CHAPTER III

NAGORNO-KARABAKH CONFLICT: IT'S IMPACT ON THE POLITICAL DEVELOPMENTS IN AZERBAIJAN, 1991-2005
In the post-Soviet phase, the Azeri leadership faced the dilemma of resolving the Nagorno-Karabakh issue which is haunting their nation-building process. This territory has been quite instrumental in shaping the course of events in political firmament of Azerbaijan. The irredentist aspirations of Azeris for this piece of land have an antiquated past. This irredentism itself has been borne out of a long period of ethno-cultural development in southern Transcaucasus. Nagorno-Karabakh, the diverse mixture of cultural strands, became a fault line between Iranian-Turkish and Azeris on the one hand and Christian Armenians on the other. It is in this context that the present chapter attempts to examine the political developments in Azerbaijan during 1991-2005. These developments took place in the shadow of Nagorno-Karabakh conflict which dominated changes during this period. But to get a full idea of Nagorno-Karabakh conflict and the nature of political developments during 1991-2005, the historical antiquity of the conflict will have to be taken into consideration first.

**Genesis of the Conflict**

The main cause of animosity between Azeris and Armenians exists in a complex, multifaceted antagonism that developed largely during Tsarist Russian rule. The vectors of socio-political development in the Russian empire produced a situation by late nineteenth and early 20\(^{th}\) century where, the Armenians were disproportionately benefited out of the bargain and they took commanding lead vis-a-vis Azeri’s. Among the Azerbaijanis, the reality of backward status caused feelings of resentment that gradually coalesced into anti-Armenian feelings.

Pan-Turkism espoused the union of all Turkic people from the Balkans to Western China and the promotion of a sense of national, linguistic and historical commonality among them. The growth of this ideology among the Azerbaijanis of the Russian Empire fuelled anti-Armenian sentiments not only because of its inherently racist nature, but also because Armenia itself was viewed as a geographic obstacle dividing the Turkic world. Apart from the widening of the ethnic chasm.
between the two nationalities, the Tsarist nationality policies tended to worsen their already tense relationship. The Tsarist policy of divide-and-rule sought to promote jealousy and division among neighboring ethnic group in order to ensure the monarchy’s grip on power. Azeri scholars hold that, initially adherents of Christianity, the majority of the Albanian population converted to Islam in the seventh century A.D. and were linguistically Turkified four hundred years later. They refuse to accept the antiquity of Armenian claims regarding their habitation on mountainous Karabakh. In contrast, Azeri’s argue that, indigenous Albanian population of Karabakh predates Armenians (Suny 1993).

The Bolshevik Revolution of 1917 added a new dimension to the whole scenario. Despite its pullout from Transcaucasia in late 1917, Russia regarded the independence of Transcaucasia only temporary. The Eleventh Red Army entered Baku unopposed on 27th April, 1920 taking advantage of virtually undefended border and Azerbaijan became the first Soviet Socialist Republic (SSR) of Transcaucasia. Thus, the question of Nagorno-Karabakh was transformed overnight from an inter-state dispute to an internal matter of the Soviet Union. Throughout late 1920 and the first half of 1921, a number of events transpired that resulted in the incorporation of Nagorno-Karabakh into Azerbaijan (Pipes 1964).

Stalin created the Autonomous Oblast of Nagorno-Karabakh (AONK) on 7 July, 1923 and drew its borders so as to leave narrow strip of land separating it physically from Armenia. As an autonomous area under Azerbaijan suzerainty, the AONK was granted the authority to administer its own affairs in the realm of culture and education, and parallel party and state organs were created and staffed by Armenians. In 1937, the region’s name was changed permanently to the Nagorno-Karabakh Autonomous Oblast (NKAO) (Altstadt 1988).

In the following decades, the issue of Nagorno-Karabakh was suppressed by the strong central rule of Soviet Union. But the mutual antagonism on both sides failed to die and remained dormant. Both parties were buying time. The aspirations
related to the land of Nagorno-Karabakh remained ingrained in hearts of Azeris and Armenians. These aspirations once again came to the fore during the closing years of Gorbachev era.

**Perestroika and the Conflict**

Mikhail Gorbachev, after becoming the General-Secretary of the Communist Party of the Soviet Union (CPSU) in 1985, tried to lead his country out of the "stagnation" of the Brezhnev era. The superpower status of USSR was threatened by its lagging economy. This made Gorbachev embark on a program of economic restructuring known as perestroika. In tandem with policy was glasnost, or "openness," which was intended both to stimulate the Party and to mobilize popular support for reforms by allowing public debate of formerly taboo issues (Malia 1994). However, Gorbachev was so preoccupied with the revitalization of the Soviet economic and political systems, that he unleashed forces that had unintended consequences for the future of the Soviet empire.

Gorbachev's reform policies led to the reawakening of the nationalities question in the USSR in the late 1980s. Long simmering grievances, on the one hand, among Soviet Union's numerous ethnic groups was expressed openly in public debates. On the other hand, Gorbachev's program of political "democratization" gave impetus to the rise of grassroots political movements in the republics. Numerous informal and unofficial movements devoted to various political and social causes arose, particularly those committed to environmental issues and common nationality served as a natural basis for their organization. (Gail W.Lapidus1989:100-102). Thus, Gorbachev's reforms set in motion processes that promoted, directly or indirectly. In October, Armenians refused to accept the nomination of an Azeri Sovkhoz director in the predominantly Armenian village of Chardakli in Northwestern Azerbaijan. This led to a crackdown by the local party organs on villagers (Mouradian 1990). According to Armenian sources, the objective of the local (Azerbaijani) party organs
would have been to drive out the Armenian population. The news of Chardakli promptly reached Yerevan where demonstrations asking for the closure of pollution industries were going on. Following a quite common trend of the Glasnost period, the ecological demonstrations quickly transformed into political, nationalist demonstrations asking for the return of Nagorno-Karabakh and Nakhijivan to Armenia. As Moscow refrained from taking action, speculations went on that Moscow would approve of the transfer, especially given the fact that Gorbachev had a number of high advisors of Armenian orgin. In the middle of November 1987, an economic advisor of Gorbachev’s, Abel Aganbeyan, told the French newspaper, L’Humanite that the NAKO would soon be transferred to Armenia (Vaserman and Ginat 1994). Gorbachev was vaguely sympathetic to the Armenian cause and was convinced of the inviolability of the internal borders. Subsequently, he favoured granting Nagorno-Karabakh ASSR status, to parallel it with Nakhjivan which led to defusion of tensions at an early stage and reaching a compromise while safeguarding the territorial integrity of Azerbaijan.

However, it is ambiguous whether the implementation of such a decision would at all have hampered the eruption of the conflict. Following the Chardakli events, the Azeris in Armenia faced increasing difficulties and harassment, as Armenians started driving Azeris out of Armenia. In the end of January 1988, the first refugee wave reached Baku, and most refugees were relocated in Sumgait, in Baku’s industrial suburbs. Before the end of February, two more waves of refugees were to reach Baku. Demands for Karabkh’s unification with Armenia multiplied and on 10th February, 1988 the Azerbaijani Information Agency declared Azerbaijan would never agree to such demands (Niall Fraser 1990). On 11 February, 1988 demonstration in Karabakh protested the cultural and economic policies of the Baku government towards the Nagorno-Karabakh Autonomous Oblast, and on 20 February the Soviet of the Oblast passed a resolution (with 110 for and 17 against)
appealing to the Supreme Soviets of Armenia, Azerbaijan, and the USSR to be transferred to the Armenian SSR’s control.

Notwithstanding the reports of the politburo’s emissaries, tensions in Armenia escalated between 21 and 25 February, 1988, as ecological demonstrations in Yerevan once again turned to irredentism. A ‘Karabakh Committee’ was formed and the Armenian Diaspora in the West’s inflated the numbers of demonstrators, ‘talking about one million people on the streets of Yerevan’, in a country whose entire population is three million. The Armenian spiritual leader, the Catholicos, joined the demand on 25 February, 1988 requesting Gorbachev to respect the NKAO Soviet’s decision. Gorbachev then met with two leaders of the Karabakh Committee in Moscow, Zori Balayan and Silvia Kaputikyan, on 26 February, 1988 and asked for a one-month moratorium on demonstrations in order to assess the issue (Libaridian 1988). However, when Kaputikiyan returned to Yerevan the same evening she told the crowd, ‘the Armenians have triumphed’, despite the fact that Gorbachev made no promises of any kind. The likelihood of this explanation can nevertheless be debated—in fact it appears to be an excuse for another attempt to pressure Moscow by announcing a victory. Simultaneously, in Karabakh the situation was all but calm. In fact, the atmosphere in Stepanakert was militant. Rumours told that Moscow was ‘almost ready to say “yes”’, that is, to accept a transfer, and all that the Karabakh-Armenians had to do now was ‘to voice the demands more resolutely.’ Izvestiya correspondents were informed that Karabakh’s transfer to Armenia was far beyond any ‘arithmetical’ calculations of economic benefits, but a ‘sacred cause’; furthermore leader of Krunk, Stepankaert’s Karabakh Committee, predicted that ‘a guerrilla war will begin.’ Such views seemed to be shared not only by the leading clique, but

3 Ibid.
judging from the number of signatories to petitions and the participation noted in demonstration also among Karabakh's Armenian majority.

The conflict was to erupt for real on 26 February, after rumours of violent riots in Stepanakert leading to the death of an Azeri reached Agdam, an Azeri city some miles away form Karabakh's eastern border. Certain sources also claim Bagirov himself stopped in Agdam on his way to Karabakh, where he attended the Supreme Soviet meeting where Pogosyan was nominated. In any case, dissatisfied, they marched on Nagorno-Karabakh in several columns. However, equally apparently, some columns proceeded to Askeran in the border area between Azerbaijan proper and the NKAO, where it came to clashes between the crowd, Armenian villagers, and police units.

In Sumgait, agitation began on the 26 in which the activists demanded revenge against Armenians for the Azeri deaths in Askeran. The unrest did not take on an additional dimension until word spread that the Armenians had declared victory in Yerevan after meeting with Gorbachev. In any case the following three days were coloured by hooligans going on rampage, looting Armenian homes, burning houses and hunting for Armenians. The fact that the Soviet Army and Interior Ministry troops were in the area did not change anything; in fact the army seems to have stood by and watched the program take place. According to Nolyain, the Soviet authorities not only failed in preventing bloodsheds, but deliberately sought to create a conflict between the two communities, both in Armenia and in Azerbaijan (Mutafian 1994). This was done through the control of the media, by spreading exaggerated and provocative statements on both sides, and by deploying criminals from Soviet prisons in Sumgait to initiate the program.

As far as Sumgait is concerned, the origins of the program remain. To assume that the unrest erupted out of suppressed frustrations and primordial ethnic hatred

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seems too simplistic a conclusion, fitting well into the official rhetoric that developed after the events, covering up the inability or unwillingness of authorities to prevent the events with reference to a ‘protracted ethnic conflict’, seemingly understood as a machine which could not be stopped even by the Soviet state. Nolyain’s research shows that the Soviet militia, which has curbed riots or peaceful demonstrations with overkills of violence in numerous cases, became ‘helpless’ in Sumgait. Several sources noted that some kind of ‘paralysis’ gripped the Sumgait militia-highly uncommon for the reputedly so trigger-happy character of Soviet militias, or in Nolyain’s words, their ‘highly energetic manner, mutilating bystanders and strangling reporters’ (Nolyain 1994).

However, the Sumgait unrest was taken under control only on 1 March. According to the Washington Post, ‘Despite the heavy presence of armed militia, the protests and riots went largely undeterred until March 1, when troops and tanks were dispatched to Sumgait.’ Despite the apparent difficulty of getting troops to Sumgait, troops were flown in to Yerevan on 25 February- that is the day before Sumgait erupted-apparently only as preventive measures. This begs the question why troops could not be sent in to Sumgait as promptly as is the habit in cases of civil unrest in the Soviet Union.

The aim of certain forces in Moscow was, as is often argued, to destabilize the area by creating an inter-communal war which would weaken both governments and enable Moscow to reestablish control over the area, these forces were only wrong in the sense that they did not know what kind of a monster they were giving birth to. The Azeri-Armenian conflict soon slipped out of the Moscow’s hands, and till date it has only partly led to a reassertion of Russian power in the South Caucasus, but, on the other hand, it has created a volatile situation which has at several instances

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threatened to become internationalized. In fact, mutual hatred had escalated to such a point that any spark would have been capable of initiating the conflict. And the spark which would make the process of escalation of the ethnic conflict irreversible was indeed the Sumgait program. After Sumgait, there seemed to be no way to bring about a de-escalation of the conflict, and in any case this was made impossible by the wobbling and hesitant approach of the Soviet authorities.

To the Armenians, Sumgait was like a reminder of the massacres of the First World War and equated the Azeris with the Ottoman armies. It only made them more firm in their belief that there was no way they could live in any form of arrangement with the 'Barbarian Turks'. From this point onwards, Azeris were systematically chased from Armenia, notably from the Ararat and Zangezur regions where they lived in substantial numbers. The Armenian frustration was worsened, when on 10 March, Gorbachev hinted that a transfer would probably not be allowed. By 21 March, however, tensions reached a boiling point in Baku as a decision from Moscow was expected, Azeris fearing a transfer of Nagorno-Karabakh to Armenia. On 23 March, the presidium of the Supreme Soviet of the Soviet Union—that is the highest institution in the Union—rejected the demands of the Karabakh Soviet to be joined to Armenia without any possibility of appeal. Troops were deployed in Yerevan to prevent protests to the decision. In the following months, Azeris in Armenia were the subject of further harassment and were forced to flee. In Baku, especially, but all over Azerbaijan, ethnic rioting in June led to fear among the Armenian population, some of whom sought refuge in Armenia. Meanwhile, demonstrations in Nagorno-Karabakh, where many factories kept striking, as well as

9 The claim of the Karabakh Soviet was based upon Art. 70 of the Soviet constitution, which affirms the right of peoples to self-determination. However, the claim was rejected on the basis of Art. 78, which states that 'territory may be altered only by mutual agreement of the concerned republics, and subject to the ratification by the USSR. Thus the rejection of the demand by the Azerbaijani Supreme Soviet made proposition impossible according to Soviet law. The legal aspect of the issue is further discussed below.
in Armenia continued. On 21 May, the Republican leaders of Armenia and Azerbaijan were replaced, following unrest in both republics that had erupted after sentences had been laid down by a Baku court for the Sumgait events. Bagirov was replaced by Abdulrahman Vezirov, and Demirchian by Suren Arutyunyan, in an attempt by Moscow to take control over the situation.

