

NAGORNO KARABAKH CONFLICT RESOLUTION NEGOTIATIONS

By

Neman MURADLI

THESIS

Submitted to

KDI School of Public Policy and Management

in partial fulfillment of the requirements

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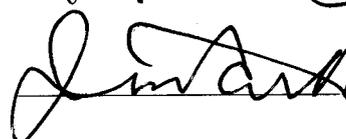
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Abstract

The disintegration of Soviet Union caused many conflicts in Caucasus region and among them the most intractable dispute is Nagorno Karabakh. Despite many countries and international organizations mediation efforts conflict does not solve since 1990th. Sixteen years passed from the conflict but every negotiation process failed to produce any possible solution. The main problem of the conflict is not only the status of Nagorno Karabkah but also interests of mediators. This thesis examines the Karabakh conflict between Azerbaijan and Armenia and investigates the cause of the conflict from historical and theoretical view and shows obstacles of the negotiation and mediation processes.

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Dedicated to: Great Journalist-Elmar HÜSEYNOV

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INTRODUCTION

Armenian and Azerbaijan's struggle over Nagorno Karabakh (hereafter, NK) is one of the most savage disputes in the world, producing more than one million refugees and Internally Displaced Persons and more than twenty thousand casualties. After the initial four years of war (1990-1994) approximately twenty percent of the Azerbaijani territory was occupied by Armenia (IOM 1999 p. 40), and the war situation was replaced by a stalemate or "no peace no war" situation. The current deadlock affects not only the two countries but also the entire region both politically and economically.

When the conflict started, the character of dispute was internal, but after the disintegration of the USSR the conflict's nature changed from internal to inter-state. Many scholars and politicians estimate that the main roots of this conflict are historical hatreds, religious aspects and remnants of the Soviet policy of "divide and rule". According to estimations, conflict between the two nations began during the fourth century A.D on the grounds of religion. However, the two ethnic groups could not raise this issue for a long time due to colonization or suppression by various empires-Mongol, Ottoman, and Soviet- until 1980s. In the last years of USSR, years of accumulative enmity exploded and first ethnic mobilization then armed clashes began.

After the cease fire (May, 1994), on the negotiation table three major parties emerged- Azerbaijan, Armenia and the normally unrecognized NK. According to international law, both parties' claims are legal because Armenia's main assertion is "self determination" and Azerbaijan's is "territorial integrity" so these make the negotiation process more complicated,

and so the dispute has become intractable. During the last few decades, as the world's map changed, the conflict was ignored by both international organizations and powerful countries. Then (1993-1994), the conflict started to threaten not only two states but also neighboring states as well and casualties increased, and finally international and regional organizations, the EU, the U.S, Russia and other countries began to intervene to the conflict. Nevertheless, these interventions or mediation efforts did not reflect the willingness of organizations or states to find a solution for the conflict. Incompatible mediation efforts deepen the dispute and make the situation more desperate.

This thesis aims to analyze the conflict comprehensively. In chapter one, we will examine the background of the conflict's history from the earliest recorded time to the end of twentieth century. The chapter covers ancient times, then the medieval period-Mongol, Timor, and Ottoman rule-, the nineteenth and twentieth century of Russian and Soviet colonization and suppression of the conflict. Chapter two studies the conflict on ethnic grounds. Chapter three analyzes the negotiation processes and problems. The final chapter studies third party interventions and mediations.

CHAPTER I

HISTORY AND ROOTS OF THE CONFLICT.

Caucasia¹ is one of the particular geopolitical regions in the world. Armenia and Azerbaijan are both located in Transcaucasia². Although mountainous, the Transcaucasia is geographically important because it represents a strategic land bridge between Europe and Asia. Over time, this geostrategic importance has made the Transcaucasus a cross roads battleground of clashing empires (Croissant, 1998). The last conflict, the brutal NK war between Azerbaijan and Armenia, is the most recent and pressing example of the history of battles.

Figure 1. Map of South Caucasus and Transcaucasia.



Source: International Crisis Group.

http://www.esiweb.org/pdf/armenia_ICG_risking_war_Nov2007_187_nagorno_karabakh__risking_war.pdf

¹ Caucasia: A large region between the Black Sea and the Caspian Sea on the border between Eastern Europe and Asia

² Transcaucasia - a geographical region to the south of the Caucasus Mountains and to the north of Turkey that comprises Azerbaijan, Armenia and Georgia.

The Azerbaijan and Armenian struggle over NK emerged in twentieth century. During the Soviet era conflict was suppressed by the USSR government, then, during the 1980s, conflict reemerged again. After the disintegration of the USSR, the conflict became a war. As a result of the three years war, millions of people became refugees and Internally Displayed Persons (hereafter IDP), and international organizations and foreign countries attempted to control two states to negotiate about the status of NK. The major problem in the negotiation process is deciding which country belongs to NK historically. This chapter explains historically which country controlled NK and the reasons of the conflict.

1.1 Conflicting claims about early history.

Figure 2. Map of Nagorno Karabakh.

In order to get historical information about NK, let us first examine the etymology of “Nagorno Karabakh”. The root of the word “Karabakh” comes from the Turkish and Persian languages.

“Kara” is a Turkish word and the meaning of the word is “Black”,

and “bağ” means garden in Persian.

The word “Nagorno” is a Russian word and means mountainous. Thus in the name of the region there three different languages.



Source: International Crisis Groups

In fact these three nations–Persian, Turkish and Russian–have dominated the history of the

region (Svante 2001).

Azerbaijan and Armenia have different assertions over Nagorno Karabakh. Some Armenian historians claim that historically, NK belonged to Armenia and as visual evidence they mention some churches which are currently situated in NK. According to their claim, Armenia is a Christian country but Azerbaijan is an Islamic country, so the presence of churches in NK indicates that NK belonged to Armenia (Noble and Systemans 2008).

Against this claim, Azerbaijan historians (Z.Bunyadov, Y.Mahmudov) proved that Nagorno Karabakh historically was part of Azerbaijan territory. According to Azeri sources at the beginning of first century A.D Caucasian Albania³ (unrelated to the Balkan Albania) started to flourish and at that time Nagorno Karabakh was one part of an Albanian region. In the 400s AD Christianity began to spread in Albania under Byzantium auspices. After the 400s AD Caucasus Albania started to get worse both economically and politically and in the 700s AD the country was invaded by the Sassanid Empire⁴. After the disintegration of the Sassanid empire in 651, Caucasus Albania was controlled by the Arab Caliphate. In the aftermath of Arab domination, Islamification processes (VII-VIII AD) were started in the area. From this point of view Azerbaijan scholars claim that before Islam took hold, Azerbaijan was one of Christian country and being churches in NK is normal but it does not mean that NK was belong to Armenia.

Moreover, Armenian historians assert that Nagorno Karabakh (called Artsakh by Armenians) was one fraction of the old Armenian Kingdom. According to Bournoutian

³ Caucasian Albania was an ancient country and region that existed on the territory of present-day Republic of Azerbaijan and southern Dagestan.

⁴ The Sassanid Empire or Sasanian Empire was the last pre-Islamic Persian Empire, ruled by the Sasanian Dynasty who reigned from 224 to 651 CE.

(2001) Nagorno Karabakh belongs to Armenia and now it is call Armenian Seghnakhs; “all those lands are populated by brave Armenian Christians, who have defended themselves with their own forces against both the Turks and the Persians for a long time” (Bournoutian 2001). Moreover according to Hewsen (1994) one of the most wizard kings of Armenian Kingdom- Tigran II (he was living during first century BC) founded four cities in current NK area and after himself these cities called “Tigrankert”. Furthermore Artsakh (NK) was one of the ten provinces of the ancient kingdom of Armenia and Christianity began to spread in Artsakh during fourth century following the missionary activities of St. Gregory the Illuminator (Hewsen 1994).

After an Arab invasion in the seventh century, the Eastern side of Albania accepted Islam and this area were called Islam Albania (Azerbaijan). The Western side acknowledged Christianity and that area was called Christian Albania (Armenia). It is also estimated that the current conflict began at that time under religious aspects. (Great Soviet Encyclopedia 1973)

Another controversial issue is the history of NK from the twelfth to sixteenth century. According to Armenian sources, NK was an independent state during medieval times. On one hand, some Armenian historians claim that until the medieval era NK was a part of “Kingdom of Greater Armenia” and after the disintegration of Kingdom, NK or Artsakh formed as an independent state and was called the “Kingdom of Khachen”. During twelfth- fourteenth centuries as an independent state Artsakh was ruled by three Armenian royal dynasties- Smbatian, Vakhtangian-Jalalian, and Dopian. At that time these dynasties not only ruled Nagorno Karabakh but also they ruled other neighboring regions as well. (Samuelian and Stone 1984)

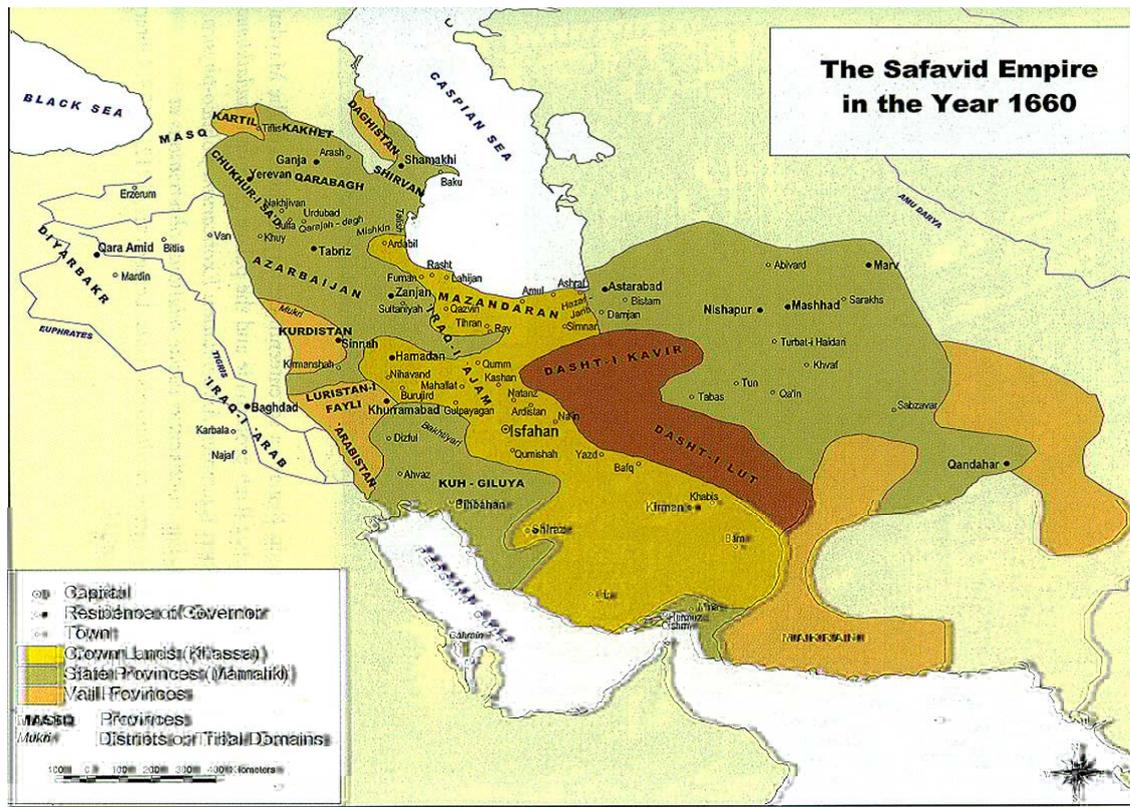
On the other hand, Azeri historians like Ziya M. Buniatov and Ilqar Aliyev assert that between 1410-1468 NK was a part of Azerbaijanian state Kara-Koyunlu and after the disintegration of Kara-Koyunlu, NK entered into other Azerbaijanian state Ak-Koyunlu (1378-1508).

Other foreign historians like Suzanne Goldenberg, even maintain that during this time (XII-XVI) NK did switch between Arab, Mongol, Turkic and Persian control, so neither Azerbaijan nor Armenia controlled NK during medieval times (Goldenberg 1994).

