Azerbaijan; b) ensuring of permanent communication between NK and Armenia; c) presence of security guarantees for the population of NK⁴⁷.

13. The principle of condominium (or the “Andorra variant”)

⁴⁶ According to some sources, which appear to be well-informed, the essence of what was spoken about in Paris and Key West came down to joining Nagorno Karabakh to Armenia and bargaining around the status of the transit transport corridor from “mainland” Azerbaijan to Nakhichevan through Meghri. See, for instance, the interview of the Chairman of the RA National Assembly Committee on Foreign Affairs Armen Rustamyan to the “Regnum” news agency on 24 July 2003. (V.K.)

⁴⁷ In particular, the press secretary of the Ministry of Foreign Affairs of Armenia, Dzunik Aghajanyan, talked about it on 13 July, 2001. Armenia’s Foreign Minister Vardan Oskanyan stated in his interview with Armenian television on 28 January 2004 that Heydar Aliyev was disposed to accept these principles as a basis but rejected them under the pressure of his surroundings.

After the Key West meeting, Armenian and Azeri mass media wrote about an allegedly proposed variant of “Andorra status” (condominium) envisaging the participation of “plenipotentiary representatives” of Azerbaijan and Armenia in the government structures of NK and other “attributes” (including the establishment of some kind of international control over the “corridors”). The matter is likely to have concerned a mere touchstone to gauge the political opinions in Azerbaijan, NK and Armenia. In reality, the OSCE Minsk Group co-chairmen could hardly have intended to consider the plan themselves, let alone propose it to the conflicting sides. The thing is that any “Andorred” variant of settlement, logically, must be based on the denial of the right of “new Andorrans” to maintain their own armed forces. As it became clear from the public statements of the OSCE Minsk Group co-chairmen in Stepanakert and Yerevan, and especially by N. Gribkov and P. de Suremain, today the international community is inclined to understand that NK long ago turned into a “big independent factor” of Transcaucasian politics. It is likely to mean that the co-chairmen of the OSCE Minsk Group are inclined to distinguish the separate role of NK’s armed forces in this factor. And in the case of “Andorredation” of NK or even one single similar attempt, the U.S., Russia and France would face the task beyond their strength of fully and unconditionally disarming the NK defense army and demilitarizing the territories of not only NK but also of the lands adjacent to it both in Azerbaijan and Armenia. Meanwhile, in Azerbaijan, the co-chairmen pronounced quite different statements, acknowledging that negotiations were conducted exclusively between the Azerbaijan Republic and the Republic of Armenia and that their framework can be broadened after first successes are achieved⁴⁸.

⁴⁸ *Most conflicts in the territory of the former USSR have a traditional “two-dimensional” character (Chisinau – Tiraspol; Tbilisi – Sukhumi; Tbilisi – Tskhinvali; Dushanbe – opposition), i.e. there are two sides there. The number of sides in the Nagorno Karabakh conflict remains one of the main disputable questions seriously embarrassing the process of its settlement. Sometimes this procedural problem was hypertrophied by the sides and overshadowed even the essential questions in the course of negotiations. The specific character of the Karabakh conflict is that there are at least “two and a half sides” in it. In military operations there were of course two combating sides (the formations of Karabakh Armenians together with regular military units of the RA were one of them), but politically there are three of them (Baku – Stepanakert – Yerevan). For a long time Armenia tried to present the matter as if the conflict takes place only between Baku and Stepanakert. Russian mediators directly showed Yerevan that Armenia is a party to the conflict. Finally, they achieved the participation of Yerevan in the Moscow negotiations as a party to the conflict.*

Baku insists that the conflict takes place between Armenia and Azerbaijan. In doing so it proceeds from excessive fears lest the recognition of Nagorno Karabakh as a party to the conflict and a participant in the negotiations should ease the international recognition of “NKR”. And this position contradicts the fact that during the second half of 1993 Baku ten times reached agreements with Stepanakert (without the participation of Yerevan) about the restriction of military operations (the agreements about ceasefire, its prolongation, etc.) Azeri diplomacy often cites the resume of deductions of the Council of Ministers of CSCE from 24 March, 1992, according to which it was planned that in the Minsk Group of CSCE on Nagorno Karabakh 11 states should take part and “elected and other representatives of Nagorno Karabakh should be invited as “interested sides”. In Baku this is understood as representatives of the “Armenian and Azeri communities” of NK. However, peace talks with the mediation of Russia and then the co-chairmen of the Minsk Group were conducted with the participation of all three parties to the conflict. The Budapest summit of the OSCE in fact reconsidered at the top level a number of clauses of the decision adopted at a ministerial level on 24 March 1992 and entrusted the co-chairmen of the Minsk Group with the conduction of negotiations among all conflicting sides, reserving the function of consulting mechanism to the Group itself.

III. METHODS (“TECHNOLOGIES”) FOR THE RESOLUTION OF THE KARABAKH CONFLICT

Whatever the final settlement of the Karabakh conflict may be, the greatest significance will be in the actions that each side will take in order to realize that solution. In reality, any of the above variants of solving the conflict is no more than an abstraction: how to solve the problem in reality (what we might call the “technology” of settlement) is a big problem in itself. Moreover, as it will be shown below, many of the proposed, and perhaps quite realistic, solutions were put aside due to the difficulties of their practical implementation. And the lack of mutual trust turns out to be the key problem.

1. Military solution

From a purely formal standpoint, this variant of actions of the sides, unfortunately, cannot be ruled out of the list of possible ones. That is, the Azeri side may undertake a military action to liberate the areas of Azerbaijan occupied by the Armenians and eliminate the insurgent enclave of Nagorno Karabakh. The Armenian sides, on the other hand, may, for example, seize new territories of Azerbaijan outside Karabakh, to force Azerbaijan to be more concessive. Formally, all parties to the conflict speak in favor of a peaceful settlement to the conflict, but recently, when the negotiations again came to a deadlock, Azerbaijan stressed that it did not rule out a military solution “for the restoration of the country’s territorial integrity in accordance with the principles of the United Nations”. In the opinion of the Armenian side, such behavior is not unexpected from the country which was defeated in the military operations. But it is also evident that these kinds of statements by official Baku damage the search for compromise most, which, above all, requires an atmosphere of mutual trust. In response, the Azeri side asks the following question: would Armenia be ready to conduct peace talks with Azerbaijan if the latter had, with the aid of Russia, occupied territories of Armenia populated by Azeris and demanded the formation of a new independent Azeri state on them?

2. “Package” solution

This type of action assumes the achievement of preliminary consent by the sides on all disputable questions, a conclusion of agreements “in a package”, that is taking into

Shortly after the Budapest summit the question about the status of the sides and their participation in the negotiating process was stated in the resume of the OSCE Chairman-in-Office at the session of its Governing Council (Prague, 31 March 1995). It reads: “The Chairman-in-Office confirms the decisions made earlier by the OSCE about the status of the parties, i.e. about the participation of the two states-participants involved in the conflict as well as the third party to the conflict (Nagorno Karabakh) in the whole process of the negotiations including the Minsk Conference”. The attempts of the Azeri side to give the representative of its community in NK, who was on the delegation of the Azerbaijan Republic, the status of an independent delegation in the course of the negotiations were never accepted by the co-chairmen. In the proposals of the Co-Chairmen from 1997-1998 it was openly stated many a time about three parties to the conflict (V.K.)

account all problems and aspects of future peace and implementation of these activities in the future⁴⁹.

Since, as it has been stated above, there has been no consensus on a number of major issues and first of all on the status of Nagorno Karabakh, it is natural that all “package” variants proposed by Russia in 1996 and by the Minsk Group co-chairmen in July 1997 failed to be realized and were put aside, although the current leaders of Armenia state about their adherence to the “package” principles of resolving the conflict⁵⁰.

3. Stage-by-stage solution

The staged scheme of conflict solution was proposed instead of the “package” variant in December 1997⁵¹ (both can be found in the APPENDICES section). It proceeded from

⁴⁹ *The “package” solution itself when everything is coordinated and each side knows what it receives and what it gives would be ideal. But there are quite a few reasons to doubt its attainability and feasibility in relation to Karabakh. The “package” would require that the leaders and political elites should have an ability to find the strongest convincing motivation in order to agree to very big counter concessions (it is impossible to build the “package” on small ones!). Today’s mutual demands of the sides practically exclude each other. They are so polar that such concessions would beget a shock and would sharply destabilize the situation inside the countries. Expectations that in 2004 after the elections the presidents of Azerbaijan and Armenia will draw up a salvation “package” are also naïve.*

Besides, it is clear that the “package” solution to the conflict doesn’t at all mean an instantaneous realization of all reached agreements. It most likely would be alternating, echelonised. But for all that guarantees of complete and strict implementation by each side of all agreements without exception and in agreed terms are needed. The smallest failure in the implementation of the “package” agreement is fraught with considerable complications. At such a level of mutual distrust of the sides the reliability of the unimpeded implementation of the global “package” agreement or a number of agreements in the “package” (even supposing that this is reached) would still remain open to a serious question. (V.K.)

⁵⁰ *The insistence of Yerevan and Stepanakert on the “package” more and more create the impression that the Armenians want to win time simply trying to get a situation when everybody will get accustomed to the existing situation in the region of the conflict and in the meantime they are waiting for a proper moment to switch to more serious negotiations with Baku. It should also be said that each of the parties to this conflict liked to “bind” its own “semi-packages”: for example, the Azeris repeatedly linked the ceasefire with the liberation of Lachin and Shusha and then other territories occupied by the Armenians and during the negotiations agreed on the liberation of most of such areas only together with Lachin and Shusha. Overstated unrealistic demands at every given moment became in this conflict a scourge for each side that was falling into maximalism. (V.K.)*

⁵¹ *The approach of all mediators seeking a settlement in Karabakh was stage-by-stage from the outset: for returning the conflict from the military plane to the political one it was first of all necessary to stop military operations. As a mediator Russia in the most consistent manner was trying to achieve and finally achieved the cease of bloodshed outlining further work in three stages: 1) to consolidate the ceasefire up to the guarantees of its non-renewal; 2) to conclude the agreement about the halt of the armed conflict which would also stipulate the liberation of the occupied territories; 3) to solve the question of the status of NK during the Baku-Stepanakert negotiations or the Minsk Conference (MC) of the OSCE. The OSCE summit in Budapest, pointing out the decisive contribution of Russia, set up a Minsk Conference co-chairmanship for it and entrusted the co-chairmen with the conduction of negotiations between the sides (after which the Minsk Group became no more than a mechanism for less frequent and less substantial consultations). Blocking the completion of the coordination of the draft agreement the sides sometimes started to complain that it didn’t touch upon the key problems of the settlement. The western members of the Minsk Group, who were dissatisfied with the Russian draft agreement, using these complaints, initiated the “second track” in the negotiations: the discussion of key problems. The sides advanced four problems: security and the status*

the fact that since the sides were unprepared for a complete settlement of the whole conflict, including its core problem, the status of Nagorno Karabakh, it was necessary to do what at least could be agreed by them. Namely, it could be possible to realize a partial withdrawal of Armenian troops from the Azerbaijan territories outside Karabakh (except the Lachin corridor), and also to achieve a stage-by-stage return of refugees to places of their former residence. It is natural that, even in this case, there would remain disputable questions (for example, about the boundaries of the Lachin corridor), which were supposed to be settled in the course of further negotiations. But in reality, these proposals also remained on paper – because of differences on a number of aspects of the settlement, RA President Levon Ter-Petrosian resigned and his successor Robert Kocharian holds the opinion that the conflict solution may be only a “package” one, for any processes that alter the current status quo without a guarantee of final solution are fraught with the threat of renewed hostilities, because they will break the positional balance that has been established since the establishment of the truce.

It is not difficult to notice that the “stage-by-stage solution” could lead, with a high degree of likelihood, to the aforementioned scheme of a “delayed solution” or the “Chechen scheme”. The sides possibly would not have formalized any agreement about a delay in defining the status of Nagorno Karabakh, but de facto, by mutual tacit agreement, it might turn out to be exactly this way. Renewed hostilities, of course, would not be ruled out either⁵².

of NK (the Karabakh Armenians); they were supported by Yerevan without putting forward its own topics; while Baku called the problems of Lachin and Shusha the key ones. Because of the positions of the sides the “second track”, just like the first one, reached the deadlock soon. But from this point on the transition from the stage-by stage solution to attempts of the “package” one (in the proposals of Russia in 1996 and the co-chairmen in 1997) began.

In early 1996 the new Minister of Foreign Affairs of the Russian Federation Ye. M. Primakov (evidently remembering his attempt in November 1990 to coordinate the “package” with A. Mutalibov and L. Ter-Petrosian) gave instructions to prepare a draft “package” solution. Intensive work was done and in February 1996 Russia, using shuttle diplomacy, brought a new proposal to all three sides. Yerevan agreed to assume it as a basis for negotiations. But Baku and Stepanakert rejected it (see above note on page 33). At the end of February 1996, the intermediary mission of Russia was already considering three variants of actions: small, medium and big comprehensive “packages”. On these grounds the co-chairmen prepared proposals, which were called “the framework of package solution” before the trip of the OSCE Chairman-in-Office F. Cotti to the conflict region on 28 February – 1 March 1996. However, the sides failed to apprehend them. (V. K.)

⁵² *One of the varieties of a stage-by-stage solution was the attempt to propose to the sides to coordinate certain agreements of temporary character, say, the status of NK for the period of transition. Even in case of the “package” approach sometimes such measures were proposed. Thus, in the proposals given to the sides by Russian mediators in February 1996 it was envisaged to simultaneously sign the agreement about stopping the armed conflict and a memorandum about the basic elements of a special status of Nagorno Karabakh which would abolish unilateral acts on NK adopted earlier in Azerbaijan and Armenia. It was supposed that the future agreement about a special status of the NKR would consolidate the territorial integrity of Azerbaijan and the highest degree of independence of NK (i.e. NK’s joining Azerbaijan on the grounds of contractual relations). During the visit of F. Cotti it was proposed in the document “The Framework of the Package Solution ” to establish a temporary status of the NKR until a decision was made on the final status at the Minsk Conference, as well as to abstain from unilateral actions and decisions concerning the temporary status and boundaries of NK. Doctor of law V. V. Pustogarov also considered it possible for the Azerbaijan Republic and the NKR to sign a memorandum about the basic elements of the special political status of Nagorno Karabakh within Azerbaijan with the participation of the Russian Federation, the Republic of Armenia and the OSCE, with the view to continuing negotiations for the purpose of developing a full and final special political status of the NKR. However, these ideas and*

Ambassador V. Kazimirov, as a committed supporter of the “stage-by-stage solution” (he calls the “package” solution one that “cannot get off the ground”), in his recent speeches expressed the idea that the proposed variants of the “stage-by-stage solution” so far have not been such in reality. He thinks that the way to resolve the conflict consists in multiple, small, but balanced, steps. “Of course, by “stages” we don’t mean beginning with meeting the demands of one of the sides (even if these are quite legitimate demands) and only then considering the problems concerning the other sides. At each stage small “packages” must be bound so that all the sides will have some of their demands satisfied (possibly even not completely). To begin with, let them not be the main issues. Surely during seven years, a number of problems could have been settled, creating a positive dynamic and a more favorable atmosphere, rather than sitting in a deadlock for years, driving people to despair and forcing them to abandon the country,” the diplomat says⁵³.

4. “Backup plan”

In late 2003 Ambassador V. Kazimirov published proposals, calling them the “backup plan,” of the Karabakh settlement (in case the resumed meetings between the presidents of Azerbaijan and Armenia fail to yield results, hence the name “backup”)⁵⁴. In his opinion, the main problems led the negotiating process to deadlock because of an obvious mutual inability of the sides to even partially meet the opposite side halfway as far as its priority demands are concerned (the Armenians’ demands to recognize in the “package” the independence of Nagorno Karabakh or its joining the Republic of Armenia and the demands of Baku first of all in the stage-by-stage approach for a pullback from the occupied territories). As a result of excessive mutual toughness of the sides, the deadlock in these main problems blocks any progress in the negotiating process and is fraught not only with the preservation of a situation of “neither war nor peace” but also with an escalation of tensions.

Not to allow it and to gradually relieve tensions, the author offers “to start from little things” – to get down to solving other less important problems slightly opening the way to finding compromises on less significant pragmatic questions. “*The “conceptual nucleus” of the “backup plan” is to bypass the “main barriers” and to subject them to gradual erosion, systematically reducing the tension by means of resolving the easiest particular questions first, which in themselves are quite solvable already, but which remain hostage to the situation when the most difficult problems are unresolved. In the*

proposals were not accepted by the sides. Russian military historian S. V. Vostryakov published his proposals to solve the conflict in three stages in the “Obschestvennyye Nauki i Sovremennost” (“Public Sciences and the Present”) magazine (issue #3, 1999). “The division of the conflict problems into separate independent components, their fragmentation and gradual settlements part by part are the most preferable methods,” he writes. Vostryakov lays down the measures of each stage in detail, but still the breaking down of problems into stages does not appear to be quite clear (V.K.).

⁵³ **V. Kazimirov.** To help out the Karabakh settlement from a deadlock. // The Karabakh settlement. Principles, approaches and aspects. Friedrich Ebert Stiftung, - Yerevan, 2002, - p.37.

⁵⁴ It was published on the same day – November 8, 2003 – in the “Echo” newspaper in Baku, the “Golos Armenii” newspaper in Yerevan and the “Azat Artsakh” newspaper in Stepanakert. On the same day, it was disseminated by the “Regnum” news agency.

situation of the current stagnation and a compete deadlock, the sides should be given a chance to demonstrate their complete “sanity”, that is, to solve at least some other problems. Only then, slowly but surely, to start “ascending from simple things to intricate ones” – he writes. Kazimirov believes that, at the same time, the sides should stop mutual hostile propaganda and specially prepare, or “train,” their societies for compromises beginning with small issues.

Continuing top-level meetings in reasonable cases, the Russian Ambassador suggests that emphasis should be shifted on the conduct of internationally mediated regular (and continuous when necessary) negotiations of plenipotentiary delegations on the responsible level and with the attraction of experts. In his view the delegation of Nagorno Karabakh should also take part in these negotiations (Azerbaijan could consider the authorities of Nagorno Karabakh to be temporary or “de facto”). It is better to conduct negotiations in a flexible format: issues concerning all the three parties should be discussed with the participation of all delegations and the rest of the issues should be discussed between Azerbaijan and Armenia, or between Azerbaijan and Nagorno Karabakh (in these cases the third party is an observer). The agenda should be open. None of the questions should be excluded so that the sides and the mediators could prepare “exchanges” in any cases, sometimes even asymmetrically.

As for the role of the leaders, the author writes, “the most valuable contribution of the leaders would be such a manifestation of foresight and political courage as a declaration (jointly or independently) of the policy of overcoming disputes and achieving historic reconciliation between the Armenians and Azeris. Perhaps they would do it not at once, but progressively, in two or three public statements.”

In his other article⁵⁵ V. Kazimirov specified that regular negotiations should be started in three “tracks”: 1) on the status of Nagorno Karabakh for the transition period and elements of its final status; 2) on the order of leaving territories, withdrawing external forces, return of displaced persons and refugees; 3) on the immediate measures to reduce tension and normalize relations.

Taking into consideration the obvious difficulties of the first two “tracks”, one should provide advanced rates at the third “track”, clearing up the general atmosphere of talks.

5. Integration approaches

The above-mentioned “Stability Pact” document proposed by Emerson has something in common with the top-level discussion in 1998-2002 about ways to establish a collective security system in the Caucasus, since the Stability Pact for the South Caucasus was actually based on a unified approach to the restoration of mutual trust in the region and the creation of a system of mutual security guarantees. The formula “3+3+2” (i.e. the internationally recognized states of the South Caucasus, regional powers – the Russian Federation, Iran and Turkey – as well as the U.S. and the European Union) became the subject of discussion upon Armenia’s initiative. The U.S., the EU and Turkey, in principle, did not object to this approach, and even took a number of steps for the initiation of corresponding discussions in the South Caucasus’ capitals. However, the

⁵⁵ It was published in the “Ekho” and “Azat Artsakh” newspapers on January 10 and stated in the “Golos Armenii” newspaper on January 17, 2004.

Russian Federation and Iran were categorically against this formula and were in favor of the “3+2” formula without the U.S., the EU and Turkey⁵⁶.

The integration approaches were intensively discussed at international conferences in Lorkum (Germany) and Berlin in 2001, with the participation of representatives from all sides of the South Caucasus. During the Berlin conference, M. Emerson specified, and to some extent, altered some parts of his concept, but it failed to help to make the “Stability Pact” any more appealing to the political elites of the South Caucasus.

6. External coercion or the “Dayton schemes”

One possible way to settle the conflict could be achieved with the aid of external coercion by the world powers, which can be conventionally called the “Dayton Principle”. This solution can be compared with any of the above-mentioned variants. For example, the head of the analytical group “Image”, Rasim Agayev⁵⁷, thinks it possible – on the basis of the tendencies observed after 9/11 – to introduce an operation of “superpowers”, the aim of which, according to the author’s logic, must be the restoration of Azerbaijan’s sovereignty over Nagorno Karabakh. Here are the main points of his proposal.

The inability of Azerbaijan and Armenia to find an acceptable solution to the territorial dispute creates an urgent need to find an internationally accepted system of coercive measures that would be directed at the elimination of conflicts which threaten the existence of whole regions and are capable of causing full-scale international crises. The legal basis of this model is the provisions of the UN Charter “The Peaceful Settlement of Disputes” and “Actions in Relation to the Threat of Peace, Violation of Peace and Acts of Aggression”, the agreements about the inviolability of borders in conditions of globalization, and the consent of all UN-member states to recognize the priority of the principle of territorial integrity over arbitrarily interpreted provisions of UN documents pertaining to the right of nations to self-determination⁵⁸.

As far as the conflict in Nagorno Karabakh is concerned, the following system of measures aimed at separating the sides and restoring the status quo on the basis of the principles of international law appears to be possible to apply:

1. A Plenipotentiary Council of state-guarantors of peace and combat against international terrorism is set up (or the Azerbaijan Republic has the US Security Council consider the correspondence of the Karabakh Armenians’ demands for self-determination to international law in the context of the territorial integrity of UN-member states).
2. A resolution with strict demands on the self-declared republic and the central government to define the principles of autonomy within the framework of a single state is adopted.
3. In case of disagreement by one of the sides, the UN introduces strict sanctions of a compulsory character against the violator (like in South Africa and Iraq).

⁵⁶ Here the position of Russia is not correctly stated. (V.K)

⁵⁷ We thank R. Agayev for providing us with a copy of the article.

⁵⁸ This phrase of R. Agayev can mislead a reader: such agreements and such consent of all the states of the UN do not exist. These are only the author’s wishes or proposals. (V.K).

4. Combined military forces are brought to the conflict zone to control the implementation of the sanctions.

5. On the expiry of the period of sanctions, the UN is entitled to form supra-national bodies of control in the area, which coordinate their actions with the central authorities of Azerbaijan.

6. As to the forces and persons who sabotage the resolutions of the Council, the latter considers extradition measures or brings them to the international court (as was the case with Yugoslavia).

7. Conditions for the return of refugees and the establishment of peaceful life are gradually created.

Similarly, Emerson and Tocci⁵⁹ consider as possible a scenario according to which the international community may use the “Dayton Method” to force the principles of “integration settlement” of conflicts in the South Caucasus which was proposed earlier by the same authors (see above). All these proposals remain purely speculative, since they have not been supported in any way by the political leadership of any country or international organization.

