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## Nagorno-Karabakh: Ever Closer to a Settlement, Step-by-Step

Conflict settlement is about much more than the settlement itself. Not only must it satisfy all sides, being tempered by mutual compromises (each side feeling that the others have given something), but it must be regarded as broadly fair and just, functional and worth the effort required to make it work. In this respect, any constitutional settlement will depend on more than the personal relations and good will of the respective leaderships. Electorates matter, and the military can spoil things. Moreover, external forces – frequently a number of competing external forces – need to have reached their own separate accommodations. In any case, however successful the settlement proves, leaderships *will* inevitably change.

Conflict may provide opportunities, but it usually results in much heavier costs. Perceived past injustices may be remedied, historical scores settled, territory won, but lives are lost, and new resentments therefore generated. The wounds inflicted may last a lifetime, personal ambitions are frustrated by the requirement to perform front-line service, trading relations are fractured, and economies damaged – all of which leaves an unpalatable legacy for future generations, for whom any settlement is inscribed only in print and other inanimate forms.

Along with a great capacity for creativity and good, human beings have also been endowed with an almost insane desire for destruction. War appears to be as natural as any other form of conflict, and will never be abolished. The best that can be hoped for is that it is kept to a minimum.

History may one day conclude that the Armenians got their war. A century of anger, frustration, and bitterness found its pretext, in 1988, as the Soviet Union was embarking on its own implosion, with demands for the “liberation” of Nagorno-Karabakh from Azerbaijan – from the Turks.<sup>1</sup> That war was won, much territory seized, but Armenia and the Armenians have yet to enjoy or feel their independence: A state that has known only a condition of war is not a living, breathing state.<sup>2</sup>

The year 2009 marks the 15th anniversary of the ceasefire procured via the Bishkek Protocol.<sup>3</sup> In that time the faces may have changed, but, on the

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1 On 20 February 1988, a session of the 20th convocation of delegates of the Nagorno-Karabakh Autonomous Oblast adopted a resolution seeking the transfer of Karabakh from Soviet Azerbaijan to Armenia.

2 Since the cessation of hostilities, Karabakh armed forces have continued to control seven districts beyond the region's former Soviet boundaries: (clockwise) Agdam, Fizuli, Jebrail, Zangelan, Kubatli, Lachin, and Kelbajar.

3 The “Participants of the meeting held in May 4-5 in Bishkek [...] call upon the conflicting sides to come to common senses: cease to fire at the midnight of May 8 to 9 [1994]”, *The*

ground at least, little else has.<sup>4</sup> However, progress has been and continues to be made. Both the current and previous Armenian and Azeri leaderships may have been unwilling to acknowledge it, even face-to-face, but the character and features of any settlement over Nagorno-Karabakh are beginning to emerge.<sup>5</sup> That settlement will not come quickly. First, both sides will have to begin to reconcile themselves to the compromises required. Second, the people of both countries (including the population of Nagorno-Karabakh) will have to be prepared to accept those compromises. Third, third parties will also have to be ready. All of this will take some more years yet, but a start has been made.

The current Minsk Group co-chairs<sup>6</sup> may be frustrated by the slow rate of progress, but the Group should be credited for the solid, sustained, and real achievements of recent years. Before the leaderships can begin to reconcile *themselves*, a degree of stability and consistency is required in what is “put on the table”. The concepts have been clarified, with details being exchanged since the presentation of the first three rejected proposals in 1997-98.<sup>7</sup> The current framework, known as the Madrid Principles,<sup>8</sup> is a continuation of the work arising from the “Prague Process”, which began with a meeting between the foreign ministers of Armenia and Azerbaijan in Prague in April 2004.<sup>9</sup> The next stage is to begin to add flesh to those concepts and, over a

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*Bishkek Protocol*, 5 May 1994, available online at: <http://www.c-r.org/our-work/accord/nagorny-karabakh/keytexts15.php>.