From the above scenario, we can see that it is difficult to investigate the situation. However, Goldenberg's idea seems relevant than the others, because during the medieval era in the region Timur's empire, the Mongol empire and the Ottoman empire were the main powers and small countries like Armenia and Azerbaijan could not control their lands. The Ottoman and Timorous empires dominated the entire region at that time.

In the sixteenth century, Azeri Safavid Empire became a powerful empire in the region. The Safavid Empire encircled current Iran, some part of Iraq and Armenia, Azerbaijan and so forth. Even Armenian historians accept that the Safavid Empire was one of Azeri Empires and that they controlled NK as well. In sixteenth and seventeenth centuries, the Ottoman and Safavid Empires struggled over Caucasus. At that time another power-Russia-was rising under Peter I authority. Later Russia joined to the struggle over Caucasus.

Figure 3. Map of Safavid Empire



Source: http://www.h-net.org/~fisher/hst373/Maps/Safavid_Empire_1660.html

After the disintegration of Savafid Empire-1740- today’s Azerbaijan and Armenia was separated into “Khanate - semi-independent principalities” (Svante 2001). Between the eighteenth and nineteenth centuries one of Khanate was called Karabakh Khanate (current NK) and many Armenian historians recognize that Khanate of Karabakh was ruled by Turkic-Muslim families. Karabakh Khanate and other Khanates (Baku, Kuba, Sheki, Shirvan, Derbent, Nakhjivan, and Yerevan) were ruled by Turkic Muslim families. It is significant that the Yerevan Khanate (current Yerevan: Armenian capital city) itself was an area with a mainly Muslim majority in 1826 (Bournoutian 1996). In the end of eighteen century, Russian expansionism policy began and Russia’s influence over the Azerbaijani Khanates began with Karabakh Khanates and Karabakh Khanates as first Khanates which accepted Russian lordship (Swietochowski 1995). Then Russia attempted to control all Caucasian regions from

1806 to 1809 and during 1812-1813 the first Russo-Persian war happened. In 1813 Russia and Iran signed the Gulistan treaty. According to the Gulistan treaty, Karabakh was officially passed from Persian control to Russian. The Gulistan treaty is one major piece of evidence which proves that NK was an Azerbaijani area during the eighteenth century.

Figure 4. Map of Khanates.



Azerbaijan Khanates from 1747 to 1801-1828

- I- Baku khanate;
 - II- Derbend khanate;
 - III- Serab khanate;
 - IV- Jar-Balaken jamaat;
 - V- Ilisu sultanate;
 - VI- Gazakh sultanate;
 - VII- Shemsheddil sultanate;
- Territories united by Fatali Khan of Guba (1758-1789).*

Source: http://www.azerbaijanrugs.com/arfp-wool-historical_notes.htm

In 1871, the Baku oil boom happened and after this event many Armenians began to flow to Baku from Armenia and other Russian lands. In short time they occupied the higher industrial and managerial positions. At that time the Russian rulers preferred Armenians (religious aspects played a big role) and inherently Azeri people did not like it so tension began to arise from the first oil boom. Until 1905 conflict did not seem dangerous, however,

in 1905 the first Russian revolution began. Under the revolutionary condition Czarist authority could not pay attention to Azeri-Armenian conflict so, soon the conflict spread to South Caucasus. The first inquietations happened in Baku and soon spread to “Shusha in Western Karabakh”, and it is estimated that the first inter-ethnic riots erupted in Shusha (Svante 2001). Until now it is unclear that how those clashes started. On one hand, Erich Feigl and other Azerbaijan historians say that during revolution period and after it “*Dashnaktsutiun*” (The Armenian Revolutionary Federation) was active in Azerbaijan and Armenian areas and they terrorized the Azeri people in Shusha city, so this events triggered the violence (Feigl 1991). On the other hand, Christopher Walk and other Armenian sources argue that the Azerbaijanis began the fighting, and Armenians responded to their actions, eventually resulting in what they term ‘the victory of the Armenians (Christopher). In 2006, in the Quba region (one of Azeri region) over ten thousand human remains were found, which shows that during clash period Armenians killed more than ten thousand Azeris. According to Feigl, during clash period over 10,000 Azeris and other high level state officials in the Russian provincial governments were killed by the Dashnaks, including the “Russian governor Nahagidze” (Feigl 1991). Then, in 1917 the Great Russian revolution began and at that time three Transcaucasian countries declared independence.⁵ However, this independence only lasted for two years. In 1920 the Russian red army invaded all these three countries and then for these three countries a new era started – the “Soviet era”.

⁵ Azerbaijan declared independence in 1918, May, 28. Eastern Armenia became as independent country in 1918.May.

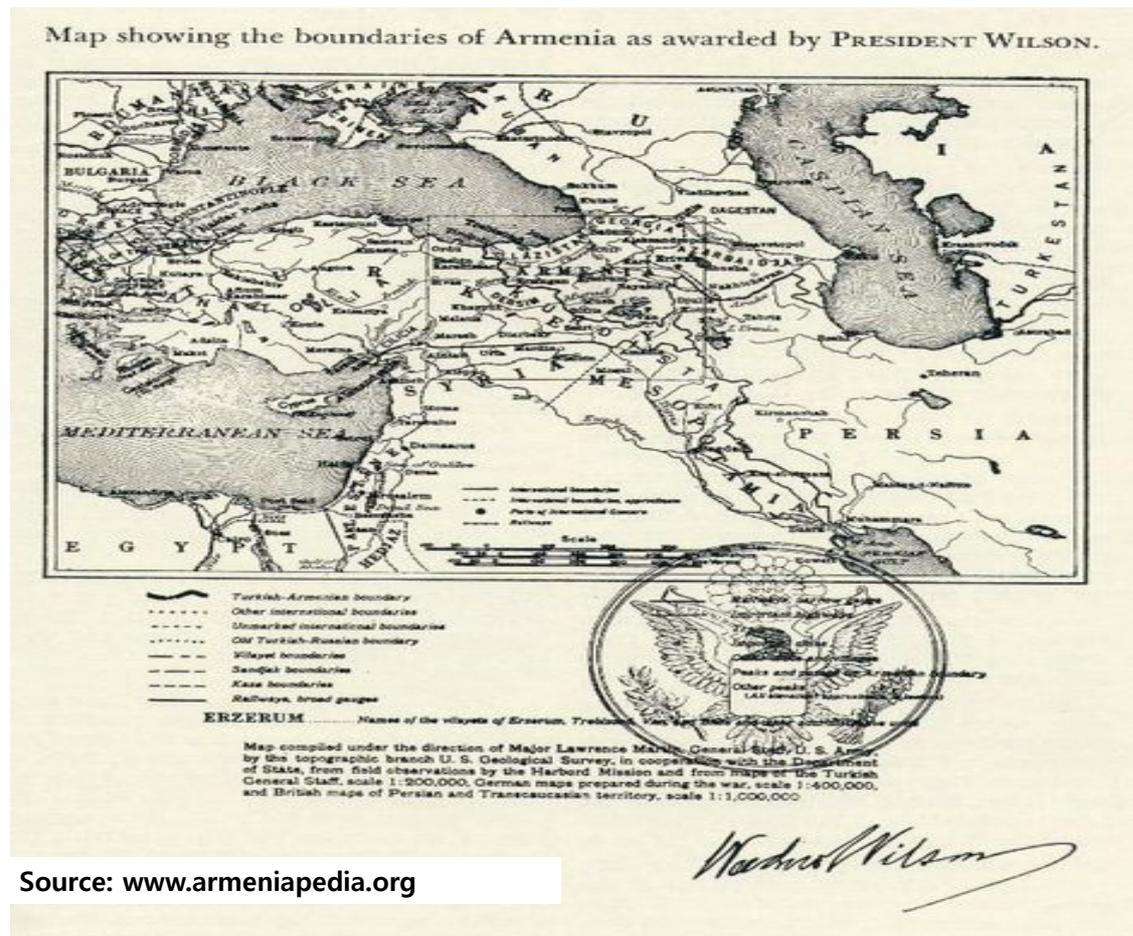
1.2 The Soviet Era (from Lenin to Gorbachev). Suppression of the Conflict.

After the revolution USSR began to define the transcaucasian countries' borders. At that time, tension remained between Azerbaijan and Armenia over NK. During three years new founded USSR settled the conflict. In December of 1920, with the participation of Stalin USSR central authority decided that NK, Zangezur and Nakhjivan would transfer to Soviet Armenian control and they sent plan to public on December 2. However, later the decision was denied by N. Narimanov who was head of the Soviet government of Azerbaijan during 1920s (Svante 2001). After the "Treaty of Brotherhood and Friendship" between the Soviet Union and Turkey, the situation was changed. According to the treaty, Nakhjivan and NK remained under control of Soviet Azerbaijan. Stalin made an agreement with Kemal Ataturk⁶ about NK because at that time Stalin saw Turkey as a potential ally.

In 1920 the "Treaty of Sevres" was signed between the Ottoman Empire and the Allies at the end of the World War I. In this treaty, Woodrow Wilson drew future Armenian state's boundaries which included some of Turkey's land.

⁶ Mustafa Kemal Atatürk was a Turkish army officer, revolutionary statesman, and founder of the Republic of Turkey as well as its first President.

Figure 5. Map of Wilsonian Armenia



Ataturk understood that strong Armenia could have territorial claims on Turkey, thus he was hostile to any territorial arrangements favoring Soviet Armenia (Marina 1995). But it was not the end of the game. In July 5, 1921 plenum of Kavbureau (Caucasus Bureau of the Central Committee of the Russian Communist Party of the Bolsheviks) decreed that NK was within Azerbaijan and would not be “transferring” it to anyone: “Nagorno-Karabakh to leave within the borders of Azerbaijan SSR” (Baguirov 2008). Then discussions took place on the status of NK within Azerbaijan SSR. On July 7, 1923 USSR authorities took a decision that NK was within Azerbaijan SSR as *Nagorno Karabakh Autonomous Oblast (hereafter NKAO)* and the capital of NKAO was moved from Sussha to Khankendi. In November 1924, NKAO was officially declared as an autonomous country. Armenians did not agree with this situation but at that time they could not do anything because they were frightened of Stalin, who had killed

over eight million people in the former Soviet Union .

During 1930 the Armenians attempted to get control over NKAO but again they faced Stalin and he rejected their claim again. The situation was getting bad for Armenians because in 1936 the Transcaucasian Federation disintegrated and NKAO was getting far from Armenia because it was given to Azerbaijan. Under this condition, Armenian leader of the time tried to raise the Kabarakh issue to the dismay of the Stalin and as a result he was assassinated by Stalin (Mutafian). In order to suppress the conflict Stalin assassinated thousands of people and some high level politicians. After the Stalin period, Krushchev came to power and also during his authority Armenians could not do anything and NK remained under control of Azerbaijan SSR.

1.3 Escalation of the Conflict. 1988-1991

The NK conflict was the first major political mobilization in former USSR, which later transformed into an inter-state war between Azerbaijan and Armenia (Cheterian 2009).

In February 1988 in NK, Armenians started demonstrations in which they demanded the transformation of NK from Azerbaijan to Armenia. First, Supreme Soviet of the NKAO appealed to Supreme Soviet of Armenia that NKAO must annex Armenia and Azerbaijan SSR immediately rejected this process and they informed Moscow that it was a violation of the USSR constitution. The next day the Kremlin also rejected Armenian's appeal. However, after Presidium's⁷ decision in NKAO a mass demonstration was started.

The first clash between NK Armenian and Azeries happened in Askeran (February,

⁷ Presidium-was a Soviet governmental institution

1988) and two young Azeris were killed by Armenians. According to Alexei Zverev Azeri people killed more than fifty Armenians in Sumgait (Azerbaijan industrial city) as a revenge of Askeran actions (Zverev 1996). However, according to Azeri historian Ziya Bunyadov the action was done by the Kremlin and Soviet Armenia because Armenia's aim was to show Azerbaijan to the world as an unjust country. On the other hand, in this incident some Armenians were fighting on the side of Azeri people against Armenian people in Sumgait city so it is obvious that it was accomplished by Armenians (Bunyadov 1988). Indeed, after the Sumgait actions Armenians kept their position strong and they tried to persuade Moscow that there is pressure against Armenians in Azerbaijan. After the incident the USSR Supreme Court in order to revolt people against Armenian gave the death sentence to one Azeri citizen -Ahmed Ahmedov. This court order triggered many Azeris against Armenians in different cities of Azerbaijan.