7. “The Dartmouth variant”⁶⁰

This variant is called to remove the contradiction between the “package” and “stage-by-stage” principles, which during recent years was one of the serious obstacles to progress in the negotiations. It has much in common with “the Backup plan variant” which was described above, but is favorably compared to it as it contains a more detailed and concrete list of measures that can be undertaken at an early stage of the peace process basically aimed at strengthening mutual confidence between the parties to the conflict.

One more important feature of this variant is, so to say, its “informal authorship”. Unlike the other variants, “the Dartmouth variant” is a result of a long collective effort of public representatives of the parties to the conflict, in the true sense of the word, a fruit of “grassroots diplomacy”⁶¹. This factor can become important in the matter of its possible realization/application in practice.

⁵⁹ **M. Emerson and N. Tocci.** The verbatim report of the speech “Stability Pact for the Caucasus – “New Deal” for the region as a whole” // The South Caucasus is an unstable region of frozen conflicts (the materials of the international conference on the Caucasus of the Friedrich Ebert Foundation. Berlin, November 26-27, 2001). – Tbilisi, 2002.

⁶⁰ This section is added in the edition of 2005.

⁶¹ The Dartmouth initiative dates back to 1960 as a place of a meeting of citizens of the USSR and the USA on the improvement of mutual understanding between the two countries. In 1982, this forum created a working group of the Dartmouth conference on regional conflicts. In October 2001, the working group of the Dartmouth conference on regional conflicts organized a dialogue on Nagorno Karabakh led by the co-chairmen of the Dartmouth conference - Harold Saunders (the USA, ex-Undersecretary of State) and Vitali Naumkin (Russia). On June 24-26, 2005, the eighth round of dialogue of representatives of the public of Azerbaijan, Armenia and Nagorno Karabakh took place in Moscow within the framework of this dialogue. During this round, a draft framework agreement on the peace process in the region of Armenia, Azerbaijan and Nagorno Karabakh, proposed by the co-chairmen of the Dartmouth conference, as well as a joint press release, were discussed and coordinated. Under “the Dartmouth variant” we mean the provisions of the draft framework agreement.

The basic thesis of “the Dartmouth variant” is the initiation of an all-round peace process, as a process of “continuous interaction at all public levels and in many spheres of social, political and economic life”.

The following basic principles are pinpointed:

1. All parties to the armed conflict confirm their adherence to the currently observed cease-fire regime.

2. All parties declare their obligation to refuse to use force or threat by force and to resolve disagreements by peaceful means.

3. All parties are ready to solve any conflicts and problems between them by negotiations in bilateral and multilateral formats. They confirm their adherence to the Minsk process and international participation.

4. All the parties, whose participation in the peace process is necessary for the implementation of reached agreements, will participate in the negotiations and become signatories to the concluded agreements.

5. All parties agree that strengthening of mutual confidence between the participants of the peace process requires the termination of hostile activities and especially propaganda.

6. Not only agreements elaborated during negotiations, but also the cooperation of all residents of this region are necessary for the establishment of a comprehensive, fair, and lasting peace.

7. All parties are interested in the development of such peaceful relations between them that will allow them to keep and develop their identity, to define their way of life and secure future.

8. All parties assume the obligation to secure the rights and needs of refugees and internally displaced persons with the participation of international organizations.

The document also contains a section entitled “the Explanation of the Logic of the Peace Process”. The following clauses are stated in it:

1. The logic of the peace process consists in offering new thinking in the field of the establishment of peace. This new thinking envisages that until the relations between the conflicting peoples change, the governments have no consent of these peoples to achieve agreements by means of negotiations. The peace process should change these relations with the aid of some interconnected agreements achieved in negotiations. Careful implementation of each agreement creates conditions for negotiations on the next agreement. Implementation of agreements will create new starting points for negotiations and will raise the level of trust in the peace process as a whole.

2. The first round of negotiations could define, for example, a complex of interactive steps for the resolution of such a major problem that can be solved in the interests of all the parties at this stage. Further steps will push the resolution of this problem forward.

3. The participation of plenipotentiaries from Nagorno Karabakh in the negotiations, as a party signing the agreements, assuming the obligations to implement the agreements, to form normal relations with its neighbors and mutual obligations on non-interference into the internal affairs of each other will create conditions that will be considered as the intermediate status of Nagorno Karabakh. Agreements reached and implemented by Nagorno Karabakh will actually constitute the recognition of this status.

4. *Representatives of Azerbaijan and Nagorno Karabakh negotiate the mechanisms of the definition and legal registration of the final status of Nagorno Karabakh.*

5. *A full and final settlement of the problem of Nagorno Karabakh implies the resolution of all the aspects making the essence of the problem and disputed questions that emerged on its basis. The comprehensive settlement of the conflict also supposes the realization of the reached arrangements and their development extended in time.*

According to the idea of the document, the plenipotentiaries of Armenia, Azerbaijan and Nagorno Karabakh, according to the format of the Minsk conference, would conclude agreements on a number of issues. Those who assume obligations for their realization would be participants of the negotiations and signatories to agreements.

An important feature of the offered scheme is that it is proposed to negotiate in two stages. *“The first phase of negotiations should be concluded by intermediate steps which are confidence-building measures implying equivalent concessions of the parties in coordinated spheres. These measures should demonstrate the achievement of progress on the way to peace and create prerequisites for the resolution of final questions. At this stage of intermediate steps it is necessary to exclude questions concerning the final agreement,”* the document states. And in the concluding phase of negotiations, questions that have not yet been solved will be discussed.

The document suggests the following list of questions to be discussed in negotiations:

1. *Restoration of communications, economic and cultural cooperation synchronized with the course of the peace process.*

2. *The question of territories and borders. By mutual consent of the parties the withdrawal of troops from the controlled territories may be implemented in a manner synchronized with the course of the peace process, as well as their demilitarization at the level determined during negotiations and secured coordinated measures.*

3. *The question on refugees and forcibly displaced persons. Within the framework of the peace process the return of refugees and displaced persons to the territories upon which the parties will agree will be coordinated. At the same time, international participation in their reconstruction, rights of minorities are provided.*

4. *A question on a legally formulated final status of Nagorno Karabakh and the conclusion of a peace treaty.*

5. *The establishment of diplomatic relations between Armenia and Azerbaijan.*

Lastly, this variant, as well as the “back up plan”, supposes that the peace process should not be limited only to negotiations between officials. They require “mutually supporting steps both on the part of authorities and on the part of the residents to strengthen mutual trust and to make possible all-round implementation of the concluded agreements”.

IV. THE CONFLICT AND THE SOCIAL-POLITICAL ATMOSPHERE IN THE TWO COUNTRIES

A brief review of the positions of political forces of the interested parties presented below reveals an unfavorable picture – i.e. that most of them are not ready to compromise.

1. Armenia

The current disposition of the leading political forces of Armenia has developed basically as a result of the parliamentary elections of May 1999, and the events which followed after the terrorist act on October 27, 1999 when, among others, two leading politicians – Prime Minister Vazgen Sargsyan and Parliament Speaker Karen Demirchyan were killed – have brought about only small corrective amendments to this disposition (concerning their attitude to the problem of Nagorno Karabakh). The presidential and parliamentary elections of 2003 in Armenia did not introduce changes in this balance. In our estimation, it is possible to single out the following three positions of the political forces of Armenia:

- 1) supporters of the independence of NK or the reunion of NK with Armenia, held by an overwhelming majority of the right-wing and left-centrist forces of Armenia. Among them are the Republican Party of Armenia (RPA) which has the largest representation in the parliament and the leader of which, Andranik Margaryan, heads the government since 2000; the Armenian Revolutionary Federation (Dashnaktsutyun), the People's Party of Armenia (its leader Stepan Demirchyan was the main contender against Robert Kocharyan in the Presidential elections of February-March, 2003), the National-Democratic Party, the "Constitutional Law" Union, "Orinats Yerkir", etc. the members of which made an overwhelming majority of deputies of the Armenian parliament, both after the elections of 1999, and of 2003. The RPA, Dashnaktsutyun and "Orinats Yerkir" formed a government coalition after the elections of May 2003.
- 2) Supporters of concessions to Azerbaijan – the Armenian National Movement (ANM), a number of small pro-ANM parties and organizations, such as The New Way Party, which still in 1993 declared the necessity of conceding Nagorno Karabakh to Azerbaijan.⁶²

Until recently, it was also possible to speak about the existence of a third group which supported the solution to the Karabakh problem by means of certain schemes implying the restoration in one or another form of structures similar to the USSR (for example, by Armenia's joining the Russia – Belarus union). Such slogans are rarely declared today and their public support is insignificant.

The rough estimate of the influence of these directions is as follows: the first group is supported by more than 80% of citizens of Armenia; the second – by not more than 5%. The fact that all factions of the Armenian parliament in April 2001 declared themselves against the scheme of settlement providing any form of vertical submission of NK to

⁶² The data are taken from the recent edition - **Political parties of Armenia**, Yerevan, 2005.

Azerbaijan and against the models including loss of any part of the Republic of Armenia, is another proof of this parity.

One of the important events following the tragic events in the Armenian Parliament on October 27, 1999 was the emergence of the Hanrapetutyun (“Republic”) party headed by Vazgen Sargsyan’s brother Aram and his other companions-in-arms. Among the basic slogans of this party is their criticism of President Kocharyan for his ostensible compliance in the cause of settlement of the Karabakh problem. They assert that Kocharyan at some point agreed to an exchange of the Meghri region in the extreme south of Armenia for the Lachin corridor (as a matter of fact, a certain version of the aforementioned “Goble Plan”). However, Kocharyan strongly denies these statements.

And, in general, as to be expected, the political struggle during both elections of 2003 in Armenia led to the toughening of the positions of political forces concerning the problem of Karabakh. The emergence of several public movements acting not only against NK’s joining Azerbaijan in any way, but also against the return to Azerbaijan of the occupied territories around NK, even after the achievement of political settlement became an obvious expression of this tendency. Their slogan is that these territory cannot be called “occupied”, and that they, as well as actually the territory of the NKR, are historical Armenian lands, and should be called “liberated territories”. One of the most influential organizations of such a direction is called so – “the Organization in Defense of the Liberated Territories”. *“Our concession to Azerbaijan is that in 1994 at its request we stopped our offensive, otherwise this state would have collapsed. There should not be any new concessions to it,”* one of the leaders of this movement Jirayr Sefilyan stated in late 2002.

The years that followed passed under the slogan of struggle of the opposition with the authorities whose legitimacy they do not recognize (meaning that Kocharyan's reelection passed with brazen infringements, and that, therefore, he can not be recognized as a legitimate president), by no means could lead to the growth of moderate sentiments with respect to the Karabakh problem, especially against the background of the increasingly growing bellicosity of Baku’s rhetoric. Events like banning contacts with Armenians (up to the scandal with NATO) and especially the murder of an Armenian officer by his Azeri colleague in Budapest in January 2004, only fuel the general anti-Azerbaijan mood in society. As a result, in some sense, there is a paradoxical situation – the position of the government appears practically the most “liberal” with regard to ways of achieving a compromise around the NK problem. Thus, the hearings on the NK problem with the involvement of quite a wide spectrum of public and political forces and experts were held in the National Assembly of Armenia at the end of March 2005. The Minister of Defense Serge Sargsyan was practically the only person who seriously supported the return to Azerbaijan of territories around NK in case of the achievement of an acceptable compromise on the status of NK. The majority of the rest of the speakers pronounced in a spirit that it is impossible to give the enemy what had been won at the cost of blood. Many speakers supported the thesis that the transference of NK and the territories surrounding it to Azerbaijan at the beginning of the 1920s took place not without Turkey’s participation, and that, therefore, those events are nothing less than the continuation of the genocide of Armenians of 1915. And only in two speeches, the words about the necessity of looking for ways of reconciliation between Armenians and Azeris were sounded.

Despite the growth of belligerent sentiments, Armenian society has preserved a vast potential for a peaceful and constructive dialogue. There are many organizations different orientations that actually cooperate with colleagues from Azerbaijan. It is a potential, and if used appropriately, that can play an important part in the reconciliation of the two peoples and even, probably, can become a real force in the settlement process.

2. Nagorno Karabakh.

The recent years have marked a new period in the history of this unrecognized state. It can be briefly characterized as partial deviation from the condition of “a besieged surrounded fortress”. Certainly, problems of defense and the army continue to occupy the central position in the life of the NKR and its residents. However, the continuing political stability attained for nearly five years (since an attempted assassination of NKR President Arkady Ghukasyan in March 2000) has led to qualitative changes in the atmosphere in this unrecognized republic. Active economic transformations have been made, the inflow of private investments has begun (almost exclusively from Diaspora Armenians), and economic growth has, in some years, exceeded 15%. In June 2005, parliamentary elections were held in Karabakh, recognized by the majority of foreign observers as quite democratic (something that leaders neither in Armenia nor in Azerbaijan have courage to do)⁶³. All this has led to a situation where “passions have settled” to a certain extent in Nagorno Karabakh, and a quite stable society has developed. Consequently, less aggressive rhetoric began to be heard more from Stepanakert than from Baku and Yerevan (whereas prior to that, the leaders of Karabakh tried not to be left behind in this “competition”). At the same time, as before, all political forces of the NKR, irrespective of their positions and attitudes to the authorities, share the opinion that any status future status of this territory should proceed from de facto independence, the right to which its people won in the war against Azerbaijan (in their terminology – “rebutting the aggression of Azerbaijan against the NKR”). Anyway, the abovementioned transition to a more peaceful manner and perception of events leads one to hope that this party to the conflict will show a sufficient flexibility and constructiveness in the negotiating process (of course, when it is involved in negotiations which are still being conducted without its participation).

3. Azerbaijan

In a wide spectrum of political opinions of parties of Azerbaijan, the Nagorno Karabakh conflict is practically unequivocally regarded as a result of the aggression of Armenia, the consequences of which the state should reverse by all means provided by international law, including the military solution to the problem. Another way was offered by the Social-Democratic Party of Azerbaijan in 1995:

1. AR should declare about the opening of communications and ways of communication with RA.

⁶³ The ruling “Democratic Party of Artsakh” received 25 out of 31 seats in the NKR parliament. Just like after the previous elections, the Dashnaksutsyun Party, one of the members of Armenia’s ruling government coalition, found itself in opposition.

2. *Offering the status of NK within AR, it is necessary to declare in advance the following:*

a) *NK is an autonomy living on the basis of the principle of self-government, uniting both the Armenians and the Azeris of this region;*

b) *Under the Lachin corridor it is necessary to understand only the highway controlled by international forces and Azeri customs officials;*

c) *NK is declared a free economic zone and funds are obtained for its development;*

d) *On the initiative of the Armenian minority the nongovernmental organization - the Armenian Foundation of Culture is created. From the budget of Azerbaijan a part of the taxes paid by Armenians living in AR is transferred to this foundation; the state does not interfere with cultural affairs. The foundation should have the international status and independently choose a place of its location.*

3. *AR should open the concrete substance of the NK status.*

4. *Still before the complete end to the conflict AR declares about its decision to restore economic cooperation and trade with RA.*

5. *The Azerbaijani state declares that it will not interfere with communications of state and private organizations with their Armenian partners.*

6. *AR declares to the states of the South Caucasus and international organizations that it will support the international non-governmental peace-keeping organizations working in the region.*

7. *The Azerbaijani state starts direct negotiations with the leaders of NK; on behalf of the state these negotiations can be conducted by the following officials: Prime Minister, Minister of Internal Affairs, Chairman of the Commission on National Relations, or one of the advisers to the AR President⁶⁴.*

It is necessary to note that later, the radical wing of the leadership of the SDP of Azerbaijan reconsidered its former position and no longer excludes a military solution to the conflict. In general, there is a tendency whereby the delay of the resolution of the conflict steadily leads to radicalization of positions not only of the political elite, but also of Azerbaijani society as a whole. At the same time, a thesis that the Armenian side, speaking about the preference of a peaceful solution to the conflict, constantly appeals to the results of the first military company, considering them as the final status quo, is being set forth. Thus, in the opinion of the Azerbaijani side, the opponent himself indicates the only way of resolution of the protracted conflict.

A rather significant part of citizens of Azerbaijan do not reject the possibility of renewed hostilities – according to the sociological researches conducted in the countries of the South Caucasus within the framework of the project “The South Caucasus Network For Civil Accord” in 2002 with the support of the European Commission, 32% of respondents in Azerbaijan consider the renewal of military operations in the Karabakh conflict probable. For comparison – only 16.6% of respondents adhere to the same position in Armenia⁶⁵.

Positions of the majority of political parties of Azerbaijan correspond to, or are close to, those stated in the so-called “Charter of the Four” published in Azerbaijan in the

⁶⁴ We thank the former co-chairman of the Social-Democratic Party of Azerbaijan Zardusht Ali-zade for the rendered material related to 1995.

⁶⁵ Golos Armenii (Yerevan), May 23, 2002.

summer of 2001. This document became the answer to the abovementioned statement of the factions and groups of the RA National Assembly. In the summer of 2001, an initiative group (E. Namazov – a former aide to the AR President, T. Zulfugarov – ex-Minister of Foreign Affairs of AR, N. Imanov – a member of the leadership of the National Independence Party, and S. Bagirov – ex-president of the Azerbaijan State Oil Company) held meetings and consultations on the coordination of this Charter. As a result, about 600 signatures of the heads of the country's largest political parties, non-governmental organizations and mass media, religious figures, representatives of the intelligentsia, etc. were affixed to the charter. In September-October 2001, the Charter was sent to the AR President, presented to the public, handed over to the Minsk Group co-chairing states, hand sent out to international organizations.

The Charter points out and presupposes that the conflict between RA and AR can be resolved only by a stage-by-stage format and with the consistent observation of the following four principles:

All occupied lands should be freed and the territorial integrity of Azerbaijan (state) should be restored;

The forcibly displaced persons and refugees should return to the places of their permanent residence, including Shusha and other settlements in NK; security guarantees should be created for their residence;

NK can be given the rights of self-government, however the powers realizing state sovereignty should be reserved to the superior bodies of the authorities of AR;

If the peaceful resolution of the conflict becomes impossible, AR according to the Charter of the United Nations and the known resolutions of its Security Council should expel the aggressor by using force.

In general, by the end of 2001 there was a certain consolidation of positions within society, and among the authorities and opposition parties of Azerbaijan, over the question of overcoming the consequences of the conflict, the thesis of which was to be actively brought to the notice of the international public by state and non-governmental organizations. The work with the numerous Azeri Diaspora worldwide acquired a more systematic character, and its consolidating role was seen in the break of the information blockade which promoted, in the opinion of the Azeri party, the fair solution to the Nagorno Karabakh conflict. In the Milli Majlis – the parliament of AR – the unofficial “Karabakh” faction prepared and dispatched numerous documents about the consequences of the Armenian aggression against Azerbaijan; the state proclaimed March 31 as the Day of the Genocide of the Azeri people, which was widely marked in the following years 2003 by the actions of the Azeri Diaspora worldwide. In October 2003, the forthcoming presidential elections in AR, as it also was in RA, toughened the positions of confrontation even more.

The Baku and Yerevan press clubs shortly before the elections in AR, had published the results of the sociological survey devoted to the Karabakh conflict and the prospects of its settlement. Answering the question about the possibility of renewed military operations, the majority of Azeri respondents expressed the opinion that, in the near future, there could not be drastic changes in the existing “neither war, nor peace” situation, however, they emphasized that for liberating the occupied lands it would still be necessary to resort to the force of weapons which would take place already under other authorities. The majority of respondents in NK, meanwhile, advocated a peaceful

settlement of the conflict, stating the conviction that the world community would not allow AR to begin military operations. Respondents in RA thought that the threat of a renewed war comes from Azerbaijan. However, the majority adheres to the following position – neither AR nor RA is ready to wage war. Only 24.2% of respondents said that economically, RA is ready to war, and 21% of respondents expressed their confidence in the army's combat efficiency. More than 70% of respondents in RA supported a peaceful way of conflict resolution.

What possible concessions in the conflict do the parties see? The overwhelming majority in AR sees autonomy for NK as a limit to possible concessions and distrusts the efficiency of new compromises. In NK, some respondents admit a compromise, but there were also people who said: “why should we accept a compromise when as a result of the war the odds are in our favor?” or that “a compromise is impossible because the Azeris will never give up their land claims”. In RA, the participants in the survey consider that NK's secession from AR is a solved question, and it is AR that has to make this concession. The participation of representatives of NK in the negotiating process is considered as a compromise that AR could agree to. The return to AR of the areas surrounding NK, except for Lachin, under certain conditions could become a concession agreed to by RA.

Answering the question about the role of international negotiators, respondents in RA pointed out the positive role of the OSCE Minsk Group and the Council of Europe. In NK, international organizations are considered as a shield that precludes a new war. The majority of respondents in AR considered the activities of intermediaries unproductive and expressed a wish to reject their services, however.

The analysis of mass media (television and newspapers) coverage has shown the significance that the problem of the conflict takes: in AR – 6.1%, in RA – 7.7 %, in NK – 21.2 % of the total amount of materials. It is typical that in all three cases, the majority of materials are devoted to the discussion of peaceful variants of settlement of the conflict.

The parties emphasized that state structures are closed in the matter of obtaining information on the conflict⁶⁶.

The presidential elections in AR unexpectedly became an important political event, not only in the region of the South Caucasus, but also outside it. Heydar Aliyev's departure from the political arena sharply raised the question about the new guarantor of the situation of the status quo in the Karabakh conflict and to a greater extent – on the oil strategy of AR. To understand the complexity and uniqueness of the situation it is enough to say that some time before the elections, three states, so essentially different from each other as the United States, the Russian Federation and Turkey, unexpectedly showed solidarity in deciding on the figure of the son of Azerbaijan's president. Furthermore, without waiting for the official announcement of the results of the election during which a systemic falsification of votes had been used, the president of the Russian Federation, the prime minister of Turkey, the U.S. deputy Secretary of State already the next day congratulated Ilham Aliyev on his victory in the election. And it was in spite of the fact that at that very time, severe clashes between the authorities and the opposition began. Could it testify to the fact that some agreements on ways of settlement of the Karabakh conflict which suited all the parties had been reached by these three countries with the candidate for power? The visits of the co-chairmen of the Minsk Group to AR also bring

⁶⁶ Zerkalo (Baku), April 12, 2003.

little clarity in the situation, although an important factor has emerged following the recent meetings of the Presidents and especially between the Ministers of Foreign Affairs of the two countries – the constant “information leakage” about the course of negotiations. There is an impression that in such a way the parties are trying to probe the public opinion on a number of variants of the final resolution of the conflict. It was declared in the Azeri press through official mouthpieces that the Armenian party was ready to withdraw from the occupied regions outside NK and though this information was denied by the opposite party, in itself this and other facts are rather remarkable. So, AR suggested restoring, with the way out beyond the boundaries of the South Caucasus, the road once connecting AR, NK and RA, in general there is an impression that Azeri diplomacy has, at last, gone on the offensive in finding support with international organizations. British parliamentarian David Atkinson’s report, the results of the New York summit where the report of Goran Lenmarker (at the annual meeting of the Parliamentary Assembly of the OSCE which took place in Washington on July, 6, 2005, the discussion of the report of the Swedish member of Parliament Goran Lenmarker, a special representative of the chairman of the PA of the OSCE on the Karabakh conflict was continued) about the necessity of the soonest withdrawal from the occupied Azeri territories was heard, are separate evidences of Azeri diplomatic success.