- 4 The President of Armenia is currently Serzh Sargsyan, who assumed office on 9 April 2008. He was preceded by Robert Kocharyan (1998-2008) and Levon Ter-Petrosyan (1991-1998). The President of Azerbaijan is currently Ilham Aliyev, who assumed office on 31 October 2003. He was preceded by his father Heydar Aliyev (1993-2003), Abulfaz Elchibey (1992-1993), and Ayaz Mutalibov (1991-1992).
- 5 Up to the end of 2009, Presidents Sargsyan and Aliyev had met on eight occasions: The first instance was on 6 June 2008 in St Petersburg on the sidelines of a CIS summit; the second occasion was on 2 November 2008 near Moscow, which led to the signing of the Moscow Declaration; the third was on 28 January 2009 in Zurich on the sidelines of the World Economic Forum, Davos; the fourth meeting took place on 7 May 2009 in Prague on the sidelines of the Prague EU “Eastern Partnership summit”; the fifth on 4 June 2009 in St Petersburg on the sidelines of the 13th St Petersburg International Economic Forum; the sixth on 17 and 18 July 2009 in Moscow; the seventh on 8 October 2009 in Chişinău on the sidelines of a CIS summit; and, most recently, the Presidents met again on 22 November 2009 at the French consulate in Munich.
- 6 Bernard Fassier (France), Yuri Merzlyakov (Russia), and Robert Bradtke (United States).
- 7 The Minsk Group “package deal” proposal of July 1997; the Minsk Group “step-by-step deal” proposal of December 1997; and the Minsk Group “common state deal” proposal of November 1998.
- 8 This is a framework agreement (“Fair and Balanced Basic Principles of the Peaceful Settlement of the Conflict”) that was presented to the foreign ministers of Armenia and Azerbaijan in Madrid on 29 November 2007. It comprises a “phased-package” approach: The elements of a settlement are agreed on simultaneously, but implemented successively, with one key aspect – the final status of Nagorno-Karabakh – being decided subsequently by referendum.
- 9 The “Basic Principles for the Peaceful Solution of the Nagorno-Karabakh Conflict” were outlined in a communiqué issued by the co-chairs on 3 July 2006: “The principles are based on the redeployment of Armenian troops from Azerbaijani territories around Nagorno-Karabakh, with special modalities for Kelbajar and Lachin districts (including a corridor between Armenia and Nagorno-Karabakh), demilitarization of those territories,

period of time, to transmit them to the Armenian and Azeri people. The co-chairs have been very successful in emphasizing that there is broad understanding between the sides on most issues, whilst acknowledging that there is a very small number of items over which further time and discussion will be required.<sup>10</sup> For reconciliation to be able to begin, it is essential for civil society actors, who will gradually be brought into the peace process, to have something to share.

Peace will lead to the establishment of diplomatic relations between Armenia and Azerbaijan. The militaries will step to one side – to an extent – and borders will be reopened. Communications will be restored, from telecommunications to air links. Trade will be given the opportunity to flourish. Prior to that peace, the future may be foreshadowed by the opportunity for people from each side to meet and to visit each other's countries, as well as in the form of cultural exchange in the fields of art, music, and literature.

A globalized world will disdain and ultimately defeat any attempts at ethnic, linguistic, or religious apartheid. A settlement in Karabakh will allow Internally Displaced Persons (IDPs) and refugees to return, not only to places from which armed forces have recently departed, but also to other, more central (and central to the dispute) regions. Eventually, "displaced" Azeris will be entitled to return not only to the seven occupied districts surrounding Nagorno-Karabakh, but to Karabakh itself.<sup>11</sup> The more general peace that

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and a referendum or population [sic] vote – at a date and in a manner to be decided through further negotiations – to determine the final legal status of Nagorno-Karabakh. Deployment of an international peacekeeping force and a joint commission for implementation of the agreement would be established, and international assistance would be made available for demining, reconstruction, and resettlement of internally displaced persons in the formerly occupied territories and the war-affected regions of Nagorno-Karabakh. Certain interim arrangements for Nagorno-Karabakh would allow for interaction with providers of international assistance. The sides would renounce the use or threat of use of force, and international and bilateral security guarantees and assurances would be put in place. Regarding the vote to determine the future status of Nagorno-Karabakh, the Co-Chairs stressed that suitable pre-conditions for such a vote would have to be achieved so that the vote would take place in a non-coercive environment in which well-informed citizens have had ample opportunity to consider their positions after a vigorous debate in the public arena." The full text of the communiqué is available at: [http://www.diplomatie.gouv.fr/fr/actions-france\\_830/crises-conflits\\_1050/haut-karabagh\\_13520/communique-du-groupe-minsk.-03.07.06\\_38824.html](http://www.diplomatie.gouv.fr/fr/actions-france_830/crises-conflits_1050/haut-karabagh_13520/communique-du-groupe-minsk.-03.07.06_38824.html).