Moscow intervened again, and Kremlin declared that NKAR was under direct rule of Moscow. In fact, at that time Kremlin had a lot of problems and they (presidium members) could not engage with this issue. In spite of the Moscow declaration, clashes continued between residents and government authorities. Then the conflict took a pause due to the Spitak earthquake-the earthquake took place in December 1988 with a magnitude of 6.9 and killed more than 25000 people-in Armenia (Svante 2001).

In January 1990, Gorbachev sent troops to Azerbaijan for protection of Armenians but the same troops killed more than one hundred Azeris and more than sixty Armenians on January 20. This event was included in history as "Black January". It was obvious that USSR government would act cruelty against both Azeris and Armenians in order to break the clashes (Helsinki Watch/Memorial Report, 1991).

In September of 1991 the NK national council (former Karabakh soviet) proclaimed NK as an independent republic. Inherently, it was an unacceptable situation for Azerbaijan and on 26 November 1991, Azerbaijan Supreme court passed a law abolishing the autonomy of Nagorno Karabakh and Azerbaijan sent troops to NKAO in order to prevent independence (Zverev 1996). However, in the response to Azerbaijan action, Armenia has created arm control over NK. In order to settle the situation Boris Yeltsin (the Russian president) and Nursultan Nazarbayev (the Kazakhstan president) attempted to find solution to this conflict. On 23 September 1991, as a result of their initiation, the two countries made agreement and conflict paused for short time.

1.4 The Nagorno Karabakh War (1992-1994)

In December of 1991, the Soviet Union collapsed and fifteen countries were created. After the disintegration on February 18 1992, Armenians occupied Khojavend/Stepanaker (former capital of NKAO). We can estimate that this event was the beginning of the NK war. The night from the 25th to 26th of February in 1992 Armenian troops from the 366th regiment (made by USSR) attacked Khodjaly town and killed hundreds of Azeries (Mammadova 2006). According to “State Committee of the Republic of Azerbaijan On Deals Of Refugees and Internally Displaced Persons”⁸ report at the result of Khodjaly genocide 613 Azeries were killed, other 153 persons were missing and 1275 Azeries were wounded. However, according to Armenian sources, the deceased civilians were less than hundred and furthermore they claim that the Azerbaijan was using Khodjaly as a base for rocket attacks on Stepanakert. Moreover they blamed “Azeris for using the Khodjaly residents as human

⁸ It is a State based organization which making a statistics and policy for refugees and IDPs.

shields, and claimed that the civilians were caught in the cross-fire rather than massacred” (Svante 2001). Human Rights Organizations estimate that during February 26 and 27 in Khodjaly town from 200 to 1000 Azerbaijanis were killed by Armenians (Human Rights Watch/Helsinki 1994). On the other hand, according to Walker (1995), Armenian made a massacre in Khodjaly against Azerbaijanis but several events were not widely reported about this massacre: first Armenian army demanded urgent evacuation of Khodjaly and they warned people that they were planning to take the town. Secondly, after the capture of the Khodjaly, Armenians invited Azerbaijanis to declare Azeris death toll. After this event, war officially started between the two countries. After two months (in May of 1992) Armenian troops occupied Susha (NK’s capital) and then in the same month they could seized Lachin- the most strategic city-Lachin is connect Armenia to Nagorno Karabakh. After Lachin it was not hard for Armenians to seize other Azerbaijan cities because in May 1992 they seized the Lachin corridor⁹.

In June 1992 Azerbaijan troops counterattacked the Geranboi region (Azerbaijan region) and Mardakert (province of NK) and were able to recapture these areas. According to Armenian sources, after this attack Azerbaijan created 40.000 ethnic Armenian refugees. Although Azerbaijan recaptured two cities in February of 1993 Armenians again captured these two cities and additionally after one month Armenia seized another Azeri city, Kelbajar.

At that time in Azerbaijan the domestic situation was not good. There was a civil conflict inside-in 1993 on the one hand, one part of Azerbaijan proclaimed independence (Talış Mughan Republic live only three month), on the other hand Surat Huseynov (was a Prime Minister of Azerbaijan) led a revolt against Ablufaz Elchibey (was a president of

⁹ The **Lachin corridor** is a mountain pass within de-jure borders of Azerbaijan, it is the shortest route which connects Armenia with Nagorno-Karabakh Republic.

Azerbaijan)- the country so in this situation the government could not control the country. On April 30, the UN Security Council accepted Resolution 822 which called for the two countries to cease-fire and for the withdrawal of “all occupying forces” from Kelbajar region (Appendix). Then three countries-Russia, Turkey and U.S- were set to implement the peace process in the region and they offered to both countries “a sixty day cease fire, end of energy blockade of Armenia, and continued peace talks” (The New York Times, May 27, 1993). Both countries accepted the plan but NK Armenians rejected it. Azerbaijan declared a cease fire (unilateral) on the 24th of May. Then NK Armenians accepted the plan under pressure of Ter-Petrosyan (Armenian president). But plan was never implemented, rather in June 1993 Armenian troops occupied another Azerbaijan province-Aghdere. Thus the tripartite peace plan was dead and war continued. Inherently, during this period hundreds thousands of people-785,010 IDP and refugees from Azerbaijan and 291,030 IDP and Refugees from Armenia- were flowing from NK (UNHCR 2005). NK Armenians were going to other Armenian cities and NK Azerbaijanis were coming to other Azerbaijan cities from NK.

In July of 1993 Armenian troops were able to seize more than half of the Aghdam region (the biggest region in Karabakh). According to Human Rights Watch report during the Aghdam battle NK, Azerbaijan, and Armenia strongly violated rules of war (Human Rights Watch 1992). “Hostage-taking or holding is explicitly forbidden in armed conflicts (Geneva Conventions). Both Azerbaijan and the Karabakh rebels have violated this prohibition during the conflict.

In spite of many international organizations and foreign countries efforts to stop the violation, war continued and in August 1993, Armenian army troops seized three Azerbaijani regions- Cebraïl, Fuzuli and Qubadli. The last Azerbaijani region –Zangilan- was occupied by

Armenians in November 1993. In February and April of 1994 some other armed conflict happened and more than 50,000 Azerbaijanis became Internally Displaced Persons (from now on IDP). Until 1994 the political situation was very bad in Azerbaijan because there was political struggle between parties inside the country. Many politicians did not care about the country's fate but in 1994 Azerbaijan's great leader Haydar Aliyev came to power. Firstly he put in order internal disputes and many criminal groups were arrested, then he attempted to stop the war. On May 12th, 1994, in Bishkek (capital of Kyrgyzstan) both countries signed a cease-fire agreement and after 1994 long negotiations start between two countries.

Table 1. Refugees and IDPs in Azerbaijan (breakdown by cities and regions)

City/Region	Number of IDPs
Baku	176,430
Fuzuli	65,099
Sumgait	44,878
Aghdam	38,874
Barda	33,842
Mingachevir	20,021
Lachin Winter Grounds in Agjabedi	17,211
Gandja	15,653
Beylagan	15,624
Agjabedi	15,588
Tertir	15,326
Absheron	13,277
Bilasuvar	12,117
Yevlakh	11,786

Total Number of IDPs in Azerbaijan: **603,251**

Source: UNHCR 2009. (<http://www.unhcr.org/4bd7edbd9.html>)

Table 2. Refugees and IDPs in Armenia

1. Population of concern to UNHCR, end of year

Category	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Refugees	218,950	219,000	310,012	296,216	280,591	264,337	247,550	239,289	235,235	219,550
Asylum-seekers	-	30	2	5	-	1	3	36	68	70
Returned refugees*	14	-	5	-	-	1	-	-	-	-
Internally displaced	72,000	72,000	-	-	-	-	-	-	-	-
Returned IDPs	..	-	-	-	-	-	-	-	-	-
Stateless persons	-	-
Others of concern	..	-	-	-	-	-	-	-	-	-
Total	..	291,030	310,019	296,221	280,591	264,339	247,553	239,325	235,303	219,620

Source: UNHCR 2005 (<http://www.unhcr.org/4641835e0.html>)

Consequently from the researches it is obvious that there are a lot of problems in Caucasia and many countries' interests clash in this area. Caucasia has always been the focus of attention from superpowers. In the twentieth century, especially after the Cold War, some grave wars happened like NK war and those wars also brought innovation to geopolitics. In the twenty first century states are not free in order to declare war as before and in the international arena there is a balance of power. In the new century making war is not as easy as before and the new balance of power also shifts geopolitics and most probably new geopolitics will bring peace in Caucasia soon.

CHAPTER II

THEORETICAL ANALYSIS: ROOTS OF THE CONFLICT

Generally many scholars estimate that major root of the Nagorno Karabakh (NK) conflict is historical hatred. This chapter explains the root of the Nagorno Karabakh conflict through not only ancient hatred but also the economic and political causes in this conflict.

The Nagorno Karabakh is one of the major ethnic conflicts in Transcaucasia. Thus, to properly explore this point of view, let us look first at is the definition of ethnic conflict, ethnicity and ethnic group, and then turn to the cause of ethnic conflict. A few theories are about ethnic conflict. These theories on the one hand try to explain what is the root and cause of ethnic conflict, while on the other hand attempt to create models which negotiators can use to bring sustainable solution for ethnic conflict.

Firstly we have to define what ethnic conflict is. According to Lake and Rothchild there are three approaches to ethnic conflict or ethnicity.

The first one is the *Primordialist Approach*. This approach “takes ethnicity as a fixed characteristic of individuals and communities”. In this approach, “certain characteristics could be rooted in inherited biological traits or centuries of past practice that are now beyond the ability of the individuals or groups to change” (Lake 1998). This explains that if there are different ethnicities in any society, it is an ample precursor for ethnic conflict or tension. As an example we could mention Rwandan civil war-between two ethnic groups; Hutu and Tutsi (1994). That war was not the first one in Rwanda, before the war many clashes happened

between ethnic Hutu and Tutsi. Their different ethnic identities set Hutu and Tutsi at odds with each other and they are unable to live in peace.

The second approach is *the Instrumentalist Approach*. According to this approach, elites create ethnicity in order to control society and obtain political benefits. Ethnicity, itself is the elites' tool, with which they can control the masses. It is not an independent entity, but rather is just one piece of the political process (Lake 1998). The best example for this approach is Hausa-Sunni Muslim people mainly located northern Nigeria- traders in Nigeria (Joireman 2003). During British colony in Nigeria, Hausa could get special treatment from colony and they claimed that they are different than other Nigerians. At that time they monopolized cattle trade in Nigeria. When Nigeria got independence, new government does not give them special privileges and government recognize them as a Nigerian like others. Under new political authorities Hausa people change Sunni Islam to "Sufi sect called Tijaniyya" (Joireman 2003). So from this example we could observe that for political and economical reasons elites create new ethnicity-from Sunni Islam to Sufi Tijaniyya-in order to control society and obtain political benefits.

The third approach is the *Constructivist Approach*. In this view, "ethnicity is neither immutable nor completely open; this approach posits instead that ethnicity is constructed from dense webs of social interactions" (Lake 1998).

After the explanation of three major approaches to ethnicity we can make a conclusion that NK war is belongs to instrumentalist approach because political and economical interests are the main reasons for this conflict. NK Armenians declared independence and they could get assistance from Armenia. At that time, there was a political turmoil inside Azerbaijan-

during three years (1991-1993) government changed hands five times -and Armenian elites was understood that is the best time to get political power so they concentrate to get political power in the area of NK and they could do it. On the other hand, Azerbaijan is an oil-rich country so we can estimate that economics also was a main factor in that war.

Now let us examine what is “conflict”. According to Horowitz, “conflict is a struggle in which the aim is to gain objectives and simultaneously to neutralize, injure, or eliminate rivals” (Horowitz 2000).

Generally there are many types of conflicts like religious, territorial, economic, ethnic, and national and so forth. We can classify conflicts into two groups; international conflicts and internal conflicts. An *International conflict* is a conflict that happens between two sovereign countries or states. If the actions of two sovereign states are crucial for the continuation of the conflict, then that conflict has an international character (Svante 1997). Internal conflict is a conflict that involves ethnic and cultural tensions, religious and tribal rivalries, as well as domestic power struggles for governance or independence (Yilmaz).