Thus, it is possible to conclude that the political atmosphere both in Armenia and NK, and also in Azerbaijan can not be recognized as tolerant towards the positions of the opposite party as far as ways of the resolution of the Karabakh problem are concerned. Time allowed for the settlement of the conflict seems to be irreversibly lost, it has only changed places of the “offenders” and the “offended” (Azeris and Armenians, accordingly). Everyone remembers well what the outcome in the first case was ...

Special hopes for “a turning-point in the conflict” pinned on the CIS summit in Kazan (the Russian Federation) in August 2005 where another meeting of the Presidents of Azerbaijan and Armenia took place, were not justified. As it was officially declared: “the parties had not time to prepare documents for signing”...

4. Grassroots diplomacy

In the early 1990s, grassroots diplomacy was rather active and big hopes were connected with it in the aspect of opportunities to melt the ice of mistrust between the Azeri and Armenian peoples and to establish a dialogue between them. Still, in the Supreme Soviet (Council) of the USSR of the last convocation, the inter-regional deputy group tried to become an intermediary between the parties to the nascent conflict. The newly forming human rights movement also actively engaged in mediatory activities, as the Russian “Memorial” group, for example, organized and held a series of meetings of representatives of the intelligentsia, politicians and representatives of parties of the two countries in 1992-1993. The Helsinki Citizens Assembly and a member of its leadership Svetlana Ganushkina, the organization “Civil Assistance” (Dmitry Leonov) were engaged in studying the situation on the spot, organizing meetings and negotiations, liberating hostages and prisoners of war. The peace-making activity of Victor Popkov (“Omega”), who tragically died in Chechnya, and who was engaged in the organization of direct negotiations between representatives of non-governmental organizations and the public of the two republics, deserves a special mention.

The American “Global Community” organization had worked extensively in the same direction, promoting several meetings between representatives of creative and scientific intelligentsia, non-governmental and peace-making organizations of the two countries. Due to this mission (we shall especially mention Samantha Seinfeld and Craig Barns), for the first time after the beginning of the conflict, joint projects and meetings directed at easing tensions and promoting cooperation between the non-governmental organizations of the two republics started to be carried out. In 1993, the chairmen of the national committees of the Helsinki Citizens Assembly of AR and RA Arzu Abdullayeva and Anahit Bayandur received the Ulof Palma peace prizes for their outstanding activities aimed at the establishment of peace in the region through grassroots diplomacy. The initiative of the Russian Orthodox Church on the organization of meetings of the spiritual leaders of AR and RA, during which it was repeatedly emphasized by all the parties that the conflict had no religious confrontation in its roots, became a major landmark.

However, a sharp decrease in this activity has been observed over recent years despite the efforts of the West and international organizations to maintain it. It is likely to be partly attributed to the general apathy caused by the failed efforts of officials and structures aimed at the achievement of at least some progress in the settlement of the conflict. However, the more important factor preventing the development of grassroots diplomacy is, no doubt, the increasing negative attitude to it by both official bodies and some parties and organizations of the two countries. In Azerbaijan, they adhere to the point of view of the inadmissibility of any contacts with “the Armenian aggressor”, deeming that these contacts only strengthen its positions. I. Aliyev expressed a similar viewpoint after his appointment as prime minister of AR, arguing that negotiations are the exclusive prerogative of the authorities of the two republics.

Cases of direct attacks on the Armenian representatives of NK which had arrived in Baku to participate in a conference (September 2001), and also the Azeri refusals to issue entry visas to Azerbaijan to some Armenian representatives, including official ones, were registered⁶⁷. Armenia, on the contrary, is ready to receive any delegation from Azerbaijan, although attempts to visit NK or any of its areas frequently encounter rejections with mostly unclear motivations.⁶⁸

At the same time, the year 2005 may be considered as the beginning of a new stage of the activation of grassroots diplomacy going beyond the format of bilateral relations and

⁶⁷ Although the incident with a military delegation of Armenia which failed to obtain visas for the conference in Baku within the framework of NATO Partnership for Peace (PfP) program in September 2004 does not concern grassroots diplomacy, it is worth mentioning as a probable attribute of the further toughening of positions of the AR authorities regarding contacts with RA representatives. Earlier, many representatives of official Yerevan came to Baku to participate in events of an international character – even the then prime minister of Armenia, Armen Darbinyan, visited Baku to attend a TRACECA conference in September 1998. In January 2004, three Armenian officers were not admitted to a conference in Baku, despite all the efforts of NATO, the good relations with which the organization are valuable for Azerbaijan.

⁶⁸ *It should be added that unlike the Minsk Group of the OSCE the intermediary mission of Russia until 1996 was not limited to political-diplomatic work with the leaderships, foreign policy and military structures of the sides, but aspired to involve their wider public circles in the process of settlement. Thus, upon its initiative, and sometimes with its active participation many meetings of parliamentarian, religious leaders, heads of TV companies and journalistic unions of all parties to the conflict were held during those years. Resulting documents were accepted or discussed at some of those meetings. Such meetings were held later and independently, without active involvement of Russian mediators (V.K.).*

addressing the problems of the whole region of the South Caucasus. In this process, of course, it is impossible to deny the role of the neighborhood program put forward by the EU for the South Caucasus, but for the sake of justice it is also necessary to note the independent role of intellectual and civil forces of the republics of the South Caucasus that have put forth two independent initiatives. We are glad to mention that both these initiatives are being developed within the frames of the proposals that have been stated by us still in the first edition of our book.

The first initiative organized a Conference of Citizens of the South Caucasus “For Peace, Cooperation and Integration for the sake of the Future” operating on a permanent basis. We found it necessary to describe its provisions in a separate chapter (see above the Dartmouth variant).

The second initiative – “To a transparent and effective regional policy: the South Caucasian political and civil dialogue” – plans to discuss within the framework of trilateral meetings varied problems the solution to which will promote the acceleration of processes of integration of the three South Caucasus republics into the EU. The parties prepared and discussed three independent reports on the subject of “Integration Processes in the South Caucasus” (a view from Azerbaijan, Armenia, Georgia) on the basis of which it is planned to develop common positions of the parties.

We shall note that both initiatives put questions of the acceleration of the region’s democratic development at the top of the resolution of all regional problems.

The trilateral meeting of representatives of these two initiatives on the Alands in September, whose successful experience in the prevention of an ethnic conflict went down in the annals of the world history, became the culmination of the peace-making forces of the ending year.

V. CONCLUSION

The world today develops in two, seemingly and completely opposite directions, becoming uniform, universal, informational, open and, on the other hand, continuing to be divided into parts, to smash to pieces, to break into atoms. Even such steady political and socio-cultural units as the nation and the nation state find out that their homogeneity is only seemingly present, and with a strong historic push they can fall to pieces.

There is no point in arguing whether these processes are positive or negative, since it is impossible to resist them. Just as in all similar cases, human forces are only capable of ensuring their psychological switching during which opposite tendencies would be not destructive but would be transformed into theses with the aid of which a person is able to keep the balance with the world, not causing serious traumas either to his consciousness, or the reality which the person constantly recreates. In this case, universality will be counterbalanced by the world cultural ethnic variety kept and reconstructed again and again. After all, the ideal of planetary thinking should become a person perceived as unique space, i.e. atomization should not become a synonym of dehumanization. At the same time, the processes of globalization will be able to destroy not an original cultural ethnic variety, but its artificial imitations, fakes and furious, uncontrollable, violent, destructive nationalism very frequently proves to be such.

Unfortunately one has to admit that today, inter-civilization (inter-religious) collisions, regional conflicts, international wars have led the world to a blind alley as they do not comprise planetary consciousness, and virtually exclude the existence of “another, something different”. The matter, as a rule, does not concern a conflict in which positions are articulated and it is supposed to find a certain agreement acceptable to the parties, but about an absolute confrontation of initial total mythologies. Here the compromise is initially impossible as any degree of compromise immediately destroys the totality of such a myth (“another” is the enemy in all times and till the end of time). Practically, today we have in the world various forms of national or religious collective hysteria which prefer the philosophy of terrorism or, what is the same, the psychology of zombie behavior (“I shall die, but you will die to”, “first I shall destroy, shall crush and then we shall talk”) to the rational reasons which go beyond the boundaries of a national myth. But, on the other hand, the countries which are among the world elite and appear to be worthy of being carriers of planetary consciousness, today show their total incompetence to resolve regional conflicts as they have not formulated the precise philosophy of globalism defining the borders and methods of allowable influence in disputed regions of the world. Therefore, their actions are reduced to the direct or latent coercive influence or to behind-the-scenes maneuvering behind which there is also a threat of coercive decisions. In fact, today we have a strongly polarized world, in which contrasts do not mutually get balanced, but mutually exclude each other. Globalists have to undertake unprecedented security measures to construct a powerful barrier from the other world, and on the other pole there is a motley discordance, including such different forces as romantic-rebellious anti-globalists, fanatical fundamentalists of all possible colors and shades, and a huge mass of tired, disappointed people who have lost serious interest in life.

All this, to a greater or lesser extent, has a direct relation to the situation in the South Caucasus. In fact, during the last 10-12 years, not only has no conflict here been

settled, but all of them leave the feeling of a full deadlock from which there is no advance. One can put it even in a tougher way, that the process of settlement has not yet started, as in the case of the the psychological mechanism, when the parties start *to listen to (and to hear) each other*, and the supposed settlement does not take into consideration searches of rapprochement between peoples that are not capable of escaping from the grip of own historical myths, is not started. The international institutions, international law and intermediaries have made no headway for years by even not trying to understand the most initial, and the most general, causes of their permanent failures. And for some reason it does not occur to anyone that if the most inventive and quite often very witty technological decisions produce no effect then there is no point in seeking such new decisions. If one of the parties, and quite often both parties, is not oriented to agreement, but to beating the other party at any price, and information space, international law, international pacts, international intermediaries and even democratic rhetoric are used only for these purposes, then how is it possible to expect that acceptable decisions will be finally found? Modern political technologies do not concern in any way nationalist myths, they sort of do not take them into consideration. But in fact, the efficiency of political technologies for modern regional conflicts should mean that acceptable solutions are found not for the presidents (in general, not for the political elite), but for the excited mass consciousness impregnated with nationalist myths (for “revolted masses” if we speak in H. Ortega-i-Gasset's terms).

It is possible to name it bad infinity of “erudition” (or, speaking with a modern metaphor, “new songs about the old”) when phenomena of interstate cooperation which have naturally arisen in the world are used only as an instrument for full suppression of the opponent. In these conditions nobody is surprised that practically all political structures of the region openly appeal to forces outside the region, search for support of powerful countries, and inside their own borders, forgetting it all, with confidence prove their adherence to national myths. In other words, practically in all the three countries they recognize that little depends on them, that they only the blind executors of others’ will, the victims of geopolitics, etc. (the factual recognition of globalism), but at the same time continue to cherish national histories heavily mingled with myths and call the atavistic feeling of an ethnic enemy patriotism. And nobody wants to think about the fact that in the remote past to beat “the ethnic enemy” was an ultimate goal of the statement of one’s own mythological way of life, but today after a similar “victory” it is necessary to adjust peaceful life and cooperation, which excludes the philosophy of “ethnic enemies”.

Perhaps, to some extent such a position should be recognized as natural. Whether it was possible to expect that yesterday's “Soviet peoples”, and in our concrete case – the peoples of the South Caucasus, could suddenly overcome their slavery and organically join the modern world where the western standards are applied in many respects? Certainly, it was not possible for many reasons. We shall try to name only two of them:

- Many of these peoples were “enslaved” still in the pre-Soviet period. During the Soviet period behind a demagogical veil of “sovereignty” of the socialist republics they in essence (a certain admissible formalism only emphasized the initial interdiction) had no right to be entities of the international law. This interdiction was not only legal and technological, but was also injected by the whole ideological system of life from history textbooks to universal Soviet standards of life for which the all-Soviet should prevail above both the national and the personal. And the national feeling with all its positive and

negative overtones was driven deep down, generating a lot of latent complexes. In other words, we have nations which did not live in a real historical space for a long time, but today they try to restore historical life and historical consciousness with “one jump” with the help of “history textbooks”;

- it was revealed, meanwhile, that each of these peoples (not only three peoples but all the peoples of the South Caucasus, as it is possible to judge from a geographical map,) has its own ideas about “the providential nature of history” (in Soviet Marxism – “historical regularity”), and this “foresight” absolutely does not take into account a different thing, it does not matter if it is an Azeri or a Georgian, an Armenian or an Abkhazian, an Osset or a Lezghin. Such a strange “historical justice” for which one of participants of the Armenian-Azeri television debate stood up, stopping short of saying that such a “historical justice” is to end not in peace and mutual understanding, but in mutual hatred and blood.

The matrix of the insolvability of modern regional conflicts in terms and procedures of modern international law can be fully attributed to the conflict around NK between the Azeris and the Armenians. Actually, here we have a similar situation with the appeal to the international rhetoric not for the achievement of an agreement, but for an unconditional victory over the other, and a peculiar “game of beads” of the international structures (the OSCE, the Minsk Group) and their inability to understand the consciousness and the mythological opposition of the parties to the conflict and, in a powerful pressure, the excited mass consciousness which influences not only the press, but also the politicians, etc. The convulsive adaptation to the western standards in conditions when both peoples actually continue the Soviet way of life (and quite often reanimate it) should be added to this. The whole absurdity of the situation is easily shown in the figures of victims of the conflict which we cited earlier. Was it all really necessary that the residents of NK should have received “independence” – strictly speaking – external attributes of independence? The figures, of course, can be challenged, to challenge the madness of the situation is more difficult, no matter what historical (pseudo-historical) and patriotic (pseudo-patriotic) rhetoric one resorts to. National phobias have given birth to “black holes” in which everyone became, and in the future will become, victims, even those who managed to profit from the war. And no matter to what mimicry and cosmetic means the authorities of both countries resort, the chaos of law, lawlessness will be revealed behind the international standards for show, and all the best (clever and vigorous) people will run from these countries.

Meanwhile, it should be remembered that the conflict between the Azeris and the Armenians practically originates in the XIX century, and only further it is comprehended pseudo-historically as coming from antiquity, i.e. in essence starts to be mythologized. It has to be admitted that the two peoples for a short historical period have so thoroughly deepened mutual phobias that they have not only become part of mass consciousness and subconsciousness, but have also spread among the elite of these peoples. How did this become possible? What has led the two peoples to such a deep opposition? In fact, any compromise is immediately perceived as national betrayal, and in essence the atavistic full negation of the opponent (“another” is not simply a barbarian, but he is deprived of typological human qualities at all) causes self-indulgence. Just as it always happens in cases of similar phobias, it is impossible to reveal their reasons to the full.

Paradoxical as it may seem, any unbiased person should recognize a certain degree of mutual penetration of the two peoples fixed in a great number of interethnic marriages (we shall add also folklore motives of love of “an Azeri—a Turkish man” and “an Armenian woman”), the known symbiosis of everyday life (disputes about who from whom “has stolen” a song, a tool, a national dish, an ornament, etc. are indicative) and in the whole close traditional way of life. The affinity and enmity have taken roots in consciousness and in subconsciousness, they provoke each other, and “phantoms of subconsciousness” in their turn are realized in the “black holes” of real life and burst every time in political fights, in meetings of various delegations, and simply in any of today's official meetings (in informal meetings of an Azeri and an Armenian the pressure of mass consciousness may not exist, and a normal human dialogue is possible). And “marginals” (Diaspora, the Karabakh Armenians, the Baku Armenians, the Armenian Azeris, etc.), who in some historical conditions, could promote rapprochement of the peoples, in conditions of enmity become carriers of insuperable insult and psychologically only deepen the conflict. We have in essence the absolute psychological deadlock reminding one of the theatre of absurdity: we declare a desire to agree, but internally far from being ready, we are even afraid to agree with the one who is “my eternal enemy”. It is difficult to offer something reasonable in this absurd situation, but it is necessary to search for a way-out, and without playing into the hand of the excited mass consciousness.

The joint life brought the Azeris and Armenians closer together – the difference in identities separated them (both by ethnic and religious lines). The fact that Armenians historically were frequently in minority but, as a rule, were more solvent probably played its role. Being Christians (and considering themselves the most ancient among the neighboring Christian peoples), they perceived themselves as more civilized (according to formal parameters it was really so), as a certain outpost of the civilized world (hence the special affinity to the Russians). In conditions of real everyday life, this ideological wrapper receded into the background; in conditions of historical cataclysms when it was necessary to raise one's own self-importance, this affinity-difference became nutritious food for various phobias (especially on the part of Armenians). For the last 100-150 years, the semblance of well-being marked by the rhetorical formula of “friendship of peoples” became possible only for a short time under the patronage of Soviet Russia. The rhetorical formula proved to be pharisaic. Not in the sense that it was frankly false, but that it tabooed adverting to historical myths, and, on the contrary, authorized the creation of an ideology of “centuries-long friendship” and “general” enemies (as a rule, “the Turks” and other “capitalists”) without whom such friendship is impossible. And this “semblance” with inevitability blew up every time as soon as the “patron” intentionally did not carry out the functions or was not able to do it because of its internal problems. This took place, when the USSR disintegrated and all the union republics gained independence. Besides strictly political declarations and partly political subjective actions it meant the necessity of defining a place in the postindustrial, global-informational world.

So, let us draw **the first conclusion**: national consciousness which is fed by national history in which, first of all, the genesis, the unity, victories, etc. are mythologized and it is foretold that they will be reproduced again and again in real historical time prevents mutual understanding in the South Caucasus. Does it follow from this that it is necessary to reject national histories as breeding-grounds of mutual

intolerance and other things? Like in all similar cases, it is completely unreal, it is only a question of their switching. At least two assumptions are necessary for this purpose:

- A national history should be distanced from the present, it should be considered as not containing in itself direct outputs in the reality. It is necessary to realize that a similar history describes, first of all, mutual relations between “ours”, does not consider “others” and consequently cannot directly relate to the present;
- It should be recognized that modern international legal documents according to their axiomatics do not assume any historical preamble; any technology in principle is beyond science and history but is only operational.

The following group of questions answers to which we leave open in many respects arises from this. How is it possible to educate such a “technological” consciousness? How to introduce it into masses? Who should be engaged in it? Are there forces inside each people that are up to solving such problems? etc.

The second conclusion that can be drawn is connected to the necessity of forming various elites (political, analytical, humanitarian, etc.) which would gradually assume this work.

For similar elites it is possible to offer some declarative postulates:

- There is always another point of view, and it is equally true;
- There are no winners, but there are only losers;
- Planetary interests are above regional ones, regional interests are above the national ones;
- Interests of a person are above the interests of a collective;
- The priority is always on the side of communications, and not the points to which these communications lead;
- Not to come to an agreement means to fall victim to globalization in the worst variant, and one should not blame globalization for it;
- Cooperation of elites for which there are no nationalist myths is the guarantee that it will be possible to blow out ethnic-religious phobias and other manifestations of aggressive mass consciousness;
- A compromise is above victory.

But on second thought it is simply a question of formation of civil society in AR and RA.

DEDUCTIONS

1. Peace-making is not going through its best times. And this fact should be admitted not only in relation to the South Caucasus, but to everywhere. The effectiveness of military solutions to ethnic problems, beginning with the former Yugoslavia, creates an illusion of the lack of prospects in peaceful dialogue and grassroots diplomacy. These sentiments were consolidated even more in the wake of 9/11 and the reaction to those events from the United States and the Western alliance.

2. War is eventually waged or justified by the necessity of establishing peace. But what should this peace be like? Probably, it ought to be just, so as not to create reasons for a new war on the part of those who were deprived of justice or think that they were. If

a war lays new mines under the future – we simply shift the responsibility onto the next generations.

3. The anti-terrorist operation after September 11, 2001 and the war in Iraq introduced a new political rhetoric in the South Caucasus confrontation. The authorities of the three republics were trying to gain dividends by juggling terminology and obtain credit for strengthening their monopoly on the negotiating process on settling conflicts, the monopoly which deprives the grassroots diplomacy of any support.

4. A careful analyst or simply an observer familiar with the situation in the republics of the South Caucasus can unequivocally arrive at the opinion about the striking likeness of the political regimes in the states of this region. The regimes are largely preserved due to the unresolved nature of the conflicts, the presence of contradictory external interests in relation to the region, and a more or less successful balancing between these interests. There is an impression that all sides involved in the conflict or in its settlement admit the necessity of conserving the situation, further “freezing” the conflicts and this forms the illusion of the necessity to stabilize the regimes and power of their main characters. It is still difficult to say how soon these approaches will change after the recent change of power in Georgia.

5. It is quite evident that despite the existence of such a structure as the Minsk Group, the political interests and intentions of the United States, Western Europe and Russia in relation to the South Caucasus essentially contradict each other. Is it possible in these conditions to ultimately resolve the problem of the conflicts in the South Caucasus?

6. The political, economic and demographic situation in the countries of the South Caucasus is very similar: authoritarian regimes, economies agonizing in the grip of corruption and an impending demographic disaster. Today every fifth (being optimistic) or third (being pessimistic) young, able-bodied person has left the region in search of work. It is absolutely obvious that decisions regarding the South Caucasus should be complex and applicable simultaneously to all three republics. A new type of “Marshall Plan” for the South Caucasus is implied. But this is, to be more precise, first of all, political rather than economic assistance to Azerbaijan, Armenia and Georgia in their aspiration to be rid of the burden of totalitarian consciousness and new authoritarianism. The post-electoral situation in the three republics caused new problems without solving the old ones.

7. The political and economic situation in the region turns citizens and intellectuals into a mere appendix of the state devoid of their basic rights, an autonomy of a person, and an opportunity to influence the political life in conditions of the actual absence of guarantees of security. Any forms of self-organization of citizens into structures not dependent on the state and, especially, their attempts to influence the situation in the country and the region, cause a painful reaction of the authorities, leading to their sophisticated methods of discrediting them in the eyes of society and exercising intimidation. Such a situation has formed around the peace-making organizations in Azerbaijan today.

8. It is quite evident that the Armenians and the Azeris, as well as the Georgians, Abkhazians and the Ossetians, will either learn to live peacefully and cooperate in the region and in the places of their former common residence, or the countries will permanently be at war with each other, ruling out any prospect of the region’s advancement.

9. The integration policy of seeking peace in the South Caucasus can and must be realized. It can suggest principally different approaches based on unification and not on the division of the region into antagonistic countries, relying on different foreign forces.

10. A need is ripe to create a Forum of Intellectual Forces of the South Caucasus – a permanently acting body of cooperation of non-governmental organizations, the intelligentsia, the press and opposition groups in the region. It is especially important because there is an artificially created informational blockade in the region, dividing people and obstructing their cooperation.

11. In the long term, there is no alternative to a peaceful dialogue. However, it is necessary today to render concrete assistance to the movement for the settlement of conflicts in the South Caucasus, which is still weak, and for the recovery of mutual trust.

12. Can some “Stability Pact” become a final document for the resolution of problems of conflicts in the South Caucasus? When will the destiny of the South Caucasus be solved? Under what regimes? What is to be done with the “frozen” conflicts and uncontrolled zones? There are no clear answers to these questions yet.

13. A vital problem is the falsification of election results in the South Caucasus and the “liberal” attitude to these facts by the world’s leading powers and international organizations “justified” by the fear of “radicals” coming to power in these republics.

AFTERWORDS

Afterword by Ali Abasov

Ideas and thoughts lying outside the scope of this brochure but being of great importance from my viewpoint for the understanding of the problems touched upon in it often emerged during the time when the Moscow edition of the brochure was being prepared for publication. It is these ideas that constitute the contents of this afterword with which I decided to address the Russian readers.