**Escalation of Conflict: Its Repercussion on Relations**

The year 1991 saw a marked escalation in violence between the Armenians and Azerbaijanis. Beginning with “Operation Ring” in April, clashes expanded from the inter-communal disorders that characterized the previous three years into direct confrontation between armed units of both southern Soviet Republics. By the time of the USSR’s disintegration in late 1991, Armenia and Azerbaijan were poised on the brink of full-scale war.

“Operation Ring” began on 30th April 1991, when Azerbaijani militia unit and Soviet army forces attacked the Armenian inhabited villages of Getashen and Martunashen 25 kilometers north of Nagorno-Karabakh. As its name implies, the venture entailed the surrounding of the villages by Soviet tanks and armoured personnel carriers, followed by a sweep through the ringed area by Azerbaijani militia and Soviet Interior Ministry units. During the operation the troops used harsh measures to terrify the local population. Over the course of the next several days, Soviet and Azerbaijani troops combed through both towns in a search for guerrillas and weapons, often interrogating and beating the inhabitants and arresting arbitrarily the male heads of household. Following such action the occupants of Getashen and Martunashen were deported forcibly to Stepanakert and replaced by Azeri refugees

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that had fled Armenia over the previous three years. While Operation “Ring” continued in Armenia, 15 May 1991 saw the onset of Soviet-Azerbaijani Military operation in the NKAO. “Operation Ring” failed to frustrate Armenian desire for independence. It rather intensified the desire on the part of Armenians. They felt anguished because of Soviet-Azeri cooperation. Soviet-Azerbaijani military cooperation in NKAO diluted for good, all chances of any Armenian-Azerbaijani co-operation over Nagorno-Karabakh.

The failed coup of August 1991 had a momentous impact on the development of the Armenia-Azerbaijan conflict. The months following the attempted coup saw the emergence of the two republics as independent states, the pullout of Soviet forces from Nagorno-Karabakh, and a major escalation in the level of violence in the area. The Azerbaijani Government took an initial stand of support for the August Coup attempt. Following the suppression of the Popular Front, Mutalibov was chosen as an unopposed President. After the Azerbaijani government denial of its support for the Moscow putsch, and, in an attempt to preempt a similar Armenian move; the Azerbaijani Supreme Soviet adopted a Declaration of Independence on 30th August 1991. Finally in an act most likely to stoke up support for the regime, Mutalibov promised a crackdown on Nagorno-Karabakh separatism. The aftermath of the failed August coup initiated a period of disarray among Soviet military forces stationed in the Transcaucasus (Yamskov 1991). As a result of ensuing chaos, hopelessness and disorder among the rank and file of armed forces, large amount of sophisticated weaponry fell into the hands of Armenians & Azerbaijanis. This worked as fodder for the fire. Apart from obtaining weaponry from Soviet soldiers themselves, Armenian and Azerbaijani fighters often conducted raids on military installations.

and depots throughout the region. As a result of these phenomena, the two sides came into possession of large numbers of weapons that contributed greatly to an escalation in the level and scope of warfare between Armenia and Azerbaijan in the closing months of 1991 (Henze 1991).

But before the escalation of violence in Nagorno-Karabakh, a hand at peace was given by the mediating efforts of Boris Yeltsin, the President of Russian Federation and Nursultan Nazarbayev, the Kazakhstan President. These two ex-Soviet leaders tried their best to arrive at finding a solution to the Armenia-Azerbaijan conflict in September 1991. The September 1991 communique which promised to end the hostilities was a milestone in the conflict between Armenia and Azerbaijan. For the first time in three years of strife, a compromise acceptable to the leaders of both republics and representatives from the NKAO had been found. However, despite the Russian and Kazakhstani mediated negotiations, clashes continued unabated in and around Nagorno-Karabakh.

On 4th November 1991, Azerbaijan shut down a pipeline that supplied Armenia with 1.5 million cubic meters of natural gas per day from Russia. The ongoing talks mediated by Russia and Kazakhstan observers came to a halt as the Armenian delegates boycotted it. Thereafter, the pace of military operations by Armenian units in Nagorno-Karabakh accelerated greatly, resulting in the retaking of several dozen villages abandoned by Armenians during operation “Ring”. The conflictual predicament in Soviet Union also led to the worsening of situation and open warfare

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17 For example, Azerbaijani armed groups took over a major arms depot of the Transcaucasus military district in the town of Agdam on 21 December, resulting in their acquisition of a large amount of heavy weaponry and ammunition. TASS International services, 21 December 1991, in FBIS-SOV, # 91-246 (23 December 1991),pp 66-67.

18 The Armenian leader made it clear from the start that complete mutual understanding did not exist on all points outlined in the agreement. However, he also stressed the necessity both for compromise and for continued work on the details. See Radio Rossi, network, 24 September 1991, in FBIS-SOV, # 91-186 (25 September 1991): 71; and Bill Keller”, Armenia and Azerbaijan sign a peace agreement”, New York Times (24 September 1991): A 12.


between the two states in late 1991. The effects of the breakup of the USSR on the Armenia-Azerbaijan conflict were felt first and foremost in the battlefield. On 23rd December 1991, USSR Interior Ministry forces based in Nagorno-Karabakh began withdrawing from the Oblast under the pretext that the Soviet Union’s dissolution had nullified the legal basis for their continued presence there. This was followed immediately by an escalation in Azerbaijani attacks on Armenian towns and villages in and around Nagorno-Karabakh.

The Soviet Union’s demise also had a major impact over the long term military situation in the southern Transcaucasus. In addition to the Interior Ministry Military presence in Nagorno-Karabakh, forces of the Soviet Seventh and Fourth Armies were based in Armenia and Azerbaijan, respectively, at the time of the USSR’s disintegration. Significant number of these forces were nationalized or otherwise found their way into the hands of the Armenians and Azerbaijanis during 1992, with pivotal effects for the course of hostilities between their republics. The demise of the Soviet Union also had a major impact on the geopolitical landscape of the region for the first time in more than 70 years (Christopher 1991). The antagonism between Armenia and Azerbaijan was no longer an internal matter of the USSR. The clash instead became an affair between two ostensibly sovereign members of the international community. Moreover, rivalries among the leading regional powers—Russia, Turkey, and Iran—that had coloured the Transcaucasus’ history for centuries were awakened once again, bringing new complexities and new danger to the dispute (Fuller 1991). From the time of the Soviet Union’s breakup, the Armenia-Azerbaijan conflict became wrapped up inextricably with the dynamics of regional geopolitical rivalries among the Russian, Turks, and Iranians. The breakup of the Soviet Union, though, affected the whole dynamics of global politics leading the world into post cold war era; its impact on the south Transcaucasus was phenomenal. It set in motion the pent up emotion and hatred between two traditional rivals in Nagorno-Karabakh i.e. to say the conflict entered a new, more deadly phase.
Intensification of the Conflict

In the beginning of 1992, one can notice the full-scale expansion of the Nagorno-Karabakh conflict. The fighting between the fledgling Azerbaijani National Army and locally raised units of the so-called Karabakh Army, both of whom had acquired substantial amounts of weaponry from withdrawing Soviet Interior Ministry troops and from Soviet military facilities. The proclamation of an independent Nagorno-Karabakh Republic (NKR) by the Supreme Soviet of the former NKAO on 18 January 1992 worked as a catalyst for an early 1992 Azerbaijani offensive.

In response to the Declaration of Independence by Nagorno-Karabakh, the Azerbaijanis launched a major military operation against stepanakert from the nearby town of Agdam on 31 January. Intended apparently to drive Armenian forces out of the area; the offensive included several thousands Azerbaijani soldiers backed by armoured vehicles and rocket and artillery fire. Following the collapse of the large-scale Azerbaijani ground assault against stepanakert by the first week of February, ethnic Armenian forces went on the offensive in areas to the north and southwest of the Karabakh capital. This round of intensified battle had political fallout too especially for the Mutalibov regime. The fall of Khojaly proved to be the last straw for the regime of President Ayaz Mutalibov. With popular anger building over the Government’s failure to bring the situation in Nagorno-Karabakh under control and protect the region’s remaining Azeri population, more than 80,000 angry demonstrators calling for Mutalibov’s resignation gathered outside the parliament building and police refused to obey orders to disperse the crowd. Mutalibov agreed to step down on 5th March, and parliament speaker Yaqub Mamedov was made the

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21 According to president Mutalibov, “The only way to achieve peace is for the [Armenian] terrorists and mercenaries to be moved away. Then we will sit down and make peace with the remaining Armenians, with whom we have always lived in peace.” Quoted by Agence France Presse, 1 February 1992, in FBIS-SOV, # 92-023 (4 February 1992), p. 77.


acting president until elections could be held on 7 June.\textsuperscript{24} This political upheaval in Baku set the stage both for a power struggle within Azerbaijan and a renewed Armenian offensive in Nagorno-Karabakh. Before such events could be realized fully, however, Iran entered the arena as a mediator of the Armenia–Azerbaijan conflict, viewed by both sides as an honest broker on the Karabakh question. Iran began its mediation efforts in early February 1992 at the behest of the Armenian and Azerbaijani foreign ministers. From the Iranian perspective, the possibility of becoming the chief peacemaker in the Armenian-Azerbaijan conflict was a golden opportunity to gain influence in the region at the expense of Turkey. The result was an agreement in principle on a draft plan for resolution of the Nagorno-Karabakh dispute.\textsuperscript{25}

Although a cease-fire was observed generally by the warring sides for more than a week,\textsuperscript{26} Azerbaijani units resumed their relentless shelling of stepanakert on 29th March, and Karabakh Armenian fighters were again forced to take action against the sources of the attacks. The focus of Armenian operations was the city of Shusha, the last remaining Azeri stronghold in Nagorno-Karabakh and the launching point for Azerbaijani military operations against stepankert.\textsuperscript{27} Taking advantage of the political disarray in Azerbaijan, local Armenian forces launched an assault on Lachin, a town situated strategically at the narrowest strip of Azerbaijani land separating Nagorno-Karabakh from Armenia. While the string of Armenian military victories in Nagorno-Karabakh, the political unrest in Azerbaijan, and the failed Iranian mediation efforts were the distinguishing events of the first phase of the Karabakh war, other aspects of early 1992 are also worthy of note. First was the

\textsuperscript{25} An early component of the draft plan envisaged the deployment of "Multinational Peacemaking Forces", dominated not surprisingly by Iran, to the conflict zone following a cease-fire. Although Armenia welcomed the proposal, the issue of peacekeeping forces was not included in the final draft plan for reasons not given. TASS, 11 March 1992, in \textit{FBIS-SOV}, # 92-049 (12 March 1992):69
glaring absence of Russia as an active player in the Transcaucasus. Following the collapse of joint Russian-Kazakhstan effort to achieve a peaceful resolution of the Nagorno-Karabakh dispute in late 1991, Russia withdrew from its active peacemaking role in the Transcaucasus (Altstadt 1992). Aside from a fleeting and unsuccessful attempt to achieve a cease-fire in the combat zone in late February, Moscow’s position on the Armenia-Azerbaijan conflict in early 1992 was characterized more by inaction than action. Early 1992 also saw the onset of a heated internal debate in Ankara on the question of Turkish policy towards the Armenia-Azerbaijan conflict. Fearing that heightened Turkish support for Azerbaijan would not only increase the risk of creating the perception of a newly aggressive pan-Turkic policy in Ankara but also run the danger of estranging Turkey from its North Atlantic Treaty Organization (NATO) allies, Prime Minister Suleman Demirel pursued a cautious policy aimed primarily at finding a peaceful solution to the dispute while “preventing the clashes from spreading further and involving the entire region”. Amidst political uncertainties in Baku, Azerbaijan suffered heavy losses in Nagorno-Karabakh in first half of 1992. But new circumstances arose in June that caused the military situation to shift back in Azerbaijan’s favour, albeit temporarily. The election of an ardent nationalist Abulfaz Elchibey as the president of Azerbaijan brought many changes as far as external relations were concerned. He reversed many

28 A meeting of the Russian, Armenian and Azerbaijan foreign ministers in Moscow on 20th February resulted in the adoption of a communique calling for an immediate cease-fire in the conflict zone, the lifting of energy and communications blockades, the delivery of humanitarian aid, and the commencement of negotiations for a comprehensive political settlement. The plan drew support from Turkey and the west primarily because it excluded Iran as a partner. However, the communique came to naught with the Armenian capture of Khojally five days later. Mayak Radio Network, 20 February 1992, in FBIS-SOV, # 92-035 (21 February 1992): 22.


of the policies of Mutalibov regime. Elchibey sought to steer the republic’s external alignment away from Russia and the CIS.31

Eschewing Mutalibov’s policy of cultivating close ties with the former centre in Moscow, Elchibey strove to make Turkey the primary focus of Azerbaijani foreign relations. There were a handful of reasons for this shift. First, the APF and Elchibey in particular held ardently pro-Turkish and in some respects, Pan-Turkic views, believing that the Azerbaijanis’ ethno-linguistic heritage made Turkey a natural choice as Baku’s main external partner. Secondly, Turkey represented the model of a secular, democratic, market oriented state to which Azerbaijan could aspire. Finally, Turkey—through its ties to NATO and the West offered Azerbaijan a potential means through which to offset what was viewed as biased Russian support for Armenia in the Karabakh struggle (Hunter 1994).