Ethnic conflict comes from ethnic confrontation and is further divaricated by religion, ideology and so forth. From this viewpoint, instead of “ethnic conflict” modern scholars use the term “ethno-political conflict” (Horowitz 2000). In some cases ethnicities become politicized and it creates ethno-political conflict and when ethno-political conflict creates at that time groups begin to mobilize. If one asks why the group mobilization happens, the most likely reason is that groups assume that they have to eliminate their rivals (Horowitz 2000).

According to Brown there are four factors for mobilization-“Structural, political,

economic/social and cultural/perceptual” (Brown 2001).

Structural factors: This is the first factor for mobilization and according to this factor “weak states, intra-state security concerns and ethnic geography are the main reasons for mobilization” (Brown 2001). When a state or country begins to lose its’ political legitimacy or political institutions, at that time ethnic groups or minorities start to struggle for their independence or autonomy. This definitely happened in the NK case because in 1991 when the USSR collapse, in NK war was instigated and both sides tried to be independent. It is not the only factor for NK war. Another factor is political factor.

Generally there are four main political factors; “discriminatory political institutions, exclusionary national ideologies, inter-group politics and elite politics” (Brown 2001). According to discriminatory political institutions insufficient participation of ethnic groups in “government, the courts, the military, the police, political parties and other political institutions” caused ethnic conflict (Brown 2001). During the Tsarist and Soviet eras there were many Armenians in Azerbaijan’s government, police systems or in military however in the Armenian government, policy system or in military there was small number of Azeri. Moreover, from medieval times Armenian people have an idea of a “Great Armenia”¹⁰. According to Armenians, NK was one piece of “Great Armenia” and they always think about NK without Azerbaijanis so Armenians have exclusionary national ideologies. In inter-group politics if groups are religiously different it is prospect for violence (Brown 2001) so Armenian is Christian but Azerbaijanis is Muslim. As we know, if there is a political factor in any conflict, inherently there is economical factor as well. It is also same in this conflict so

¹⁰ According to idea of The Greater Armenia; modern Republic of Armenia, East Anatolia, NK, Nakhchevan Autonomous Republic and some part of modern Georgia are the part of Armenia.

the other factor is Economic/Social factor in mobilization. According to Brown, “economic problems, discriminatory economic systems and economic development and modernization are factors of mobilization”. Especially the discriminatory economic system is a triggering point for mobilization (Brown 2001). One group gets a lot of economic support, however other groups cannot. This inherently creates economic imbalance between ethnic groups and so a group which has less economic support starts to mobilize for struggling against other groups.

Finally the last factor is cultural/perceptual factors. Cultural discrimination and perceptions stand in the centre of this factor. In many cases, cultural discrimination is carried out against ethnic group and this ethnic group is humiliated by other ethnic group or government. In this situation mobilization is only way out (Brown 2001). As we mentioned before the Christianity and Islam-there are different culture in these religions- was a main cultural difference between NK Armenians and Azeris.

Wimmer explains that one of the reason for ethnic mobilization is power sharing. They clarify that to gain legitimacy; political elites in control of executive level state power will favor co-ethnics when decided with whom to ally and to whom to distribute public goods. Politics will then center on the question of which ethnic group controls which share of the executive government and the struggle over state power will pit ethnically defined actors against each other (Wimmer 2004). It is also true that if the state excludes an ethnic group from power, this ethnic group inherently starts to mobilize against any other ethnic group which is large scale in power.

In the NK case, neutralization and mobilization started after 1985. At that time the

USSR was getting weak and NK's people also understood that there was a question-who or which country will derive the borders. For this reason people started to consider neutralization and modernization. On the other hand, NK's Azerbaijanis were observing the situation and they knew that before Soviet authority two nations have had some clashes over this land so as an alternative answer to NK's Armenian they also started to mobilize. During 1988 NK Armenian began to protest that they want to live as an Armenian within Armenia and we can say it was a beginning of the mobilization of NK Armenians. On the other hand, as a response to this claim NK Azeri people and government protest Soviet government that, NK is an integral part of Azerbaijan and it could not give to Armenia in any condition. The result of both mobilization, clashes began between two nations-the first one was in one of NK city Askeran and two Azeri teens killed by Armenians and the second one happened in one of the Azeri cities Sumgait and approximately twenty six Armenians and six Azerbaijanians killed during these clashes.

The mobilization of Armenians and Azeris was no doubt aided by the process of modernization. According to Horowitz there are three types of modernization: Absolute levels of modernization, Absolute Rates of Modernization, and Group Disparities.

Absolute levels of modernization: This type of modernization analysis that how modernization affect to the entire population in any area. The demand of population is similar but resources are insufficient for some part of population-like urbanization or shifts from agriculture to industry. Inherently, it creates competition in the society-among ethnic groups- and in order to get equal resources group clashes take place. Unlike levels of modernization, rates of modernization regarding with economical issue in society. According this theory when rates of changes-economic-are higher in different part of society it creates

problems between groups. In less modernized places ethnic mobilization will be higher than other place (Horowitz 2001).

In the perspective of Group Disparities, ethnic groups that “are more wealthy, better educated and more urbanized tend to be envied, resented and sometimes feared by others and the basis for this sentiments is the recognition of their superior position in the new system of stratification” (Horowitz 2001). Among these approaches we can apply Group Disparities to the NK conflict. In the NK case, especially during the Soviet era many Armenians were living in urban areas and they were holding high positions in some Soviet countries. Even in Azerbaijan, their educational level was also higher than that of the Azeries. At that time they could get more benefit from Azerbaijan than the Azerbaijani people.

In the former USSR especially in autonomic area, we can divide people in two groups: first autonomous minorities and non-autonomous minorities. The Soviet government could control them with suppression but after the disintegration of USSR these minorities which were non autonomous began to define certain area for themselves as a country. This created many ethnic conflicts like the NK conflict as well as the Chechnya conflict. I the latter, in 1999 Russia declared war against the rebels and suppressed the Chechen people. Additionally, in 2008 the “five days” war between Russia and Georgia was also the fruit of USSR autonomous policy.

Consequently, we can estimate the main root of this conflict as USSR’s autonomous policy. During the 1920s and 1930s, Lenin and Stalin created more than thirty autonomous republics like NK in Azerbaijan or South Ossetia in Georgia and some in central Asian

countries. “Autonomy, in specific circumstances, contributes significantly to the likelihood of violent conflict” (Svante 2001). They did it intentionally because at that time separating countries was very useful for the Soviets in order to could control all fifteen countries. On the other hand, some referendums were held during the Soviet Union about self-determination of nations but it did not happen with democratic ways. During the 1940s and 1950s, thousands of people were moved illegally from NK to Central Asian countries by the Soviet government and then the Soviet government defined referendum about self-determination of nations. Is the referendum possible without one or two ethnic groups which they were living in NK? Of course it would normally be considered impossible, but for the Soviet Union it was possible and it was democratic way. Finally at the result of USSR autonomous policy now there are millions of refugees and internally displaced persons and thousands of casualties in three Transcaucasian countries.

CHAPTER III

NEGOTIATION PROCESS IN THE CONFLICT.

As a result of the three years war between Armenian and Azerbaijan forces in NK, millions of people became refugees or IDP (Report of Parliamentary Assembly: doc 7182, 1994) and the NK-Armenian authorities took control over NK and seven other Azerbaijan regions. May, 1994 the cease-fire agreement signed by two countries.

After the cease-fire sides were silent for two months and then they began to negotiation processes for to resolve NK conflict. The first negotiation held in Moscow: Azerbaijan, Armenia and Karabakh represents discussed the problems and tried to solve the problem but it was futile. Although sides were made a meeting in Moscow (1994 August) but a comprehensive negotiation process began at 1996 in Lisbon-the capital of Portugal- with the participation of international organizations and states. In 1997 two proposals-package and stage by stage options-offered to parties by OSCE but both options rejected by Azerbaijan and Armenia. After fruitless negotiations the new option-common state-proposed by OSCE but like previous options that proposal also was failed. Then some other negotiation processes held in Paris and Key-West but all of them failed.

In the negotiation process two major problems are seen. On one hand, according to the U.N Charter no country can make a “threat or use of force against the territorial integrity or political independence of any state” (U.N Charter 1945). Now Azerbaijan claims that Armenia used force against the territorial integrity of Azerbaijan and they must take their military troops out of NK and other seven Azerbaijan regions.

On the other hand, again according to U.N Charter, “every nation has the right to self-determination” (U.N Charter 1945). The Armenian side claims that NK people must use their self-determination right.¹¹ From the first point of view we can observe that in the NK negotiation process the big problem is collision of “territorial integrity” and “self-determination” rights. This chapter aims to explain the main negotiation process and the problems in negotiation and positions of the parties in the negotiation process. Furthermore, the chapter analyzes international organizations’ efforts in order to make a settlement in NK conflict and to discover the causes behind the current stalemate.

3.1 Problems and perceptions in the negotiation process.

After the Second World War, the major powers of the world began to be sensitive to wars. Especially during the Cold War, states did not try to battle with each other. Then the USSR collapsed and new wars born but these wars were different than during the nineteenth or early twentieth century’s wars. These wars such as NK war or Georgia-Abkhazia war continued for a maximum of three or four years then sides start to negotiate. Countries could battle up to certain point then when situation began to be “risky” and “costly” for each side they would stop war and start to negotiate (Dean 2004). This can be seen in the NK war, when in 1994 when the Armenian side saw that Azerbaijan began to fight more effectively than before and Armenia lost a lot of soldiers, while on the other hand the political situation was unstable inside Azerbaijan in 1994. The situation was worse in 1994 for both countries and then they made a ceasefire in May of 1994. After this, a long negotiation process started.

¹¹ In reality in the self-determination process NK Azeries must participate because they were aboriginal people before the war.

According to Dean “at the risk of simplification” there are two forms of negotiation. The first one is “eyeball to eyeball” negotiations, during which, in order to win, both parties are aggressive against each other. Parties blame each other for war or conflict. The second one is “side by side” negotiation during which parties try to solve problems “jointly”. Almost every conflict resolution negotiations starts with “eyeball to eyeball” and then if parties really desire to make an agreement, the negotiations turn from “eyeball to eyeball” to “side by side”(Dean 2004). NK negotiation processes started in 1994 and are still continuing. For fifteen years the parties have been negotiating with the “eyeball to eyeball” system and yet do not start “side by side” negotiation.

From 1995 until now in the negotiation process the major problem is the “status of NK”. Both parties are very contentious on this problem. In 1995 as well as the following negotiation processes, the Azerbaijan government proclaims that they are ready to give autonomy status to NK within Azerbaijan and it will be more than autonomy (“broad autonomy”) and “less than independence” (Ministry of Foreign Affairs of the Republic of Azerbaijan). Azerbaijan made an offer that if the counter party accepts Azerbaijan’s “autonomy” proposal, NK will be self-ruled except for foreign policy and armed services. However, this offer has always been rejected by the NK-Armenian axis and they notified that the possible solution in the conflict is either an independent NK or unification with Armenia. Inherently, Azerbaijan refused this claim. Also in this scenario we can observe that parties stand on negotiation process with “position” not “interest” and the result has been a fiasco.

As we explained in the previous chapter, the NK-Armenian axes did not occupy only NK territory, but they also seized seven other Azerbaijan regions. Almost every peace proposal demands that the seven occupied Azeri regions must be given back and NK and Armenian side agree to return areas which are outside of NK except the Lachin corridor.

Figure 6. Map of Lachin Corridor



Source: www.coe.int/l

Lachin district (including the Lachin district) originally is Azerbaijan's region which linked NK to Armenia. One Karabakh official says that "We will never be an enclave again" (Svante 1999). Azerbaijan is opposed to this idea and demanded all areas outside of NK, especially the Lachin corridor because it is originally Azeri territory and if Armenia or NK keep the Lachin corridor, in the future they can attack Azerbaijan again. Azerbaijan has promised NK and Armenian officials that if the Lachin corridor is returned to Azerbaijan it would be use

only for trade between the two countries and not for military objectives. This is a deadlock situation in the negotiation process and until now parties could not find a possible solution about the Lachin corridor.

Another issue in the negotiation process is Nakhchivan problem. Nakhchivan is Azerbaijan's autonomy- under Azerbaijan's authority- but there is not a direct connection between Azerbaijan and Nakhchivan. Zangezur is an area which was originally Azerbaijan's territory but it is now under control of Armenia and this area separate Azerbaijan from Nakhchivan.