The history of the creation of our work, which began from the mutual desire “to explain to the opposite side the degree of its mistakes”, was dramatic and full of unexpected turns which were reflected on the topics of the brochure. Appraisals and approaches were changing in parallel with the submergence in the subject. Temporarily, we had to turn ourselves into the participants of the conflicting events, to run to extremes and narrowness of evaluations or to try to take the objective stand and understand the logic of the thinking and actions of the opposite side, to seek ways for reconciling the clashing positions. In short, we had to revisit and understand our recent history. The following question is important: Can the reader travel the same thorny path with the aid of our brochure? I think yes, he can if he perceives it only as a prologue to independent serious reflections.

I comfort myself with the thought that the brochure became such a prologue despite objective and subjective obstacles. It received attention abroad and led to a number of mostly positive reviews.

The texts of the first edition in English and Russian are presented on the website (<http://www.ca-c.org>) of the well-known “Central Asia and Caucasus” magazine (Sweden). It was proposed to publish it again. This edition is realized thanks to the enthusiasm of one of the first co-chairmen of the OSCE Minsk Group, Ambassador Vladimir Kazimirov, who supplemented the brochure with his comments and the foreword and undertook the publication of the texts of international documents on the settlement of the Nagorno Karabakh conflict in this brochure.

After leaving the work of a mediator in this conflict in 1996, he continued to deal with the Karabakh problem, showing immutable interest in corresponding publications conducting hard discussions in both Azeri and Armenian periodicals, taking part in conferences, offering his variants, one of which the reader can find in this edition.

Once intended as a political scientific research effort, the brochure finally took on the character of a humanitarian vision of both the conflict itself and for ways of resolving it. It is strange that during the whole period of the conflict none of the “fathers” of the two peoples had made such an attempt before us, ordinary citizens of our countries who do not have special regalia or achievements for their societies. True, we started this brochure as “political scientists” but fortunately finished it on the “humanitarian note”, focusing attention on the disaster which threatens the region as a whole and each country separately and which can cast us into the Middle Ages in the legal field of which we often find ourselves today. I think the participation of Ambassador Kazimirov, who introduced upheavals and nuances of diplomatic battles into the text of the brochure, made it possible to outline more clearly the boundaries of humanitarian and political approaches not only to this conflict but to most conflicts in the post-Soviet space as well.

Alas, in the modern political world the authorities of all countries and not only of the Azerbaijan Republic and the Republic of Armenia, as the author of the foreword thinks, appear from the “positions of national egoism” which are equaled to the “positions of national interests”. Unfortunately, this is the ethics of modern politics and it is already because of this that one should agree with his thoughts that the invasion of western powers with their geostrategic interests into the region “was not instrumental in solving the conflict but rather complicated the way to lasting peace”. And certainly the following conclusion of the experienced diplomat should be taken into consideration: “of course, it should be acknowledged that peacemaking can not be sterilely pure. Every mediator-state also considers its national interests.” It can be stated that today’s conflicts in the political aspect are the variety and contradictions of one’s own and others’ national interests concentrated around the problem and giving it a new sounding. I think that it is in this key that one should start reflecting on the “transformation” of the Transcaucasus into the South Caucasus. It is hardly possible to agree with the opinion that “this renaming is being actively introduced by Westerners as well as Russophobes with obvious political goals: to oust Russia from the region, shading the fact that in spite of Urartu and Kolkhida (this list can be continued – Manna, Midia, Atropatena...) it came into today’s “world circulation” in many respects through Petersburg and Moscow.” Suffice it to note that the word Nakhichevan accepted in Russian since “olden times” emerged at best only after 1828 when the Nakhchivan Khanate was abolished following an agreement with Iran and like earlier other khanates became part of the Russian Empire. And this is, as they say, not even history but yesterday.

It is difficult to accept the accusations concerning our voluntary or not “indulgence” towards the West and the “vital interests” of the United States in the region. In my opinion the chapter about the international aspects of the conflict demonstrates the opposite. Oil – the curse of Azerbaijan – was that alluring goal for foreign powers trying to gain a firm foothold in Azerbaijan in the 1920s and for Lenin in standing up for vitally important interests of creeping Bolshevism by means of the Baku oil and for Hitler in rushing to Baku for the triumph of the delirious ideas about a “Millennial Reich”.

And what about the vital interests of the Russian Empire that since the XIX century carried out the massive colonization of the region using large-scale demographic changes? The mines laid by the historic past that appear to have lost their destructive force today have become highly explosive again. The search of the “maps of lost minefields” has been renewed. It is natural that the question of how much truth exists in these “maps” and what relation the “truth of its time” has to our time is a subject of a separate investigation which promises many surprises sometimes turning into discoveries. Thus, the episodic figure in the brochure – Colonel William Haskell with his “exotic Willy plan”, after the acquaintance with the sources and publications, must be recognized as all but the first international mediator who still in remote 1919 tried to correlate the positions plying between the sides of the conflict and offering variants for reconciliation. One should really know history, who and how thought, thinks, and acted and the reader himself will have to solve the question about the role of “demonization” in conditions of totalitarian thinking that safely continues to rule. It is this diversity of opinion that should present to the reader the general mosaic of the conflict picture, that will allow him to compare it with other post-Soviet conflicts, mull over the situation in Moldova, Georgia, Chechnya, which raised the issue about the territorial integrity of the Russian Federation.

Small countries always have to pay a high price for the “vital interests” of great powers, only the methods of violent abolishment of their statehood and forced emigration against the background of repression have changed today. In the case of all variants of the realization of these “vital interests” whoever’s or whatever “phobias” are out of the question. This is the response to the consolidation of foreign “vital interests” in severe conditions of reality of political values. In this sense, it is possible to agree with one of the conclusions of the foreword: “on the whole, the authors failed to observe the objectivity or at least “equidistance” with respect to notorious “external factors”... Of course, they are not aware of everything that happened at different stages at the negotiating table – it is not always published”. It is an important idea, as today the ways of solutions are still considered by inertia behind the back of peoples and without their participation. Perhaps someday the memoirs of the co-chairmen of the Minsk Group, leading political figures, will appear and we will be able to find there many things which are important but concealed from the public today. What we indeed can hardly agree with is the statement that “none of the leaders defending polar claims has yet dared to tell his nation honestly that in the course of the settlement it is impossible to get everything they want, that they have to be satisfied with less or even the least against the background of grandiose ambitions and promises.” President Levon Ter-Petrosyan not only “dared” but also tried to ground his viewpoint. He had to resign because of his position.

There is also the other side of the “coin” – false patriotism, offended by any remark, any criticism immediately considered to be anti-national statements directed against the interests of the state. This “Soviet” habit took root in our consciousness and we continue to live with it permitting ourselves to boldly criticize any state but not permitting the same towards our own country. This is just a manifestation of totalitarianism. We should not give a hostile reception to the criticism when its object is not a country or a people but a regime which rules them, and in case of totalitarianism – a system or even a person directly or indirectly claiming to be the personification of the people’s will, which, ostensibly, is beyond criticism. Our “criticism” of Russia, as well as the criticism of Azerbaijan and Armenia, is directed at the people in power who were raised to power by chance but who just like all of us did not get rid of the totalitarian way of thinking. All of us are victims of totalitarian thinking but our distinction is that “people in power” are responsible for conflicts or for keeping them suspended. That is why I do not want their image to be compared by anybody to the image of Russia, Azerbaijan, and Armenia. The criticism should be directed only against the authorities making one or another decision and only when these authorities are legitimate, that is really elected by the will of people decided by free and transparent election. Only in this case may the will of the authorities be compared to the will of the state and even partly to the will of that part of the people which voted for these authorities. In Azerbaijan, this will is usurped and this usurpation is raised to a law with hurried communiqués of the presidents of the Russian Federation, Turkey and the U.S. Undersecretary of State who congratulated the “winner” on the day of the falsification and the extermination of the opposition of Azerbaijan. About what the authors’ voluntary or involuntary support of the West is it possible to speak if the great countries arbitrarily declare “vital interests” and their responsibility for one region or another on certain conditions (“loyalty”, “adherence to communism or democracy”, etc.) and then they themselves break these commitments? An international mechanism that will allow small countries to keep their sovereignty and

not maneuver between the interests of “great powers” is needed. And we will not need either the assistance of Russia (causing the accusations of consumerism while these rules of the game were created not by “consumers”) or the democracy lessons of the United States (often proving to be idle talk) if we are allowed to independently build up our own statehood and develop civil institutions of society. And the experience of fighting for democracy of the American people, the experience of the Russian people’s building their democracy before our eyes are important and instructive for the peoples of the South Caucasus.

Anyway, it is not a matter of “love” or “not love” for modern-day Russia. The Russian Federation and almost all post-Soviet republics except for the Baltic countries are strategic partners, “brothers in misfortune”, which are among the so-called “late-comer peoples (nations)”. And the only way out of this stagnant state is democracy and none of us can boast of having advanced it greatly. The way of economic build-up with a subsequent propagation of democracy “from above” is a false way. It is necessary to change the people’s mentality, to develop stable institutions of democracy, civil society which permanently pushes the state towards a legal state. Otherwise, it is possible to remain “latecomers” peoples forever.

Rereading the brochure many times in connection with the Moscow edition I paid attention to one peculiarity: as a matter of fact, almost all proposals on settling the conflict in one way or another were directed to the greatest possible separation of the two peoples which not long ago lived in the same territory and were neighbors in adjacent Azerbaijan and Armenia, having the longest border between each other in the region. They failed and will always fail to “separate” the two peoples despite all tragedies and stable distrust of the sides towards each other. This means that it is necessary to find variants of “return” to the former coexistence without which the conflict will never be exhausted. Of course, at the first stage certain “segregation” and the deployment of peacekeeping forces between the sides seem unavoidable. But in the future, this policy will lead the region to the deadlocks of new conflicts.

The second variant, the integration of the region into a common political and economic space of uniting Europe which some of post-Soviet countries are likely to join, is also natural. The statements of a number of political figures of the South Caucasus also touching upon the question of admitting the SC countries into the European Union demonstrate a possibility for the ultimate resolution of conflicts within the framework of the security system of this nascent system. The recent Cypriot events initiate new approaches to the conflicts in the South Caucasus offering the model of two-community autonomies based on the system of developed international security guarantees. No one can give clear answers yet and nobody knows a future resolution of today’s challenges. But the fact that the conflicts of the South Caucasus contain the development of the whole region and are the main obstacles in the way of integration into the European architecture has become evident practically for everyone. It is possible, of course, like Old Hebrews to roam for 40 years (“next to nothing” remains!) in search of conflict solutions waiting for the physical death of all their witnesses. But how far does this solution correspond to the dynamics of political processes, how does it keep within the vortex flows of globalization changes in the world, which in this period will turn us from the “latecomer peoples” into the outsiders of the world? Anyway, it turns out that there is only one way-out for all post-Soviet countries even for those which fortunately avoided

the hell of ethnic clashes – the development of democracy in their states. And who knows, maybe on this way we will succeed in adding new lines and even pages to the endless book of history of the development of democracy on Planet Earth.

Today many politicians and analysts return to the same question: is the military solution to the conflict possible? I think that, just like any other solution, it is possible if it becomes expedient owing to political and economic reasons which are far from humanitarian aspects of the problem and the genuine will of the peoples on whose shoulders the burden of retribution for such a solution will be laid again should these developments occur. The resource of the participation of civil society in making decisions left by the ruling elites and some states lenient towards them is insignificant. It is insufficient even for the peoples to elect their authorities as sovereign peoples, to end the practice of rigging election results, which turned democratic elections into a formal, spectacular but fruitless procedure. Perhaps only the events in Georgia inspire fragile optimism subjected to numerous risks.

Perhaps those who insist that neither side of the conflict can get “everything” are right. But this rightfulness is, so to speak, political. And in the humanitarian aspect, both sides can get everything, as this “everything” is an ultimate peace. In this sense the juggling of figures and percentages of lost territories (10% or 20%) and refugees (800,000 or 1,000,000) in both cases is a political act. The humanitarian one consists of the fact that the total number of displaced persons and refugees of both sides is close to 1,500,000 people and the vast territory becoming “no man’s land” is mined, desolate and inhabited only by military men and so cannot serve its main purpose – life of a man earning his bread. However paradoxical it might seem but in our case it is “exact figures and percentages” that are conditional, relative and sometimes contradictory (I relate it to the whole text of the brochure). Thus, the number of displaced persons and refugees who had to pay for “our and your freedom” during the time counting the second decade, despite a terrible death rate especially in the first years probably increased and at any rate it will still grow if the conflict is not resolved. I will cite the data of the independent expert A. Yunusov. “Before the beginning of the Karabakh conflict in 1988, 390,000 Armenians (about 6% of the population of the republic) lived in Azerbaijan, of them 180,000 – in Baku and 145,000 – in the NKAR. According to the census of the population in 1989, 85,000 Azeris (about 3% of the population of the republic) lived in Armenia. In fact, there were much more Azeris there as 208,000 former citizens of Armenia who had fled to Azerbaijan were registered in Azerbaijan in January 1990.

The losses of the sides during the period from 1988 to 1994:

During the conflict, as well as during the military operations, 11,000 citizens of Azerbaijan died... During the same period, up to 30,000 people were wounded, including more than 7,000 who became disabled forever. According to the official data of the government of Azerbaijan, about 5,000 citizens of the republic are recorded as missing. During the same period, 6,000 people died and 20,000 were wounded from the Armenian side. According to the Armenian side, more than 500 Armenians had gone missing.

The armistice is permanently broken by both sides with the use of firearms and machine-guns... The exact number of victims after 1994 is not known. According to

unofficial data, during this period the Azeri side lost 2,500 servicemen as killed and up to 3,000 as wounded (data on Armenia are not cited – A. Abasov).

According to the State Statistical Committee of Azerbaijan, 219,000 refugees (from Armenia and the Turks from Akhysk escaping from Uzbekistan in 1989) and 575,000 forced migrants from Nagorno Karabakh (seemingly, the author means the inhabitants of the occupied regions as well. – A. Abasov), a total of 794,000 people or about 10% of the population of the republic, had been registered in the republic by the end of 2001. According to the official data of the Armenian authorities, 310,000 refugees and forced migrants (8% of the population) who suffered as a result of the conflict were registered in the republic.

The indirect losses suffered as a result of the conflict: as compared with 1989, the birth rate has fallen drastically and infant mortality has increased. In 1989-99, the number of orphans increased nearly threefold in Azerbaijan and twofold in Armenia. At the same time, in both republics the greatest number of orphans was registered among refugees and forced migrants. As a result of the conflict and the ensuing socio-economic crisis in 1994-2000, up to 2.5 million citizens of Azerbaijan (more than 30% of the country's population) and up to 1 million Armenians (26% of the country's population) left their countries in search of livelihood. The overwhelming majority of them are males aged 20-40. Such emigration of the male population had a sharply negative impact on the demographic structure of the populations of Azerbaijan and Armenia: it caused a decline in the number of marriages, a drop in the birth rate, a decrease in the average number of family members and a decrease in the population strength in the end⁶⁹. This is the approximate scale of the humanitarian disaster in the region (without taking into consideration the situation in Georgia).

Maybe we should make use of the recent proposal of the Deputy Minister of Foreign Affairs of the Russian Federation V. Trubnikov and involve the Armenians and Azeris of Nagorno Karabakh in the negotiations?⁷⁰ And doesn't it seem right to leave the solution to the two communities of Nagorno Karabakh that have to live a difficult life or to be at enmity with each other for an indefinitely long time maintaining the tension in the region. There are also proposals in our book for the diasporas of the Azeris and Armenians to start a dialogue, maybe it is also time for the Russian citizens of "Caucasian nationality" to make use of such an opportunity, inducing and attracting to this hard talk their former compatriots throughout the world?!

Therefore I want to conclude my appeal with excerpts from the article entitled "Tiflis, September 5, 1919" published in the "Borba" ("Struggle") newspaper and devoted to the temporary agreement of the Congress of the Armenians of Nagorno Karabakh with Azerbaijan: "The agreement of the Armenians and Moslems in Karabakh already becomes a fact. And this fact, in our opinion, should draw the attention of the whole Transcaucasian democracy...

"The constant danger of internal war, the constantly smoldering animosity of the two nations threaten each of them with physical destruction, undermine their economic strength, deplete their cultures. For the whole of the Transcaucasus this animosity is a

⁶⁹ The statistics of casualties in the Armenian-Azeri war // Karabakh yesterday, today, tomorrow. – Baku, 2002. – P. 20-22

⁷⁰ The press conference of V. I. Trubnikov in Baku on February 6, 2004.

constant ghost of foreign interference, a constant danger of becoming a toy of other forces.

“The Karabakh agreement perhaps will not give much. One should not forget that centuries-old animosity is not overcome so soon. Maybe, it will be broken tomorrow again. Maybe the mountainous part of Karabakh will become again the theatre of military operations soon.

“But without overestimating the significance of the agreement, we can’t but welcome it, we can’t but emphasize that in this case we see the first serious experience of settling the Armenian-Moslem dispute not with massacres but by means of mutual agreement...

“Everywhere sooner or later the understanding that this knot can be undone only by long painstaking work, the work having the goal of reaching an agreement acceptable to both sides. The Karabakh agreement is only the first tangible step showing that such an understanding penetrates the masses. Even if it fails to give any real noticeable results today. Even if it fails to be realized due to one condition or another. Still it shows that the possibility of an agreement does exist...Life is stronger than nationalistic recklessness and religious fanaticism. It dictated the agreement in Karabakh. It will also inevitably dictate the general agreement between the Armenians and the Moslems of the Transcaucasus.”

Just like many years ago, only democracy, the social-cultural and political models of which are, if not identical, but very similar for all nations, can reconcile the two nations. And if we accept this thesis then the current stage of overcoming the causes and consequences of the conflicts in the South Caucasus entirely depends on the pace of the democratization of the political regimes in the region. And in this issue, as it seems, there are no contradictions and clashes between true democrats of the region disunited on other issues.

Ali Abasov

Afterword by Haroutiun Khachatrian

Since this book is compiled according to the principle of parity, following the example of my colleague and co-author Ali Abasov, I also have to write my afterword. I must say that I do not agree with all notes by Ambassador Kazimirov either. However, I do not think it is appropriate to polemize with him within this book in which he acts as an authoritative expert on our invitation.

Haroutiun Khachatrian

APPENDICES

INTERNATIONAL DOCUMENTS DEDICATED TO THE NAGORNO KARABAKH PROBLEM⁷¹

List of documents included

1. **Joint Communiqué on The Outcomes of the Intermediary Mission of Presidents B. Yeltsin And N. Nazarbyaev (“Zheleznovodsk Declaration”)** Zheleznovodsk, Russia, *September 23, 1991*
2. **Summary of Conclusions of the Helsinki Additional Meeting of the CSCE Council.** 24 March 1992
3. **Joint statement of the heads of state in Tehran.** Tehran, 7 May, 1992.
4. **Resolution 822 (1993) of the UN Security Council,** April 30, 1993
5. **Resolution 853 (1993) of the UN Security Council,** July 29, 1993
6. **Resolution 874 (1993) of the UN Security Council,** October 14, 1993
7. **Resolution 884 (1993) of the UN Security Council,** November 12, 1993.
8. **Statement of the Council of the CIS Heads of State,** (Moscow, April 15, 1994)
9. **The Bishkek Protocol** (Bishkek, 5 May + Baku, 8 May, 1994).
10. **Agreement on the ceasefire starting 12 May 1994** (signed in Baku on 9 May, in Yerevan on 10 May in Stepanakert on 11 May as messages sent to Moscow).
11. **The Decision of the CSCE summit on the Nagorno Karabakh issue** (Budapest, 6 December 1994).
12. **Arrangement about settling incidents (starting 6 February, 1995)**
13. **Mandate of the Co-Chairmen of the Conference on Nagorno Karabakh under the auspices of the OSCE (“Minsk Conference”)** (signed 1 March, 1995)
14. **Chairman's Summary of the OSCE Senior Council,** (Prague, March 31, 1995)
15. **Statement of the OSCE Chairman-In-Office and Statement of the Delegation of Armenia** (Lisbon, December 3, 1996)
16. **Joint Statement on the Nagorno-Karabakh Conflict y U.S. President Clinton, French President Chirac and Russian President Yeltsin** (*Denver, June 20, 1997*).
17. **OSCE Minsk Group Co-Chairmanship Proposal (“Package version”),** July, 1997.
18. **OSCE Minsk Group Co-Chairmanship Proposal (“Stage-by-stage version”),** December, 1997.
19. **OSCE Minsk Group Co-Chairmanship Proposal (“Common state”),** November, 1998.
20. **Resolution of the European Parliament on Nagorno Karabakh** Strasbourg, 11 March 1999
21. **Resolution 1416 (2005) of the Parliamentary Assembly of the Council of Europe,** Strasbourg, 25 January, 2005.

⁷¹ Documents translated from Russian are marked by an asterisk. Appendix # 17 was prepared on a basis of an early English draft corrected by ourselves to match the officially presented Russian version.

22. A Golden Opportunity. Report by Göran Lenmarker, Special Representative on the Nagorno Karabakh Conflict. Annual Session of the Parliamentary Assembly of the OSCE, Washington, July 2005

**JOINT COMMUNIQUÉ ON THE OUTCOME OF THE INTERMEDIARY MISSION
OF PRESIDENTS B. YELTSIN AND N. NAZARBYAEV***

September 23, 1991

It is the fourth year that the bitterest conflict in the region of Nagorno Karabakh, which claimed the lives of many people of different nationalities, won't cease. Civilians and military personnel of the army and internal forces are dying. The Central Bodies of the USSR proved incapable of developing and realizing effective measures for the normalisation of the situation in the region. Serious blunders which entailed [...] of the conflicting sides and the growth of distrust in the Union bodies were committed.

In the current situation there emerged a need for intermediary efforts aimed at creating conditions for the start of the negotiating process, step by step paving the way for the normalisation of the situation in the region. According to the concordance with the Azeri and Armenian sides the leaders of the Russian Federation and Kazakhstan assumed the role of mediators.

On September 20-23, 1991, the intermediary mission headed by President B. Yeltsin of the Russian Federation and President N. Nazarbayev of Kazakhstan was in Baku, Gyanja, Stepanakert and Yerevan. In the resolution of the conflict the sides are guided by the principle of non-interference in the internal affairs of sovereign states and strict observation of human rights of all citizens irrespective of their nationality in accordance with the norms of international law. In the course of the intermediary efforts some issues of stage-by-stage settlement of the conflict were discussed. The basic outcomes of the discussion consist in the following:

1. The sides deem that the necessary and compulsory conditions for the settlement of the conflict by January 1, 1992 are: ceasefire, disaffirmation of all unconstitutional acts of Azerbaijan and Armenia on the NKAR, recognition of the plenary powers of legitimate government bodies, pullback from the zone of the conflict of all armed units except the units of internal forces of the Ministry of Internal Affairs and the Ministry of Defence of the USSR. At the end of this term the presence of all armed units and their actions are considered by the sides as illegal and will be stopped by the internal forces of the USSR Ministry of Internal Affairs and the participants of armed units are subjected to the statute-instituted responsibility.
A working group of observers is to be charged with the development of measures for ceasefire, neutralisation of all armed units defined by it as illegal, creation of security guarantees for all citizens living in the conflict zone.
2. **With a view to realize coordinated actions on the normalization of the situation in the conflict zone, a temporary working group of observers including plenipotentiaries of the Russian Federation and Kazakhstan is formed. The working group starts its activities beginning on October 1.**
3. The Azerbaijan Republic and the Republic of Armenia ensure a stage-by-stage return of the deported population starting from empty villages. The sides guarantee the population's

security in places of permanent *residence*. Negotiations on this issue are to be started from October 1, 1991.