- 10 During an interview for Radio Liberty's Armenian Service, broadcast on 28 May 2009, former US co-chair Matthew Bryza spoke of disagreement on "a handful of remaining principles". *Minsk Group Meeting With Azerbaijani President On Karabakh Conflict*, at: <http://www.asbarez.com/2009/05/29/minsk-group-meeting-with-azerbaijani-president-on-karabakh-conflict>. This would seem to accord with remarks made by Russian Foreign Minister Sergey Lavrov to the Russian daily *Rossiyskaya Gazeta* and printed on 6 October 2008, in which he stated that "there remain two or three unresolved issues which need to be agreed upon at the next meetings of the presidents of Armenia and Azerbaijan". *OSCE Minsk Group Co-Chairs Hail Moscow Karabakh Talks*, at: <http://www.eurasianet.org/departments/insightb/articles/eav110708c.shtml>.
- 11 The UNHCR claims that as of 1 January 2006 there were 578,545 internally displaced persons (IDPs) living in Azerbaijan. See *2005 UNHCR Statistical Yearbook, Country Data Sheet – Azerbaijan*, 30 April 2007, at: <http://www.unhcr.org/464183605.html>. According to the 1989 Soviet census, 40,688 Azeris were living within the Nagorno-Karabakh Autonomous Oblast, this being approximately 25 per cent of the area's popula-

will emerge will enable Armenians to return to those parts of Martakert and Martuni districts currently behind Azeri lines,<sup>12</sup> to Baku and other towns and cities in wider Azerbaijan,<sup>13</sup> and for Azeris to return to Armenia (including Yerevan).<sup>14</sup> Perhaps time and a greater sense of security might persuade many of the displaced to remain where they are or move on, but this should not deny them the right of return. Minorities have a heritage to restore and, in the long run, must help to promote tolerance amongst any nation's people.

The co-chairs will of course appreciate that some communities will return more swiftly than others. Those areas lying outside Nagorno-Karabakh, but which have been occupied by Armenian forces, will have to be made safe (beyond any military withdrawal) from mines, dereliction, and ordnance. Before resettlement occurs, property also has to be made safe, (public) infrastructure repaired, and the trappings of regular society (stores, schools, local government) have reached a minimum level of availability and functionality. Some areas, including areas within Karabakh, will be better placed than others, owing to their continuous or recent settlement or inhabitation. On the other hand, such towns, villages, and neighbourhoods will require the current occupiers to be resettled. As a result, certain areas will have to be prioritized for resettlement, generally in phases.

Prior to any return of territory, military personnel and hardware on both sides will need to be withdrawn in accordance with a defined timetable. Any former Armenian-occupied territory is likely to be demilitarized. However, this might not apply to former Azeri-held territory inside Karabakh.

An agreement would provide for the deployment of a multinational OSCE peacekeeping force along the border separating Nagorno-Karabakh from the rest of Azerbaijan. In the event that any part of the seven districts presently occupied is subject to a delayed handover, awaits further agreement as to its final status, or is not to be returned, such peacekeepers should be deployed along that *de facto* or *de jure* line. The peacekeepers ought to be separated from Armenian forces by a specified minimum distance. This would not, however, affect the boundary separating Nagorno-Karabakh from Azerbaijan *de jure*, nor would it restrict movement or (re-)settlement within any area lying between Armenian forces and the peacekeepers.

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tion at the time. See Human Rights Watch, *Azerbaijan, Seven Years of Conflict in Nagorno-Karabakh*, New York, December 1994, p. xiii.

12 Azerbaijani forces control the eastern parts of these two districts.

13 The 1989 census recorded 390,505 Armenians living in the Azerbaijani Soviet Socialist Republic (5.6 per cent); 145,000 of these were living in the Nagorno-Karabakh Autonomous Oblast. See *Demoskop Weekly* (Russian), at: [http://demoscope.ru/weekly/ssp/sng\\_nac\\_89.php?reg=7](http://demoscope.ru/weekly/ssp/sng_nac_89.php?reg=7).