Figure 7. Map of Nakhchivan



Source: www.michaeltotten.com

During the negotiation processes the Azerbaijan government wants to connect these two parts but Armenia has not agreed with this plan, and they do not want to give any land which between Azerbaijan and Nakhchivan.

One of the main problems in the negotiation process is political. The Caucasian region always focuses on Russia and the West. Unfortunately now there is not a common position between superpowers about South Caucasus. In order to control Caspian oil and gas resources, the U.S tries to solve NK issue in a peaceful way. On the other hand Russia, as a successor of former USSR, always estimates that in the geopolitics concept Russia has to control South Caucasus or its “backyard”. Until 1995 Russia attempted to dominate the negotiation process. If the parties make an agreement, Russia wants to control peacekeeping operations in the region but after the “five days” war with Georgia in 2008 it seems Russia’s plan is dead. Especially after the “rose revolution” in Georgia, Russian influence doubled in the region and negotiation process. Before the revolution Georgia fully supported Russian policy but after the revolution Georgia stood fully opposed to Russian policy. Russia’s very last desire is to lose another “backyard” country and thus Russia is always making pressure to the negotiation process.

As we illustrate, the problems are different and as a parallel Azerbaijan and NK’s perceptions are also different. Despite Armenia’s claims that they do not have a territorial claim against Azerbaijan, in the current Armenian government key political players are from NK and inherently this has influenced Armenian perception to the negotiation process as well. In the negotiation process parties “status” and “Lachin corridor” perceptions are same as fifteen years ago. However during fifteen years in some points the parties have changed their perceptions positively. Azerbaijan’s main perception, that NK is autonomous only within Azerbaijan, is the same as fifteen years ago. Armenian’s position, that either NK is an independent state or part of Armenia, is also the same as fifteen years ago. In the below table we can see the main positions of the parties.

Table 3. Position of the parties

POSITION OF THE PARTIES		
Azerbaijan	Armenia	NK
Armenia and NK must take out their military forces from original Azerbaijan areas without any provision	Azerbaijan lost NK war and they have no legal right to make any claim	NK would be independent or unified to Armenia not to Azerbaijan.
Refugees and IDPs must return to their own territory	Azerbaijan should recognize NK as a independent party in the negotiation process	N-K is sovereign country and Azerbaijan and International organization should recognize its independence because N-K has (1) “a territory and (2) population as well as (3) elected, organized and functioning authorities and is (4) capable of assuming and fulfilling international obligations”
Lachin corridor should be under the control of Azerbaijan	Lachin corridor must be stand under the control of Armenian sovereignty but it will be compensated to Azerbaijan by equal territory from other parts of N-K;	“The position of the N-K de facto authorities is largely identical with that of Armenia, as aptly symbolized by the flag”
Azerbaijan will give NK the highest level of autonomy status within Azerbaijan	Armenia has no territorial claim against Azerbaijan so Azerbaijan and Turkey should take over border blockade from Armenia	
If conflict is resolved under Azerbaijan’s conditions, Azerbaijan will recognize Armenian authority.	If conflict is resolved occupied territories will returned to Azerbaijan.	

Inspired from Council of Europe’s reports.

3.2 Peace proposals by International Organizations and delaying factors in the negotiation process.

After the cease fire under the control of international organizations, especially the Organization for Security and Co-operation in Europe, the parties began to negotiate. As we mentioned above at that time also there were obstacles in the negotiation process and the parties themselves made some proposals but those proposals were absolutely rejected by both parties. Both Azerbaijan and Armenia needed proposals or peace plans which were created by a neutral country or organization. Then in 1992 during the meeting in Minsk (capital of Belarus) OSCE built a special division which will encourage Azerbaijan and Armenia to find a solution over the NK problem. The OSCE Minsk group, which is officially the mediator in this conflict, began to prepare a proposal or peace plan. On December 1994 during the Budapest summit co-chairmanship was established in Minsk group.

After the cease-fire in 1994 both countries' economic situation was poor and millions of people came back from their homeland. The situation was very bad and both countries' governments were trying to construct asylums for refugees and IDPs. From 1994 to 1996 conflict was at a stalemate; the conflicting sides were busy rebuilding the economic system and stabilizing political mechanisms. Eventually in 1996-1997 the parties could stabilize their economic and political situation, and it was time to start real negotiations.

In order to tackle these problems and to make peace, during the Lisbon summit in July 1997 the OSCE Minsk group introduced a comprehensive plan "Package option" to the parties. According to this plan, NK is an autonomic state within Azerbaijan. The proposal aimed to solve the status of NK or "status" issue within Azerbaijan. Furthermore the "Package option" also indicated solutions to the Lachin corridor problem. According to the

proposal, the Lachin corridor would be under control of OSCE supervision. Moreover, in order to facilitate refugees and IDPs return to their homeland, the OSCE, Azerbaijan and Armenia would have to protect refugee and IDP's security. Although the proposal was good and credible it rejected by Armenian side because they did not agree with the status of NK within Azerbaijan. (Accord 2005).

After the "Package option", the OSCE Minsk group did offer another comprehensive plan- "step by step"- in December of 1997. According to the "step by step" proposal Armenia has to withdraw its troops from Azerbaijan territories (except Lachin region), and refugees and IDPs will come back to their homelands. Furthermore Azerbaijan and Turkey should open the borders with Armenia. In this plan the status of NK was not mentioned and it was left for the future. This plan aimed first to find a solution about border blockade, refugee and IDP then future to find solution to "status and Lachin" issue.

The proposal was accepted by Azerbaijan and Armenia but NK did not accept the proposal because Azerbaijan did not recognize NK as a negotiating side, and they claimed that before the negotiation their independence and status should be guaranteed. Furthermore NK claimed that "step-by-step" plan did not encircle security issue in NK. Among all the plans or proposals, the "step by step" plan was the nearest one to the sides' ambitions. (Crisis Group Europe report N:167, 2005)

In November of 1998, the OSCE offered another plan to the parties called the "common state" proposal. According to the plan, NK would have de facto independence (Accord, issue 17, 2005). The plan looks like a continuation of the "package option" with new modification. In the "package" plan define NK as a part of Azerbaijan but new plan

gives NK de facto independence. The other problem in this proposal is that the plan did not mention the Lachin corridor. The proposal was accepted by Armenia and NK but rejected by Azerbaijan because of de facto independence and according to proposal Sushu-the center city of NK- recognized as a part of NK which historically Sushu belongs to Azerbaijan. (Chufrin 2001)

In 1999, the Armenian president made a new offer called “land swap” to Azerbaijan (Abbasov and Khachaturian 2002). According to the “land swap” proposal, Armenia offered the MEHRI area to Azerbaijan which connects Azerbaijan to Nakhchivan and instead of it; they want the Lachin corridor which connects Armenia with NK. This plan would be good for Azerbaijan because Azerbaijan and Nakhchivan will connect and via Nakhchivan, Azerbaijan will have a direct connection with Turkey. In Armenia many groups stood against the president’s plan because if Armenia gives the MEHRI area to Azerbaijan, they will lose a direct connection with Iran, which is the only country with which Armenia has open borders. This plan rejected by Azerbaijan’s president during the “Key West” meetings in 2000. (Abasov and Khachaturian 2002)

Moreover, in 2000-2001, the OSCE introduced new proposals. The first proposal was introduced to the both side’s presidents (Heydar Aliyev was Azerbaijan president and Robert Kocharyan was Armenian president) when they met in Paris. The second proposals were offered in Key West, Florida in April 2001. Despite previous proposals these new proposals were secret and little information was released to public about the peace plan. The first proposal was called the “Paris principles”. In spite of the previous peace projects, these proposals did not estimate relations as hierarchical. According to secret Paris principles, NK would have its own Legislation, Executive and Judiciary branches which indicate that non

hierarchical relations would exist between NK and the conflicting states (JEMIE 2003). The parties did not sign any formal agreement, but despite the previous proposals parties agreed in some points, while the status of NK remained a deadlock point again. Azerbaijan insisted on territorial integrity, while on the other hand Armenia and NK persist in seeking “self-determination”.

In 2003, the Azerbaijan people elected a new president-Ilham Aliyev. After coming to power he rejected the “package” plan and he tried to continue the negotiation process with “step-by-step” plan. At the beginning, the Armenian side did not agree with this policy. OSCE Co-chairmen-they are from France, Russia and U.S- initiate a meeting between the two countries’ foreign ministries and they were able to do it. This process was called the “Prague process”. According to the Azerbaijan government, at that time the Armenian government was settling Armenian people in occupied Azerbaijan territories. The Azerbaijan government brought up this issue in the U.N and they demand that the U.N send inspection groups in order to check the situation in occupied Azerbaijan territories. The U.N at first did not accept this idea, but they ordered this job to the OSCE. OSCE groups went to the occupied areas and they accused the Armenian government of settling Armenians in the occupied areas. (PA doc 10991, 2006) The Armenian government saw that the situation was not good for them and then they agreed with Azerbaijan’s new plan, in which they continued the negotiation process with a “step-by-step” plan. Like the previous processes, until now there has not been any tangible result with the “Prague process”.

In September of 2004, the Presidents of both sides met in Astana (capital of Kazakhstan) on the Commonwealth Independent States (CIS) summit. (T. Huseynov 2005) In this summit different proposals were offered to the parties. According to these peace

projects, both parties have to withdraw their troops from Karabakh, both sides' refugees and IDPs must return to their home lands and then a referendum should be held so people of NK should define in which country NK would belong

(T. Huseynov 2005). This plan seems appropriate for each side, but like the last plans, there has been no result.

The OSCE Minsk group prepared a new plan in 2007 called the "Madrid Principles" (Accord 2005). According to this plan NK's status will be determined by referendum. For this referendum, firstly both side's all refugees and IDPs will return, then the referendum will held and that referendum will determine the status of NK. From 2007 until now, both parties have been working on the plan. In 2008 during the interview with a Russian TV channel, the new Armenian president Serzh Sargsyan argued that without definition of "status" no action would be happen because if IDP and refugees came back without identification of the status of NK "would cause new clashes." From his speech, we can assume that the last plan also will not give any fruit.

As we investigated, during the last fifteen years many negotiation processes were held but until now we cannot observe any possible solutions. Then one may ask, as some proposals were good and they were reflected parties interests, why there is no result?

However, both parties could make agreement on the past negotiations but they prefer to use time. Probably each side thought that time is in their side and they can change the situation to their side. In my opinion the Armenian side thought that, as they were a winner of the war, Azerbaijan will make a concession, but it did not happen. Then the negotiation process began to get deeper and deeper. On the other hand, Armenia and Azerbaijan

themselves have problems inside the countries. In some points like status of NK or in another issue, the Armenian and NK governments had different ambitions and the Armenian government always could not make pressure against the NK government. In some points of past negotiations, Armenia was ready to compromise with Azerbaijan but the NK government with assistance of the “Diaspora” put pressure on the Armenian government (Zolyan 2009). When the Armenian government accepted the “step by step” proposal, the NK government rejected it and they told the Armenian government and public that they are also Armenian and they lost many citizens in order to get NK. Sometimes NK and Armenian officials did not agree with each other for the status of NK. Now also there are these types of problems in Armenia and inherently it is one of the delaying factors in the negotiation process.

According to Jerayr Libaridyan (Accord 2005) during the Lisbon summit Azerbaijan used its “oil card”. Unlike Armenia, Azerbaijan has huge natural resources like oil and gas. In 1996 Azerbaijan signed an oil treaty- “treaty of century”- with U.S, U.K, Russia, Japan and so forth. Then the Azerbaijan government believed that with the new weapon-oil-they can induce to force Armenia accepted NK as a part of Azerbaijan. As a result of both countries’ challenges, the “package option” was dead. Countries’ mistaken opinion found a long incompatibility on the issue of status.

In 1998, the Armenian president Ter-Petrosian resigned, and the new president Robert Kocharian, who was a former president of NK, came to power. Under the new government Armenia’s political system changed and inherently it influenced the negotiation process. The new government proclaims that there is one way for the resolution-either NK will be an independent area or unified to Armenia so due to this political change, the “step by step” proposal is also dead and negotiations delayed.