4. The sides involved in the conflict immediately start to release hostages. This process should be completed within a fortnight at the end of which the persons involved in holding hostages will be called to responsibility according to the law. The plenipotentiaries of the sides-mediators perform the supervision of the implementation of this clause.
5. Together with the Union bodies the sides ensure the normal functioning of railway transport, air transport and communication systems within a fortnight. With the participation of the mediators the sides get down to talks on ensuring free and mutually beneficial functioning of motorways.
6. During the discussion the sides came to the unanimous opinion about the necessity of ensuring the objectivity of information coming from the conflict zone. It was decided to set up an information group consisting of representatives of the Russian Federation, Kazakhstan, authorized to perform the preparation of official information about events in the conflict zone.
7. The superior bodies of state power of Azerbaijan and Armenia approve plenipotentiary delegations that will immediately get down to a bilateral negotiating process on a permanent basis.
8. The sides deem that the preparation and conclusion of bilateral agreements between the Russian Federation and Azerbaijan, the Russian Federation and Armenia, Kazakhstan and Azerbaijan, Kazakhstan and Armenia in the immediate future will promote the beginning negotiating process.
9. The working group of observers must periodically inform the top officials of the four republics about the course of the implementation of measures stipulated by this Communiqué.

The clauses in this Communiqué cannot be considered as the mediators' right of interference in the internal affairs of sovereign states – the Azerbaijan Republic and the Republic of Armenia.

CSCE
FIRST ADDITIONAL MEETING OF THE COUNCIL
Helsinki 1992

Helsinki Additional Meeting of the CSCE Council

24 March 1992

Summary of Conclusions

I.

1. The Council of the CSCE held its First Additional Meeting in Helsinki on 24 March 1992.
2. The Ministers welcomed Croatia, Georgia and Slovenia as participating States, following receipt of letters accepting CSCE commitments and responsibilities from each of them (Annexes 1-3). The Ministers do not consider that the admission of Croatia and Slovenia affects in any way the Conference on Yugoslavia nor prejudices the results of this Conference. The Ministers support the efforts of the Brussels Conference on Yugoslavia in search of an overall political settlement of the Yugoslav crisis.

II.

3. The Ministers expressed their deep concern about the continuing escalation of the armed conflict in and around Nagorno-Karabakh and the resulting increased suffering and loss of life of the inhabitants. They held an extensive discussion of ways and means to end the conflict, bearing in mind the implications for regional and international security which could result from its continuation and further extension. They called upon all parties to exercise restraint.
4. The Ministers reiterated in the strongest terms the call for an immediate and effective cease-fire including an active commitment by responsible local commanders to its implementation. They issued an appeal for the re-establishment of conditions for confidence and constructive dialogue, including the cessation of measures of economic and political constraint.
5. The Ministers reviewed the ongoing action within the CSCE framework and endorsed in their entirety the decisions taken by the Committee of Senior Officials. They expressed their appreciation for the activities of the Chairman-in-Office of the CSCE undertaken in this connection and stressed their willingness to extend all possible assistance to him whenever it is needed.
6. The Ministers welcomed the complementary efforts made by the European Community and its member States, by the member States of the Commonwealth of Independent States, by the members of the North Atlantic Co-operation Council, and, in particular, the efforts made by the United Nations Secretary-General. They requested the Chairman-in-Office of the CSCE to keep in close contact with the United Nations in this respect and to arrange for regular exchanges of information. The Ministers agreed that the CSCE must play a major role in promoting a peace process relating to the conflict. They agreed that the situation in and around

Nagorno-Karabakh requires further CSCE action.

7. The Ministers mandated the Chairman-in-Office of the CSCE Council of Ministers, Mr. Jiří Dienstbier, to visit the region shortly in order to contribute, in particular, to the establishment and maintenance of an effective cease-fire as well as to the establishment of a framework for an overall peaceful settlement.

8. The Ministers expressed their firm conviction that a conference on Nagorno-Karabakh under the auspices of the CSCE would provide an ongoing forum for negotiations towards a peaceful settlement of the crisis on the basis of the principles, commitments and provisions of the CSCE. The Ministers therefore requested the Chairman-in-Office of the CSCE Council of Ministers to convene such a conference as soon as possible.

9. The Ministers furthermore agreed that this Conference, which will take place in Minsk, will have as participants Armenia, Azerbaijan, Belarus, Czech and Slovak Federal Republic, France, Germany, Italy, Russian Federation, Sweden, Turkey and United States of America. Elected and other representatives of Nagorno-Karabakh will be invited to the Conference as interested parties by the Chairman of the Conference after consultation with the States participating at the Conference. The Chairman-in-Office of the CSCE Council will appoint the Chairman of the Conference on Nagorno-Karabakh under the auspices of the CSCE.

10. The Ministers urged all CSCE participating States and all concerned parties to take all necessary steps to ensure that humanitarian assistance is provided to all those in need through rapid and effective means including safe corridors under international control.

11. The Ministers noted the commitment of Armenia and Azerbaijan to fully support the mission of the Chairman-in-Office of the CSCE Council to the region as well as other actions on which the CSCE Council has agreed and appeal to these two countries to pursue actively this commitment to reach a lasting, peaceful solution.

III.

12. The Ministers agreed that the Stockholm Council Meeting will be held on 14-15 December 1992.

JOINT STATEMENT OF THE HEADS OF STATE IN TEHRAN*

Upon the invitation of the President of the Islamic Republic of Iran Mr. Akbar Hashemi Rafsanjani, Mr. Yakub Mamedov, Acting President of the Azerbaijan Republic, and Mr. Levon Ter-Petrosyan, President of the Republic of Armenia, arrived in Tehran to hold bilateral negotiations and discuss regional problems. Using this opportunity, upon the initiative and at the suggestion of the Iranian side, within the framework of diplomatic efforts on the normalisation of the situation in Nagorno Karabakh and at the Azerbaijani-Armenian border and bringing the viewpoints closer together with the purpose of relieving tensions in the region, the leaders of the two states met and conducted negotiations on May 7, 1992.

The sides started with expressing their gratitude to the Islamic Republic of Iran, international and regional organizations as well as other countries for their efforts directed at a peaceful settlement of the conflict in the region and expressed hope that peaceful wishes and goodwill would promote peace and stability.

With a view to develop bilateral relations and provide security in the region, the sides agreed to organise meetings of representatives of the both countries at a top level and periodically of the leaders of regions and responsible military representatives.

The sides expressed a desire for solving all issues connected with the normalisation of bilateral relations at different levels by peaceful means on the basis of principles of the CSCE and international law.

Taking international legal norms and the UN Charter as a basis, the sides emphasised the necessity of ensuring peace and stability on the borders, in Nagorno Karabakh, pointing out that it is advantageous both for the two states and for the region.

Respecting human rights and the rights of minorities, the sides drew each other's attention to the questions of solving problems of Armenian and Azeri refugees.

The sides agreed that within a week after the arrival of the special representative of the President of the Islamic Republic of Iran Mr. M. Vaezi in the region (Baku, Yerevan, Nagorno Karabakh), after conducting negotiations with the concerned sides and with the support of the heads of state of Azerbaijan and Armenia, ceasefire is established and simultaneously all communication roads are open with the purpose of meeting all economic needs.

In case of consent for the implementation of the reached agreement, besides the observers of the Islamic Republic of Iran, observers of the CSCE and others will be involved.

Positively assessing the work of the summit in Tehran, the sides agreed that all questions connected with bilateral relations should be solved by means of meetings and consultations of responsible persons at different levels and through negotiations.

The leaders of the two states, highly appreciating the efforts of the Islamic Republic of Iran, expressed hope that the Islamic Republic of Iran would continue its efforts until the ultimate peace and stability were established in the region.

The Islamic Republic of Iran
Akbar HASHEMI RAFSANJANI

The Azerbaijan Republic
Ya. MAMEDOV

The Republic of Armenia
L. TER-PETROSYAN

APPENDIX # 4

RESOLUTION 822 (1993) OF THE UN SECURITY COUNCIL

30 April 1993

The Security Council.

Recalling the statements of the President of the Security Council of 29 January 1993 (S/25199) and of 6 April 1993 (S/25539) concerning the Nagorny- Karabakh conflict,

Taking note of the report of the Secretary-General dated 14 April 1993 (S/25600).

Expressing its serious concern at the deterioration of the relations between the Republic of Armenia and the Republic of Azerbaijan,

Noting with alarm the escalation in armed hostilities and, in particular, the latest invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces,

Concerned that this situation endangers peace and security in the region,

Expressing grave concern at the displacement of a large number of civilians and the humanitarian emergency in the region, in particular in the Kelbadjar district,

Reaffirming the respect for sovereignty and territorial integrity of all States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing its support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe and deeply concerned at the disruptive effect that the escalation in armed hostilities can have on that process,

1. *Demands* the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease- fire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan;
2. *Urges* the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe and refrain from any action that will obstruct a peaceful solution of the problem;
3. *Calls* for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;
4. *Requests* the Secretary-General, in consultation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe as well as the Chairman of the Minsk Group of the Conference to assess the situation in the region, in particular in the Kelbadjar district of Azerbaijan, and to submit a further report to the Council;
5. *Decides* to remain actively seized of the matter.

Adopted unanimously by the Security Council at its 3205th meeting

APPENDIX # 5

RESOLUTION 853 (1993) OF THE UN SECURITY COUNCIL

29 July 1993

The Security Council,

Reaffirming its resolution 822 (1993) of April 1993,

Having considered the report issued on 27 July 1993 by the Chairman of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) (S/26184),

Expressing its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them,

Welcoming acceptance by the parties concerned of the timetable of urgent steps to implement its resolution 822 (1993),

Noting with alarm the escalation in armed hostilities and, in particular, the seizure of the district of Agdam in the Azerbaijani Republic,

Concerned that this situation continues to endanger peace and security in the region,

Expressing once again its grave concern at the displacement of large numbers of civilians in the Azerbaijani Republic and at the serious humanitarian emergency in the region,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

1. *Condemns* the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic;
2. *Further condemns* all hostile actions in the region, in particular attacks on civilians and bombardments of inhabited areas;
3. *Demands* the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic;
4. *Calls on* the parties concerned to reach and maintain durable cease-fire arrangements;
5. *Reiterates* in the context of paragraphs 3 and 4 above its earlier calls for the restoration of economic, transport and energy links in the region;
6. *Endorses* the continuing efforts by the Minsk Group of the CSCE to achieve a peaceful solution to the conflict, including efforts to implement resolution 822 (1993), and *expresses its grave concern* at the disruptive effect that the escalation of armed hostilities has had on these efforts;
7. *Welcomes* the preparations for a CSCE monitor mission with a timetable for its deployment, as well as consideration within the CSCE of the proposal for a CSCE presence in the region;
8. *Urges* the parties concerned to refrain from any action that will obstruct a peaceful solution to the conflict, and to pursue negotiations within the Minsk Group of the CSCE, as well as through direct contacts between them, towards a final settlement;
9. *Urges* the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny-Karabakh region of the Azerbaijani

- Republic with its resolution 822 (1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group of the CSCE;
10. *Urges* States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory;
 11. *Calls once again* for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict, in order to alleviate the increased suffering of the civilian population and *reaffirms* that all parties are bound to comply with the principles and rules of international humanitarian law;
 12. *Requests* the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist displaced persons to return to their homes;
 13. *Requests* the Secretary-General, in consultation with the Chairman-in-Office of the CSCE as well as the Chairman of the Minsk Group, to continue to report to the Council on the situation;
 14. *Decides* to remain actively seized of the matter.

Adopted unanimously by the Security Council at its 3259th meeting

APPENDIX # 6

RESOLUTION 874 (1993) OF THE UN SECURITY COUNCIL

14 October 1993

The Security Council,

Reaffirming its resolutions 822 (1993) of 30 April 1993 and 853 (1993) of 29 July 1993, and *recalling* the statement read by the President of the Council, on behalf of the Council, on 18 August 1993 (S/26326),

Having considered the letter dated 1 October 1993 from the Chairman of the Conference on Security and Cooperation in Europe (CSCE) Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council (S/26522),

Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region, *Taking note* of the high-level meetings which took place in Moscow on 8 October 1993 and *expressing* the hope that they will contribute to the improvement of the situation and the peaceful settlement of the conflict,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing once again its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency in the region and expressing in particular its grave concern at the displacement of large numbers of civilians in the Azerbaijani Republic,

1. *Calls upon* the parties concerned to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group;
2. *Reiterates again* its full support for the peace process being pursued within the framework of the CSCE, and for the tireless efforts of the CSCE Minsk Group;
3. *Welcomes and commends* to the parties the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" set out on 28 September 1993 at the meeting of the CSCE Minsk Group and submitted to the parties concerned by the Chairman of the Group with the full support of nine other members of the Group, and calls on the parties to accept it;
4. *Expresses* the conviction that all other pending questions arising from the conflict and not directly addressed in the "Adjusted timetable" should be settled expeditiously through peaceful negotiations in the context of the CSCE Minsk process;
5. *Calls for* the immediate implementation of the reciprocal and urgent steps provided for in the CSCE Minsk Group's "Adjusted timetable", including the withdrawal of forces from recently occupied territories and the removal of all obstacles to communications and transportation;
6. *Calls also* for an early convening of the CSCE Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict as provided for in the timetable, in conformity with the 24 March 1992 mandate of the CSCE Council of Ministers;
7. *Requests* the Secretary-General to respond favourably to an invitation to send a representative to attend the CSCE Minsk Conference and to provide all possible assistance for the substantive negotiations that will follow the opening of the Conference;

8. *Supports* the monitoring mission developed by the CSCE;
9. *Calls on* all parties to refrain from all violations of international humanitarian law and *renews its call* in resolutions 822 (1993) and 853 (1993) for unimpeded access for international humanitarian relief efforts in all areas affected by the conflict;
10. *Urges* all States in the region to refrain from any hostile acts and from any interference or intervention which would lead to the widening of the conflict and undermine peace and security in the region;
11. *Requests* the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist refugees and displaced persons to return to their homes in security and dignity;
12. *Requests also* the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference to continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, and on present and future cooperation between the CSCE and the United Nations in this regard;
13. *Decides* to remain actively seized of the matter.

Adopted unanimously by the Security Council at its 3292nd meeting

RESOLUTION 884 (1993) OF THE UN SECURITY COUNCIL

12 November 1993

The Security Council,

Reaffirming its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993 and 874 (1993) of 14 October 1993,

Reaffirming its full support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe (CSCE), and for the tireless efforts of the CSCE Minsk Group,

Taking note of the letter dated 9 November 1993 from the Chairman-in-Office of the Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council and its enclosures (S/26718, annex),

Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region,

Noting with alarm the escalation in armed hostilities as consequence of the violations of the cease-fire and excesses in the use of force in response to those violations, in particular the occupation of the Zangelan district and the city of Goradiz in the Azerbaijani Republic,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing grave concern at the latest displacement of a large number of civilians and the humanitarian emergency in the Zangelan district and the city of Goradiz and on Azerbaijan's southern frontier,

1. *Condemns* the recent violations of the cease-fire established between the parties, which resulted in a resumption of hostilities, and particularly condemns the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic;
2. *Calls upon* the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with resolutions 822 (1993), 853 (1993) and 874 (1993), and to ensure that the forces involved are not provided with the means to extend their military campaign further;
3. *Welcomes* the Declaration of 4 November 1993 of the nine members of the CSCE Minsk Group (S/26718) and commends the proposals contained therein for unilateral cease-fire declarations;
4. *Demands* from the parties concerned the immediate cessation of armed hostilities and hostile acts, the unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of the Azerbaijani Republic in accordance with the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" (S/26522, appendix) as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;
5. *Strongly urges* the parties concerned to resume promptly and to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the

Government of the Russian Federation in support of the CSCE Minsk Group, and to continue to seek a negotiated settlement of the conflict within the context of the CSCE Minsk process and the "Adjusted timetable" as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;

6. *Urges again* all States in the region to refrain from any hostile acts and from any interference or intervention, which would lead to the widening of the conflict and undermine peace and security in the region;

7. *Requests* the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population, including that in the Zangelan district and the city of Goradiz and on Azerbaijan's southern frontier, and to assist refugees and displaced persons to return to their homes in security and dignity;

8. *Reiterates* its request that the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between the CSCE and the United Nations in this regard;

9. *Decides* to remain actively seized of the matter.

Adopted unanimously by the Security Council at its 3313th meeting

APPENDIX #8

THE STATEMENT OF THE COUNCIL OF THE CIS HEADS OF STATE ON THE CONFLICT IN NAGORNO KARABAKH AND AROUND IT*

April 15, 1994

Taking into consideration the statements of the leaders of the Azerbaijani Republic and the Republic of Armenia about their taking measures to halt military operations, the Council of the CIS Heads of State states that the Nagorno Karabakh conflict causes irreparable damage to the Azeri and Armenian peoples, the economy and ecology of the vast region in the Transcaucasus, affects the substantial interests of other CIS members and the Commonwealth as a whole.

The Council of CIS Heads of State supports the efforts of CIS-member states directed at the durable political settlement of the conflict, including persistent peacemaking initiatives of the Russian Federation, welcomes the troubleshooting mission of the CIS Inter-Parliamentary Assembly.

The Council of the CIS Heads of State confirms its aspiration for encouraging the search of the only possible – compromise solution in every possible way. The main priority, the imperative of settlement is the immediate ceasefire, halt of all military operations and then its firm consolidation. Without it, it is impossible to pass on to the elimination of the consequences of the tragic confrontation.

The Council of the CIS Heads of State appeals to the international community, the CSCE and the UN to support the measures taken by the CIS in the interest of settling the conflict.

THE BISHKEK PROTOCOL*

The participants of the meeting held upon the initiative of the CIS Inter-Parliamentary Assembly, the Parliament of Kyrgyzstan, the Federal Assembly and the Ministry of Foreign Affairs of the Russian Federation in Bishkek on May 4-5, 1994

- expressed determination to encourage in every possible way the stopping of the armed conflict in Nagorno Karabakh and around it which not only causes irreparable damage to the Azeri and Armenian people but also substantially infringes on the interests of other countries of the region and seriously complicates the international situation;
- supporting the Statement of the Council of CIS Heads of State of April 15, 1994, expressed the readiness to give a full support to the efforts of the heads and representatives of the executive power on stopping the armed conflict and eliminating its consequences by way of concluding an appropriate agreement as soon as possible;
- pronounced in favour of the natural active role of the Commonwealth and the Inter-Parliamentary Assembly in stopping the conflict and realisation of the principles, goals and concrete decisions of the UN and the CSCE connected with it (first of all resolutions 822, 853, 874, 884 of the UN Security Council);
- urged all the parties to the conflict to listen to the voice of sense: to cease fire at midnight from 8 to 9 May of this year guided by the Protocol of February 18, 1994 (including the part of the deployment of **monitors**) and by the most intensive work in the shortest possible time to consolidate it by way of signing a reliable legally binding agreement envisaging a mechanism of ensuring non-resumption of military and hostile operations, withdrawal of troops from the **occupied** territories and resumption of the functioning of communications, return of refugees, continuation of the negotiating process;
- agreed to propose to the parliaments of the CIS member states to discuss the initiative of the Chairman of the Council of the Inter-Parliamentary Assembly V. F. Shumeyko and the Head of the peacemaking group of the Assembly on Nagorno Karabakh M. Sh. Sherimkulov about the establishment of peacekeeping forces of the Commonwealth;
- think it expedient to continue such meetings for the sake of finding a peaceful solution to the armed conflict;
- expressed gratitude to the people and the leadership of Kyrgyzstan for creating excellent conditions for work, cordiality and hospitality.

On behalf of the delegations:

(A. JALILOV) R. GULIEV

B. ARARKTSYAN, K. BABURYAN

V. SHUMEYKO

V. KAZIMIROV

plenipotentiary of the President
of the Russian Federation,
the Head of the intermediary
mission of Russia

M. SHERIMKULOV

M. KROTOV

the Head of the Secretariat
of the Council of the Inter-Parliamentary
Assembly
of CIS-member states

Bishkek, May 5, 1994

Note: On May 8, 1994 in Baku, during the signing of the Bishkek protocol by R. Guliev the following record was included in that copy: "It is signed on terms that in paragraph 5 of this text in the third line from the top before the word "monitors" the word "international" will be added and in the sixth line from the top of the same paragraph the word "occupied" will be replaced with "seized". Above, in the original text, the words to which these amendments relate are marked. Besides, an attempt was made to supplement that copy of the document with the signature of N. Bakhmanov (leader of the Azeri community of Nagorno Karabakh), but on that day he was not found in Baku.

**TO THE MINISTER OF DEFENCE OF THE RUSSIAN FEDERATION
P. S. GRACHOV,
TO THE MINISTER OF FOREIGN AFFAIRES OF THE RUSSIAN FEDERATION
A. V. KOZYREV,
TO V. N. KAZIMIROV***

Responding to the ceasefire appeal stated in the Bishkek Protocol of May 5, 1994 and guided by the Protocol from February 18, 1994, the conflicting Parties agreed about the following:

1. To ensure a complete ceasefire and halt of military operations beginning at 00:01 on May 12, 1994.

Corresponding orders about ceasefire will be issued and brought to the notice of commanding officers of military units responsible for their performance not later than May 11, 1994.

On May 12, before 23:00, the Parties will exchange the texts of their orders about ceasefire with the purpose of their possible mutual supplementation and unification of basic provisions of similar documents in future.

2. To ask the Minister of Defence of the Russian Federation about the convocation in Moscow not later than May 12 of this year of an urgent meeting of the Ministers of Defence of Azerbaijan, Armenia and the commander of the army of Nagorno Karabakh with the purpose of agreeing about the liners of separation of the troops, other urgent military-technical issues and preparation of deployment of an advanced group of international monitors.

3. This agreement will be used for the completion of negotiations in the next 10 days and the conclusion of the Agreement about the stopping of the armed conflict not later than on May 22 of this year.

4. This agreement will come into force immediately after the Mediator notifies that he has received from the conflicting sides completely identical documents signed by authorized representatives.

Minister of Defence
of Azerbaijan

Minister of Defence
of Armenia

The Commander of the Army
of Nagorno Karabakh

« » *May 1994*

Note: The text is signed respectively by M. I. Mamedov in Baku on May 9, by S. A. Sarkisyan in Yerevan on May 10, by S. Babayan in Stepanakert on May 11, 1994.