14 The 1989 Soviet census recorded 160,841 Azeris living in the Armenian Soviet Socialist Republic (5.3 per cent). See: [http://demoscope.ru/weekly/ssp/sng\\_nac\\_79.php?reg=13](http://demoscope.ru/weekly/ssp/sng_nac_79.php?reg=13). As early as 1989, in respect of the Karabakh crisis, the census recorded only 84,860 Azeris (2.6 per cent). See *Demoskop Weekly* (Russian), at: [http://demoscope.ru/weekly/ssp/sng\\_nac\\_89.php?reg=13](http://demoscope.ru/weekly/ssp/sng_nac_89.php?reg=13).

One of the trickier issues for the co-chairs will be determining the composition of the peacekeeping force. There will be no agreement without Russian participation. Moscow is likely to demand that this be substantial.<sup>15</sup> The other two countries represented on the Minsk Group, France and the United States, are also likely to demand that they be allowed to participate. Provided this is kept to a “reasonable” level, Moscow may not raise any objections. Turkey will probably also want to participate.<sup>16</sup> This is likely to provoke objections from the Armenian side. But these could be satisfied provided any Turkish involvement is limited, perhaps by being restricted to only certain sections of the border (to the east of Karabakh, for example). It would be better if any remaining countries participating were other OSCE participating States, a significant proportion of which would have to be members of the CIS. The peacekeeping force should be deployed for an initial and specified period, subject to further renewal (at the stated time) by the OSCE Ministerial Council.

Any OSCE-brokered agreement could be backed by a United Nations Security Council resolution. This resolution, apart from welcoming the accommodations made and offering its fullest support (including to the wider reconciliation process), should commit the sides to implementation of the agreement in full and in accordance with any stipulated timetables. The resolution could require a country that is a member of the Minsk Group to report to the Council on the progress made by the sides in implementing the agreement every six months for a specified period. The country acting as rapporteur could rotate every six months.

The return of displaced persons, demilitarization, a peacekeeping force, and security guarantees (all part of the Madrid Principles) ought to be matters upon which the sides can reach accord relatively easily. Two issues will continue to bedevil the process, however: status and the Armenian side’s demand

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15 On 1 November 2008, Radio Liberty reported that “speculation about a breakthrough in the peace process has focused not on the status issue, but the question of deploying international peacekeepers in the Lachin Corridor and the regions of Azerbaijan bordering the NKR that are currently controlled by Armenian forces. Some analysts have suggested Russia could insist that its 58th Army [author’s note: headquartered in Vladikavkaz, North Ossetia, Russian Federation] take on those responsibilities. But Armenian Defense Minister Colonel General Seyran Ohanian told the Armenian newspaper ‘Irvunk-De Facto’ on October 31 that any peacekeeping force will not be 100 percent Russian.” Liz Fuller, *Russia To Host Talks Between Armenian, Azerbaijani Presidents*, Radio Free Europe/Radio Liberty, 1 November 2008, at: [http://www.rferl.org/content/Russia\\_To\\_Host\\_Talks\\_Between\\_Armenian\\_Azerbaijani\\_Presidents/1337251.html](http://www.rferl.org/content/Russia_To_Host_Talks_Between_Armenian_Azerbaijani_Presidents/1337251.html).

16 After denying a report in the Turkish daily *Hürriyet* of 11 February 2009 claiming that Turkey had mediated a “partial” settlement of the Karabakh conflict, Azerbaijani Foreign Ministry spokesman Khazar Ibragim added that Baku and Yerevan had previously publicly agreed more than once to the deployment of an international peacekeeping force with neither “neighbouring countries” (which would include Turkey) nor the three states that co-chair the OSCE Minsk Group contributing troops to such a force. Cf. *MID Azerbaijan: “Informatsiya gazety Hürriyet o detalyakh uregulirovaniya nagorno-karabakhsogo konflikta – absurd”* [MFA of Azerbaijan: “Information given by the newspaper Hürriyet on Details of a Regulation of the Nagorno-Karabakh Conflict is absurd”], 11 February 2009, at: <http://www.day.az/news/politics/147382.html>.

for a territorial link between Karabakh and Armenia. Recognizing that agreement may not be reached any time soon on these two matters, the co-chairs have introduced into the Madrid Principles (previously absent from the “Prague Process”) the prospect of granting Nagorno-Karabakh an interim status, its final status to be decided (10-15 years) later via referendum.<sup>17</sup>

The Armenian side demands that the people of Nagorno-Karabakh be given the opportunity to exercise the right to self-determination<sup>18</sup> – independence, in effect. Baku, on the other hand, will contemplate a high-level of autonomy for Nagorno-Karabakh, but will not allow it to secede from Azerbaijan.<sup>19</sup> These inflexible opposites have compelled the co-chairs to leave the determination of Karabakh’s final status to a future date, in order to enable them to secure agreement on other matters, in order to move the process (finally) forward.