Apart from showing definite preference for Turkey in external relations, the Elchibey government also set out to regain the initiative in the conflict zone. Elchibey gave priority to increasing the effectiveness of the fledgling national army that had been brutalized by the Armenians over the previous months. Emergency measures were enacted immediately to begin the process, including a decree requiring the disbandment and disarmament of all informal military formations in Azerbaijan, whose often independent and uncoordinated operations in Nagorno-Karabakh had resulted in much of the gains by ethnic Armenian forces.32 Elchibey’s reform efforts were undertaken in tandem with the launching of a large-scale Azerbaijani offensive in Nagorno-Karabakh on 12th June, scarcely five days after his election. In mid-September 1992, Azerbaijani troops pressed their continued advantage to strike at the strategic lachin corridor linking Armenia and the former NKAO. The capture of commanding heights in the Lachin and Shusha districts on

18-19 September gave Azerbaijani forces the ability to interdict traffic through the corridor with artillery. With their lifeline to Armenia in grave danger, Karabakh forces launched a counter-offensive aimed at retaking the heights around Lachin. After intense fighting from 7 to 11 October, the Armenians succeeded in pushing their opponents of the heights and retaking nearby village. While the immediate danger to the Lachin corridor was relieved by the operation, the region continued to come under periodic Azerbaijani military pressure next several months.

Question of Stability in Azerbaijan

The intensified struggle in Nagorno-Karabakh was paralleled by a new wave of mediation, this time Russia and the Conference on Security and Cooperation in Europe (CSCE) being the key players. These mediators filled the void left by the Iranian withdrawal from the peace process. The CSCE convened multilateral talks in June 1992 for the purpose of preparing for a formal peace conference to be held in Minsk on the Nagorno-Karabakh question. At preliminary discussions in Rome, which were attended by delegates of a core group of CSCE member states that came to be known as the Minsk Group – Russia, Sweden, Turkey, Italy, Germany, France, Czechoslovakia, Belarus, and the United States – Armenian and Azerbaijani delegates were pressed to hammer out negotiating positions acceptable at a minimum to each other. But the CSCE peace efforts did not bring much turnaround in the ground realities. This failure on the part of CSCE prompted Russia to try its hand at resolving the Armenia-Azerbaijan dispute for the first time since September 1991.

This time, Russia focused solely on ceasefire in the battle zone, leaving aside ticklish issues for the moment. After a marathon negotiating session carried out in secret with the active participation of Russian Defence Minister Pavel Grachev, the defence

chiefs of Armenia and Azerbaijan signed a detailed agreement on 19th September calling for a five-month cease-fire and a phased withdrawal of the warring parties’ armed formations from Nagorno-Karabakh. But once again notwithstanding the high sounding aims of agreement, there was no lull in fighting and military struggle, at the Armenia-Azerbaijan border in the closing months of 1992. After being continued generally to the region of Nagorno-Karabakh and immediately surrounding areas, the conflict was at last threatening to take on the character of a full-scale war between the two Transcaucasian republics. Indeed, 1993 witnessed a major escalation in the hostilities between Armenia and Azerbaijan, and escalation that nearly resulted in international crisis on two separate occasions. The fifth year of the Armenia-Azerbaijan conflict opened with the onset of a large-scale military operation by the Karabakh Armenian forces ostensibly at regaining ground lost to Azerbaijan over the prior six months. Baku’s army found itself unable to stop the Armenian assault.

Following their victories in the north, Karabakh-Armenian forces turned to the west and attacked the Kelbajar district of Azerbaijan. The assault resulted in the strategic opening of a new land link between Armenia and Nagorno-Karabakh. After heavy fighting from 31 March to 3 April, local Armenian troops succeeded in capturing the regional centre of Kelbajar and numerous surrounding villages. The expansion of military operation significantly beyond the borders of Nagorno-Karabakh by local Armenian forces sparked a major outcry by a host of international actors including the United Nations. The UN Security Council released a statement on 6th April 1993 expressing “serious concern” with the capture of Kelbajar and calling for an immediate cessation of the hostilities.36 Similarly, the United States made known its “deep concern” with the offensive and called for “the prompt and complete withdrawal of all ethnic Armenian forces from the Kelbajar district.”37

However, the most serious reactions came from Turkey and Iran. As international tensions increased in the Transcaucasus, the UN Security Council passed Resolution 822 on 30th April 1993. The first Security Council resolution concerning the Armenia-Azerbaijan conflict, 822 called for an immediate cease-fire and the prompt withdrawal of "all occupying forces from the Kelbajar district and other recently occupied areas of Azerbaijan." Additionally, the resolution upheld the principle of the inviolability of international borders and designated the CSCE as the primary forum through which the parties were encouraged to seek peace. But events in the Transcaucasus in June 1993 once again outpaced the efforts of mediators and leaders alike as political instability returned to Baku.

The popularity of President Elchibey and the Azerbaijani Popular Front among the Azerbaijani populace began to decline substantially in the first half of 1993. As discontent with the slow pace of economic reforms, the failure to achieve a military victory in Nagorno-Karabakh, and the continued presence of corrupt former communist nomenklatura at high levels of the government, grew among the populace, the APF came to realize that its declining popularity threatened increasingly its hold on power. This round of political turmoil had its shadow in the battle of Nagorno-Karabakh. In early 1993, the APF began to view colonel Surat Huseinov as the greatest potential danger to its position, as the most successful of all Azerbaijani military commanders in Nagorno-Karabakh. Huseinov built up a popular following in a number of towns near the conflict zone. When Huseinov pulled his forces out of Mardakert in February and redeployed them in the Azerbaijani town of Ganja, the APF-led Elchibey government dismissed the commander in disgrace and expelled him from the Popular Front. This small incident later turned into a full blown crisis and brought manifold changes in the

39 Huseinov had been hand-picked by Elchibey in 1992 to command the Azerbaijani force that led the successful assault on Armenian controlled northern Nagorno-Karabakh. For his efforts, he was awarded the republic's highest award, that of National Hero of Azerbaijan. Sokhbet Mamedov.
political leadership in Baku and its foreign policy orientation. Despite his ouster, Huseinov and his 707th brigade remained in Ganja, where they enjoyed great popularity as opponents of the Elchibey regime. On 28 May 1993, by prior agreement with the Baku authorities, Russian forces based in Ganja began their pullout from Azerbaijan, leaving behind substantial quantities of arms, ammunition, and equipment when Huseinov’s men attempted to seize the weaponry on 4 June, Azerbaijani government forces stepped in and a major clash ensued.\footnote{Elizabeth Fuller, "Military Revolt in Azerbaijan", \textit{RFE/RL News Briefs} 2, No. 25 (7-11 June 1993): 6-7.} Infuriated by the attack, Huseinov and his supporters seized control of Ganja and several surrounding villages and demanded the immediate resignation of Elchibey. Elchibey decided to open negotiations with the rebels. Huseinov and his supporters rejected quickly the President’s offer to negotiate and reiterated their demands for the resignation of the top authorities. Although the Prime Minister and parliament speaker agreed to step down, Huseinov’s forces began to March on Baku and President Elchibey was forced to invite a figure (Heydar Aliyev) from Azerbaijan’s past to the capital in an effort to avert civil war.

Heydar Aliyev had a long and distinguished past in the Communist Party of the Soviet Union. In the 1960s, he served as head of the Azerbaijani KGB before being elected as First Secretary of the Republic’s Communist Party in 1969. Aliyev was made deputy chairman of the USSR council of ministers in 1982, only to be sacked from the politburo by Gorbachev five years later. The Azerbaijani official returned to his native Nakhichevan in 1990, and in September 1991 he was elected chairman of the autonomous region’s parliament. Following the breakup of the USSR, Aliyev ruled Nakhichevan as his own private fiefdom, cultivating commercial ties with Turkey and Iran. Isolated from the post-Soviet political intrigues in Baku, Aliyev became one of Azerbaijan’s most popular politicians.\footnote{Elizabeth Fuller, "Azerbaijan: Heidar Aliyev’s Political Comeback", \textit{RFE/RL Research Report} 2, No. 5 (29 January 1993): 6, 9.}
With the hope to strengthen his regime’s sagging favour, President Elchibey held talks with Aliyev in Baku during the second week of June on a possible power-sharing arrangement. After declining the post of Prime Minister, Aliyev agreed to accept nomination as chairman of the Supreme Soviet, a position that would have given him broad powers over the government. Aliyev was voted to the post on 15 June, and he made an immediate appeal to Huseinov and his supporters to end their revolt peacefully so that the process of national reconciliation could begin. The rebels pressed forward towards the capital, however, and Elchibey chose to flee after being informed that the military would not intervene to stop them. Elchibey’s departure from Baku left an opening for Aliyev to seize the reins of power in Azerbaijan, and he was made acting president on 19th June. Having no quarrel with each other, Aliyev and Huseinov commenced negotiations on a power-sharing arrangement, and it was agreed that the latter would become Prime Minister and head of the military and the internal security ministry. Thus, what began as a revolt by a local warlord ended with a coup d’etat and a major realignment of the political forces in Azerbaijan. Russia was alleged, by the supporters of the Azerbaijani Popular Front and West, to have a hand in the events of June which led to the ascent of Heydar Aliyev to the highest seat of power in Baku. Aliyev at the helm of affairs was a major respite for Russia from the anti-Russian/CIS inclination of Elchibey. Among the first changes enacted by Aliyev as the president was a major reorientation of Azerbaijani foreign policy. Now the wheel had turned full cycle. Elchibey’s pro-Turkey, anti Russian policies went into a tailspin and Azerbaijani foreign policy took a u turn with the signing of the proposed oil deal with western companies. In lieu of Turkey, Aliyev sought initially to make ties with Russia the focus of Azerbaijan’s external relations. This new found orientation was manifest in

44 Soon after coming to power, Aliyev began a major crackdown against the APF. The front’s offices were raided on 17 July, and dozens of its supporters were arrested. “Azerbaijan Crackdown widens”, New York Times (18 July 1993): 10.
a major policy directive by Aliyev in the first month of his presidency. Aliyev's love for Russia is manifested in his declaration that "all our relations (with Russia), not only economic, must be consolidated, and the ones lost must be restored," President Aliyev announced his country's intention to join the Russian-dominated Commonwealth of Independent State on 7th September 1993 after pledging to see to it personally that Azerbaijan's independence and sovereignty would not be compromised. Aliyev lobbied the Azerbaijani parliament to approve CIS membership. Two weeks later Russian Foreign Minister Andrei Kozyrev welcomed the decisions as "very timely and good", no doubt because it signaled the return of Azerbaijan to the Russian fold. The impact of this change in political leadership was also felt on the battlefield. The Karabakh Armenians took advantage of the June disarray in Baku to expand the scope of their military operations with a 12th June attack on Agdam, a large Azerbaijani city to the east of Nagorno-Karabakh with the stated aim of silencing the artillery and missile positions from which stepankert and surrounding towns had been shelled. Ethnic Armenian forces sought, in effect, to establish a security zone by capturing Agdam and other towns ringing the eastern border of the former NKAO. After five weeks of fierce fighting, Agdam fell to Armenian troops on 23rd July, thus marking the seizure of additional Azerbaijani territory outside Nagorno-Karabakh.

A Turkish diplomatic initiative at the United Nations resulted in UN Security Council Resolution 853 adopted on 29th July 1993. Resolution 853 upheld the principle of the inviolability of international borders, condemned the fighting, and called for an immediate cease-fire and withdrawal of "occupying forces" from Azerbaijani territory. The massive success of Karabakh Armenians vis-à-vis Azerbaijanis put Aliyev in a tight position. Armenian gains in the conflict zone were diluting the prestige of Aliyev. Realizing the immediate need of launching massive

assault on the enemy, Azerbaijani troops went for the kills, registering some noticeable gains.

The Azerbaijani success in late 1993 and early 1994 had a significant impact on the hostilities. After April 1994 local Armenian forces intended ostensibly to regain lost territory and the warring parties agreed to a termination of military operations on 12th May 1994. With the establishment of a viable ceasefire in the conflict zone, the business of negotiation began in earnest. However, the peace process, like the Armenia-Azerbaijan conflict itself, became more than just an affair among the warring parties. External actors with their own geopolitical agenda became involved, and each attempted to influence the process according to that agenda. The achievement of a cease-fire in the Nagorno-Karabakh conflict zone in May 1994 set the stage for difficult negotiations mediated by a host of global actors (Gafarly 1994). Lawmakers from Armenia, Azerbaijan, Russia, Kyrgyzstan and the self styled NKP commenced negotiations in the Kyrgyzstan capital on 4th May under the aegis of the CIS Interparliamentary Assembly. A protocol was proposed that called for a cease-fire to begin on 8th May, to be followed by supplementary talks on the disengagement of the warring parties, withdrawal of military forces from occupied territories, discontinuation of energy and transportation blockades, return of refugees and prisoners of war, and resolution of Nagorno-Karabakh’s final legal status.48

The first stirring of a renewed CSCE role in Karabakh mediation process emerged in the aftermath of the Bishkek meeting. In mid May 1994, Minsk Group chairman Jan Eliasson shuttled back and forth between Yerevan and Baku in an effort to convince the sides not to accept hastily the most recent draft of Russian peace plan that minimized the CSCE’s role.

48 Interfax, 5 May 1994, in FBIS-SOV, # 4-088 (6 May 1994): 1
By the middle of 1994, a comprehensive draft plan for a political settlement of the Armenia-Azerbaijan conflict was taking shape in Moscow. Eliasson ventured to the Russian capital in late June, presumably in hope of having at least, some of the CSCE’s role as minimal as possible, claiming that there is no alternative to the Russian draft. By the end of July, details of Russia’s plan for a comprehensive political settlement began to emerge. In essence, the document envisaged a six part process by which a resolution of the Nagorno-Karabakh dispute would be achieved (Croissant 1998). Because the document’s provisions offered revealing insights into Moscow’s objectives in the region, a brief summary of its elements is necessary:

- Withdrawal of all military forces to a separating distance of 5 to 20 kilometers with 3 days of the accord’s signing, followed by the pullout of American troops from the Agdam and Fizuli districts of Azerbaijan and the deployment of primarily Russian disengagement forces in the separation strip.49

- Withdrawal of Armenian units from Jebrail within 10 days, followed by the exchange of prisoners of war, the lifting of all transportation, communication, and energy blockades, and the return of Azeri refugees and police units of the Agdam and Fizuli districts.