In 2006, the de facto NK government made a constitutional referendum in order to proclaim NK as a sovereign state. After the referendum NK officials announced that 98 percent citizens participated in the referendum and it showed that NK is a sovereign state. But inherently this referendum was rejected by OSCE and EU because NK Azeris did not participate in the referendum. These types of event also increased hostility between the two states and it has delayed the negotiation process. 2007 and 2008 were election years for both countries, and there were elections in Russia and the U.S as well.

Consequently, from our investigation, we can easily observe that both parties have almost the same interests like returning refugees and IDPs or securing NK and so forth but rather to participate with same interest parties are participating with position. It seems that under these circumstances it is hard to solve the problem and NK still remains as a big problem not for only Caucasia but also for the international arena.

In fact, despite the lack of desire of “Super powers”, the parties sometimes talk that a second war is possible in this conflict. But reality is different because the new global world is totally different than during the 1992 NK war. States now do not use army or weapon against each other now they are using economic power more than military power. Also “super powers” do not desire any war to occur without their control. On the other hand, the U.N and E.U also are sensitive about NK conflict and if any sides initiate war they will face hard U.N or E.U sanctions. Both Azerbaijan and Armenia know this so now this idea seems that states are using the possibility of war only to intimidate each other.

CHAPTER IV

**MEDIATION PROCESSES IN THE NAGORNO KARABAKH CONFLICT AND ITS
IMPACT ON RESOLUTION.**

In general, during the twentieth century many conflicts occurred. Some of them have already been solved but others are still remaining like two Transcaucasian conflicts, Georgia and South Ossetia as well as the NK conflict-, which could not be solved over sixteen years. Compared to other conflict regions, such as former Yugoslavia, Transcaucasia is small and then one may ask why finding a resolution is not possible in this region. In order to find this question's answer and other dark points of mediation processes this chapter analyzes the potential mediators, their interests, and the shortages or problems of the mediation processes.

4.1 Mediators in the Nagorno Karabakh Conflict.

Generally when conflict becomes a desperate situation, in order to win parties persist for a long time and they reject all attempts to resolve the conflict; this type of conflict is called an "intractable conflict" (Coleman 2006). According to Charles King, Jan Eliosson and other scholars, the NK conflict is one of the most intractable conflicts in Eurasia. From parties' interests and positions covered in the previous chapter, we can easily observe that these claims are true. In intractable conflict, there are three potential mediators: 1. Individuals 2. States and 3. Institutions and organizations (Bercowitch 1992).

As a state, Turkey, Iran, Russia and other countries are mediators in the conflict. Regional powers like Russia, Iran, Turkey and Kazakhstan were the first countries which attempted to intervene in the conflict during 1991-1993, but due to the disputant's

intractability as well as the interveners' biased positions, initial attempts were not so effective. It seems at that time both disputants were not aware of the "cost" and "risk" of the war.

In 1991, the Russian president Boris Yeltsin and the Kazakhstan president Nursultan Nazarbayev first attempted to settle the conflict. However, due to internal problems, like privatization processes or to failure to get control all over the country, in Russia and Kazakhstan both presidents could not engage effectively to the NK conflict. According to Mooradian and Druckman (1999) when the two presidents made a plan for intervention, neither the Russian nor the Kazakhstan presidents thought about NK's fate, they simply had some personal ambitions. After the unsuccessful attempt, in the same year Iran made efforts to find a resolution for the NK dispute. Generally like Russia, historically Iran also has a connection with both countries, as especially during nineteenth century many Armenians came from Iran to current Armenia but until now their ties are remaining with Iran. On the other hand, in northern Iran more than fifteen million Azerbaijanis are living. On February 26, 1992 right after the Khojali massacre, Azerbaijan and Armenia started to negotiate under the auspices of Iran but the next day the Armenian army occupied another Azerbaijani city, Susha. Negotiations broke down and Azerbaijan accused Iran for selling weapons to Armenia. So Iran's mediation effort also failed (Drobizheva, Walker 1996). In the same year after Iran's initiation, Kazakhstan's president Nursultan Nazarbayev attempted again to find solution but the Armenian side claimed that Nazarbayev's position was biased and that he supported the Azerbaijan side thus they rejected Nazarbayev's mediation initiation (Mooradian 1999).

Besides states in the international dispute there are some global and regional organizations like the U.N or "The Organization for Security and Co-operation in Europe"

(hereafter OSCE¹²) which have the basic institutional objective of the settlement of disputes (Merrils 2005). Until 1992 the U.N, international and regional organizations did not initiate effectively to settle the dispute. When the Khojali massacre occurred in 1992, the conflict immediately came into the international agenda and firstly the U.N appointed CSCE as an official mediator in the dispute. After the invasion of Khalbajer city by Armenian and NK troops, the U.N accepted four resolutions which condemned the Armenian invasions. (Appendix)

In March 1992, right after the massacre, the CSCE Council of Ministers urgently congregated in Helsinki, and the organization decided to make a conference in order to stop the war. In the same year eleven states¹³, CSCE members gathered in the capital city of Belarus-Minsk (European Report N°167, 2005). They formed a special group-CSCE Minsk Group- for the conflict resolution. During the Budapest summit in 1994, in order to beef up the negotiation and mediation process CSCE created a so called “co-chairmanship” of Minsk group “...to name co-chairmen of the Minsk Conference to ensure a common and agreed basis for negotiations and to realize full co-ordination in all mediation and negotiation activities” (Budapest document 1994). In the first period Russia and Sweden noted that they are ready to serve as co-chairs voluntarily and in 1995 Sweden was replaced by Finland. After two years Finland canceled its co-chair mission in the Minsk group and then, instead of the empty Finland position, a French ambassador was appointed. Azerbaijan expressed dissatisfaction about this displacement and they offered the U.S representative instead of the French representative and finally the U.S entered in the “co-chairmanship” as a third co-chair (Baser 2008). From that time –U.S, Russia and France are the official co-chairmen in the

¹² Until 1995, OSCE have called as Commission on Security and Cooperation in Europe (CSCE).

¹³ Azerbaijan, Armenia, Belarus, Germany, Italy, Russia, U.S., Turkey, France, Czechoslovakia and Sweden.

conflict. As we discussed in the last chapter, these co-chairmen have presented three proposals until now.

As a regional organization “Commonwealth Independent States” (hereafter CIS) is also another mediator. In 1991, the Soviet Union disintegrated and after one-year, the former Soviet countries founded CIS, and only former USSR countries were allowed to participate in this organization. As former Soviet countries, Azerbaijan and Armenia accepted membership in CIS in May 1992. CIS also offered a solution proposal to the parties.

Altogether these organizations are active mediators in any dispute, but there are some non-governmental organizations like the “International Committee of the Red Cross” (ICRC) that in certain situations can act as a mediator (Merrills 1998). Especially in the current situation-“no war, no peace”- from time to time action happened in the front-line and in order to give back captive soldiers the ICRC or Red Crescent had to act as a mediator.

4.2 Why and When Mediation?

In general mediation only can take place with both parties’ consent. Then one can ask when and why parties need mediation?

In the war situation, at the beginning of war most parties do not agree for mediation and they often reject mediation. Especially in the case of historical or religious hatreds between states, that is a very hard situation to persuade parties for mediation and mostly they reject any mediation effort like the NK conflict or the Indian-Pakistan war over Kashmir. In the NK case, there are historical hatreds between states. On the other hand, during the

beginning of the war Armenian and NK Armenians side was seeking to get NK or join it to Armenia while the Azerbaijan side aimed to prevent possible Armenian and NK attacks against its own land and to regain NK. That is why some countries and organizations' mediation efforts failed during 1991-1993.

Moreover in order to get more benefits, a powerful country often rejects the offer of mediation (Rangarajan 1985). During 1991-1992 countries like Iran and Kazakhstan offered mediation for the conflict but both proposals were rejected by Armenia. One of the reasons for the rejection was that the Armenia-NK axis was the more powerful side in the conflict and at that time they knew that they could get NK and other Azerbaijani lands. Another main cause for the rejection of mediation is "sovereignty" and "nationalism" (Rangarajan 1985). In the case of the NK war, because of the undefined history and confusion by USSR's policy makers, both countries perceived that NK is their own land and they have to protect their sovereignty.

However, there is a border of rejection. When neither side can continue war or can impose a solution unilaterally, they agree for mediation (Merrills 1998). In the NK war during 1994 Armenia began to lose power and consecutively they did poorly in a couple of battles. Although Azerbaijan won some battles at that time, the economic and political situation was unstable inside the country and political leaders could not make an agreement with each other inside Azerbaijan. Both countries were able to realize the "risk" and "cost" of the war and they conceived that continuing war is dangerous so they need mediation and negotiation. Eventually, in May of 1994, the countries made a cease-fire and approved mediation.

4.3 Interests (motives) of mediators.

As we analyzed above, until 1994 all mediation efforts failed and from 1994 to 1998 several proposals were offered to both parties but again two major issues (status of NK and the Lachin corridor) was leading the negotiation process and they came as main problems for the mediation process as well.

Generally, we can categorize several problems and shortcomings in the mediation process. Let us start with external actors' interests in the mediation process. As we examine, there are two types of mediator in the NK conflict. The first is states like Russia, Turkey, Iran and the second consists of regional or international organizations like CIS and OSCE. According to Zartman and Touval (1985), when states aim to mediate conflict, they have some "motives" and these motives are changeable from large state to small state. Broadly, "states may have defensive or offensive motives for mediation" (Zartman and Touval 1985). When states have "defensive motive" they try to eliminate other states intervention to certain region and they attempt to not give them opportunities to expand in certain areas and also make stability to create a controlling opportunity for themselves. However in "offensive motive" states aim to expand their power into a certain region or area and to build relationship with disputants (Zartman and Touval 1985).

In this case, Russia seems to have both "defensive and offensive motives" for the mediation in the NK conflict. Russia, as the biggest country in the region and as well as a major player in the world, tries to keep itself as an influential power or "elder brother" in this conflict. After the disintegration of USSR, because of huge natural resources and geopolitical importance Russia did not abdicate from Transcaucasia. In order to control the region Russia

is playing as a main peacekeeping actor in the conflict (Betts 1999). According to Baser (2008), after the ruination of the USSR, Russia's peacekeeping initiations created more problems rather than solutions. In the negotiation processes, Russia tried to build military bases in both countries as this way the Kremlin knew that in the future no disputant could challenge against it. On the one hand, Russia planned that through these army bases Kremlin could control oil pipelines and would not let Armenia and NK slip through its fingers. Eventually this policy almost damaged all of "Russia's reputation as the impartial and just mediator interested in solving the problem" (Baser 2008). Instead of Russian army bases, Azerbaijan preferred to build a relationship with NATO via Turkey because it is sustainable for the country. In addition, Azerbaijan and Georgia first participated in "CIS mutual security treaty" but then both countries showed that they do not plan to participate in "CIS mutual security treaty" anymore and it was such as a signal that country is behaving independently from the Kremlin (Svante 2001). Russia's other interest in the mediation process is to prevent possible NATO and Western countries expansion into the region via Turkey (Chorbajian 1994) so as we mentioned Russia always want to control its backyard.

In conflict situations, some states offer mediation in order to prevent permeation of the conflict into their country or other regions (Betts 1999). In the beginning of the conflict the U.S, E.C, and other Western powers did not intervene to the conflict because at that time USSR did not collapse or "it was end of Cold War" so that was risky, especially for the U.S. On the other hand, E.C was busy with the Yugoslavia problem and they could not deal with the NK conflict (Baser 2008). Then the conflict began to get more dangerous especially when Turkey and Iran tried to intervene or to make mediation. Turkey was involved for reasons such as the ethnic or historical relationship with Azerbaijan and most importantly to stabilize the region so Turkey could traverse the oil pipeline from Turkey, for which Ankara was

competing with Russia (Betts 1999). "Although [Turkey's] geopolitical interests in the post-Soviet republics were framed primarily in terms of its desire to expand Turkish influence, a strong security element also pervaded Ankara's thinking. Central to Turkish concerns was the prospect of nationalist strife in areas adjacent to its borders" (Croissant, 1998).