Were Karabakh’s status not to be “kicked into touch”, an Armenian withdrawal from most of the occupied districts would probably not be so contentious. This is altered by the uncertainty that a delay on the determination of status would entail, irrespective of any limited international rights that the agreed interim status would carry. The Armenian side would never agree to withdrawal without the status question being resolved. In the event that Yerevan indicated any such willingness publicly, the authorities in Stepanakert would react, with the probability that the events of 1998 (in Armenia) would be repeated.<sup>20</sup> Besides, it is doubtful that the Armenian President, Serzh Sargsyan, has the intention to sign such type of agreement anyway.

The Armenian side would demand that any referendum be conducted almost immediately, a date having been determined, the question or questions agreed (including independence as one of the options), and with any prefer-

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17 Speaking at the opening of the Third Armenian-Azerbaijani Public Peace Forum, on 24 March 2009, France’s co-chair Ambassador Bernard Fassier said: “The status of Nagorno-Karabakh cannot be agreed on now, as both suggested solutions – international recognition of Karabakh as an independent state, and its return back into Azerbaijan – are now impossible.” Cited in: Haroutiun Khachatryan, *Armenia and Azerbaijan: OSCE wants civil society groups to help Karabakh peace process*, 2 April 2009, at: <http://www.eurasianet.org/departments/insightb/articles/eav040209af.shtml>.

18 Armenian President, Serzh Sargsyan told Armenian Public Television on 27 October 2008, following a visit to Nagorno-Karabakh that “a resolution of the Nagorno-Karabakh conflict is possible if Azerbaijan recognizes the right of the people of Nagorno-Karabakh to self-determination; if Nagorno-Karabakh has a land border with Armenia; and if international organizations and leading nations guarantee the security of the people of Nagorno-Karabakh.” Cited in: Fuller, cited above (Note 15).

19 Speaking to reporters on 10 June 2009, Azerbaijani Foreign Minister Elmar Mamedyarov stated that the Azerbaijani side was willing to discuss the status of Nagorno-Karabakh on the basis of any model of autonomy which exists in the world and which Armenians want. Cf. *Elmar Mamedyarov: “Armenia should conduct normal neighbor policy”*, 10 June 2008, at: <http://www.today.az/news/politics/45576.html>. During his inauguration ceremony, on 24 October 2008, Azerbaijani President Ilham Aliyev said that “Karabakh will never be independent. Azerbaijan will never recognize it. Neither in five, ten, nor in twenty years. Never.” Cited at: <http://www.today.az/news/politics/48495.html>.

20 The failure of the sides to agree on the “step-by-step deal” in December 1997 despite then Armenian President Levon Ter-Petrosyan’s willingness to sign, left him exposed politically at home and culminated in his resignation on 3 February 1998.

ence of the Karabakh Armenians not being susceptible to defeat by a vote of the majority of the Karabakh Azeris. By contrast again, Baku would prefer a delay, unless the question or questions agreed and the method of determining the outcome were favourable to its preferred result (Karabakh remaining a part of Azerbaijan).<sup>21</sup> It is probably here where the much-vaunted agreement will be discussed to infinity, neither side needing to object to the idea of a referendum in principle when each is equally aware that the other would never agree to its terms. Another dead-end.

Baku would likely accept a special status for the Lachin corridor, subject to additional and independent international guarantees, but will be highly reluctant to transfer the corridor to Nagorno-Karabakh.<sup>22</sup> The Armenian side will not agree to placing it under Azeri authority.<sup>23</sup> Yerevan and Stepanakert might be prepared to sacrifice Kelbajar, provided they regard the type and nature of the corridor agreed as sufficient, but, as with the return of other occupied districts in relation to the resolution of the status question, Kelbajar would become a more critical issue the less satisfied they were by the outcome over Lachin.