- Withdrawal of Armenian forces from the Zangelan district within 15 days.

- Withdrawal of Armenian units from the Kubatly district within 20 days followed by the commencement of repair and restoration of transportation links in affected areas and the return of Azerbaijani police units of Jebrail and Zangelan.

- Withdrawal of Armenian forces from the Kelbajar district within 28 days, followed by the return thereof Azerbaijani police; restoration of the all transportation, communication, and energy links within 1 month. Discussion

of the ultimate legal and administrative status of Nagorno-Karbakh for an
undefined period beginning at the time of the accord's signing.

Although unstated, the plan assumed a commanding role for Russia in the
negotiation process leading up to and following its signing, thereby strengthening
Moscow in its quest to become the chief guarantor of peace and stability in the
former Soviet Union. However, because the draft settlement was indeed only a draft,
its provisions became the subject of heated debate over the next several months as
the warring sides argued their relative positions and the CSCE tried to clarify and
expand its role.\textsuperscript{50} The Moscow talks ended on 13th August without agreement on the
draft plan. Importantly, however, all the three parties endorsed the idea of
"International Peacekeepers" being dispatched to the conflict zone, but the size and
composition of the force and the timetable for the deployment were left for future
discussion.\textsuperscript{51} Russia's attempt to emerge as the dominant peacemaker in the
Armenia-Azerbaijan conflict made little real headway in the late summer of 1994.
While the draft comprehensive political agreement was a creation of Moscow, the
conflicting parties continued to adopt stances that precluded compromise, and the
CSCE took on a more active role in the negotiation process that was unwelcome by
Russian officials. A further obstacle to Russia's designs in the region was erected in
late September with the conclusion of the long-delayed oil contact between
Azerbaijan and a consortium of mostly western oil companies.

Head of state and government from the fifty-three member states of the
CSCE met in Budapest on 5th and 6th December 1994 to discuss strengthening the
body's role in the resolution of conflicts in Europe and the Former Soviet Union.
Among the issues dealt with were the conflict in Bosnia and the future of European
security arrangements. But the dispute over Nagorno-Karbakh took centre stage.

\textsuperscript{50} Vladimir Socor, "Russia challenges CSCE over Karabakh," \textit{RFE/RL Daily Report}, (190),
(6 October 1994).
\textsuperscript{51} Elizabeth Fuller, "Karabakh Mediation Update", \textit{RFE/RL Daily Report}, No. 154 (16 August
1994).
The Budapest Summit concluded on 6th December with the approval of a document changing the CSCE’s name to that of the Organization for Security and Cooperation in Europe (OSCE). Regarding the Armenia-Azerbaijan clash, the document contained two crucial provisions. First, support was expressed for the four UN Security Council resolutions on Nagorno-Karabakh that called for the liberation of occupied Azerbaijani territory and speedy negotiation towards political settlement under OSCE auspices was urged. Second, the document called for the deployment of a multinational OSCE peacekeeping force following agreement between the warring parties on a peace settlement.52

By mid-1994, Armenia's armed forces, supported by illegal Armenian armed formations of Nagorno-Karabakh, occupied areas of Azerbaijan bordering on the Republic of Armenia, the territory of the former NKAR proper and other areas adjacent to it, totaling about 20% of Azerbaijan’s territory. All Azeris were expelled from these lands, tens of thousands were killed and hundreds of thousands wounded. A so-called “Nagorno-Karabakh Republic” (NKR) with its own government bodies and attributes was established in the occupied territories. However, not a single state in the world and not a single international organization has recognized such a state as the “NKR.”

Implications for Human Security

Since 1988, the separatist conflict in Nagorno-Karabakh (NK) has resulted in about 15,000 casualties and hundreds of thousands of refugees and displaced persons in Armenia and Azerbaijan. The United Nations High Commissioner for Refugees has reported that at the end of 2006, there were still about 692,000 people considered refugees or displaced persons in Azerbaijan and 114,000 in Armenia.53 Armenia has


granted citizenship and acted to permanently house most of the ethnic Armenians who fled Azerbaijan. The non-governmental International Crisis Group estimates that about 13-14 percent of Azerbaijan’s territory, including NK is controlled by NK Armenian forces (The World Fact Book estimates about 16 percent). The OSCE’s “Minsk Group” of concerned member-states began talks in 1992. A US Presidential envoy was appointed to these talks. A Russian mediated cease-fire was agreed to in May 1994 and was formalised by an armistice signed by the ministers of defence of Armenia and Azerbaijan and the commander of the NK army on July 27, 1994 (and reaffirmed a month later). The United States, France and Russia co-chair meetings of the “Minsk Group”.

The “Minsk Group” reportedly has presented four proposals as a framework for talks, but a peace settlement has proved elusive. In late 1997, a new step-by-step peace proposal was recognised by the presidents of Azerbaijan and Armenia as a basis for further discussion (Bruce 1998). This led to protests in both countries and to the forced resignation of Armenian President Levon Ter-Petrosyan in early 1998. The late President Heydar Aliyev in early 2001 stated that he had turned down and refused to discuss a late 1998 Minsk Group proposal embracing elements of a comprehensive settlement. The assassination of Armenian political leader in late 1999 set back the peace process. In January 2003, Armenia’s President Robert Kocharian, proclaimed that its peace policy rested on three pillars—a horizontal instead of hierarchical relationship between NK and Azerbaijan, a secure land corridor between Armenia and NK, and security guarantees for NK’s populace. Armenian foreign minister Vardan Oskanian in October 2004 stated that the continued occupation of NK border areas was necessary leverage to convince Azerbaijan to agree to NK’s status as a common state.

55 Interfax, 6 October 2004.
Since 2005, officials in both countries have reported negotiations on a fourth hybrid peace plan calling for initial agreement on core principles. The Minsk Group co-chairs issued a statement and made other remarks in April-July 2006 that reveal some of their proposals for a settlement. These included the paced redeployment of Armenian troops from Azerbaijani territories around NK, with special modalities for Kelbazar and Lachin districts (including a corridor between Armenia and NK), demilitarisation of those territories, and a referendum or population vote to determine the final legal status of NK. International peacekeepers were also deployed in conflict area.

On November 29, 2007, Under Secretary of the US Nicholas Burns, Russian foreign minister Sergei Lavrov, and French foreign minister Bernard Kouchner presented the foreign ministers of Armenia and Azerbaijan, Vardan Oskanian and Elmar Mammadiarov with Basic Principles for the Peaceful Settlement of the Nagorno-Karabakh Conflict for transmission to their presidents. These officials from the Minsk Group co-chair countries urged the two sides to accept the Basic principles that had resulted from three years of talks and to begin, “a new phase of talk on a comprehensive peace settlement.”56 The head of foreign relations department of the Azerbaijani presidency Novruz Mammadov, has claimed that the principles include the return of five districts around NK to Azerbaijani control, with the exception of Lachin and Kelbazar, and later on others must be liberated one by one or both at once and the infrastructure of the territories must be restored, refugees must go their homes, the communications between Armenia and Azerbaijan must be opened, international peacekeepers must be deployed in the region and the status quo in the region must be restored. On 19 June, 2005, yet another round of elections-this

time parliamentary elections—was held in the self-proclaimed “Nagorno-Karabakh Republic.”

Any electoral system is based on the legal system but “NKR” today has no law, no legal system and, accordingly, no electoral system. The “creation of law” in the “NKR” violates the basic principles of law: justice, equality and freedom, without which it is impossible to create a democratic legal system. In order for the rules regulating life in the “NKR” to be recognized as legal, it is first necessary to recognize the “NKR” itself as a state. The world community today does not encourage the emergence of new states, so that in practice such cases are quite rare. This happened, for example, when the Soviet Union fell apart into 15 independent countries, when new states emerged in place of the Socialist Federal Republic of Yugoslavia (SFRY) and the Czechoslovak Socialist Republic (CSSR), and when Germany was unified. Despite the dramatic events that accompanied these processes, the emergence of new independent states was based on legal treaties (in various legitimate forms), that is, agreements on the creation of these states recognized by the world community. This made it possible to go over in a civilized way from state entities created with the use of arms, through violence, conquest and subjugation (USSR, SFRY, CSSR) to independent states set up on the basis of voluntary treaties and therefore recognized by other democratic states.

In that period, other events took place as well. On the tide of democratic processes, certain forces using democratic and nationalist slogans as a cover tried to create new states by force (Nagorno-Karabakh in Azerbaijan, Abkhazia and South Ossetia in Georgia, Transdniestria in Moldova, and Chechnia in Russia). However, none of these cases has to do with a treaty recognized by the world community. The reason here is obvious: the world community does not regard violence or coercion as a way or method of creating a new state. The creation of such a state in today’s

57 Interfax, 19 June 2005.
58 B. Shaffer, “A Conflict that can be resolved in time”, International Herald Tribune, 29 November 2003.
democratic world is possible only in the presence of a legal treaty, concluded by voluntary mutual consent of all the parties concerned. If one of the parties is coerced into signing a treaty with the use of arms, this treaty can have no legal force; such a document is legally null and void and, sooner or later, is bound to be violated or denounced. It will constantly be a potential source of instability in the region. The fact of international recognition of a state created through the occupation of another state's territory could be regarded in the world as a precedent, entailing unpredictable consequences for the global community. It is no accident that none of the above mentioned entities has been recognized by a single state, including the Republic of Armenia. Since law is made by duly authorized government bodies, it necessarily follows from the above that rules adopted in unrecognized illegal entities are not legal by their very nature. Consequently, the system of elections to illegitimate government bodies created in these entities is not legitimate either. In trying to justify the legitimacy of "NKR independence," virtually all Armenian sources refer to the referendum held in the NKAR on the issue of secession from the Azerbaijan Republic in accordance with the USSR Law on the Procedure for Resolving Issues Related to the Withdrawal of a Union Republic from the USSR, adopted on 3 April, 1990 (Fuller 1990). The illegal and unlawful nature of that referendum, and also the absurdity of references to the aforesaid USSR Law are evident even after a cursory examination of the content of that document.

First of all, it deals with the possible withdrawal (secession) from the USSR of a Union republic, and not of an autonomous region or even an autonomous republic. An explicit statement to that effect is also contained in Art 1 of the said Law. Second, the Law considers the possibility of a separate referendum for each autonomy in the Union republics holding a referendum on secession from the USSR and having constituent autonomous republics, autonomous regions or autonomous areas. In this case, the autonomous republics and other autonomies retain the right to an independent solution of the question on whether to stay within the Union of
Soviet Socialist Republics or within the Union republic seceding from it, and also the right to raise the question of their state-legal status. This is by no means what happened at the 1991 referendum in the NKAR and of what S. Sarkisian, Defense Minister of the Republic of Armenia, spoke at the parliamentary hearings on the Nagorno-Karabakh problem on 30 March, 2005. Following factors are important in this context:

- The right to “constitute themselves as independent entities of the Union Federation, including secession from the Union republics of which they were part (in case of the Union republics raising the question of secession from the USSR) could arise under the Law of 3 April, 1990, not from the time of the Union republics raising the question of secession from the USSR but at the holding of a referendum by the Union republic on the issue of secession from the USSR.

- In accordance with Art 4 of this Law, “in order to organize a referendum on secession from the USSR, to set the date for the referendum and to sum up its results, the Supreme Soviet of the Union republic shall set up a commission with the participation of representatives of all the parties concerned,” including the autonomies.

- A referendum on the secession of a Union republic from the USSR (pursuant to Art 2 of the Law of 3 April, 1990) could be held not earlier than six months and not later than nine months after the day of adoption of a decision on raising this question. The Supreme Soviet of the Azerbaijan Republic passed the Constitutional Act of State Independence on 18 October, 1991, so that in accordance with the Law, no referendum could take place before 18 April or after 18 July, 1992. So, in accordance with the Law of 3 April, 1990, the right to hold a referendum on self-determination did not and could not

arise for the NKAR. Theoretically speaking, it could have arisen only in the period between 18 April and 18 July, 1992, at the holding of a referendum by the Azerbaijan Republic itself.

- Finally, the Law of 3 April, 1990, did not say a single word that would entitle autonomous regions to hold a referendum on their own (Powell 2006).

Third, Part 1 of the Art 3 of the given Law states that at the holding of a referendum on secession from the USSR by a Union republic, its constituent autonomous entity retains the right “to raise the question of its state-legal status.” In this context following should be noted: not the right to self-determination and secession from the USSR, but only the right to “raise the question,” whose decision (in accordance with the given Law) was within the competence of the Union. This provision was included in the Law with only one purpose: in case of attempts by any Union republic to secede from the USSR, to have a legal mechanism for keeping its constituent autonomous republics or other autonomous entities within the Soviet Union. Fourth, under the Law of 3 April, 1990, the results of a referendum on secession from the USSR of a Union republic together with its autonomous entities did not as yet provide sufficient grounds for an actual withdrawal from the Federation. In order for these results to have legal force, it was necessary to go through a long and complicated procedure ending with an examination of the results of such a referendum by the USSR Supreme Soviet and the USSR Congress of People’s Deputies. Naturally, that did not take place (Minasian 2007)

Fifth, at the time when a referendum in Nagorno-Karabakh was being prepared in December 1991, the NKAR itself as an autonomous entity was no longer in existence the Nagorno-Karabakh Autonomous Region had been abolished by a law of the Azerbaijan Republic adopted on 26 November, 1991, in accordance with the Constitution of the Azerbaijan Republic and the Constitutional Act of State
Independence. Consequently, the provisions of Art 3 of the USSR Law of 3 April, 1990, no longer applied to that territory of the Azerbaijan Republic.