Conversely, Iran was worried about the expansion of war inside the country because more than fifteen million ethnic Azeri was living in northern Iran. In addition, Iran's aim was to build a relationship with the former USSR's Muslim countries. Eventually, in order to prevent the expansion of conflict and balance Russian role in the conflict, in 1993 under the auspices of CSCE some Western countries and the U.S were involved in a mediation attempt (Betts 1999). However, the U.S and E.C countries intervention via CSCE may have prevented possible Turkey, Iran and Russia confrontation but at the same time, this invention created other counteraction, namely the Russia-OSCE. Especially during 1993, despite membership of CSCE, Russia was acting alone and offered some proposals without counseling with OSCE. When OSCE recommended arranging peacekeeping troops in the conflict zone, Russia attempted to place more troops than other states and inherently OSCE did not agree with this idea (Baser 2008). The Russian and CSCE clash made dissatisfaction for parties and Armenian president Ter Petrosyan noted his frustration "mediating countries and international organizations are not interested so much in settling the conflict, as in settling their own accounts and relationships, which are unconnected with it" (De Waal 2004).

According to Betts (1999) despite states interests, international organizations have totally different motives in order to make meditation efforts to conflict. "Peacekeeping" is the main aim of many international organizations and "is often included in their charters". In general, when international or regional organizations attempt to make mediation efforts they

seek to increase their position in dispute and “defend their reputations as effective peacemakers”. In addition, in some case organizations intervene to conflict in order to “alleviate the humanitarian crisis” (Betts 1999). In 1992, OSCE made a decision to intervene in the NK conflict. OSCE’s decision was not only to cease the humanitarian crisis but also to gain “to gain more reputation in the eyes of the international community post the Bosnia debacle” (Baser 2008). In OSCE, the Minsk group contains eleven members with different interests. As we discussed above in the co-chairmanship there are three countries-U.S, Russia and France.

Finally, from the above scenario we can easily see that in the conflict, each mediator has its own interest and in order to gain their interests in the negotiation table they struggle with each other rather than to make agreement. For oil or geopolitical importance, the mediators’ interests are almost remain the same and it is delaying the peace process in Transcaucasia.

4.4 Defects of third party mediation in the peace process.

According to Zartman and Touval there are three types of roles of mediators: 1. Communicator, 2. Formulator and 3 Manipulator. In some conflicts based on historical hatreds or fearing to lose there is no communication between the disputants. In this case, in order to make communication the mediator serves as a communicator. On the other hand, in order to make settlement as a formulator, mediator should be capable to offer different proposals to belligerents. In the last case as a manipulator mediator could use “power” for the resolution (Zartman and Touval 1996). In the NK dispute, mediators are successful as a

communicator but they are lack of formulation and manipulation capacity (Baser 2008). As we discussed in previous chapters until now as mediators Iran, Russia, the OSCE and CIS have offered some proposals to disputants but there is not yet sustainable settlement result and on these grounds we can assume that the mediator cannot maneuver parties from a “zero-sum” situation to “win-win” condition as they do not have enough manipulation and formulation capability.

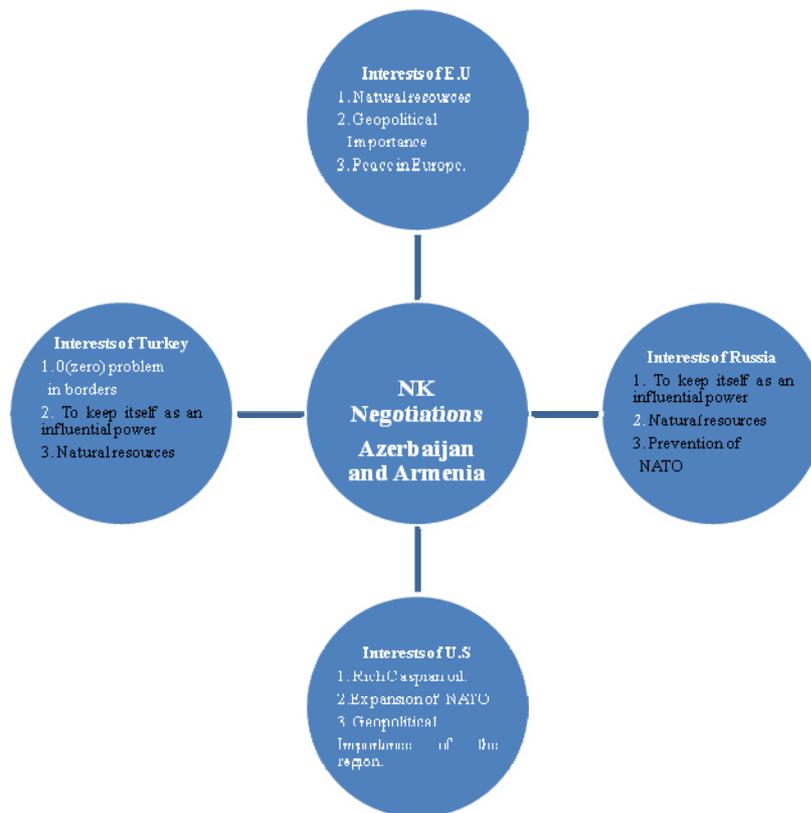
According to Kleiboer (1998) for mediators, “leverage” is necessary especially when conflicting parties attempt dominate one to another. Nevertheless, a mediator cannot use “leverage” in all conflicts. The essence is that, in order to use “leverage” the mediator should be accepted by all parties in all stages of mediation processes. In the case of NK, to make “extraction” is hard. In order to make “extraction” in the NK conflict, both sides should be ready to sacrifice some of their claims. For instance, the Azerbaijan side should recognize some claims of Karabakh Armenians and at the same time, Karabakh Armenians should give back Azerbaijan’s areas. Mediators do not have “extraction” ability in the NK issue and without the ability to use extraction; the mediators were unable to perform the essential role of formulation and creative problem solving” (Betts 1999).

Another main problem in NK mediation is “timing” because the mediator estimates that parties do not intend to make an agreement, in reality parties are trying to solve the problem with offensive way (Baser 2008)

The last and main problem in the conflict is neutrality. In general, in any conflict, resolution parties should be unbiased and they have to keep aside their interests from the mediation process. On the other hand, mediators must attend to both parties equally (Gibson,

Thompson, and Bazerman (1996). In the NK case, as we examined above, each country has its own interests on his agenda and they are acting for their agenda. “Mediators must speak with one voice and be able to make credible threats and promises,” (Brown 1996). However in the OSCE Minsk group, there are eleven countries and these countries act in order to their own separate agendas rather than acting collectively. Especially, it is obvious that, for centuries, the Russian and U.S relationship is not good and these countries are trying to challenge each other. These countries are participating in the co-chairmanship office of the OSCE Minsk group and so we can understand that as in many cases, the U.S and Russian challenge also happens in the NK case and “neutrality” is questionable in the conflict mediation process.

Figure 8. Interests of Mediators.



Consequently, although this analysis is not enough to investigate all of the mediation processes and problems, we addressed the questions on mediation shortages and problems and why a solution for the conflict is not possible until now. According to our observation, in the first years of the conflict, no country attempted to intervene or mediate the dispute and then more than eleven countries with different interests appeared on the negotiation table as a mediator. Each country had their own interests, which are not necessarily related one to another and even they are not thinking about negotiation parties' interests. This situation creates other problems like neutrality. In addition, mediators' lack formulation and manipulation skills demonstrate the problem of "timing". Throughout this analysis we learned that mediation is a process which attempts to settle conflict, but in the NK conflict, the mediators themselves are struggling with each other to get more benefit or power from the region, rather than finding a solution for the region.

CHAPTER V CONCLUSION

The “no war-no peace” situation remains the same as fourteen years ago. This means that under this condition, instead of getting more economic benefits from the region, both countries are now facing economic problems and inherently it influences their political system as well.

Both parties are looking at the past and they continue to blame each other on the grounds of history, so inherently they are not interested in the negotiation processes. Continually reflecting on the fourth century AD or early twentieth century is making the conflict worse, as opposed to finding a solution. On the other hand, standing at the negotiation table with these positions does not give anything except a stalemate, and day by day this deadlock situation is breaking the hope of refugees and IDPs to return to their homeland.

Moreover, the negotiation processes have been prolonged and occasionally the Azerbaijani government appears to understand that, inasmuch as Azerbaijan’s last chance to regain NK is war. However, this could be simply intimidation due to the last five days war (Russia-Georgia 2008) in the region. Russia invaded Georgia at the expense of violation of international law. The Kremlin did not do it simply to protect South Ossetia, but rather acted out of some type of defiance to Transcaucasia. The last action of Russia demonstrated that Moscow is keen on every process in the region and any war between two countries will be responded to by Russia. Therefore it seems that there is no possibility of war in the conflict, but at the same time under the current mediation processes there is no possible solution as

well. In this context, democratic countries¹⁴ cannot make a great deal because some undemocratic countries, like Russia or Iran, creates problems. Under this condition, responsibility for conflict resolution must be relieved by both Azerbaijan and Armenia.

Currently, both Azerbaijan and Armenian's position is not satisfactory. In order to settle conflict in a peaceful way both sides should respect each side's interests. However, currently in NK conflict neither Azerbaijan nor Armenia regard opponent's interests. They only regard their own interests. They have to make mutual compromise like European countries did it last century. In late twenties century there were many territorial conflicts between European countries like French-German, Poland-German, Romania-Hungry etc. However, in the second half of the century European countries solved these conflicts with mutual compromise. They simple lose borders and began to unify. Now, Caucasian countries like Azerbaijan, Armenia, Georgia need this type of cooperation. If three Transcaucasian countries lose internal borders-they can keep only external borders like EU- it will not only resolve conflicts in the region -Nagorno Karabakh, Abkhazia-Georgia etc-but also region's economic situation will develop.

On the other hand, some scholars like Bogdani, Loughlin and others recommend that Kosovo conflict resolution model is applicable to NK conflict. However, in my opinion it is not a good option for NK conflict. Firstly, Kosovo build as a state with the right of self determination-external. There are two types of self determination: internal and external. For communities that are colonized and are not within existing states they could get external self-determination which happened in Kosovo (Borgen 2009). This principle-external self-determination-is not applicable to NK conflict because NK was within existing state-

¹⁴ U.S, EU, Turkey

Azerbaijan. If state allow minority group to speak and get education in their own language and to practice their own culture and participate in political arena effectively that is internal self-determination (Borgen 2008) which is applicable to Nagorno Karabakah and Azerbaijan government also announced that if NK will join to Azerbaijan, government ensure them that they will allowed to speak and get education in their own language and to practice their culture in a meaningful way and participate in political arena effectively. In Kosovo case their rights was strongly violated by Serbs and they were massacred by Serb army and according to Borgen if state violate minorities' rights and there are not any remedy under domestic and international law communities they can use self-determination right (Borgen 2008) so in this case Kosovo used self-determination right correctly. However, it is not the case in NK conflict. During USSR and after it there were no any human right violations against NK Armenians.

Moreover, if one or same ethnic group live together in a certain area they can use self-determination right. In Kosovo there is only one ethnic group or people-all of Kosovo people are ethnic Albanian. In Nagorno Karabkah there are more than two ethnic groups-Armenian and Azerbaijanis, Kurds etc. `

Instead of Kosovo model I recommend Aland Island conflict resolution model to NK conflict. Aland Island is an island between Sweden and Finland and it consists of more than 6000 small islands and its total area is about 13,512 km² (Vesa 2008). Until now three different countries controlled Aland Islands-Swedish (1157-1809), Russia (1809-1917) and Finland (1917-to present) (Barros 1968). Like NK conflict Aland Island conflict also began on the ground of history. Both Finland and Sweden claimed that historically Aland Island belong them. During eighteens century island's control pass between Russia and Sweden.