FROM THE DOCUMENT OF THE CSCE BUDAPEST SUMMIT

6 December, 1994

II

REGIONAL ISSUES

Intensification of CSCE action in relation to the Nagorno-Karabakh conflict

1. Deploring the continuation of the conflict and the human tragedy involved, the participating States welcomed the confirmation by the parties to the conflict of the cease-fire agreed on 12 May 1994 through the mediation of the Russian Federation in co-operation with the CSCE Minsk Group. They confirmed their commitment to the relevant resolutions of the United Nations Security Council and welcomed the political support given by the Security Council to the CSCE's efforts towards a peaceful settlement of the conflict. To this end they called on the parties to the conflict to enter into intensified substantive talks, including direct contacts. In this context, they pledged to redouble the efforts and assistance by the CSCE. They strongly endorsed the mediation efforts of the CSCE Minsk Group and expressed appreciation for the crucial contribution of the Russian Federation and the efforts by other individual members of the Minsk Group. They agreed to harmonize these into a single co-ordinated effort within the framework of the CSCE.
2. To this end, they have directed the Chairman-in-Office, in consultation with the participating States and acting as soon as possible, to name co-chairmen of the Minsk Conference to ensure a common and agreed basis for negotiations and to realize full co-ordination in all mediation and negotiation activities. The co-chairmen, guided in all of their negotiating efforts by CSCE principles and an agreed mandate, will jointly chair meetings of the Minsk Group and jointly report to the Chairman-in-Office. They will regularly brief the Permanent Council on the progress of their work.
3. As a first step in this effort, they directed the co-chairmen of the Minsk Conference to take immediate steps to promote, with the support and co-operation of the Russian Federation and other individual members of the Minsk Group, the continuation of the existing cease-fire and, drawing upon the progress already achieved in previous mediation activities, to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. They further requested the co-chairmen of the Minsk Conference to continue working with the parties towards further implementation of confidence-building measures, particularly in the humanitarian field. They underlined the need for participating States to take action, both individually and within relevant international organizations, to provide humanitarian assistance to the people of the region with special emphasis on alleviating the plight of refugees.
4. They agreed that, in line with the view of the parties to the conflict, the conclusion of the agreement mentioned above would also make it possible to deploy multinational peacekeeping forces as an essential element for the implementation of the agreement itself. They declared their political will to provide, with an appropriate resolution from the United Nations Security Council, a multinational CSCE peacekeeping force following agreement among the parties for cessation of the armed conflict. They requested the Chairman-in-Office to develop as soon as

possible a plan for the establishment, composition and operations of such a force, organized on the basis of Chapter III of the Helsinki Document 1992 and in a manner fully consistent with the Charter of the United Nations. To this end the Chairman-in-Office will be assisted by the co-chairmen of the Minsk Conference and by the Minsk Group, and be supported by the Secretary General; after appropriate consultations he will also establish a high-level planning group in Vienna to make recommendations on, *inter alia*, the size and characteristics of the force, command and control, logistics, allocation of units and resources, rules of engagement and arrangements with contributing States. He will seek the support of the United Nations on the basis of the stated United Nations readiness to provide technical advice and expertise. He will also seek continuing political support from the United Nations Security Council for the possible deployment of a CSCE peacekeeping force.

5. On the basis of such preparatory work and the relevant provisions of Chapter III of the Helsinki Document 1992, and following agreement and a formal request by the parties to the Chairman-in-Office through the co-chairmen of the Minsk Conference, the Permanent Council will take a decision on the establishment of the CSCE peacekeeping operation.

**TO THE PRESIDENT OF THE AZERBAIJAN REPUBLIC
Mr. HEYDAR ALIYEV***

Dear Heydar Aliyevich,

According to the exchange of views on the issues of strengthening the ceasefire regime, which took place in Baku, I am sending to you, as it was agreed, the proposals of the Minsk Conference co-chairmen.

**The proposals of the mediator
on strengthening the ceasefire
in the Nagorno Karabakh conflict**

On behalf of the Co-chairmanship of the OSCE Minsk Conference (hereinafter – the Mediator), with the purpose of strengthening the ceasefire regime established in the conflict region since May 12, 1994 and creating more favourable conditions for the progress of the peace process, we jointly suggest that the conflicting sides (hereinafter – the Sides) should assume the following obligations:

1. In the event of incidents threatening the ceasefire, to immediately inform the other Side (and in a copy – the Mediator) in written form by facsimile or by the PM line with an exact specification of the place, time and character of the incident and its consequences.

The other Side is informed that measures are being taken for non-admission of reciprocal actions which could lead to the aggravation of the incident. Accordingly, the other Side is expected to take appropriate measures immediately. If possible, proposals about taking urgent measures to overcome this incident as quickly as possible and restore the status quo ante are also reported.

2. Upon receiving such a notification from the other Side, to immediately check the facts and give a written response not later than within 6 hours (in a copy – to the Mediator).

3. The Sides agree that official sources will inform the mass media about the incident only after receiving the response from the other Side and if this response is delayed then not earlier than 7 hours after the transference of the initial address on a given issue to the other Side. At the same time, the Sides will objectively reflect the response of the other Side in the report for the press as well as notify that contacts on a given issue are continuing.

4. With a view to establish a reliable direct urgent communication each Side allocates two PM devices and ensures 24-hour duty of responsible officials at both devices. The corresponding numbers of the PM devices must be reported via the Mediator not later than February 6, 1995.

If it is impossible to use fax for sending urgent reports by the Sides to each other or to the Mediator corresponding texts are dictated by the PM communication line.

5. The Sides agree that the Mediator will take into consideration only those addresses of the Sides in which it is proved that a given issue has already been raised before the other Side.

6. In special cases the Sides may ask the Mediator to hold an urgent meeting with their representatives with a view to examine the incident and the formed situation.

7. If necessary, by the petition of one of the Sides and with the consent of the other Side a mixed group of inspectors including, if the Sides asks about it, representatives of the Mediator may be dispatched to investigate the situation on the spot.

8. Without waiting for the completion of the investigation of the incident the Sides are obliged to take measures to prevent the escalation with the purpose of restoring the status quo ante, at the same time maximally taking into consideration the possible recommendations of the Mediator.

9. Depending on the severity of the situation, it may be submitted by the Mediator for investigation at a meeting of the OSCE Minsk Group or at the OSCE Permanent Council.

10. The Sides are obliged to refrain from public statements that can lead to the escalation of the conflict.

We ask to confirm officially the readiness to assume the aforementioned obligations in full measure at the level of the top military leadership no later than on February 4, 1995 in order to consider, after receiving an appropriate response from the Sides, these obligations as effective beginning on February 6, 1995.

Vladimir KAZIMIROV
on behalf of the Co-chairmen
of the OSCE Minsk Conference

3 February, 1995

Attached: The proposal on the text of the response.

The Co-chairmanship of the OSCE Minsk Conference

To Ambassador V. N. Kazimirov

To Ambassador A. Burner

I confirm the readiness of Azerbaijan to assume the obligations stated by you in your proposal of February 3, 1995 in full measure.

In case of receiving your confirmation about the general consent to these obligations, we will consider this agreement as effective beginning on February 6, 1995.

M. MAMEDOV
Minister of Defence of Azerbaijan

4 February, 1995

Note: On the same day, February 3, 1995, similar letters were sent to President of Armenia Levon Ter-Petrosyan and leader of Nagorno Karabakh Robert Kocharyan.

On February 4, 1995, the same day when the letter of Mamedov was received, reply letters were received (identical with the one cited above) from Armenia's Minister of Defence Serge Sargsyan and Commander of the Army of Nagorno Karabakh Samvel Babayan.

APPENDIX #13

MANDATE

of the Co-Chairmen of the Conference on Nagorno Karabakh under the auspices of the OSCE ("Minsk Conference")

01.03.1995

The Co-Chairmen are appointed by the Chairman-in-Office;

The Co-Chairmen will be guided in their activities by the principles and norms of the OSCE, the United Nations Charter, decisions of the OSCE fora, including the decisions by the Council of Ministers on 24 March 1992 and particularly the Budapest Summit Decision, and as applicable resolutions of the United Nations Security Council.

The Co-Chairmen will in their work be guided by the objectives of the Minsk Conference, i. e. promoting a resolution of the conflict without the use of force and in particular facilitating negotiations for a peaceful and comprehensive settlement, according to the rules of procedure as these are stated in the decisions of the 10th meeting of the CSO of the CSCE.

The Co-Chairmen will realize full co-ordination in all mediating and negotiating activities, harmonizing them into a single coordinated effort within the framework of the OSCE;

The Co-Chairmen will, jointly and in full parity, on the basis of impartiality:

1. make joint efforts in order to strengthen the cease-fire;
2. develop a common basis for negotiations with the parties to the conflict;
3. conduct negotiations with the parties to the conflict for the conclusion of a political agreement on the cessation of the armed conflict, drawing upon the progress achieved in previous mediating activities;
4. promote direct contacts, as appropriate, including substantial talks, among the parties to the conflict;
5. continue working with the parties to the conflict on confidence-building measures, particularly in the humanitarian field, synchronizing them with the political process;
6. assist the Chairman-in-Office in developing a plan for the establishment, composition and operation of a multinational OSCE peace-keeping force;
7. forward to the Chairman-in-Office the received approvals and formal requests by the parties to the conflict concerning the OSCE peace-keeping operation;
8. report to the Chairman-in-Office on the process of negotiations with the parties to the conflict on a draft mandate, Memoranda of Understanding and provisions of guaranties for the safety at all times of personnel involved;

The Co-Chairmen will:

9. jointly chair the regular consultations of the Minsk Group, dispatch jointly to the Minsk Group members, documents, information and proposals, including proposals on the dates and venues of the Minsk Group meetings and the set of issues to be discussed;
10. jointly and continuously inform and consult with the OSCE Chairman-in-Office and jointly inform, on a regular basis, the Permanent Council of the OSCE on the progress of their work;
11. after consultations with the CiO, jointly inform, the President of the United Nations Security Council and the United Nations Secretary-General on the progress of the Minsk process and on all aspects of the situation on the ground, on the implementation of its relevant

resolutions as well as on the present and future co-operation between the OSCE and the United Nations in this regard; when necessary, and after appropriate consultation with the CiO, present to the United Nations considerations and proposals concerning new resolutions that might be adopted by the United Nations Security Council in the interests of the peaceful settlement of the conflict;

12. visit jointly, or when appropriate separately, on an agreed basis, the region of conflict to maintain contacts with parties to the conflict concerning the above-mentioned and other related issues;

13. upon consultation with the CiO, maintain necessary contacts with the ICRC, the UNHCR and other relevant international and regional organizations and institutions.

14. jointly chair the Minsk Conference and the preparatory meetings leading to it.

15. The Co-Chairmen will co-operate with the Personal Representative of the Chairman-in-Office in accordance with provisions, contained in the Mandate of the Personal Representative.

**OSCE
SENIOR COUNCIL
PRAGUE**

1-SC/Journal No. 2
31 March 1995

Annex

Chairman's Summary

The first meeting of the Senior Council was opened by the Chairman-in-Office, Mr. László Kovács. (The statement of the Chairman-in-Office was distributed as REF.SC/3/95/Rev.) In his remarks on the situation in the OSCE area the Chairman-in-Office noted that OSCE participating States continue to confront challenges to OSCE principles, including the preservation of territorial integrity and protection of human rights and fundamental freedoms.

In the discussion that followed delegations discussed these challenges as they apply in specific areas. Particular attention was paid to the situation in Chechnya and Nagorno-Karabakh.

Delegations expressed their concern over continuing warfare and widespread violation of human rights in Chechnya. There was a shared sense of urgency for an immediate and unconditional ceasefire, increased efforts aimed at a lasting negotiated political settlement, and increased and unimpeded humanitarian assistance to all in need.

Such a settlement should be based on OSCE principles and with respect for the constitution of the Russian Federation and Russia's territorial integrity. Delegations welcomed the readiness of the Russian Federation to agree to the establishment by mid-April of an OSCE Assistance Group, enjoying all possible freedom of movement in the region, with the following tasks:

- promote respect for human rights;
- foster the development of democratic institutions;
- assist in the preparation of new constitutional agreements and in the holding of elections;
- facilitate the delivery of humanitarian aid;
- promote dialogue and negotiations aimed at the establishment of a lasting ceasefire and a political settlement of the crisis.

Delegations expressed their expectation that the Permanent Council would take the necessary decision at its next meeting.

Delegations were concerned about the situation of "neither war nor peace" in the Nagorno-Karabakh conflict and underlined the importance of strengthening the ceasefire. Delegations were disappointed by the lack of progress in negotiations on the conflict. The Chairman-in-Office confirms previous OSCE decisions on the status of the parties, i.e. the participation of the two State parties to the conflict and of the other conflicting party (Nagorno-Karabakh) in the whole negotiation process, including in the Minsk Conference. In addition, interested parties may be invited to the Minsk Conference and its preparatory work for consultations. Delegations urged the parties to re-engage in

political negotiation without preconditions and to agree without further delay to an OSCE presence in the region.

Parties were strongly urged to respond to appeals for the release of prisoners of war and hostages. Many delegations expressed concern that the momentum generated by the Budapest decision would be lost if this was not done immediately. Simultaneously, preparation for a peacekeeping operation should be intensified to enable the OSCE to take key decisions. The Chairman-in-Office called upon the participating States to make concrete commitments of personnel and financial resources and to ascertain the financing of the operation.

**Annex
To the Declaration of the
OSCE Lisbon Summit
3 December, 1996**

**STATEMENT
OF THE OSCE CHAIRMAN-IN-OFFICE**

You all know that no progress has been achieved in the last two years to resolve the Nagorno-Karabakh conflict and the issue of the territorial integrity of the Republic of Azerbaijan. I regret that the efforts of the Co-Chairmen of the Minsk Conference to reconcile the views of the parties on the principles for a settlement have been unsuccessful.

Three principles which should form part of the settlement of the Nagorno-Karabakh conflict were recommended by the Co-Chairmen of the Minsk Group. These principles are supported by all member States of the Minsk Group. They are:

- territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
- legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

I regret that one participating State could not accept this. These principles have the support of all other participating States.

This statement will be included in the Lisbon Summit documents

**STATEMENT
OF THE DELEGATION OF ARMENIA**

With regard to the statement by the Chairman-in-Office of the OSCE, the Delegation of Armenia wishes to express its concern over the following issues:

1. The statement does not reflect either the spirit or the letter of the Minsk Group's mandate as established by the Budapest Summit 1994, which proposed negotiations with a view to reaching a political agreement. The problem of status has been a subject of discussion in direct negotiations which have yet to be concluded.
2. The statement predetermines the status of Nagorno-Karabakh, contradicting the decision of the OSCE Ministerial Council of 1992, which referred this issue to the competence of the OSCE Minsk Conference, to be convened after the conclusion of a political agreement.
3. The Armenian side is convinced that a solution of the problem can be found on the basis of international law and the principles laid down in the Helsinki Final Act, above all on the basis of the principle of self-determination.
4. In the interests of reaching a compromise solution, the Armenian side is prepared to continue with the most intensive negotiations, both within the Minsk Group and on the basis of direct contacts co-ordinated by the Co-Chairmen of that Group.

I request that this statement be annexed to the Lisbon Summit Declaration.

JOINT STATEMENT ON THE NAGORNO-KARABAKH CONFLICT

by U.S. President Clinton, French President Chirac and Russian President Yeltsin at the Denver Summit of the Eight, June 20, 1997.

On the occasion of our meeting in Denver, we, the Presidents of France, the Russian Federation and the United States of America, as leaders of the countries that co-chair the OSCE Minsk Conference on Nagorno-Karabakh, express our deep concern over the continuing Nagorno-Karabakh conflict. It has seriously undermined economic and social development and prosperity throughout the Caucasus region. It has created thousands of victims. Over a million people are still displaced from their homes.

We are encouraged by the continued observance of the cease-fire. However, the cease-fire by itself is insufficient. Without progress toward a durable settlement, the cease-fire could break down. The international community thus has repeatedly called for a settlement; we believe there should be no delay in establishing a stable and lasting peace in the region.

To that end we have committed our countries to work closely together to assist the efforts of the parties to negotiate a resolution to the conflict. The French, Russian and U.S. Co-Chairs of the OSCE Minsk Conference have presented a new proposal for a comprehensive settlement, taking into consideration the legitimate interest and concerns of all parties. It represents an appropriate basis for achieving a mutual agreement. The primary responsibility, however, rests with the parties and their leaders. We call upon them to take a positive approach, to build upon this proposal and to negotiate an early settlement.

Released by U.S. President Clinton, French President Chirac and Russian President Yeltsin at the Denver Summit of the Eight, June 20, 1997.

**OSCE MINSK GROUP CO-CHAIRMANSHIP
Comprehensive Agreement
to Resolve the Nagorno-Karabakh Conflict**

Preamble

The Parties, well aware of the benefits of peace and cooperation in the region to the prosperity and well-being of their peoples, are determined to bring about a peaceful resolution to the long-standing conflict over Nagorno-Karabakh. The settlement set out below will establish the basis for cooperative economic development of the Caucasus, allowing the people of the region to live normal, productive lives under democratic institutions, with a rising standard of living and a promising future. Cooperation under this agreement will lead to normal trade, transportation and communications links throughout the region, allow people to reconstruct their home towns and villages with the assistance of international institutions, produce the stability necessary for a major increase in external investment in the region, and open the way for mutually beneficial trade leading to the realization, for all of the people, of the natural prosperity inherent in the Caucasus region. Reconciliation and interaction among the peoples will unleash their enormous potential for the good of their neighbors and for the people of the world.

Thus, the Parties, being committed to the provisions of the UN Charter, to the basic principles and decisions of the OSCE and the universally accepted norms of international law, and to the full implementation of Resolutions 822, 853, 874 and 884 of the UN Security Council, agree hereby to take the steps outlined in Agreement I to cease the armed conflict and to reestablish normal relations, and to reach agreements on Nagorno-Karabakh's final status outlined in Agreement II.

Agreement I — CESSATION OF ARMED CONFLICT

The Parties undertake to:

I. Renounce the use of armed force to settle disputes among them, including, for the implementation of this Agreement.

II. Withdraw all armed forces in two stages:

In the First Stage, forces along the current line of contact to the east and south of Nagorno-Karabakh will be withdrawn several kilometres to lines delineated in Annex 1, with due consideration for the recommendations of the OSCE High Level Planning Group ("HLPG"), to facilitate initial deployment of the vanguard of an OSCE multinational force in a militarily sound transitional buffer zone, to separate the Parties along that line and to provide security during the second stage of withdrawals.

In the Second Stage, forces will withdraw in accordance with the schedule set forth in Annex 1 as follows:

- A. The forces of Armenia to within the boundaries of the Republic of Armenia.
- B. The forces of Nagorno-Karabakh to within the 1988 boundaries of the Nagorno-Karabakh Autonomous Oblast' (with exceptions listed below, paragraphs VIII and IX).
- C. The forces of Azerbaijan to lines set forth in Annex 1 based on the recommendations of the High Level Planning Group.

- D. Heavy armaments shall be withdrawn farther, to positions specified in Annex 1, on the basis of the recommendations of the High Level Planning Group, with requirements for transparency and reporting as set forth in that Annex.
- III. Respect the resultant zone as a Zone of Separation in which OSCE Peace-keeping forces together with the Permanent Mixed Commission shall be responsible for security. The forces of no side shall be permitted to enter the Zone of Separation except under the auspices of the OSCE peace-keeping force and Permanent Mixed Commission as outlined in Annex II. It will envisage formation of mutually agreed units for border service, mine clearing and civilian police. The Parties agree to cease all military flights in the Zone of Separation and in the Buffer Zone.
- IV. Facilitate the deployment of an OSCE multi-national peace-keeping force in a Buffer Zone to guarantee security jointly with the Permanent Mixed Commission. The OSCE PKF may be constituted by the OSCE and mandated by Resolution of the UN Security Council, with mandate renewable upon recommendation of the OSCE Chairman-in-Office.
- V. Implement a return of displaced persons to their former places of permanent residence within the Zone of Separation. The security of the returning population shall be under the monitored by the OSCE peace-keeping force, which shall ensure the Party that the demilitarized status of the Zone is kept.
- VI. Simultaneously with the withdrawal, work through the Permanent Mixed Commission to open roads, railroads, power, communications, trade and other links, including other work necessary to accomplish this. The parties shall guarantee use of these links to all, including ethnic minorities, guaranteeing the latter access to their co-ethnics elsewhere in the region. Each Party commits itself to lift all blockades and facilitate delivery of humanitarian and other assistance to all the other parties without hindrance. Armenia and Azerbaijan shall guarantee free rail communication to each other, in particular on the route Baku-Horadiz-Mehri-Ordubad-Nakhchivan-Yerevan.
- VII. Cooperate with the ICRC, UNHCR and other international humanitarian organizations to ensure the return of all persons detained in connection with the conflict, investigation of the fate of those missing in action and the repatriation of all remains.
- VIII. The following arrangement for the Lachin Corridor:
- A. Azerbaijan shall lease the Corridor to the OSCE, which shall contract for the Corridor's exclusive use by the Nagorno-Karabakh authorities (with exceptions for transit noted below, point E).
- B. The OSCE shall oversee security in cooperation with the Nagorno-Karabakh authorities.
- C. The boundaries of the Lachin Corridor shall be as drawn in Annex II, with recommendations of the Permanent Mixed Commission duly taken into account.
- D. The OSCE shall oversee the building of a road bypassing the town of Lachin. Once the road is complete, the town of Lachin shall be excluded from the Lachin corridor. It shall return to Azerbaijani administration (as part of the Zone of Separation) and its previous residents may return.
- E. No permanent settlement or military forces other than the authorized security contingent shall be permitted in the Corridor. OSCE officials, monitors and

- peace-keepers have the right to transit in any direction upon prior notification, as do Azeri residents of the region transiting in the direction between Lachin and Qubaty regions or vice versa. Areas of the Lachin region outside the Corridor shall be part of the Zone of Separation.
- IX. The following arrangement for the town of Shusha and Shaumyan District:
- A. The Parties shall withdraw military units from the two areas with the exception of anti-aircraft units with limited support personnel.
 - B. Local administrations will assist in the deployment of ODIHR observers.
 - C. Displaced persons may return to their former places of permanent residence. Their security shall be guaranteed by respective local authorities.
 - D. Returning residents shall enjoy full civil rights, including the right to form political parties. They shall be represented in the Parliaments in Baku and Stepanakert, respectively, and in elected councils, police and security forces in these localities in accordance with their percentage of the population in the localities.
 - E. The Permanent Mixed Commission shall coordinate international assistance to reconstruct in these localities equitably and to the benefit of both populations.
 - F. Residents of the town of Shusha and Shaumyan district shall have guaranteed road access, telecommunication and other links to the rest of Azerbaijan and Nagorno-Karabakh, respectively.
- X. Establish a Permanent Mixed Commission (PMC) to supervise implementation of the provisions of this Agreement with regard to issues affecting Azerbaijan and Nagorno-Karabakh. The PMC shall have three Co-Chairs: one Azerbaijani, one from Nagorno-Karabakh and a Representative of the OSCE Chairman-in-Office. The primary responsibility of the Azerbaijani and Nagorno-Karabakh Co-Chairs shall be implementation of the Agreement; the primary responsibility of the OSCE Co-Chair shall be to mediate and arbitrate cases of disagreement. The PMC shall have the following Subcommissions: the Military Subcommission, the Economic Subcommission and the Human Rights and Cultural Subcommission. The duties of the PMC and the subcommissions are outlined in Annex II.
- XI. Establish full diplomatic relations between the Republic of Armenia and the Azerbaijan Republic.
- XII. Create an Armenian-Azerbaijani Binational Commission (AABC), with one Co-Chair from the Republic of Armenia and one from the Azerbaijan Republic. The OSCE CiO shall be represented on the Commission. The AABC shall have the responsibility of preventing border incidents, conduct liaison between border troops and other relevant security forces of both countries; and monitors arrangements for opening roads, railroads, trade, communications, pipelines and other links.
- XIII. The UN Security Council shall serve as guarantor to the present agreement.
- XIV. This agreement shall be in effect until a comprehensive settlement agreement is signed at the OSCE Minsk Conference, which is to establish, in particular,

permanent mechanisms of security and peacekeeping to replace those envisaged by this Agreement.