The purpose of the elections held at different levels by the separatist regime of Nagorno-Karabakh was to try to legalize its rule, the right to govern the people, to control the budget and to pocket certain amounts. Evidently, the parliamentary elections of 19 June, 2005, ended very much like the municipal elections in 2004. They were followed by a number of statements from various quarters on the recognition of the territorial integrity of the Azerbaijan Republic, on the non-recognition of the Nagorno-Karabakh Republic (by the US), on the non-recognition of the independence of Nagorno-Karabakh (by Russia), on the recognition of the elections to the “NKR parliament” as illegitimate, etc. It should be noted that virtually all democratic states have dissociated themselves from the attempts by the Republic of Armenia and the “NKR” to regard the presence of “observers at the elections” as tacit recognition of “NKR” independence. Thus, a statement by the Information and Press Department of the Foreign Ministry of the Russian Federation of 22 June, 2005, says that “Russia does not recognise Nagorno-Karabakh as an independent state (Tchilingirian 1999). It should be emphasised that the citizens of the Russian Federation who acted as observers at these elections were present in Nagorno-Karabakh on their own initiative and exclusively in a private capacity.”

“The elections held by the Karabakh Armenians in the occupied Nagorno-Karabakh region of Azerbaijan are illegal,” said Namik Tan, a spokesman for the Turkish Ministry of Foreign Affairs. “The elections in Nagorno-Karabakh, which still remains under Armenian occupation, are a violation of the rules of international law and the principles of the United Nations, the OSCE and the Council of Europe.” And Jean-Batiste Mattier, Press Minister of France, said on 23 June, 2005, that France, like the whole world community, recognizes Azerbaijan’s territorial integrity and

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61 Interfax, 22 June 2005.
does not recognize Nagorno-Karabakh as an independent state. He emphasized: "The 'parliamentary elections' held in the Nagorno-Karabakh region of Azerbaijan will not have any effect on the process of peaceful settlement of the conflict or on the subsequent status of that region."\(^6\)

The unrecognized "NKR" and "its institutions" are based on the force of arms, aggression and occupation, which runs counter to the belief of the contemporary world community that the creation of a new state is possible only in the presence of a legal treaty, when all the parties concerned reach a voluntary agreement directed toward peace and prosperity. The Caucasus can develop and prosper solely as a united region and market. Georgia and Azerbaijan are trying to ensure their national security by joining Euro-Atlantic structures, including NATO. And the leaders of Armenia have declared that the country's national security will be ensured by Russia's armed forces and patronage. In the 21st century any armed forces, especially foreign ones, cannot provide the basis for any country's national security. Today, there is a big danger that as the result of such a policy Armenia could become a serious destabilizing factor for the whole region. Thus, it can be concluded that the attempts of the Republic of Armenia to simulate (including by means of "elections") the establishment of an "independent and democratic Nagorno-Karabakh state" in the occupied territories of Azerbaijan lead to its isolation not only in the South Caucasus, but also throughout the whole democratic world (Marta 2002).

Among the conflicts that have raged in the Caucasus since 1988, the one over Nagorno-Karabakh stands apart in the sense that it has influenced the course of political developments in the Azerbaijan to a great extent. Since 1988 Nagorno-Karabakh has been a dominant domestic and political issue with tremendous mobilising power in both Armenia and Azerbaijan. The leaderships use Karabakh

issues to pursue domestic and political agendas and discredit the opposition, carefully projecting the image that they alone can deliver results. Official Armenian propaganda pictures Kocharian and Prime Minister Serzh Sarkisian as heroes of the Karabakh war, hence the only ones who can be trusted with its resolution. The Karabakh cause is also used to justify the army’s political role and sometimes impunity. The Baku authorities use the loss of the war to discredit the former government. It is also used to distract attention from rule of law, human rights and democracy issues. For several years state propaganda in Armenia and Azerbaijan has worked against any compromise solution. In Baku there have been open calls for use of force to regain lost territories. In Yerevan for the first time since 1994, there have been calls to take up military challenge. Aliyev has repeatedly threatened an offensive to win back the occupied territories, should negotiations fail. In May 2007 he said, “The enemy must know that we are capable of resolving the issue by military means at any time. Strengthening of the army, reinforcement of the army discipline, upgrade of [the] army’s supply base, procurement of modern weapons—all these are aimed at this purpose.”\footnote{Jasur Mamedov, “Azerbaijan flexes Military Muscles”, \textit{IWPR}, 19 May 2007.} Azerbaijani officials insist that this kind of rhetoric is justified as Azerbaijan is the victimised party and this gives Azerbaijanis the right to resolve the issue by any means.

The media promotes hardline nationalist rhetoric and allows little scope for open discussion. An influential television station, ANS, starts its daily news programme with the words, “Armenia’s aggression towards Azerbaijan continues” and regularly refers to the “first Karabakh war,” implying the “second” is yet to come. State owned AzTV airs crude Soviet style war propaganda. Armenian officials have largely refrained from such openly bellicose statements, while portraying Azerbaijan as a threatening but corrupt and weak state. The defence ministry proclaims Baku will lose if it starts a war.
Nagorno-Karabakh elites do much the same, though it is becoming increasingly popular to advocate a pre-emptive strike. In February 2006, the Armenian authorities organised a large scale demonstration to mark the anniversary of the Sumgait massacre. Kocharian said on television that Armenians should be prepared for the worst-case scenario in which they would have to formally recognise Nagorno-Karabakh's independence and its responsibility for the security of the Karabakh people and reinforce the security zone around the disputed enclave. In October 2006 Kocharian visited the frontline in uniform. In January 2007, the fifteenth anniversary of the army triggered a national campaign promoting it as the best capable army in the South Caucasus.

There is no credible political movement with wide support that advocates a compromise in either society. There are few channels of communication between Armenians and Azeris. The negotiations were deadlocked which led to high level of frustration and cynicism. Many favour a military resolution of the conflict, and there is next to no debate on the implications of a peace agreement or resumed war. The leadership promotes this unhealthy dynamic. In Azerbaijan, the government has repeatedly discouraged and even targeted activists who promote confidence building with Armenians. It argues that dialogue resembles normalising relations with the occupiers of Azeri lands, and is possible only after Armenian withdrawal and internally displaced persons' return. There is a prevailing sense that Azerbaijan has been treated unjustly, also by the international community, which has failed to uphold its rights. Except for a thin layer of Baku based civil society, very few are bold enough to voice an alternative opinion. A pro-government parliamentarian, Azay Guliyev, recently sought to introduce criminal responsibility for those who travel to or in any way deal with Armenia.

Among the most radical groups is the Karabakh Liberation Organisation (KLO), which rejects the peace process, criticises the government for failing to take resolute steps to return Karabakh and the international community for not calling Armenia the aggressor. With offices in Baku and key regions, it advocates war as the only acceptable way to regain the lost territories. Its core members are former combatants, families of war victims and internally displaced persons from Karabakh and occupied territories. Some regard it as the governmental NGO and it actively participates in harassment of civil society actors who have Armenian partners. The government has portrayed the radicalisation of parts of society as readiness for war. With sponsorship of friendly parliamentarians, it has set up government NGOs, which often defame outspoken activists, journalists and organisations for spying for Armenian secret services. A few of the latter, among them the Baku based Helsinki Citizens Assembly and the Centre for Humanitarian Research, remain the main civil society advocates of public diplomacy and confidence building. In June 2007, however, an unprecedented initiative led by the Azerbaijani and Armenian ambassadors to Russia took Armenian and Azerbaijani intellectuals to Baku, Stepanakert and Yerevan for the first time since the 1994 ceasefire. While Baku portrayed this as an initiative of intellectuals, it was clearly sanctioned by the leaderships on both sides.  

The internally displaced persons or refugee community has little participation in political and social life and scant access to information on domestic developments, let alone the peace process. Azerbaijan has a non-integration policy, mainly to make the point that the displacement is temporary. Internally displaced persons in camps are particularly vulnerable to political manipulation. The camps are typically isolated and tightly controlled, off limits to opposition or independent activists. No effort is made to give internally displaced persons any representation in the negotiations.

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There is no elected internally displaced persons' representative, and they argue that
the authorities fear a well organised; vocal internally displaced persons' movement
could present a challenge. The Minsk Group co-chairs occasionally consult with
Nizami Bahmanov, head of the Shusha Executive Committee, who was appointed to
represent the community in 1992 but is widely discredited among the internally
displaced persons.67 It is important for the Baku to encourage internally displaced
persons' participation in the negotiation process. There are several internally
displaced persons' organisations in the capital but most are very weak. An Assembly
of Nagorno-Karabakh Azerbaijanis was started in May 2007 to give the community
an alternative voice and create a legitimate representative structure. It seeks a
peaceful settlement and co-existence with Armenia, with Azerbaijan's territorial
integrity as a precondition. There has been little improvement in social and economic
rights since the early 1990s, however, despite the oil money. 61 percent of internally
displaced persons and refugees in rural areas are at or below the poverty level.
Health care is inadequate and work migration indicators high. Authorities say they
have sought to improve social conditions since 2001. As oil money started filling the
State Oil Fund, the government in 2006 allocated $240.9 million for health and
social care but no significant effect is visible. Analysts and many in the camps say
corruption is rampant, and money often does not reach the intended destination.

The government demolished four camp towns in 2006 and built thirteen new
settlements. Much of the new housing is built close to the frontline. Baku uses this
fact to argue it has no military intentions, since it is resettling internally displaced
persons where they would be vulnerable if fighting resumed. Yet internally displaced
persons do not seem convinced in light of the belligerent rhetoric. They also question
the degree to which Baku has their interests at heart, as the new settlements are in
geographically remote, economically unviable and otherwise unsuitable locations,
leading to segregation and isolation.

As far as Armenia is concerned the most powerful hardline force is the Karabakh lobby, which holds the posts of president, prime minister, army chief of staff, chairman of the parliamentary defence commission and many others. Karabakh Armenians have strong feeling of cohesion and well developed patronage networks. The hardline positions of the President and the Prime Minister are strengthened by two nationalist parties, the Republican and the Armenian Revolutionary Federation (Dashnaktsutyun). Both oppose concessions; the Dashnaks have called for further resettlement of occupied territories by ethnic Armenians. The army has political weight in both Armenia and Nagorno-Karabakh and is revered as one of the most trustworthy institutions. It has strong affiliations with several Karabakh veterans associations. Prominent war veterans recently warned Armenia's leaders that living up any territory would be tantamount to treason. Publication of the Prague process principles triggered strong reactions. Once an important part of Kocharian's base, the leaders of the Organisation for Defence of Liberated Territories (ODLT) campaigned against treacherous concessions. The authorities in Armenia are increasingly concerned by the threat from these forces: on 10 December 2006 they arrested two ODLT leaders for plotting violent overthrow of the Armenian government.

In Armenia mainstream opposition to withdraw is based mostly on security considerations. Some military analysts argue that it would undermine Nagorno-Karabakh's safety against an Azerbaijani offensive. Analysts and public opinion in both Armenia and Nagorno-Karabakh are highly sceptical of peacekeeper guarantees. Public opinion hardened further after a video footage was circulated in December 2006 of massive destruction of 6,000 ancient Armenian carved crossstones in Nakhichevan, Azerbaijan. Pro-peace groups—mostly supporting the views of

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former President Ter-Petrosian on a political settlement-have been marginalised by a
decade of state-sponsored hardline propaganda.

Securing Nagorno-Karabakh's consent to a peace plan is likely to be the
biggest challenge. War memories dampen any willingness to consider concessions.
Recalling the blockade by Azerbaijan in 1991, bombardment of the Lachin lifeline in
1992 and indiscriminate shelling of settlements in 1992 from heights in the occupied
territories, Karabakh Armenians argue they cannot accept any plan which does not
give them control over the Lachin district and preserve a security belt. Its non-
recognised status and Azerbaijan's rhetoric deepen Nagorno-Karabakh's insecurity
and reluctance to change the security situation. Public opinion has hardened, while
the region's de facto leaders have not participated in the negotiations since 1997, so
do not bear responsibility for decisions made in the peace process and can
comfortably stake out hardline positions. It is vital to bring them into the negotiating
process in order to give them a sense of ownership and responsibility for any deal.69

As long as Armenia and Azerbaijan were part of the Soviet Union, the
international community had neither ability nor jurisdiction to interfere in the
conflict. The resolution of the issue was totally the responsibility of the Soviet
government. In any case, the conflict was still going on at a rather low scale at the
time. The flaring up of the conflict into full-scale war in fact coincided with the
break-up of the Soviet Union and the independence of the two republics. Thus other
actors now had the possibility to intervene and seek a negotiated solution. Russia,
naturally, remained a major influential power, but lost its monopoly position. In the
beginning of 1992, a whole range of countries started to take interest in the issue.
Immediately following the Khojaly massacre, in particular, international attention

69 Crisis Group Interview, expert, Baku, April 2007. A survey by the Baku-based Sociological
Monitoring Centre PULS of 1,000 Azeris found 59.4 per cent did not accept any compromises on the
conflict; 11.5 per cent supported cultural autonomy and local government powers for Nagorno-
Karabakh; 9.5 per cent agreed to a self determination model similar to Azerbaijan's Nakhichevan
Autonomous Republic; 11.1 per cent said status could be determined by referendum if Azeri
internally displaced persons returned; and 46.7 per cent expected "no war, no peace" to continue.
was concentrated on the conflict. France and Iran proposed their good offices, with some momentary progress on the Iranian side.\textsuperscript{70}

Turkey initially tried to pursue a neutral and at first sight disinterested policy. President Ozal argued for a negotiated solution of the conflict, and proposed to offer Turkey's good offices. However, angered by the Armenian intransigence and actions in Karabakh, Ozal issued a statement that "It is necessary to put some fear into the Armenians over Karabakh".\textsuperscript{71} This statement was instantly used by the Diaspora Armenians to discredit Turkey as a neutral mediator. Thus, in subsequent CSCE negotiations, the Armenians have refused to accept Turkey's participation in any planned peace-keeping operations. Further, the Turkish-Azerbaijani embargo on Armenia contributed to disqualifying Turkey as an impartial actor. The cease-fires, although signed by the belligerents, were in retrospect never seriously followed, nor were this the intention of all belligerents simultaneously until mid-1994. Rather, a cease-fire was used as an instrument to regroup forces and reformulate strategy.