It is possible for both sides to reach agreement on the final status of Nagorno-Karabakh. The Armenian side is required only to compromise on the complete independence of Karabakh; Baku, on a hierarchical relationship between itself and Stepanakert. Karabakh can be self-governing, with international personality (including the right to join international organizations), but have its independence restrained via the conclusion of an association agreement between Baku and Stepanakert.<sup>24</sup> Nagorno-Karabakh would not be an independent state (*de jure*). It would be required to conduct its external relations, defence, and security policy (alongside certain other matters) in consultation with (but not subject to) Baku. Those entitled (by birth, residence, marriage, or registration) would be citizens of the Nagorno-Karabakh

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21 Novruz Mamedov, Head of the International Relations Department in the Office of the President of Azerbaijan, has suggested that a referendum on status will be possible in 15-20 years. He also noted that "these processes can be implemented only after the release of the seven occupied districts and return of Azerbaijani refugees and internally displaced persons to their homes". Cited in: *Provedenie referendumu po opredeleniyu statusa Karabakha v sostave Azerbajjana vozmozhno cherez 15-20 let – Novruz Mamedov* [Novruz Mamedov: A referendum to determine the status of Karabakh within Azerbaijan will be possible in 15-20 years], 2 June 2008 (author's translation), at: <http://www.newsazerbaijan.ru/karabakh/20080802/42414384.html>.

22 On 1 April 2008, Azerbaijan's Deputy Foreign Minister Araz Azimov told reporters that the Lachin corridor is important both for Azerbaijan and Armenia, and that Baku officially proposes that the corridor could be used by both parties provided that it remains a part of Azerbaijan. Cf. *Araz Azimov: "Baku proposes possible use of Lachin corridor by both parties provided that it remains a part of Azerbaijan"*, 2 April 2008, at: <http://www.today.az/news/politics/43976.html>.

23 See note 18.

24 Cf. Tim Potier, Association with International Personality: Nagorno-Karabakh in Azerbaijan, in: *European Yearbook of Minority Issues*, 2008, Volume 7 (forthcoming). Such an association agreement could lead to the establishment of a Council of Presidents, Intergovernmental Council, Joint Parliamentary Assembly and Co-ordination Group of Karabakh and Azerbaijani Joint Chiefs.

Republic in association with Azerbaijan, with the right of any person to choose to also be a citizen of the Republic of Azerbaijan.<sup>25</sup> Nagorno-Karabakh would remain a part of Azerbaijan (satisfying Baku), whilst retaining (ultimately) its independence (*de facto*), thus satisfying Yerevan and Stepanakert.

Likewise, agreement over the Lachin corridor is possible. Nagorno-Karabakh could be given a territorial link with Armenia. The corridor need not comprise all of Lachin district, but merely a narrow strip of territory, i.e. the town of Lachin, plus the remainder of the road and a belt of land on either side of the road (to be demarcated). The aim of this would be to keep to an absolute minimum (beyond the municipal boundaries of Lachin) the number of dwellings included within the corridor. There would be a right of free movement of persons along or across the corridor (without discrimination), the free movement of goods subject to any customs regulations and/or duties (again without discrimination, for entry only) of the Nagorno-Karabakh Republic (of which the corridor would form a part). Only members of the Nagorno-Karabakh Republic armed forces, plus its (registered) military hardware would be able to be deployed or positioned within the corridor. With Karabakh in a condition of association with Azerbaijan, the Lachin corridor would remain a part of Azerbaijan. Once such an arrangement had been agreed, Kelbajar and the remainder of Lachin district could be returned to the Republic of Azerbaijan with little cause for complaint.

The authorities in Nagorno-Karabakh continue to be excluded from the process. It is noticeable that the co-chairmen visit Stepanakert today less than they used to. However, Yerevan cannot ignore opinion in the territory. An agreement lacking the approval of Stepanakert is no agreement at all. Although Baku's refusal to allow Karabakh to be represented in the process (as representing the people of Nagorno-Karabakh) is understandable (including in international legal terms), it may (once certain understandings are reached between the two sides) be to Baku's advantage, at some stage, to allow Karabakh Armenian representatives to participate on the Armenian side. So long as Stepanakert is absent, the prospect of any agreement is extremely slim. Indeed, it enables the Armenian side to emphasize differences that Yerevan can then use to justify its failure to make necessary compromises.