Annex I

Implementation of troop withdrawal and return of the displaced persons, geographic parameters, schedules and security issues.

Annex II

Intermediate security measures: the mandate of the Commissions, parameters of monitoring and of the security regime.

Agreement II: STATUS

Preamble:

The status of Nagorno-Karabakh is of interest to the international community, including the Republic of Armenia, and may not be determined by unilateral action either of the Azerbaijan Republic or of the authorities in Nagorno-Karabakh. The status shall be determined by the following parameters:

- I. Recognition by all the Parties to the conflict of the territorial integrity and inviolability of borders of Azerbaijan and Armenia.
- II. Nagorno-Karabakh is a statal and territorial formation, within the borders of Azerbaijan, whose self-determination shall include the rights and privileges listed below, as formalized in an agreement between the two, ratified by the Minsk Conference and incorporated into the constitutions of Azerbaijan and Nagorno-Karabakh.
- III. Nagorno-Karabakh and Nakhchivan shall have the right to free and unhindered transport and communications access to both Armenia and Azerbaijan.
- IV. The administrative borders of Nagorno-Karabakh are established as the borders of the former NKAO.
- V. Nagorno-Karabakh shall have its own constitution, adopted by the people of Nagorno-Karabakh in a referendum. This constitution shall incorporate the formal agreement between the Nagorno-Karabakh authorities and Azerbaijan on the form of self-determination on the basis of this document. Azerbaijan will likewise amend its constitution to incorporate these agreements.
Nagorno-Karabakh shall have its own flag, seal and anthem.
- VI. The constitution and laws of Nagorno-Karabakh shall be in effect on the territory of Nagorno-Karabakh. The laws, regulations and executive decisions of Azerbaijan shall be in effect on the territory of Nagorno-Karabakh if they do not contradict the constitution and laws of the latter.
- VII. Nagorno-Karabakh shall autonomously form its legislative, executive and judicial authorities.
- VIII. The population of Nagorno-Karabakh shall elect representatives to the Parliament of Azerbaijan, and shall participate in the election of the president of Azerbaijan.
- IX. Nagorno-Karabakh will have the right to establish direct external contacts in the areas of economics, science, culture, sports and humanitarian affairs with foreign states and international organizations with appropriate representation abroad. Political parties

within Nagorno-Karabakh shall have the right to establish links with political parties in other countries.

- X. Citizens of Nagorno-Karabakh shall bear Azerbaijani passports with the special notation, "Nagorno-Karabakh." Citizens of Nagorno-Karabakh shall not be considered foreigners under Armenian law¹, may emigrate at any time to

¹ cf. UK Ireland Act (1949)

Armenia and may take up Armenian citizenship upon permanent emigration to the Republic of Armenia².

- XI. Nagorno-Karabakh shall be a free economic zone with free circulation of currencies.
- XII. Nagorno-Karabakh shall possess National Guard and Police forces. Citizens of Nagorno-Karabakh have the right to fulfill their service obligations on the territory of Nagorno-Karabakh.
- XIII. The army, security and police forces of Azerbaijan will not have the right to enter the territory of Nagorno-Karabakh except with the permission of the Nagorno-Karabakh authorities.
- XIV. The budget of Nagorno-Karabakh shall consist of receipts derived from its own resources. The Nagorno-Karabakh Government shall encourage and guarantee investment by Azerbaijani and foreign persons and companies.
- XV. Nagorno-Karabakh is multi-ethnic; each citizen has the right to use his or her native language in all official and non-official contexts.
- XV. The UN Security Council shall serve as guarantor to the present agreement.

² cf/ Israeli law of Return

Confidence-Building Measures for the Nagorno-Karabakh Conflict

As a demonstration of the parties' respective commitment to a peaceful resolution of the conflict, they could implement any or all of the following CSBMs in advance of any other agreement:

- Azerbaijan and Armenia could commit themselves to immediate reactivation of the cease-fire regime along their border in the Ijevan-Qazax sector. The regime, which was applied in 1992, involved a telephone hot-line and joint border patrols.
- The Parties could concur in an increase in the size of the CiO's monitoring mission for additional Nagorno-Karabakh-related monitoring, for example along the Armenian-Azerbaijani border in the Ijevan-Qazax sector.

- Dialogue through UNHCR/ICRC for a humanitarian needs assessment (both for Azerbaijani IDPs and within Nagorno-Karabakh). This could proceed following concurrence of either the UNHCR or ICRC.
- Opening daily or weekly markets in the Nagorno-Karabakh region with access for both Armenians and Azeris. This would require establishing a crossing point, opening and demining a roadway to the market site, and agreeing on modalities of transit regimes and merchant/product guidelines.

July 1997

APPENDIX #18

19 September 1997

OSCE MINSK GROUP CO-CHAIRMANSHIP

Agreement on the Cessation of the Nagorno-Karabakh Armed Conflict

Preamble

The Parties, determined to bring about a peaceful resolution to the long-standing Nagorno-Karabakh conflict, transforming the existing cease-fire into a lasting peace; recognizing the benefits of peace and cooperation in the region to the prosperity and well-being of their peoples; desiring to establish the basis for cooperative economic development of the Caucasus, allowing the people of the region to live normal, productive lives under democratic institutions, with a rising standard of living and a promising future; understanding that cooperation under this Agreement will lead to normal trade, transportation and communications links throughout the region, allow people to reconstruct their home towns and villages with the assistance of international institutions, produce the stability necessary for a major increase in external investment in the region, and open the way for mutually beneficial trade leading to the realization, for all of the people, of the natural prosperity inherent in the Caucasus region, and that reconciliation and interaction among the peoples will unleash their enormous potential for the good of their neighbors and for the people of the world; committed to the provisions of the UN Charter, to the basic principles and decisions of the OSCE and the universally accepted norms of international law, and to the full implementation of Resolutions 822, 853, 874 and 884 of the UN Security Council; recalling the pledge of the participating States of the OSCE, at their 1994 Summit in Budapest, to redouble the efforts and assistance of the OSCE towards a peaceful settlement of the conflict; their direction to the Co-Chairmen of the Minsk Conference to conduct speedy

negotiations; and the* declaration of their political will to provide, with an appropriate resolution from the UN Security Council, a multinational OSCE peacekeeping force following an agreement among the parties for cessation of the armed conflict; and determined to continue the peace process in good faith to reach without delay a comprehensive settlement which shall resolve the final status of Nagorno-Karabakh; commit themselves to the actions outlined below.

I. The Parties shall refrain from the threat or use of force to settle disputes among them. They shall settle all such disputes, including any that may arise in connection with the implementation of the present Agreement, by peaceful means.

II. The Parties shall withdraw their armed forces in accordance with the following provisions and as set forth in detail in Annex 1:

A. In the First Stage, forces along the current line of contact to the east and south of Nagorno-Karabakh shall withdraw to lines delineated in Annex 1, and in accordance with the schedule therein, with due consideration for the recommendations of the High Level Planning Group ("HLPG"), to allow initial deployment of the vanguard of an OSCE multinational force in a militarily sound transitional buffer zone, to separate the Parties along that line and to provide security during the second stage of withdrawals.

B. In the Second Stage, forces shall withdraw in accordance with the schedule set forth in Annex 1 as follows:

(1) Any forces of Armenia located outside the frontiers of the Republic of Armenia shall withdraw behind those frontiers.

(2) The forces of Nagorno-Karabakh shall withdraw behind the 1988 boundaries of the Nagorno-Karabakh Autonomous Oblast ("NKAO") with the exception of the Lachin District.

(3) The forces of Azerbaijan shall withdraw behind lines, delineated in Annex 1 on the basis of the recommendations of the HLPG and outside any territory of Armenia.

(4) Heavy armaments shall be withdrawn to positions specified in Annex 1 on the basis of the recommendations of the HLPG, to be monitored by the OSCE peacekeeping force, with requirements for transparency and reporting as set forth in that Annex.

III. The territory subject to these withdrawals shall constitute a Buffer Zone and a Zone of Separation, the details of which are set forth in Annex 2.

A. Upon completion of the withdrawal of forces, the Buffer Zone shall be located around the 1988 boundaries of the NKAO, the northern and southern

boundaries of the Lachin District. The Buffer Zone shall be unpopulated and completely demilitarized except for the presence of elements of the OSCE Peace Keeping Operation.

B. The Zone of Separation shall be demilitarized with the exception of forces permitted to operate in cooperation with the Permanent Mixed Commission as set forth in detail in Annex 2, to include:

- (1) elements of the OSCE Peace Keeping Operation;
- (2) formations for border patrolling and demining;
- (3) civilian police whose numbers and permitted weaponry are delimited by Annex 2.

C. A no-fly zone shall be established in the Buffer Zone and Zone of Separation, in which the Parties shall exclude military flights with monitoring by the OSCE peacekeeping force, as set forth in Annex 2.

D. After withdrawal of forces in accordance with Article II, security in all the regions which remain under the control of Nagorno-Karabakh shall be maintained by relevant security forces of Nagorno-Karabakh.

IV. Pursuant to OSCE's decisions at the 1994 Budapest Summit, and with the assistance and cooperation of the Parties, an OSCE multinational peacekeeping force ("PKF"), in cooperation with the Permanent Mixed Commission and the Armenian-Azerbaijani Binational Commission, shall monitor the withdrawal of forces and heavy weapons, the exclusion of military flights, the maintenance of the demilitarization regime and the situation along the Armenian-Azerbaijani frontier as set forth in Annex 2. The Parties call on the UN Security Council to adopt an appropriate Resolution for an initial period of no more than one year, renewable as necessary upon recommendation of the OSCE Chairman-in-Office. The Parties agree that overall duration of the PKO shall be kept to the minimum period necessary in light of the situation in the region and the pace of the comprehensive settlement of the conflict. The Parties shall cooperate fully with the PKF to ensure the implementation of this Agreement, and to prevent any breach in or interruption of the peacekeeping operation.

V. The Parties shall facilitate the safe and voluntary return of displaced persons to their former places of residence within the Zone of Separation, as set forth in Annex 2. The PKF in cooperation with the Permanent Mixed Commission will monitor the security of the returning populations and promote confidence on all sides in the observance of the demilitarization regime in this zone. The Parties shall conduct negotiation to achieve the earliest safe and voluntary return of all other persons, not covered by this

Agreement or the comprehensive settlement, who were displaced by the conflict and by tensions between Armenia and Azerbaijan since 1987.

VI. Simultaneously with the withdrawal of forces, the Parties shall undertake immediate measures to open roads, railroads, power, communications, trade and other links, including all work necessary to accomplish this in the shortest possible period, according to the schedule and detailed provisions set forth in Annex 3. The Parties shall guarantee use of these links to all, including ethnic minorities, guaranteeing the latter access to their co-ethnics elsewhere in the region. Each Party commits itself to lift all blockades and ensure delivery of goods and people to the other Parties without hindrance. The Parties shall guarantee free and safe rail communication to one another.

VII. The Parties shall cooperate fully with the ICRC, UNHCR and other international entities to ensure the prompt and safe return of all persons detained in connection with the conflict, the investigation of the fate of those missing in action, repatriation of all remains and the delivery without discrimination of humanitarian and reconstruction aid through territories under their control to the regions that have suffered during the conflict. The Parties shall cooperate with the OSCE PKF through the Permanent Mixed Commission to establish confidence-building measures.

VIII. The Parties shall immediately establish a Permanent Mixed Commission ("PMC") to supervise the implementation of the provisions of this Agreement with regard to issues affecting Azerbaijan and Nagorno-Karabakh. The Chairman of the PMC shall be a representative designated by the OSCE Chairman-in-Office. The Vice Chairmen of the PMC shall be representatives of Azerbaijan and Nagorno-Karabakh. The primary responsibility of the PMC shall be to supervise implementation of the Agreement. The responsibilities of the OSCE Chairman shall also include mediation of cases of disagreement and authorization of responses to emergencies such as natural disasters.. The PMC shall have Military, Economic, Humanitarian and Cultural, and Liaison Subcommissions. The structure, duties and other details concerning the PMC are set forth in Annex 4.

IX. The Parties shall immediately establish an Armenian- Azerbaijani Binational Commission ("AABC") to assist in the prevention of border incidents between Armenia and Azerbaijan, conduct liaison between border troops and other relevant security forces of both countries and observe and facilitate the arrangements for opening roads, railroads, trade, communications, pipelines and other links. The AABC shall have two Co-chairs, one from Armenia and one from Azerbaijan. The Commission shall include a representative designated by the OSCE Chairman-in-Office. The

structure, duties and other details concerning the AABC are set forth in Annex 5.

X. The Azerbaijan Republic and the Republic of Armenia shall promptly establish full diplomatic relations with permanent diplomatic missions headed by ambassadors. The Azerbaijan Republic and the Republic of Armenia shall engage in negotiations, bilaterally and, multilaterally in appropriate international and regional fora, to ensure larger security of the region, including military transparency and full compliance with the CFE/Treaty.

XI. Having brought to the end the military aspect of the conflict, the three Parties to the current agreement shall continue to negotiate in good faith (in cooperation with the Co-chairs of the Minsk conference and other appropriate parties invited by the OSCE Chairman-in-Office) to achieve without delay a comprehensive settlement which shall include resolution of the status of Nagorno-Karabakh and of the issues of Lachin district, Shusha and Shaumyan district; after such a settlement is achieved during the negotiations and signed by the three above Parties, it is subject to recognition by the international community at the Minsk Conference convened at the earliest possible date.

XII. Each Party shall fully respect the security of the other Parties and their populations; undertake to promote good-neighborly relations among their peoples, facilitating trade and normal interaction among them; and refrain from statements or actions that could undermine this Agreement or good relations.

XIII. In addition to the specific provisions concerning peacekeeping and monitoring of withdrawals set forth above, and recalling the relevant principles and commitments of the OSCE, including those reflected in the Helsinki Document of 1992 and the Budapest Document of 1994, the OSCE, through appropriate mechanisms, shall monitor the full implementation of all aspects of the present Agreement and take appropriate steps, in accordance with those principles and decisions, to prevent and respond to violations of the terms of this Agreement. The witnesses of the present Agreement acting through the OSCE Permanent Council and the UN Security Council, facilitate its full implementation. In case of a serious violation of the present Agreement they consult each other about the necessary steps to be taken, inform immediately the OSCE Chairman-in-Office, the Chairman of the UN Security Council and the UN Secretary General and ask the OSCE Permanent Council or the UN Security Council to consider appropriate actions.

XIV. The Parties assume mutual obligations to ensure compliance with the provisions of this Agreement including guarantees for the security of Nagorno-Karabakh, its whole population, and the returning displaced persons, to undertake necessary measures for implementation of all commitments resulting from the present Agreement.

XVI. This Agreement shall enter into force upon signature and ratification and shall remain in force except as provided in the comprehensive settlement referred to in Paragraph XI. The present Agreement can be modified, supplemented and stopped with the consent of all the Parties.

December 1997

Annexes

Annex 1 Implementation of withdrawal of forces and return of displaced persons

Annex 2 Security regime for the Zone of Separation

Annex 3 Restoration of communications and transportation links

Annex 4 Permanent Mixed Commission

Annex 5 Armenian-Azerbaijani Binational Commission

OSCE MINSK GROUP CO-CHAIRMANSHIP
On the Principles of Comprehensive Settlement
Of the Nagorno-Karabakh Armed Conflict

Being determined to implement a peaceful settlement of the Nagorno-Karabakh conflict in accordance with the norms and principles of international law including principles of territorial integrity of states and self-determination of people, Armenia, Azerbaijan and Nagorno-Karabakh agree on the following:

Agreement on the Status of Nagorno-Karabakh

The Parties shall conclude an Agreement on status of Nagorno-Karabakh which includes the following provisions:

Nagorno-Karabakh is a statal and territorial entity in the form of a Republic, which constitutes a common state with Azerbaijan within its internationally recognized borders. Azerbaijan and Nagorno-Karabakh shall sign an Agreement on delimitation of spheres of competence and on reciprocal delegation of powers between their relevant authorities, which shall have the force of a Constitutional Law.

Azerbaijan and Nagorno-Karabakh shall establish a Joint Committee, which shall include representatives of the presidents, prime-ministers, and chairmen of the parliaments, whose mission shall be to define policies and activities within the sphere of joint competence.

In order to maintain contacts and effect coordination of joint actions, reciprocal representations of Nagorno-Karabakh and Azerbaijan shall be established in Baku and Stepanakert respectively.

Nagorno-Karabakh shall have the right to establish direct external contacts with foreign states and relevant regional and international organizations in the areas of economics, science, culture, sports and humanitarian affairs through appropriate representations abroad. Political parties and non-governmental organizations in Nagorno-Karabakh shall have the right to establish links with political parties and non-governmental organizations of foreign states.

Nagorno-Karabakh shall participate in execution of the foreign policies of Azerbaijan, with respect to the issues touching upon its interests. Decisions on such issues shall not be taken without consent of the two Parties.

Where it has special interests, the government of Nagorno-Karabakh shall be entitled to have its own representatives in the embassies and consular missions of Azerbaijan accredited in foreign states. Nagorno-Karabakh may also include its experts in Azerbaijani delegations to take part in international negotiations that impinge upon the interests of Nagorno-Karabakh.

The borders of Nagorno-Karabakh shall correspond to the borders of the former Nagorno-Karabakh Autonomous Oblast. Should there be verification or alterations, these shall be the subject of special mutual agreement between Azerbaijan and Nagorno-Karabakh.

The borders between Azerbaijan and Nagorno-Karabakh shall be reciprocally open for free movement by their unarmed citizens. Citizens travelling and conducting business across the borders shall not be subject to customs fees and other tariffs. Their respective governments shall have the competence to grant the right of permanent residence. Azerbaijan and Nagorno-Karabakh shall not use force or threaten to use force to settle disputes.

In the event of disputes or differences that cannot be resolved within the framework of the Joint Committee, the Parties shall be entitled to seek a consultative opinion of the OSCE Chairman-in-Office, which shall be taken into account in the final decision.

Nagorno-Karabakh shall also enjoy the rights and privileges, listed below, that shall be formalized in the Agreement on the Status of Nagorno-Karabakh and endorsed by the Minsk Conference.

1. Nagorno-Karabakh shall have its own constitution, adopted by the people of Nagorno-Karabakh through a referendum. This Constitution shall incorporate the provisions of the Agreement on the Status of Nagorno-Karabakh. Azerbaijan shall likewise amend its constitution to incorporate this Agreement. The provisions of that Agreement, and those portions of the Nagorno-Karabakh and Azerbaijani constitutions that incorporate them, shall not be changed without the consent of all three parties.
2. The constitution and laws of Nagorno-Karabakh shall be in effect on the territory of Nagorno-Karabakh. The laws, regulations and executive decisions of Azerbaijan shall be in effect on the territory of Nagorno-Karabakh if they do not contradict the constitution and laws of the latter.
3. Nagorno-Karabakh shall have its own flag, seal and anthem.
4. Nagorno-Karabakh shall, pursuant to its Constitution, form its own legislative, executive and judicial authorities.
5. Citizens of Nagorno-Karabakh shall bear as their identification documents Azerbaijani passports carrying the special notation "Nagorno-Karabakh." The government of Nagorno-Karabakh or its authorized agencies shall have the exclusive right to issue such passports.
The citizens of Nagorno-Karabakh of Armenian descent may emigrate to Armenia and, in the case of a permanent resettlement, they may take up Armenian citizenship in accordance with laws of that country.
6. The people of Nagorno-Karabakh shall have the right to elect their representatives to the Parliament of Azerbaijan and to participate in the election of the President of Azerbaijan.
7. Nagorno-Karabakh shall constitute a Free Economic Zone. It shall have the right to issue its own currency notes, which will be in circulation along with Azerbaijani currency notes, as well as the right to issue its own stamps.
8. Nagorno-Karabakh shall have the right to free and unrestricted transport and communications access to Armenia and Azerbaijan.
9. Nagorno-Karabakh shall possess National Guard (security forces) and police forces formed on a voluntary basis. These forces may not operate outside Nagorno-Karabakh without the consent or special request of the government of Azerbaijan.
10. The army, security and police forces of Azerbaijan shall not have the right to enter the territory of Nagorno-Karabakh except with the consent of the Nagorno-Karabakh

authorities.

11. The Armenian language shall be the primary official language in Nagorno-Karabakh. The second official language shall be Azerbaijani. Each citizen shall enjoy the right to use his or her native language in all official and non-official contexts.

12. The budget of Nagorno-Karabakh shall consist of receipts derived from its own resources. The Nagorno-Karabakh Government shall encourage and guarantee investments by Azerbaijanis and foreign companies and persons.

II

Regarding the Lachin Corridor

The question of utilization of the Lachin Corridor by Nagorno-Karabakh, with a view to ensuring unrestricted communication between Nagorno-Karabakh and Armenia, shall be agreed upon separately, provided Azerbaijan and Nagorno-Karabakh do not agree on other arrangements concerning a special status of the Lachin district. The Lachin district shall remain permanently a fully demilitarized zone.

III

Regarding the towns of Shusha and Shaumyan

The Parties agree that all Azerbaijani refugees may return to the places of their residence in the town of Shusha. Their security shall be guaranteed by the appropriate authorities of Nagorno-Karabakh. They shall enjoy equal rights with all citizens of Nagorno-Karabakh, including the right to form political parties, to participate in elections at all levels, to be elected to all legislative bodies and organs of local self-governance, and to serve in state bodies, inclusive law enforcement agencies.

The same rights shall be granted to Armenian refugees on their return to the town of Shaumyan.

Citizens of the towns of Shusha and Shaumyan shall have unrestricted access by road, telecommunications and other links with the rest of Azerbaijan and Nagorno-Karabakh. The authorities of Nagorno-Karabakh and Azerbaijan shall assist in the deployment and activities of the OSCE Office of Democratic Institutions and Human Rights (ODIHR) missions.

The Agreement on the status of Nagorno-Karabakh shall be signed by the three Parties and enter into force upon its endorsement by the Minsk Conference.

IV

Agreement on the Cessation of the Armed Conflict

The Parties agree that the agreement on the cessation of the Armed Conflict shall include the following provisions:

I. The Parties renounce the threat or use of force to settle disputes among them. They shall settle all such disputes, including any that may arise in connection with the implementation of the agreement on the cessation of the armed conflict by peaceful

means, above all, through direct negotiations or in the framework of the OSCE Minsk process.

II. The Parties shall withdraw their armed forces in accordance with the following provisions and as set forth in detail in Annex 1

A; In the First Stage, forces along the current line of contact to the east and south of Nagorno-Karabakh shall withdraw to lines delineated in Annex 1, and in accordance with the schedule therein, with due consideration for the recommendations of the OSCE High Level Planning Group ("HLPG"), to facilitate initial deployment of the vanguard of an OSCE multinational force in a militarily sound transitional buffer zone, to separate the Parties along that line and to provide security during the second stage of withdrawals.

B. In the Second Stage, forces shall withdraw simultaneously and in accordance with the schedule set forth in Annex 1 as follows:

(1) Any forces of Armenia located outside the frontiers of the Republic of Armenia shall withdraw behind those frontiers.

(2) The forces of Nagorno-Karabakh shall withdraw behind the 1988 boundaries of the Nagorno-Karabakh Autonomous Oblast ("NKAO"), with the exception of the Lachin District, until achievement of an agreement on unrestricted communication between Nagorno-Karabakh and Armenia.

(3) The forces of Azerbaijan shall withdraw behind lines delineated in Annex I on the basis of the recommendations of the HLPG and shall withdraw from any territory of Armenia.