\textbf{International Negotiations}

As far as international negotiations are concerned, the United Nations has remained in the periphery of the conflict, limiting its role to issuing Security Council resolutions, condemning fighting in general and affirms the territorial integrity of "all states in the region", thus abstaining from defining an aggressor.\textsuperscript{72} Instead, the UN delegated the resolution efforts to the CSCE (Conference on Security and Cooperation in Europe). The CSCE is the only institution to have made significant efforts, so far mostly in vain, to achieve more than a cease-fire a lasting political solution to the conflict. The CSCE was at this time looking for a new role in the

\textsuperscript{70} Sophie Shihab (1992), "France and Iran Propose Good Offices in Nagorno-Karabakh Conflict", in \textit{Le Monde}, 28 February 1992, p. 3.

\textsuperscript{71} FBIS-CIS, 5 March 1993, p. 43, "Ozal Cited on Nagorno Karabakh Events, Armenians".

wake of the Cold War, and seemed to think that conflict management in the former socialist countries of Eastern Europe and the Soviet Union could be a role for the organization to fill. Furthermore, the CSCE has an organizational structure where all member states are equal; there are no great-power vetoes (Furman and Asenius 1996). The UN was more than happy not to take on a complicated conflict in former Soviet Union, especially given its overload in conflict resolution in the post-cold war era. Moreover, one can speculate that political interests were part of the scheme to entrust the CSCE with the Karabakh conflict. After all, the UN did take on the Abkhazia conflict. By entrusting the CSCE with the Karabakh conflict, this would make possible the exclusion of one country the West wanted to keep out of the Caucasus: Iran. Being a member of the UN but for natural reasons not of the CSCE, Iran was automatically and very tactfully expelled from mediation in the Karabakh conflict. Whether this is a coincidence, a contributing factor or the main reason for the decision of the UN to delegate responsibility to the CSCE will probably never be clear (Archer and Lena Jonson 1996).

The March 1992 conference of the CSCE decided to prepare for a final peace conference in Minsk, and for a group of monitors to supervise cease-fires to be set-up. The Italian diplomat Rafaeli was given the task to prepare the ground for a peace conference which, it was thought would be held in June 1992. The Swedish diplomat Mathias Mossberg was given the duty to set up an observer force on the ground. Only, there was no cease-fire to observe, and the parties were far from ready for a peace conference. Ambassador Rafaeli traveled to the belligerent capitals in an attempt to prepare the June conference, but was met with disdain by parties who both believed they could solve the conflict on their own terms through the use of force. Nevertheless Italian diplomacy succeeded in bringing representatives of Armenia and Azerbaijan to ‘emergency talks’ in Rome. The participants in these talks soon became known under the informal name of the ‘Minsk Group’, which still today is
The body that is responsible for the negotiations under the OSCE (Both and Ronzilli 1997).

The mediation process can be divided into four phases. The first was the short phase of Russian weakness and predominance of the CSCE mediation over unilateral mediation attempts by other countries. This mainly means the year 1992. The second phase was the reassertion of Russian interests that accompanied the policy shift occurring in the second half of 1992, which entailed the replacement of a Euro-atlanticist perspective, in the words of Mohiaddin Mesbahi, to a neo-Eurasianist one. This translated into practice lending support to one party or the other according to the immediate interest of Moscow. This led to the diminishing influence of the CSCE in the conflict. The third phase, from late 1993 to the end of 1996, was characterized by increasing cooperation and confidence building between the OSCE and Russia. This nevertheless led to few practical gains in terms of approaching a resolution of the conflict, although the cease-fire was achieved in this period. The fourth period began in January 1997 as first France and the United States became permanent co-chairs of the Minsk Group, together with Russia. This period can be said to have lasted until the end of 1997 and the deposition of Levon Ter-Petrosyan as Armenian President, indicating the victory of the hardliners over the pragmatists in Armenia and the rejection by Armenia of the OSCE's step-by-step plan. The fifth phase is the current search for a reopening of negotiations after this event, in which the November 1998 'Common State' proposal must be viewed as an important but unfortunate element.

As mentioned above, the CSCE initially envisaged an eventual peace conference in Minsk and, therefore, the organs to mediate the conflict received the informal name of the "Minsk Conference" and for the negotiating team, the "Minsk Group". It is notable that the Minsk Group was created at a time of Russian weakness, as the Russian state and its foreign policy was in a formative phase, as has
been seen above (Dehdashti 1997). As a result Russia at first adopted a relatively low profile in the mediation process. However, the CSCE’s mandate was weak; it had no experience in conflict resolution; and the parties were not interested in a negotiated solution, this being valid especially for the Karabakh Armenians who were increasingly aware of their military superiority. Furthermore, there seemed to be no readiness to provide troops for a peace-keeping operation among the member states. It should be recalled that the Bosnian crisis was unfolding at the same time, and that the problems faced by international peace-keeping in Bosnia-Herzegovina doubtlessly discouraged anybody from sending troops to far-away Karabakh.

The Minsk Group was originally dominated by smaller, disinterested countries. This had a mixed aspect: the mediation process was trusted by all parties as impartial since countries like Sweden, Italy or Finland had no or few interests in the South Caucasus. However, these countries could only act as mediators in the true sense of the word; they had no incentives, no carrots or sticks to convince the belligerents to adopt a more compromising attitude. Moreover, as pointed out by John Maresca, the group was (until 1997) ‘too large and too low level for serious negotiation, [having] no way of guaranteeing that the much larger CSCE itself would either agree or actually produce a peacekeeping force’ (Maresca 1996). This circumstance has been realized by the group and negotiations are now conducted almost exclusively by the ‘Troïka’.

However, during 1993, the Karabakh Armenians’ push southward towards the Iranian border, threatening Nakhjivan. This led to a potential internationalization of the conflict, where both Iran and Turkey (recalling its protector status over Nakhjivan) could get directly involved. Thus, international support for the CSCE efforts to stop the war increased, and the United States, Russia and Turkey put pressure upon the warring parties, who accepted to take part in the mediation of the CSCE (Cornell 1998).
In June 1993, the Minsk Group reached an agreement which set a deadline of six months for a permanent cease-fire. However, it also stipulated that Armenians evacuate Kelbajar, which formed a second corridor between Karabakh and Armenia. The Karabakh Armenians, although pressurized by the Armenian republican government to accept the plan, believed that holding Kelbajar was crucial for protecting the lifeline between their territory and Armenia. Armenian forces, thus, launched a new attack on Azerbaijani territory. This event typifies the disinterest of the Karabakh Armenians to stop the war. But seeing their position and logic, why would they? After having made themselves guilty of a number of violations of laws of war, carried out ethnic cleansing and a massacre on the civilian population of Khojaly, they received no clear-cut condemnation from any significant state or international organization. Quite to the contrary, the CSCE was making great efforts to have them accepted at the negotiating table. Thus, from Stepanakert’s point of view, it must have seemed safe to start a new offensive, achieve their war aims, and only then agree to sit down at a negotiating table. This illustrates a familiar problem in conflict resolution. It is very difficult to stop a war when one side still has the potential to solve the issue by arms, that is, before a stalemate has occurred (Halbach 1997).

Although the CSCE was the organization in charge, all blame should not be put on this organization—it should be recalled the Nagorno-Karabakh was the first major conflict in which the CSCE became involved. Lacking any firm institutions and any practice in peace-making, the CSCE did whatever was in its power to stop the war. However, once the parties had no wish to comply with its resolutions, there were no measures the CSCE could take to ensure compliance. There were even substantial difficulties in finding sufficient number of states that were ready to put troops at the organization’s disposal for a peace-keeping mission. As MacFarlane and Minear note, 'the fact that OSCE personnel were unwilling to discuss potential western contributions may have reflected not merely diplomatic discretion but also the
difficulty of lining up participants. The question of peacekeeping was made utterly complicated by contending opinions on the composition and leadership of an eventual peacekeeping force. Russia has consistently made it clear that it prefers a Russian-only peacekeeping force, similar to the one in Abkhazia. For obvious reasons, the CSCE and later the OSCE, has refused to allow such a force under the OSCE mandate. OSCE officials have emphasized the fear that a Russian-dominated operation would lead to the OSCE acting 'essentially as a cover for a Russian peacekeeping operation'. Turkey and the US, especially, opposed the Russian attempts to carry through its wishes. Later, Russia argued for a force with at least half of its components being Russian; the western states retorted that a third of Russians and another 17% of other CIS states could be accepted. Russia naturally saw peacekeeping operations as a golden opportunity to place its troops in Azerbaijan, which is the only South Caucasian republic not to have any Russian military on its soil. As for the issue of leadership of the force, Russia naturally insisted on heading the force, in line with Russian doctrine of exclusively Russian peacekeeping on the territory of the former USSR. Nevertheless, the OSCE referred in this instance, to establish UN practice that the force commander not comes from the largest contingent of forces. These complications, coupled with opposing views from the belligerents on the composition of forces, eventually led to the unusual fact of a cease-fire without peace-keepers, which has nevertheless held considerably well.

CSCE Mediation and Russian Opposition

The CSCE's task was further complicated by Russia's role not only in the issue of peacekeeping forces but in the entire mediation process. Whereas from the beginning, Russia was involved in the Minsk Group, it became increasingly clear that Russia would not allow an international organization to take its place and hamper its interests in the Caucasus. The Russians, sometimes even actively,

undermined the peace efforts of the CSCE as they conducted parallel unilateral mediation attempts without informing the CSCE. The final cease-fire of 12 May occurred at a time when Mathias Mossberg, the head of the CSCE mediating group, was in the region to promote the CSCE Peace Plan. Despite his being in the region at the same time, and despite Azerbaijani requests that he and Jan Eliasson should be a party to the talks, neither was invited to take part in the Russian-led cease-fire negotiations.

The developments that surrounded the eventual establishment of a cease-fire are notable. Ever since September 1993, the Swedish mediators had exerted substantial efforts to stitch the Russian and CSCE mediations together. However, when the CSCE organized talks in Paris, the Russian mediator Kazimirov himself a member of the Minsk Group did not appear, instead tried to stage parallel talks in Moscow. By April 1994, the Armenian forces were making substantial gains in the Terter region. It was at this point, where Azerbaijan was literally threatened to be severed into two pieces with the Ganja area isolated from the rest of Azerbaijan, that President Aliyev for the first time accepted an *unconditional* ceasefire, not limited in time. Ambassador Mossberg went to Yerevan to get President Ter-Petrosyan’s approval; the Armenian president noted his acceptance but expressed concern regarding Russia’s absence. In fact, the CSCE mediators had constantly invited Russia to take part in its increasingly fruitful efforts. Russia nevertheless insisted that a permanent cease-fire be signed under *Russian* and not CSCE supervision-something which Moscow was able to make happen through its various levers on the parties, despite the fact that the CSCE mediation had been instrumental in bringing about the parties’ consent to such a cease-fire (Cornell 1999).

The CSCE mediation efforts had quite a limited chance of succeeding already from the start, and its task grew impossible as Russia started to undermine its activities. At the CSCE Budapest Summit of December 1994, the CSCE had to acknowledge this state of affairs by agreeing to integrate its mediation process with
the Russian one. This may be seen as either a setback in terms of the organization’s authority, just as it was changing its name to the OSCE—one step up from a ‘Conference’ to an ‘Organization’; or as a success in that the OSCE succeeded in integrating Russia into itself. As a result the Russian mediator was given the post of permanent co-chairman of the Minsk Group, together with the rotating OSCE co-chairman, at first held by Sweden and since April 1995 taken over by Finland, which held the post until the end of 1996. During this period of negotiations, few actual steps toward a resolution were undertaken, although the mediation process can be seen as having been instrumental in keeping the parties from descending into renewed skirmishes, although a military stalemate seemed in place, decreasing the risk of renewed warfare: the Karabakh Armenians were hardly poised to conquer and defend any new territories, and the Azeris had little prospects of regaining any, as proven by the huge losses in the counter-offensive in early 1994.\footnote{International Crisis Group reports on Nagorno-Karabakh; 1. Nagorno-Karabakh: Viewing the Conflict from the Ground, Europe Report # 166, 14 September, 2005}

Rather, the mediation efforts were helpful in cementing the existing cease-fire. Furthermore, this period was important for the harmony of the peace talks, strengthening the unity of the mediators and restoring the credibility of the Minsk process by incorporating Russia into it. This was to a large extent due to the choice of the co-chairmen of the OSCE Sweden and later Finland, two countries which were neutral during the cold war and were to some extent trusted by Russia; and furthermore, two countries with a high degree of experience of relations with Russia. It is relatively safe to say that Russia would have been considerably more reluctant to allow great powers like France and the United States to become co-chairmen in 1997 had it not been for the confidence-building between the OSCE and Russia which took place in 1995-1996. This was, according to Finnish co-chairman Heikki Talvitie, the main accomplishment of his mediation period. However, the Minsk
process became for the parties not mainly a forum for negotiations, but rather, as Gerard Libaridian has put it, a ‘propaganda forum for both sides’. 75

Another important event was the Lisbon Summit of the OSCE in December 1996. A draft statement prepared by the Minsk Group had been approved or at least accepted by all countries of the OSCE including Azerbaijan. The document called for a settlement of the conflict based on Azerbaijan’s territorial integrity, a legal status for Karabakh giving it the highest degree of self-government within Azerbaijan, and security guarantees for Karabakh’s population. Armenia used its right of veto to force the summit to omit a statement on settling the Karabakh conflict from the meeting’s final document. The summit had been preceded by intense lobbying by Turkish and Azerbaijani as well as Armenian delegations. Faced with a unanimous vote against it, Armenia finally vetoed a statement, which had not been the subject of negotiations, as it would have upheld the territorial integrity of Azerbaijan. It showed very clearly that the Armenians were struggling hard not to give up any of their gains from the war; thus Armenian representatives were reluctant to sign a document which reiterated the territorial integrity of all member states. 76 The Azeris, on the other hand, pressed for a declaration supporting the highest degree of autonomy for Nagorno Karabakh. The summit was saved as the Azerbaijani president, after an intervention by Turkish president Süleyman Demirel, was willing to compromise on the inclusion of a provision on autonomy as the solution of the conflict. Thus; the outcome was a chairman’s declaration on the Karabakh. As the drafts on the conflict could not be incorporated in the final document of the summit, the chairman attached a special note to the document which made clear the position of all OSCE member countries except one: the defense of the

principle of territorial integrity. This meant a diplomatic victory for Azerbaijan although technically Armenia had been able to make its veto prevail. In a sense the summit meant a turning point in the history of the conflict; it can broadly be said that before this summit, there was a general tendency of the international opinion to favour Armenia; after the summit most international powers have been increasingly turning to Azerbaijan, for mainly economical reasons related to the oil riches of the country. It also signaled an increase in the level of international attention to the conflict. The Lisbon Summit thence supported the maintenance of the territorial integrity of Azerbaijan and an extensive, internationally guaranteed autonomy for Nagorno-Karabakh. The Lisbon Summit roughly followed Azerbaijan’s position on the conflict, accepting what President Aliyev had termed the unacceptability of the creation of a ‘second Armenian state’ in the South Caucasus. As a corollary, Armenia and Nagorno-Karabakh felt the Lisbon Summit prejudiced further negotiations by siding with one of the parties to the conflict and defining the model of solution before actual negotiations. Armenia and Nagorno-Karabakh have continuously resisted the OSCE’s insistence that negotiations follow the Lisbon principles; Armenia even considers the Lisbon principles the main impediment to a solution of the conflict.