After 1809 Finland was colonized by Russian empire and at that time Aland island was an autonomous territory of Finland. In 1917 Finland gained independence from Russian empire and Finland officially demanded that Aland Island should unify with Finland. At the same time Sweden also demand that Island should annexed to Sweden. Sweden government proposed that principle of self-determination should be applied to Alanders. However, Finland was opposed to that idea because Finland claimed that Alanders are composed only small part of “Finland’s Swedish speaking people” (Barros 1968). Then during Paris Peace Conference (1919) European powers like England, France and U.S delegations tried to solve problem in a peaceful way but they could not do it because there was big disagreement between Sweden and Finland about the status of the Island. After the Paris peace conference France and England came to the conclusion that the conflict should be resolved within League of Nations. In order to settle the conflict League founded two commissions. Firstly, League established Commission of Jurists and in 1920 commission announced their decision- their decision was in favor of Sweden. Then League established Commission of Inquiry. After a comprehensive investigation of the conflict, commission came to decision that for some reasons Aland should be within Finland. Commission of Inquiry noted that firstly, geographically island seemed as a mainland of Finland. Secondly, politically from 1809 Island was part of Finland and even before when Finland was under Swedish authority Aland Island was one of the provinces of Finland. Commission noted that, there is no need to plebiscite: “minority - fractions of a population - in a state had no absolute right of separating itself from a state in order to be incorporated in another state or to declare its independence; the self-determination formula had to be applied “in a reasonable manner between a minority and the state” (Vesa 2008). Also Comission noted that minority need international protection. Consequently League of Nation noted that due to above reasons Aland Island should belong to Finland and Sweden government also regard commission’s decision. After commission’s

decision in order to guarantee minority's rights Finland and Sweden made an agreement:

- 1) The teaching language in Åland schools in Swedish;
- 2) Right of owning land in Åland is reserved to the Ålanders themselves;
- 3) The right of voting in local elections and to the Åland parliament is reserved to the resident populations who have the right of domicile on the islands;
- 4) Only a person accepted by the Ålanders themselves can be appointed County Governor, that is, the highest representative of the government of Finland in Åland (Vesa 2008).

I briefly explain Åland Island model above and the question is that: Why not NK?

Now, both Azerbaijan and Armenia should be avoid to complicate the conflict. Azerbaijan take territorial integrity principle and Armenia self-determination. As we observed in Åland conflict both Finland and Sweden's position almost was same as NK. If League of Nation could solve the Åland conflict, UN also can solve NK conflict even UN does not need to establish new commissions for NK conflict because there is already OSCE which is responsible to solve NK conflict. Firstly, UN should reform OSCE members because there are still bias members inside OSCE. Then both Azerbaijan and Armenia should leave conflict to OSCE. I strongly believe that if conflict left to unbiased OSCE, it can be solved. Azerbaijan and Armenia also can make an agreement to guarantee NK Armenians and Azerbaijanis rights. The language, culture and political rights could be same as Finland-Sweden agreement. If Azerbaijan and Armenia make an agreement like Finland and Sweden it will derive a balance between competing claims and meet all the vital interests: Azerbaijan's sovereignty, Armenian's security, as well as NK people's rights and identity.

This study shows that there are two main reasons of the failure of NK negotiations: mistrust between Azerbaijan and Armenia and international interests. In order to tackle these

issues firstly both countries should try to change in mentality. People of Azerbaijan and Armenia are looking to each other as an enemy and media and political parties of both countries are demonize each other in every day so under this condition it does not seem possible to solve problem easily. In order to build confidence and guarantee sustainable peace both governments have to facilitate public acceptance of the settlement. Political leaders of both sides should eliminate the idea of revenge and look at each other as an equal. Government of both countries should allow NK people to participate in negotiation process.

On the other hand, mediators, especially Russia and U.S, should change their strategy. U.S and Russian policies toward to NK conflict does not seem pragmatic or positive because in order to dominate oil and gas resources of Azerbaijan, mediators are exploiting the conflict and result of it there is no peace in the region since 1990th. Mediators should analyze roots of the conflict and understand that why parties do not accept their proposals. They have to create an appropriate environment for conflict settlement and prepare a proposal which contains both self-determination and territorial integrity. Lastly, as mentioned above, change in mentality of both parties and international organization is important to solve NK conflict in a peaceful way. Otherwise, current stalemate will remain as before and the conflict can not be solved in a peaceful way.

Many have called the twenty-first century a democratic age, and in such an age, no conflict can be resolved by war or other bloody way. The democratic age demands that any conflict must be resolved via negotiation or other peaceful methods. The last four years war's (1990-1994) balance sheet shows more than thirty thousand casualties and more than one million refugees and IDPs, and so both countries are unable to bear war again. This study hopes and believes that the NK conflict will be resolved in a peaceful way.

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APPENDIX A

UN Resolution Act: N-822

Calls for the cessation of hostilities and withdrawal of occupying forces from Kelbajar district of Azerbaijan following its occupation on April 3, 1993

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/822 (1993)
30 April 1993

RESOLUTION 822 (1993)

Adopted by the Security Council at its 3205th meeting,
on 30 April 1993

The Security Council,

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

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

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

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

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

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

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

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

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

1. Demands the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire, as well as immediate

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withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan;

2. Urges the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe and refrain from any action that will obstruct a peaceful solution of the problem;

3. Calls for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;

4. Requests the Secretary-General, in consultation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe as well as the Chairman of the Minsk Group of the Conference to assess the situation in the region, in particular in the Kelbadjar district of Azerbaijan, and to submit a further report to the Council;

5. Decides to remain actively seized of the matter.

APPENDIX B

UN Resolution Act: N-853

Calls on withdrawal of occupying forces from Agdam district of Azerbaijan occupied on June 23, 1993 and reaffirms UN Resolution 822

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/853 (1993)
29 July 1993

RESOLUTION 853 (1993)

Adopted by the Security Council at its 3259th meeting,
on 29 July 1993

The Security Council,

Reaffirming its resolution 822 (1993) of 30 April 1993,

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

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

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

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

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

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

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

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

1. Condemns the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic;

2. Further condemns all hostile actions in the region, in particular attacks on civilians and bombardments of inhabited areas;

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3. Demands the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic;
4. Calls on the parties concerned to reach and maintain durable cease-fire arrangements;
5. Reiterates in the context of paragraphs 3 and 4 above its earlier calls for the restoration of economic, transport and energy links in the region;
6. Endorses the continuing efforts by the Minsk Group of the CSCE to achieve a peaceful solution to the conflict, including efforts to implement resolution 822 (1993), and expresses its grave concern at the disruptive effect that the escalation of armed hostilities has had on these efforts;
7. Welcomes the preparations for a CSCE monitor mission with a timetable for its deployment, as well as consideration within the CSCE of the proposal for a CSCE presence in the region;
8. Urges the parties concerned to refrain from any action that will obstruct a peaceful solution to the conflict, and to pursue negotiations within the Minsk Group of the CSCE, as well as through direct contacts between them, towards a final settlement;
9. Urges the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny-Karabakh region of the Azerbaijani Republic with its resolution 822 (1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group of the CSCE;
10. Urges States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory;
11. Calls once again for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict, in order to alleviate the increased suffering of the civilian population and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;
12. Requests the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist displaced persons to return to their homes;
13. Requests the Secretary-General, in consultation with the Chairman-in-Office of the CSCE as well as the Chairman of the Minsk Group, to continue to report to the Council on the situation;
14. Decides to remain actively seized of the matter.

APPENDIX C

UN Resolution Act: N-874

Calls on withdrawal of occupying forces from recently occupied Azerbaijani districts of Fizuli (August 23, 1993), Jabravil (August 26, 1993), Qubadli (September 31, 1993) and reaffirms UN Resolutions 822 and 853.

UNITED NATIONS

Security Council

Distr.

GENERAL

S/RES/874 (1993)

14 October 1993

RESOLUTION 874 (1993)

Adopted by the Security Council at its 3292nd meeting,

on 14 October 1993

The Security Council, Reaffirming its resolutions 822 (1993) of 30 April 1993 and 853 (1993) of

29 July 1993, and recalling the statement read by the President of the Council, on behalf of the Council, on 18 August 1993 (S/26326), Having considered the letter dated 1 October 1993 from the Chairman of the Conference on Security and Cooperation in Europe (CSCE) Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council (S/26522), Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region, Taking note of the high-level meetings which took place in Moscow on

8 October 1993 and expressing the hope that they will contribute to the improvement of the situation and the peaceful settlement of the conflict, Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region, Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, Expressing once again its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency in the region and expressing in particular its grave concern at the displacement of large numbers of civilians in the Azerbaijani Republic,

1. Calls upon the parties concerned to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE

Minsk Group;

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S/RES/874 (1993)

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2. Reiterates again its full support for the peace process being pursued within the framework of the CSCE, and for the tireless efforts of the CSCE Minsk Group;

3. Welcomes and commends to the parties the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" set out on 28 September 1993 at the meeting of the CSCE Minsk Group and submitted to the parties concerned by the Chairman of the Group with the full support of nine other members of the Group, and calls on

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the parties to accept it;

4. Expresses the conviction that all other pending questions arising from the conflict and not directly addressed in the "Adjusted timetable" should be settled expeditiously through peaceful negotiations in the context of the CSCE Minsk process;
5. Calls for the immediate implementation of the reciprocal and urgent steps provided for in the CSCE Minsk Group's "Adjusted timetable", including the withdrawal of forces from recently occupied territories and the removal of all obstacles to communications and transportation;
6. Calls also for an early convening of the CSCE Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict as provided for in the timetable, in conformity with the 24 March 1992 mandate of the CSCE Council of Ministers;
7. Requests the Secretary-General to respond favourably to an invitation to send a representative to attend the CSCE Minsk Conference and to provide all possible assistance for the substantive negotiations that will follow the opening of the Conference;
8. Supports the monitoring mission developed by the CSCE;
9. Calls on all parties to refrain from all violations of international humanitarian law and renews its call in resolutions 822 (1993) and 853 (1993) for unimpeded access for international humanitarian relief efforts in all areas affected by the conflict;
10. Urges all States in the region to refrain from any hostile acts and from any interference or intervention which would lead to the widening of the conflict and undermine peace and security in the region;
11. Requests the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist refugees and displaced persons to return to their homes in security and dignity;
12. Requests also the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference to continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, and on present and future cooperation between the CSCE and the United Nations in this regard;
13. Decides to remain actively seized of the matter.

Source:<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/557/41/PDF/N9355741.pdf?OpenElement>

APPENDIX D

UN Resolution Act : N-884

Calls on withdrawal of occupying forces from recently occupied Azerbaijani district of Zangilan, calls upon the Government of Armenia to use its influence on the occupying forces, and city of Goradiz and reaffirms UN Resolutions 822, 853, 874.

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UNITED NATIONS

Security Council

Distr.

GENERAL

S/RES/884 (1993)

12 November 1993

RESOLUTION 884 (1993)

Adopted by the Security Council at its 3313th meeting,

on 12 November 1993

The Security Council, Reaffirming its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993 and 874 (1993) of 14 October 1993, Reaffirming its full support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe (CSCE), and for the tireless efforts of the CSCE Minsk Group, Taking note of the letter dated 9 November 1993 from the Chairman-in-Office of the Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council and its enclosures (S/26718, annex), Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region, Noting with alarm the escalation in armed hostilities as consequence of the violations of the cease-fire and excesses in the use of force in response to those violations, in particular the occupation of the Zangelan district and the city of Goradiz in the Azerbaijani Republic, Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region, reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, expressing grave concern at the latest displacement of a large number of civilians and the humanitarian emergency in the Zangelan district and the city of Goradiz and on Azerbaijan's southern frontier,

1. Condemns the recent violations of the cease-fire established between the parties, which resulted in a resumption of hostilities, and particularly condemns the occupation of the Zangelan district and the city of Goradiz,

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S/RES/884 (1993)

Page 2

attacks on civilians and bombardments of the territory of the Azerbaijani Republic;

2. Calls upon the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with resolutions 822 (1993), 853 (1993) and 874 (1993), and to ensure that the forces involved are not provided with the means to extend their military campaign further;

3. Welcomes the Declaration of 4 November 1993 of the nine members of the CSCE Minsk Group (S/26718) and commends the proposals contained therein for unilateral cease-fire declarations;

4. Demands from the parties concerned the immediate cessation of armed hostilities and hostile acts, the unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of the Azerbaijani Republic in accordance with the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" (S/26522, appendix) as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;
5. Strongly urges the parties concerned to resume promptly and to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group, and to continue to seek a negotiated settlement of the conflict within the context of the CSCE Minsk process and the "Adjusted timetable" as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;
6. Urges again all States in the region to refrain from any hostile acts and from any interference or intervention, which would lead to the widening of the conflict and undermine peace and security in the region;
7. Requests the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population, including that in the Zangelan district and the city of Goradiz and on Azerbaijan's southern frontier, and to assist refugees and displaced persons to return to their homes in security and dignity;
8. Reiterates its request that the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between the CSCE and the United Nations in this regard;
9. Decides to remain actively seized of the matter.

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Source:<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/631/20/PDF/N9363120.pdf?OpenElement>