(4) Heavy armaments shall be withdrawn to positions specified in Annex 1, on the basis of the recommendations of the HLPG. These withdrawals shall be monitored by the OSCE peacekeeping force, with requirements for transparency and reporting as set forth in that Annex.

III. The territory subject to these withdrawals shall constitute a Buffer Zone and a Zone of Separation, the details of which are set forth in Annex 2.

A. Upon completion of the withdrawal of forces, the Buffer Zone shall be located around the 1988 boundaries of the NKAO. It may be also located along the northern and southern boundaries of the Lachin District in the event of an appropriate agreement. The Buffer Zone shall be completely demilitarized and unpopulated except for the presence of elements of the OSCE Peace Keeping Operation (PKO).

B. The Zone of Separation shall be demilitarized with the exception of forces permitted to operate for the PKO in cooperation with the Permanent Mixed Commission, as set forth in detail in Annex 2, to include:

(1) elements of the PKO

(2) Azerbaijani units for border patrolling and demining; and

(3) Azerbaijani civilian police whose numbers and permitted weaponry are delimited by Annex 2.

C. A no-fly zone shall be established in the Buffer Zone and the Zone of Separation in which the Parties shall exclude military flights, with monitoring by the OSCE peacekeeping force as set forth in Annex 2.

D. After withdrawal of forces in accordance with Article II, security in all the regions which remain under the control of Nagorno-Karabakh shall be maintained by relevant security forces of Nagorno-Karabakh.

IV. Pursuant to OSCE's decisions at the 1994 Budapest Summit, the Parties shall invite and facilitate deployment of the OSCE multinational peacekeeping operation ("PKO") which will act in cooperation with the Permanent Mixed Commission (PMC) and the Armenian-Azerbaijani Intergovernmental Commission (AAIC). The PKO shall monitor the withdrawal of forces and heavy weapons, the exclusion of military flights, the maintenance of the demilitarization regime and the situation along the Armenian-Azerbaijani frontier, as set forth in Annex 2.

The peacekeeping operation shall be established pursuant to an appropriate UN Security Council Resolution for an initial period of no more than one year, renewable as necessary upon recommendation of the OSCE Chairman-in-Office. The Parties agree that overall duration of the PKO shall be kept to the minimum period necessary in light of the situation in the region and the pace of the comprehensive settlement of the conflict. The Parties shall cooperate fully with the PKO to ensure the implementation of this Agreement, and to prevent any breach in or interruption of the peacekeeping operation.

V. The Parties shall facilitate the safe and voluntary return of displaced persons to their former places of residence within the Zone of Separation, as set forth in Annex 2. The PKF, in cooperation with the Permanent Mixed Commission, will monitor the security of the returnees and promote confidence of all the Parties in the observance of the demilitarization regime in this zone. The Parties shall conduct negotiations to achieve the earliest safe and voluntary return of all other persons not covered by this Agreement or the comprehensive settlement who were displaced by the conflict and by tensions between Armenia and Azerbaijan since 1987.

VI. Simultaneously with the withdrawal of forces, the Parties shall undertake immediate measures to open roads, railroads, power, communications, trade and other links, including all work necessary to accomplish this in the shortest possible period, according to the schedule and detailed provisions set forth in Annex 3. The Parties shall ensure unrestricted use of these links to all, including unrestricted access by specific communities to corresponding communities elsewhere in the region. Each Party commits itself to lift all blockades and ensure delivery of goods and people to the other Parties without hindrance. The Parties shall ensure free and safe rail communication to one another.

VII. The Parties shall cooperate fully with the ICRC, UNHCR and other international institutions to ensure (1) prompt and safe return of all persons detained in connection with the conflict, (2) investigation of the fate of those missing in action, (3) repatriation of all remains and (4) unimpeded delivery of humanitarian and reconstruction aid through territories under their control to the regions that have suffered during the conflict. The Parties shall cooperate with the OSCE PKF through the Permanent Mixed Commission to establish confidence-building measures.

VIII. The Parties shall immediately establish a Permanent Mixed Commission ("PMC") to supervise the implementation of the provisions of this Agreement with regard to issues affecting Azerbaijan and Nagorno-Karabakh. The Chairman of the PMC shall be a representative designated by the OSCE Chairman-in-Office. The Vice Chairmen of the PMC shall be representatives of Azerbaijan and Nagorno-Karabakh. The primary responsibility of the PMC shall be to supervise implementation of the Agreement. The

responsibilities of the OSCE Chairman shall also include mediation of cases of disagreement and authorization of responses to emergencies such as natural disasters. The PMC shall have Military, Economic, Humanitarian and Cultural, and Liaison Subcommissions. The structure, duties and other details concerning the PMC are set forth in Annex 4.

IX. The Parties shall immediately establish an Armenian-Azerbaijani Intergovernmental Commission ("AAIC") to assist in the prevention of border incidents between Armenia and Azerbaijan, to conduct liaison between border-guard troops and other relevant security forces of both countries, and to observe and facilitate arrangements for opening roads, railroads, trade, communications, pipelines and other links. The AAIC shall have two Co-Chairs, one from Armenia and one from Azerbaijan. The Commission shall also include a representative designated by the OSCE Chairman-in-Office. The structure, duties and other details concerning AAIC are set forth in Annex 5.

X. The Azerbaijan Republic and the Republic of Armenia shall engage in negotiations, bilaterally and multilaterally in appropriate international and regional fora, to ensure the larger security of the region, including military transparency and full compliance with the CFE Treaty.

XI Each Party shall fully respect the security of the other Parties and their populations; undertake to promote good-neighborly relations among their peoples, facilitating trade and normal interaction among them; and refrain from statements or actions that could undermine this Agreement or good relations.

XII. In addition to the specific provisions concerning peacekeeping and monitoring of withdrawals set forth above, and recalling the relevant principles and commitments of the OSCE, including those reflected in the Helsinki Document of 1992 and the Budapest Document of 1994, the OSCE, through appropriate mechanisms, shall monitor the full implementation of all aspects of the present Agreement and take appropriate steps, in accordance with those principles and decisions, to prevent and respond to violations of the terms of this Agreement.

XIII. The Agreement on the Cessation of the Armed conflict shall be signed by the three Parties and shall enter into force upon its endorsement by the Minsk Conference and ratification by Parliaments of the three Parties.

XIV. The Azerbaijani Republic and the Republic of Armenia shall establish full diplomatic relations, with permanent diplomatic missions headed by ambassadors, following signature of the agreements and their endorsement by the Minsk Conference.

V

On Guarantees

1. The Parties shall take upon themselves mutual commitments to ensure compliance with the aforementioned Agreements, including guarantees of the security of Nagorno-Karabakh, its population and those refugees and displaced persons returning to the places of their former residence.

2. The UN Security Council shall monitor implementation of the Comprehensive Agreement.

3. The Agreement on the status of Nagorno-Karabakh and the Agreement on the Cessation of the Armed Conflict may be signed by the Minsk Conference Co-Chairs as witnesses. The Presidents of France, the Russian Federation and the United States of America affirm the intention of the three countries to work in unison to monitor closely the progress of implementation of the Agreements and to take appropriate measures to promote compliance with this Agreement. The OSCE and the UN Security Council shall adopt appropriate diplomatic, economic or, in extreme cases, military measures in accordance with the UN Charter, should the need arise.

November 1998

APPENDIX # 20
RESOLUTION OF THE EUROPEAN PARLIAMENT ON NAGORNO
KARABAKH

11 March 1999

Resolution on support for the peace process in the Caucasus

The European Parliament,

- having regard to its previous resolutions on the Caucasus, in particular those of 18 June 1987, 18 January 1990, 21 January 1993 and 27 May 1993,

A. whereas the autonomous region of Nagorno-Karabakh declared its independence following similar declarations by former Soviet Socialist Republics after the collapse of the USSR in September 1991,

B. whereas the war has caused serious humanitarian problems, in particular as a result of the displacement of more than one million persons from Armenia, Nagorno-Karabakh and Azerbaijan,

C. whereas the cease-fire has generally been respected since 1994,

D. whereas Armenia and Azerbaijan have both expressly applied to join the Council of Europe,

E. whereas the strengthening of democracy and respect for human rights are prerequisites for a peaceful solution to the conflict in Nagorno-Karabakh,

F. whereas the presidential elections in Azerbaijan in October 1998 were marked by irregularities and fraud which have been condemned by international observers, and whereas irregularities were also noted during the Armenian presidential elections in March 1998,

G. whereas so far the negotiations on a political solution to the conflict involving Nagorno-Karabakh have not produced a positive outcome,

H. whereas an approach which takes account of all the problems and all the recent political developments in the region is likely to produce a lasting peace,

I. whereas the three Presidents in the Minsk Group representing Russia, the United States and France, who have been instructed by the OSCE to draw up a plan for a lasting peace, have proposed a fair basis for negotiations on a peaceful solution to the conflict,

1. Endorses the peace plan proposed by the Minsk Group;

2. Takes the view that these proposals constitute a basis for discussion likely to end the negotiating deadlock;

3. Calls on the OSCE's Minsk Group to continue its efforts to seek a lasting solution to this conflict;

4. Considers that a strong human rights component should be a part of any verification or observer mission under the auspices of the OSCE sent to Nagorno-Karabakh to ensure a lasting peace and to provide early warning of incidents that could lead to a resumption in the fighting;

5. Considers that aid provided by the European Union to this region must be linked to tangible progress in the areas of human rights and democracy in both countries;

6. Considers that the European Union should increase its assistance under the Tacis-Democracy programme to non-governmental organisations in Armenia and Azerbaijan interested in fostering discussion and political education on issues relating to conflict resolution;

7. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe, the Parliamentary Assembly of the OSCE, the Presidents in the OSCE's Minsk Group, the parliaments of Armenia and Azerbaijan and the representatives of Nagorno-Karabakh.

PACE RESOLUTION ON NAGORNO KARABAKH**Resolution 1416 (2005)¹****The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference**

1. The Parliamentary Assembly regrets that, more than a decade after the armed hostilities started, the conflict over the Nagorno-Karabakh region remains unsolved. Hundreds of thousands of people are still displaced and live in miserable conditions. Considerable parts of the territory of Azerbaijan are still occupied by Armenian forces, and separatist forces are still in control of the Nagorno-Karabakh region.

2. The Assembly expresses its concern that the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing. The Assembly reaffirms that independence and secession of a regional territory from a state may only be achieved through a lawful and peaceful process based on the democratic support of the inhabitants of such territory and not in the wake of an armed conflict leading to ethnic expulsion and the de facto annexation of such territory to another state. The Assembly reiterates that the occupation of foreign territory by a member state constitutes a grave violation of that state's obligations as a member of the Council of Europe and reaffirms the right of displaced persons from the area of conflict to return to their homes safely and with dignity.

3. The Assembly recalls Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) of the United Nations Security Council and urges the parties concerned to comply with them, in particular by refraining from any armed hostilities and by withdrawing military forces from any occupied territories. The Assembly also aligns itself with the demand expressed in Resolution 853 of the United Nations Security Council and thus urges all member states to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory.

4. The Assembly recalls that both Armenia and Azerbaijan committed themselves upon their accession to the Council of Europe in January 2001 to use only peaceful means for settling the conflict, by refraining from any threat of using force against their neighbours. At the same time, Armenia committed itself to use its considerable influence over Nagorno-Karabakh to foster a solution to the conflict. The Assembly urges both governments to comply with these commitments and refrain from using armed forces against each other and from propagating military action.

5. The Assembly recalls that the Council of Ministers of the Conference on Security and Co-operation in Europe (CSCE) agreed in Helsinki in March 1992 to hold a conference in Minsk in order to provide a forum for negotiations for a peaceful settlement of the conflict. Armenia, Azerbaijan, Belarus, the former Czech and Slovak Federal Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey and the United States of America agreed at that time to participate in this conference. The Assembly calls on these states to step up their efforts to achieve the peaceful resolution of the conflict and invites their national delegations to the Assembly to report annually to the Assembly on the action of their government in this respect. For this purpose, the Assembly asks its Bureau to create an ad hoc committee comprising, *inter alia*, the heads of these national delegations.

6. The Assembly pays tribute to the tireless efforts of the co-chairs of the Minsk Group and the Personal Representative of the OSCE Chairman-in-Office, in particular for having achieved a ceasefire in May 1994 and having constantly monitored the observance of this ceasefire since then. The Assembly calls on the OSCE Minsk Group co-chairs to take immediate steps to conduct

speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict. The implementation of this agreement will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. The Assembly calls on Armenia and Azerbaijan to make use of the OSCE Minsk Process and to put forward to each other, via the Minsk Group, their constructive proposals for the peaceful settlement of the conflict in accordance with the relevant norms and principles of international law.

7. The Assembly recalls that Armenia and Azerbaijan are signatory parties to the Charter of the United Nations and, in accordance with Article 93, paragraph 1 of the Charter, *ipso facto* parties to the statute of the International Court of Justice. Therefore, the Assembly suggests that if the negotiations under the auspices of the co-chairs of the Minsk Group fail, Armenia and Azerbaijan should consider using the International Court of Justice in accordance with Article 36, paragraph 1 of its statute.

8. The Assembly calls on Armenia and Azerbaijan to foster political reconciliation among themselves by stepping up bilateral inter-parliamentary co-operation within the Assembly as well as in other forums such as the meetings of the speakers of the parliaments of the Caucasian Four. It recommends that both delegations should meet during each part-session of the Assembly to review progress on such reconciliation.

9. The Assembly calls on the Government of Azerbaijan to establish contact, without preconditions, with the political representatives of both communities from the Nagorno-Karabakh region regarding the future status of the region. It is prepared to provide facilities for such contacts in Strasbourg, recalling that it did so in the form of a hearing on previous occasions with Armenian participation.

10. Recalling its [Recommendation 1570 \(2002\)](#) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, the Assembly calls on all member and Observer states to provide humanitarian aid and assistance to the hundreds of thousands of people displaced as a consequence of the armed hostilities and the expulsion of ethnic Armenians from Azerbaijan and ethnic Azerbaijanis from Armenia.

11. The Assembly condemns any expression of hatred portrayed in the media of Armenia and Azerbaijan. The Assembly calls on Armenia and Azerbaijan to foster reconciliation and to restore confidence and mutual understanding among their peoples through schools, universities and the media. Without such reconciliation, hatred and mistrust will prevent stability in the region and may lead to new violence. Any sustainable settlement must be preceded by and embedded in such a reconciliation process.

12. The Assembly calls on the Secretary General of the Council of Europe to draw up an action plan for support to Armenia and Azerbaijan targeted at mutual reconciliation processes, and to take this resolution into account in deciding on action concerning Armenia and Azerbaijan.

13. The Assembly calls on the Congress of Local and Regional Authorities of the Council of Europe to assist locally elected representatives of Armenia and Azerbaijan in establishing mutual contacts and interregional co-operation.

14. The Assembly resolves to analyse the conflict-settlement mechanisms existing within the Council of Europe, in particular the European Convention for the Peaceful Settlement of Disputes, in order to provide its member states with better mechanisms for the peaceful settlement of bilateral conflicts as well as internal disputes involving local or regional territorial communities or authorities which may endanger human rights, stability and peace.

15. The Assembly resolves to continue monitoring on a regular basis the evolution of this conflict towards its peaceful resolution and decides to reconsider this issue at its first part-session in 2006.

1. *Assembly debate* on 25 January 2005 (2nd Sitting) (see [Doc. 10364](#), report of the Political Affairs Committee, rapporteur: Mr Atkinson).

Text adopted by the Assembly on 25 January 2005 (2nd Sitting).

REPORT

A Golden Opportunity –

Some Ideas on the Nagorno Karabakh Conflict

Presented by **Göran Lenmarker**, Special Representative
on the Nagorno Karabakh Conflict

Annual Session, Washington, July 2005

1. Negotiations on a peaceful settlement of the Nagorno Karabakh-conflict are under way between Armenia and Azerbaijan. The OSCE Minsk-group provides the format for the current negotiations and is supportive in the process.
2. The alternative of a new war is unthinkable. It would bring new misery, new refugees, and more dead and injured. Whatever trust there is will be lost.
3. Thus, there is an urgent need to find a solution in order to end the personal, economic, and social suffering on both sides. It is important to stress that time is not working in favour of any of the sides.
4. The solution must be based not on power politics or double standards but on international norms and the values of Europe.
5. The rules and the standards of Europe, as identified by the commitments agreed to by participating states in the European Institutions, have been tested and adopted in many countries. Of particular interest to the South Caucasus region is the experience of the three Baltic countries, which less than fifteen years ago were Soviet republics like Armenia and Azerbaijan.
6. The European model of conflict solution and integration, based on respect of minority rights, could inspire the permanent solving of the conflict over Nagorno-Karabakh and other conflicts in the South Caucasus region.
7. This model is built against a background of centuries of wars and conflicts. Instead of repeating the mistakes of the past, the peoples of Europe have decided to build a common free and prosperous future, with full respect for each other's differences and traditions.
8. Both Armenia and Azerbaijan are already members of the OSCE, Council of Europe, and NATO's Partnership for Peace (PfP). They have partnership and co-operation agreements (PCA) with the EU and will be included in the newly established European Neighbourhood Policy.
9. The conflict is largely a legacy of a past, forced upon the two sides by the often brutal population policies of foreign powers. Armenia and Azerbaijan have suffered from a long history of aggression and oppression, and both states must feel sure that these historic realities will not happen again.
10. Armenian central concern is national security. Due to very tough historical experiences within the Ottoman, Russian, and Soviet empires there are deep rooted feelings of insecurity and threat regarding both the national identity and the security of its people.
11. Azerbaijani central concern is of injustice. A large part of the country is occupied and a million people are refugees or IDPs. As a result, there is a deep rooted feeling of Azerbaijan being a victim of aggression.

12. It is vital for the Armenian side to satisfy the central concern of Azerbaijan. Likewise it is vital for the Azerbaijani side to satisfy the central concerns of Armenia. Otherwise the process will fail.

13. Both parties stress a historic rather than religious or ethnic nature to the conflict. However, there are wide differences in the interpretation of history. A bi-partisan '*truth and reconciliation committee*' should try to reach a common and objective understanding of the past. This is particularly important for those who have suffered and are seeking justice.

14. Coming generations must not repeat the mistakes of earlier generations. A durable solution to the conflict will best be achieved in an environment of security, democracy, and prosperity within the rule of law.

15. A lasting peace must be based on a win-win concept where both Armenia and Azerbaijan come out better. This can only be achieved in a dynamic integration process where national security, democracy, and prosperity are simultaneously enhanced for both parties. This process must happen through co-operation rather than through external pressure. Lasting cooperation must be voluntary and no-one forced to participate.

16. Such a solution must be based on confidence, which takes time to build. Thus, it is even more important to act now.

17. Experience from European integration points to four central elements that must be satisfied.

- *First*: participating countries must feel that their national security is not at risk. A secure neighbour means security for oneself.
- *Second*: high standards of democracy, human rights, and minority rights must be respected. This makes it possible to develop trust in the governments of other countries. Undemocratic governments are inherently unstable.
- *Third*: economic integration builds a common strong interdependence through shared prosperity, and this is the most solid basis for development, since it affects the whole population. There are no reasons why the citizens of Armenia and Azerbaijan should not enjoy a good European standard of living.
- *Fourth*: freedom of movement for individuals further underpins integration, particularly for young people.

18. Strong international institutions stand ready to support Armenia and Azerbaijan with respect to all these four central elements. The OSCE provides the framework of the process and has a comprehensive security concept. NATO and its PfP are very experienced in building national security and mutual trust. The Council of Europe has developed the standards and mechanisms to promote democracy, human rights, and minority rights. The EU and its European Neighbourhood Policy offers a process leading to gradual economic integration into the EU's internal market, which is one of the most powerful roads to prosperity. However, freedom of movement must first be established by the parties themselves, but will in a longer perspective also be achieved on a European level. There is a golden opportunity for Armenia and Azerbaijan to build on this international support. This is a generous offer and it must be seized.

19. Examining wider perspectives, Armenia and Azerbaijan could strive to build, together with Georgia, a common area characterized by security, democracy, and prosperity. The authorities of the three countries in the South Caucasus are encouraged to accept this

offer of integration and to take an active role in developing it to the extent they deem desirable for their countries.

20. A wider peace process must have broad public support and a parliamentary dimension. Thus, it is the responsibility for the entire political establishment and for the media to support such a process. An integration process would be hampered if one state is met with hostility from the media, opposition parties, or the public at large in the other state or from influential groups abroad. Specifically, aggressive statements from one side to the other side would be a disservice to the process.

21. In the modern and integrated world occupation will be impossible. If land, previously held by one side, is demilitarized, no direct military gains will result for the other side.

22. A system for inspection to verify demilitarized zones will be crucial, at least for a transition period. An international preventive force could be set up for this purpose and in order to monitor and guarantee the security of Nagorno-Karabakh and surrounding areas of Azerbaijan.

23. A concerted effort must be made for a swift demining of all mine fields. International support and expertise will be essential to make this possible.

24. It is vital that roads and railways between Armenia and Azerbaijan are reestablished. There must be secure links between Armenia and Nagorno-Karabakh and between Nachitjevan and Azerbaijan proper.

25. All borders between the two parties should be open. Also the outside borders must be open. All forms of sanctions must be dismantled by outside countries.

26. Each individual, particularly if she belongs to a minority, must feel secure in her own environment. Thus, human rights, including minority rights, must be upheld, and a political culture that fully supports rule of law and minority rights safeguarded.

27. The negotiations must result in a solution ending the suffering of refugees and IDPs. Questions concerning the return of refugees and IDPs as well as lost property must be carefully considered in this context.

28. The status of Nagorno-Karabakh is at the very center of the conflict. If a solution based on modern integration is found between Armenia and Azerbaijan, it will be far easier to find a solution to the status of Nagorno-Karabakh. Open borders and an integrated economy will make control of territory less important and thus less controversial.

29. Nagorno-Karabakh itself wants to be an independent state. However, the wider Caucasus area has numerous small populations. The breaking up of the area into very small independent states is seen as dangerous and thus not an alternative. This is why the international community is not prepared to grant independence to the various regions in the area, including Nagorno-Karabakh. A possible option, however, remains an arrangement in which Nagorno-Karabakh affiliates with Armenia. This could take many different forms. Armenia desires security for Nagorno-Karabakh, and this would form the highest degree of security.

30. Separation is one possibility. Autonomy is another. Is it really possible in real life to make an autonomy solution work to both sides advantage? As a Swede I have to say yes out of experience. The Aland islands which are totally Swedish speaking and feel part of Swedish culture, were decided by the League of Nations to be part of Finland. During eighty-four years, including wars and severe hardships for Finland, the autonomy has been kept and the Aland islands feel very happy with being part of Finland. With both

countries part of an integrated economy and freedom of movement, but basically also sharing the same religious pattern, this solution is an exemplary one. Aland is today one of the very richest and most prosperous regions in Europe.

31. Azerbaijan wants, within itself and based on European experience, to give Nagorno-Karabakh the highest degree of autonomy that exists in the world, which – should it be the case – demands a lot: Azerbaijan would have to make Nagorno-Karabakh feel really welcome and not be seen as a conquered enemy or occupied territory. The first step would then be to establish mutual direct contacts. Nagorno-Karabakh would have to be able to keep its identity, and its population would have to be convinced that their rights will be protected by a reliable and independent legal system within Azerbaijan. A very high degree of autonomy would demand substantial financial support that would put strains on the national budget of Azerbaijan.