**Developments During 1997-98**

In December 1996, Finland’s tenure as co-chairman was expiring, and both France and the United States voiced their interest for replacing Finland, pointing to the increasing interest of great powers for the region. As the OSCE picked France as Finland’s successor, this disappointed the United States and angered Azerbaijan, which perceived France as pro-Armenian and asked the OSCE to reconsider its decision and appoint the US to the post.\(^77\) This in itself was a watershed, as the US previously had been perceived by Azerbaijan as pro-Armenian as well. Azerbaijan

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had long had a positive relationship with the US State Department, but had been wary of the pro-Armenian Congress’ influence and, therefore, had not promoted increased American involvement. What had changed was first of all that Azerbaijan judged the influence of the oil lobby in Washington to have superseded that of the Armenian lobby or simply that the Congress had little influence on US foreign policy in the Congress as compared to the State Department. Furthermore, the Turkish-Israeli ties were strengthening considerably and there are indications that the Jewish lobby in Washington was beginning to lend its support to Turkey as well as Azerbaijan against the Greek and Armenian lobbies. In any case, Azerbaijan by now felt it could trust the US; two years earlier, neither France nor the US would have been acceptable to Azerbaijan. As the issue of the co-chairman was becoming embarrassing for the OSCE, a compromise solution was adopted the United States were made a third co-chairman despite Russia’s initial opposition. Hence, since then a troika composed of Russia, France and the US have been leading the negotiations over Nagorno-Karabakh. By May 1997, the United States publicly declared its interest in quickly achieving a solution to the conflict. Roughly at the same time, Robert Kocharyan, President of Nagorno-Karabakh, was appointed Prime Minister of Armenia. This event meant a strengthening of Stepanakert’s position in Yerevan and a counter-balance to Ter-Petrosyan’s more liberal position. In July, President Aliyev visited Washington on an official invitation, an event which Baku did not fail to utilize to its maximum in propaganda.

In September 1997, the OSCE troika proposed a new peace proposal for Karabakh. This plan provided for the institution a step-by-step solution, whereby the

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79 For example see the book Azerbaijan Oil in the World Policy, or the Turkish version Dünya Siyasetinde Azerbaycan Petrolu, Istanbul: Sabah Yayınları, 1998, officially stated as written by Heydar Aliyev himself, although his role most probably was more that of an editor. Another interesting example is the chronology of Aliyev’s time in power so far entitled Years Gone By, Years Ahead, in which the two only photographs covering two entire pages are both pictures of Aliyev with President Clinton.
issues of troop withdrawal from Armenian-occupied territories and the return of refugees would be solved in a first set of negotiations; the issue of the status of Nagorno-Karabakh would be left for a second step. This proposal was immediately rejected by the Karabakh-Armenian leadership, which refuses any plan which would restore Nagorno-Karabakh to Azerbaijani sovereignty, but endorsed by Baku. Yerevan’s answer was nevertheless the most important, in that Ter-Petrosyan accepted the principles of the plan, hence opposing Stepanakert’s position. Among other statements, he claimed that it was ‘not realistic’ to demand Nagorno-Karabakh’s unilateral secession from Azerbaijan. By accepting the peace plan, Nagorno-Karabakh would in the final negotiations on its status be deprived of its main bargaining chip: the occupied territories in Azerbaijan. Hence, it was relatively predictable that Stepanakert would reject such a suggestion. Ter-Petrosyan’s view was based on a realization of the national interests of Armenia, as opposed to the interests of Karabakh. From Yerevan’s perspective, a pragmatist like Ter-Petrosyan realized that the achievement of international recognition for Nagorno-Karabakh or its attachment to Armenia was as good as impossible. Confirmed by international observers, who nevertheless deemed the magnitude of the irregularities not having been able to influence the outcome of the vote.\(^81\) In the run-off with Demirchian, Kocharyan recorded over 60% of the votes and was elected President. This despite the technical illegality of his candidacy: Kocharyan is actually not an Armenian citizen, although the constitution stipulates that the President must have been a citizen for ten years. Kocharyan, as a citizen of Nagorno-Karabakh, might naturally have used the Armenian parliament’s 1 December 1989 decision on the unification of the two entities to legitimize its eligibility. However, this argument was not used, probably not to draw international attention to the decision—it would have given Baku


an opportunity to point to Armenia's involvement. The irony is that an Azerbaijani citizen now is the President of Armenia (Yamskov 1991).

Kocharyan's arrival to power was naturally greeted with despair by those that had hoped for a peaceful solution to materialize. It meant that the OSCE proposal was once and for all buried and that the mediation process, in many ways, was back to square one. However, certain observers identified a positive aspect: Ter-Petrosyan, although willing to compromise, had seen his political basis to be eroding. His legitimacy was simply too eroded for him to carry home a compromise solution against the hard-line opposition. On the other hand, Kocharyan—with his strong identification with Stepanakert—can hardly be blamed for betraying Karabakh, even should he advocate a compromise. According to this line of thought, Kocharyan—as President of Armenia—will soon realize what Armenia’s interests are and will be forced to act accordingly. As a result the likelihood of a solution may have increased rather than decreased. However, this argument presupposes that Kocharyan will change the way he looks at the issue, something which can hardly be taken for granted. With his roots in Karabakh, Kocharyan is unlikely to agree to give up the independence Nagorno-Karabakh fought for and won in the war effort in which he played an important role. The bottom line remains that until and unless a clear majority of the Armenian people favours concessions to Azerbaijan, the situation will remain roughly the same.

In November 1998, the OSCE Troika presented a proposal to the parties that have come to be called the ‘common state’ or ‘unitary state’ approach. The OSCE returned to a ‘package’ solution, thus abandoning the phased approach. One new character of the proposal was to avoid use of terms such as ‘autonomy’ and ‘territorial integrity’ which had in the past evoked polemics from the rival sides, these terms having become heavily value-laden. Although the exact details of the proposal have not been made public, it seems clear that the idea envisages that

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Nagorno-Karabakh and Azerbaijan form a 'common state'. OSCE mediators have declined to specify, however, if the two entities would enjoy equal status as is demanded by the Armenian side. The 'common state' concept is a brainchild of then Russian Foreign Minister Yevgeny Primakov and his deputy Boris Pastukhov, and has been used by Russia in negotiations over Transdniestr and Abkhazia. The concept is inherently vague, and the belief of the authors of the concept is that it is vague enough to bring the opposing sides to the negotiating table. In the other two cases, Transdniestr and Abkhazia have interpreted this principle as entitling them to separate statehood first, and to negotiating the 'common state' later as equal parties. The Moldovan and Georgian governments, on the other hand, have interpreted the concept as precluding full independence of the breakaway regions, although entitling them to full autonomy within a single state. In the view of analysts at the Jamestown Foundation, the proposal 'has deepened the stalemate, postponed the resolution of conflicts, and maximized Russia's leverage upon all parties as arbiter'.

As the proposal meant that the OSCE stepped back from its Lisbon principles of defending Azerbaijan's territorial integrity and advocating Nagorno-Karabakh's autonomy within Azerbaijan, the Armenian side predictably endorsed the plan. In the words of Nagorno-Karabakh leader Arkady Gukhasyan, the plan 'envisages direct negotiations between Azerbaijan and Karabakh as co-equal parties, poses no "preliminary conditions"-that is, do not postulate Azerbaijan's territorial integrity-and introduce "unconventional elements" necessary, in the Armenian view, in order to overcome the contradiction between the territorial integrity principle and the national self-determination principle', hence fulfilling many of the earlier demands of the Armenian side.


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Azerbaijan, on the other hand, almost immediately and predictably refuted the proposal. According to Baku, the plan 'departed from the OSCE’s own norms, blindsided Azerbaijan virtually on the eve of the OSCE’s year-end conference, and appeared designed to shift onto Baku the blame for the mediators’ ineffectiveness'. According to Vafa Guluzade, the Minsk Group introduced a potentially dangerous element in the negotiations by accepting the 'common state' idea as the basis of a settlement. He blasted the group for having 'set themselves the task not of settling the conflict, but of inventing something in order to begin negotiations (Cornell 1999). There are no U.S. or French positions here. The 'common state' is an invention of Russia's Foreign Ministry. The latter is attempting to impose it on Georgia in the negotiations on Abkhazia, but Georgia is rejecting it. This idea was applied in Moldova's Transdniester region. Now the Russian Foreign Ministry is attempting to apply its tactics also in Azerbaijan, and it looks as if the United States and France are hypnotized'. Gulizade singled out several major drawbacks in the OSCE’s abrupt shift. First, the ambiguous concept of 'common state' was an inherently contentious and unstable basis for any settlement. Second, the OSCE’s lurch from insistence on “territorial integrity” to an opposite principle undermined the OSCE’s own influence. And third, the shift rewards Armenia’s intransigent elements, showing that the overthrow of Ter-Petrosyan had paid off. Armenia’s intransigent elements, Kocharyan indeed stated that ‘the change of leadership in Armenia played a great role in securing these gains for the Armenian side’, hence crediting the deposition of Ter-Petrosyan for the advances. In any case the result was a prolongation of the conflict and a further delay of its solution. Gulizade’s statement that the OSCE espoused an ‘opposite principle’ to that of territorial integrity is nevertheless questionable; the common state approach does not mean a denial of the principle, although by refraining from mentioning it, it represents a deviation from the erstwhile approach which held territorial integrity central to any solution (David 1997). The consequences of the proposal in practical terms, as far as can be observed
in early 1999, seem to have been to delay the prospects for a lasting peace. In fact, the Armenian side has announced that under no circumstances will it make any compromises beyond those that the acceptance of the common state proposal would imply; indeed, the tenacity of the Armenian side has increased substantially with this plan; both Yerevan and Stepanakert see the recent developments as a political victory. Much like Azerbaijan relied on the ‘Lisbon Principles’ and Armenia’s intransigence to accept them in its foreign relations, Armenia is now in a position to depict Azerbaijan as the party that refuses to comply and has therefore no incentive to compromise. Meanwhile, the Azerbaijani side is increasingly disgruntled with OSCE mediation and has publicly announced that other mediation bodies may be conceived of. The failure of the mediation hence lies in an inability to gauge what proposals can be accepted by both parties. It was relatively obvious that the step-by-step plan would ultimately be refused by the Armenian side; its announcement was therefore instrumental in handing Azerbaijan a diplomatic victory. Likewise, Azerbaijan’s refusal to the common state approach was equally predictable, and its announcement was therefore an obvious Armenian diplomatic victory. By its actions, the Minsk Group hence actually increased the unwillingness of one party to the conflict to make serious compromises, instead putting itself into a position that is best described by Libaridian’s above mentioned phrase—a propaganda forum for both sides.

An interesting observation is that the increased involvement of great powers in the mediation process has worsened rather than promoted the prospects of a solution. Great power mediation undoubtedly has the potential of being effective whenever the great powers involved pursue the cause of peace and not their own, narrow national interests, and are interpreted as neutral and disinterested by the parties. In fact, the record in the Nagorno-Karabakh conflict has not given any reason to view either Russia or the United States as disinterested mediators. Russia has an intimate military relationship with Armenia and is continuously arming that country, whereas
the US is developing ever closer ties with Baku, without however compromising its
ties to Yerevan. In this sense, both great powers are correctly viewed by most
observers as pursuing their own national interests in the Caucasus. In the case of
Russia, it is doubtful whether a solution to the Nagorno-Karabakh conflict would at
all be perceived in Moscow as being in Russia’s interest; as far as the US is
concerned, the intentions of Washington nevertheless seem less self-interested.
However, the national interests of the US in the Caucasus, as outlined above, dictate
that Washington’s priority must be a close relationship with Baku-something which
naturally creates suspicion in Yerevan. In certain ways, the progress made during the
years of small-power mediation seems to have been much greater than the present
condition of the peace process. Unfortunately, a return to small-power mediation is
nevertheless unlikely to yield results. The great powers are in the Caucasus to stay;
as such it is better to have them involved in the mediation process than the opposite.
At least, the opportunity for the parties to go ‘forumshopping’ is limited today,
whereas a return to small-power mediation would be likely to lead to precisely that.

Solution of the Karabakh Conflict

Whatever the final settlement of the Karabakh conflict may be, the greatest
significance will be in the actions each side takes in order to find that solution. In
reality, any of the ways to a solution of the conflict is no more than an abstraction:
how to solve the problem in reality is in itself a big problem. Many of the proposed
and sufficiently realistic solutions were put aside due to the difficulties of their
practical implementation. The key problem turns out to be a lack of mutual trust.
That is, the Azerbaijani side may undertake military action with the aim of
eliminating the insurgent enclave of Nagorno-Karabakh. The Armenian side, on the
other hand, may, for instance, seize the new territories of Azerbaijan outside

84 International Crisis Group reports on Nagorno-Karabakh: 1. Nagorno-Karabakh: Viewing the
Conflict from the Ground, Europe Report #166, 14 September, 2005 and 2. Nagorno-Karabakh: A
plan for peace, Europe Report #167, 11 October 2005
Karabakh, aiming to force Azerbaijan into a greater pliancy. Formally, all sides of the conflict are keen for a peaceful settlement to the conflict, but recently, when the negotiations came to a deadlock, Azerbaijan didn’t rule out a military solution for the restoration of the territorial integrity of the country in accordance with the principles of the United Nations (Patricia 1998). In the opinion of the Armenian side, such conduct isn’t unexpected from the country which was defeated in the military actions. Another kind of solution calls for preliminary consent by the sides on every dispute, a conclusion of agreements “in a package” which would account for all problems and aspects of future peace and implement these activities in time. Also, there has been no consensus on these problems nor on the status of Nagorno-Karabakh, it is natural that all proposed “package” variants (the last and the most well-known was the one proposed by the co-chairmen of the Minsk Group in July 1997) failed to be realised and were put aside. However, the present leaders of Armenia affirm that they are sticking to the package principles for the resolution of the conflict. Another scheme of settlement of the conflict was proposed instead of the “package” one in December 1997. It proceeded from the fact that since the sides were not ready for a complete settlement of the conflict, including its central problem, the status of Nagorno-Karabakh, it was necessary to do what had already been decided at the very least. Namely, it could be possible to realise a partial withdrawal of Armenian troops from the Azerbaijan territories outside Karabakh (except from the “Lachin corridor”), and also to achieve a return in stages of refugees to their former homes. It is natural that even in this case there remained disputable problems (for instance, 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 in suspense. In this context, integration approaches to the solution of the problem is also noteworthy. The integration approaches were intensively discussed at international conferences in Bohum (Germany) and Berlin in 2001, with the

participation of the representatives of all sides of the South Caucasus. During the course of the conference, M. Emerson outlined and to some extent altered some parts of his idea, but it didn't help to make the “Stability Pact” any more appealing to the political leaders of the South Caucasus.

One possible way to settle the conflict could be achieved with the help of coercion by world powers, which can be described as the “Dayton Principle”. This solution can be compared with any of the above variants. The inability of Azerbaijan and Armenia to find an acceptable solution to the territorial disputes creates a need to find an internationally adopted system of coercive measures. These 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 these models are the provisions of the United Nations 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 acknowledge the principle of territorial integrity and their interpretation of UN documents on the right to self-determination.

All these proposals remain purely speculative, since they have not won the support of politicians in any country or international organization. A profound flaw in the whole peace process is that it has not involved broad elements in society. Armenians and Azerbaijanis rarely contact with each other and animosity is strong. In both countries populations are as resistant to compromise as the leaders. No viable solution can be arrived at unless the level of accommodation increases on both sides of

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the faultline. It's for the civil society of both the countries to solve the problem keeping apart narrow political competition and chauvinism. Over the past two years, hopes for diplomatic progress have been repeatedly dashed, undermined by the parties' lack of political will and insufficient international community resolve. As military expenditures have soared and belligerent rhetoric increased, the leaderships of both countries have turned their public opinion increasingly against compromise. Nevertheless, the Prague process still provides what can become the framework for a negotiated settlement. Electoral politics in both Azerbaijan and Armenia will complicate the political environment in the coming years. Ideally the sides should agree on a document of Basic principles, even one that also specifies where disagreements remain, before the polls but it is essential at least to maintain the process during the year.

There is a real risk that the conflict will heat up at some point in the next several years, while the oil boom and extensive military development in Azerbaijan and steady economic growth in Armenia suggest that neither will feel compelled to compromise. More numerous ceasefire violations are likely, though not all-out war. The risks may reach a new level around 2012, however, when Azerbaijan's oil revenues are expected to begin to decline. At that point, Baku might be tempted to conclude that the balance of power was at its most favourable and that an appeal to extreme nationalism could counteract popular disenchantment with the regime. Before this happens, the international community needs to lose its complacency and lobby with all available pressure for peace. Conditionality should be used with financial aid instruments, and active diplomacy should focus both sides on the costs of continued stalemate and confrontation, which far outweigh those of an early compromise.

While a comprehensive solution to the conflict is probably not achievable at present, small steps can be taken. Confidence building and people-to-people contact should be started, especially during the election cycles, when political propaganda
may otherwise alienate the societies even further. Increased confidence and security should ultimately make possible the more sensitive but crucial start of withdrawal from occupied territories as a first step towards the implementation of the principles.

Numerous other models have been suggested for the resolution of the Nagorno-Karabakh conflict. Return to the Status Quo, The Cyprus model, the Transcaucasian Confederation model and A framework of autonomy were the most prominent and widely discussed amongst them (Cornell 1999). Various solutions have been contemplated towards ending the standoff between Azerbaijan and Armenia over Nagorno-Karabakh. Some of them are listed below which merits attention:

**Return to the Status Quo**

In this solution, attempting to bring back the *status quo*, is advocated by Azerbaijan. The logic follows the principle that national minority have the right to autonomy and to exercise their culture and religion, but not to secession and armed uprising. The main obstacle to such a solution is the categorical Armenian refusal of this argument. The Armenians argue that the Karabakh Armenians do not recognize the legitimacy of the Azerbaijani government, and claim the right to complete self-determination. Thus, it seems very unlikely that such a solution could be enforced in practice. The Armenians are by force of arms controlling Karabakh and its surrounding regions that are left as deserted lands. Thus, having achieved their war aims, it is inconceivable for them to give up their hard-won territory and accept Azerbaijani sovereignty. Such a solution can only be achieved through arms, as the Armenian populations have shown their readiness to fight for what they consider their right. And in any case, usage of force against them would lead to a mass exodus to Armenia before any form of autonomy can be established. Hence, it seems unlikely that Azerbaijan's full territorial integrity can ever be reestablished, at least by peaceful means, and unless the Armenians in Nagorno-Karabakh are forcibly evicted.
The second solution is the acceptance of the Karabakh Armenians’ right to self-determination and their subsequent independence or annexation by Armenia. This solution would effectively put an end to the conflict provided Azerbaijan recognizes it. Furthermore, it would fulfill the self-determination argument and confirm with the right of peoples and minorities to decide on their own future. This argument doubtlessly has many proponents in the West, particularly in minority rights organizations and the like, not to speak of the Armenian Diaspora. However, this argument is not devoid of problems and contradictions. The most obvious objection to it is that it would actually recognize the use of force and ethnic cleansing in the alteration of internationally recognized borders. Given the present international atmosphere, it seems as if the perpetuation of the present situation, Nagorno-Karabakh’s secession from Azerbaijan—and the creation of an independent Karabakh and/or its annexation to Armenia—can be ruled out as a solution to the conflict. This is primarily due to Azerbaijan’s categorical refusal but also because of the reigning general uneasiness concerning secession felt by all international actors. In particular, given the delicate geopolitics of the Caucasus as a whole, it is feared that granting independence to Nagorno-Karabakh would have repercussions on the whole region’s stability, leading to increasing tensions in Abkhazia, South Ossetia, and Chechnya, as well as within Azerbaijan itself, given the existence of a vocal Lezgin minority in the country among others. Hence, it would set a precedent for other irredentist movements. Thus, an international acceptance of the independence of Karabakh or of its unification with Armenia would be a doubtful act in terms of international law.

Furthermore, the independence of Karabakh would actualize the question of the Lachin corridor and the Kelbajar region. It is doubtful if the Armenians would let go of Lachin even if Azerbaijan would put it as a condition for the independence of the region. The Lachin issue is in fact a major point of contention which may prove to be

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the most difficult nut to crack in the whole conflict. For, whatever, the solution of the conflict will be, Lachin remains crucial to both parties. For the Azeris, it is the principle of their territorial integrity that is on stake; whereas they could let Karabakh go and save their face, as the region is not inhabited by Azeris in any case, the Lachin area was homogeneously Azeri and giving it up would be a deep humiliation. Similarly, the Armenians would argue that without the land connection of Karabakh to Armenia through Lachin, there can never be any secure position for the Karabakh Armenians. If Azerbaijan was allowed to reassert control over Lachin, Karabakh would constantly remain vulnerable to the wishes of Baku; there would always be leverage on them.

Thus, there is a deadlock. For both sides crucial interests are at stake and there seems to be little room for a compromise. This fact is also related to the contentious issue being the very question of Karabakh's territorial affiliation. Hence, there is no applicable precedent or resolution mechanism in the history of international politics that can easily be adapted to the Nagorno Karabakh conflict. Clearly, any solution that is acceptable to both parties must be unique in the field of conflict resolution.

The Cyprus Model

The Cyprus model as applicable to Nagorno-Karabakh, broadly, suggest not to recognize it as de jure, but to agree with its existence as de facto. It would mean that Nagorno-Karabakh would neither be an integral part of the Azerbaijan Republic nor the Republic of Armenia, and would also not be officially recognized as an independent state, or would not be a member of the international community, but would exist and function as an independent state formation.

A Framework of Autonomy

The first point that comes to mind is whether it is possible to negotiate Nagorno-Karabakh's autonomy within Azerbaijan, possibly coupled with international
guarantees. As a concept, autonomy solutions are advantageous as the nature and degree of self-rule can be tailor-made to fit the needs and wishes of a particular ethnic minority, and the particularities of their territory. Hence, different profiles of political power distribution can be articulated.  

A high degree of autonomy in international relations would allow Nagorno-Karabakh to enter into agreements with Armenia, which it considers essential for its survival. One could imagine a guarantor role for Armenia, similar to the ones exercised by Turkey, Greece and Britain in Cyprus. Azerbaijan would perhaps retain veto right over such agreements. The question is, whether an Azerbaijani veto power would be acceptable for the Armenians given the importance they attach to their link with Armenia. Secondly, in terms of language, Armenian would be the official language of Nagorno-Karabakh as it was in the Soviet era. Third, in terms of security, a high degree of autonomy would enable Nagorno-Karabakh to locally and independently organise its police forces. In this context, it is likely that Azerbaijan would see the need to keep some form of control over the security forces of Karabakh, in order to prevent the fragmentation of the armed forces of the republic—something which could engender further conflict. The existence of two separately controlled military structures antagonistic to each other in a country is definitely not desirable. The Karabakh Armenians' primary concern is security and self-rule, as well as relations with Armenia. As far as Azerbaijan is concerned, its main concern is to prevent the fragmentation of its territory. Any arrangement has to keep into account the concerns of both sides.

The prospects of a re-negotiated autonomy are difficult to assess. The lack of mutual confidence and trust is a main obstacle for the future of a re-negotiated autonomy. In such a situation, in fact in every situation except secession, the two enemies are forced to cooperate within the structure of a single state. Autonomy

decreases interaction and presumably, thereby, the potential for tensions, but in the final analysis the difficulty remains to induce to cooperation two groups who do not actually want to cooperate. The feasibility of the suggestions listed above will become clear only if the parties agree to sit at the negotiating table. Indeed, bringing them to peaceful negotiations might be as difficult as reaching an agreement once negotiations have been started. Autonomy, then, despite the Soviet legacy remains one of the primary models of resolving the conflict. There are nevertheless other solutions that deserve to be mentioned.

The Transcaucasian Confederation

The idea that the future of the South Caucasus countries lies in their political integration, is not new. Emil Agayev suggested a model known as 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 (Laitin and Grigor Suny 1999). 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. 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.

Joint Sovereignty of NK Territory
This solution has been put forward by the former US special negotiator on Karabakh, John J. Maresca. Maresca’s proposal can be summarized as:

- Nagorno-Karabakh would be reconstituted as the Republic of Nagorno-Karabakh, a self-governing legal entity within and freely associated with Azerbaijan.

- All refugees would be permitted to return to their homes.

- All of Armenia and Azerbaijan would be a free trade area, and the two states would agree on mutual transit rights across each other’s territory.

- The settlement would be guaranteed by the CSCE and the UN Security Council, and US-led international efforts should invest in reconstruction of the area and the construction of road connections between Azerbaijan and Nakhichevan and between Armenia and Karabakh.

This proposal presents a very comprehensive and far-reaching solution to the conflict. However, it requires a certain degree of mutual confidence and trust, which is totally absent on the ground, and can hardly be imposed by outside powers. The United States can certainly ensure the compliance of the Azeri and Armenian governments. But the rift between the two communities is such that it is unrealistic to expect Armenians and Azeri’s to co-exist peacefully in the near future. Forcing the populations to live together would likely backfire into new hostilities; hence, a transitional period is necessary, where mechanisms such as confidence-building measures are implemented. Furthermore, the free association of Nagorno-Karabakh to Azerbaijan is likely to be interpreted in Baku as a capitulation and therefore not acceptable. From a larger perspective, the elements of Maresca’s proposal dictate a kind of confederal relation between Armenia and Azerbaijan. The fact that mutual

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suspicion remains and is likely to exist in the foreseeable future points to the risk of renewed conflict and revisionism in both camps.

There is no short-term solution to this conflict. Long-term measures such as democratisation, regional economic, security and perhaps political integration, and reinforcement of the overarching Caucasian identity are the necessary preconditions for a lasting peace.

The process of political developments in Azerbaijan unfolded in the backdrop of Nagorno-Karabakh conflict which decisively contributed to shape the mindset of the political actors in particular and public opinion in general. War over this territory blurred the vision of the whole country regarding the shape and pace of political developments. It is in this context that the next chapter outlines the evolution of constitutional democracy in Azerbaijan during 1991-2005.