The Armenian side has proved willing to suffer the consequences of its demands. It has excluded itself from the fruits of Caspian oil. There is every reason to suppose that it will hold firm and not back down from its positions. In this sense, therefore, the prospects for a settlement may soon appear

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25 In the section on citizenship in: Association with International Personality: Nagorno-Karabakh in Azerbaijan, cited above (Note 24), I write: "Karabakh Azeris would, by virtue of residence, be regarded as citizens of Nagorno-Karabakh, their registration only being required in order to manifest their (civil, political, economic, social and cultural) rights. Any citizen of Nagorno-Karabakh (including ethnic Armenians) would be entitled to Azerbaijani citizenship also, without, as residents of Karabakh, being entitled to exercise political rights."



hopeless, the work of the co-chairs doomed, and war the only option available for Baku. Yet, war will not assist the Azeris. Moscow, under any circumstances, would be certain to back the Armenian side, and any Western assistance to Baku would be inadequate in comparison – the West not wanting to sacrifice certain other objectives in its correspondence with Moscow for the sake of Azerbaijan. War would lead to a second defeat for Azerbaijan. The Armenian side (including the Karabakh Armenians) will begin to make the necessary adjustments to their position when it serves them, and not before. What must be hoped for then, is that Baku has participated equally and in tandem in any process of adjustment and, at the given time, is also willing to compromise. Otherwise an internationally approved settlement will not be found, and the conflict, despite any process, will remain “frozen”. This is why the Minsk Group’s work is so essential.

There will be no peace in the south Caucasus, nor over Nagorno-Karabakh, until the Armenians (including the diaspora) identify their place in the world. Although they may rarely specify it, Karabakh is a result of the will to survive, the desire for soil that they can proclaim theirs and keep, and a suspicion towards others that history has carved onto them. Does that sound familiar? Karabakh cannot be solved until enough Armenians have settled upon a more rounded view of Turkey and Turks. It is not that there is no substance to their position, but the Armenians this past century have made *themselves* the prisoners of their own losses. This is where the Swiss-mediated process between Ankara and Yerevan is so vital.<sup>26</sup> Indeed, in 2009, it was probably more essential than the talks between Yerevan and Baku. No doubt, Yerevan is disappointed by the apparent linkage in practice between rapprochement with Ankara and progress on Karabakh.<sup>27</sup> It should not be. With-

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26 On 22 April 2009, in a joint statement issued by their foreign ministers, Turkey and Armenia announced that they had agreed “to develop good neighbourly relations in mutual respect and progress peace, security and stability in the entire region”. The statement went on to say that “the two parties have achieved tangible progress and mutual understanding in this process and they have agreed on a comprehensive framework for the normalisation of their bilateral relations”. Cited in: *Turkey and Armenia set “roadmap”*, BBC News, 23 April 2009, at: <http://news.bbc.co.uk/2/hi/europe/8014008.stm>. Although it has not been made public, the “roadmap” includes the restoring of diplomatic relations and the re-opening of the border between the two neighbours. This was reflected in the protocols signed by the foreign ministers of both countries in Zurich on 10 October 2009. As of December 2009, the accords had not been ratified by either country’s parliament.

27 In an interview with the Azerbaijani news agency Trend News reported on 13 June 2009, Turkish Foreign Minister Ahmad Davudoglu said: “There is a need for progress and development in the resolution of the Nagorno-Karabakh conflict to normalize [the] situation in the region. All sides must work in this direction.” Cited in: *Resolution of Nagorno-Karabakh conflict crucial for tranquility in S. Caucasus: Turkish FM*, 13 June 2009, at: <http://news-en.trend.az/politics/foreign/1487659.html>. However, it would appear that Washington does not support such a linkage. Speaking at a news conference in Yerevan, on 9 June 2009, US Assistant Secretary of State Philip Gordon, whilst reaffirming Washington’s strong support for the negotiations aimed at normalizing Turkey-Armenia relations, added: “Turkey-Armenia normalization would benefit Turkey, it would benefit Armenia, and it would benefit the entire region. Because of that, we don’t think it should be linked to anything else.” Cited in: Emil Danielyan/Ruben Meloyan, *U.S. Envoy Upbeat*

out such a linkage there would be no reason for the Armenian side to reflect upon, and find a new perspective on, Karabakh and other items beside – in which case, the evergreen stalemate would outlive us all. Rather, the Turkey-Armenia process, which the Karabakh Armenians and the Armenian diaspora must be made increasingly to feel a part of, will form the basis of a settlement, one that also encompasses Karabakh.

Russia will need to play a leading role in the determination of any settlement over Nagorno-Karabakh. The Moscow Declaration of 2 November 2008 already demonstrates Russia's particular status as *primus inter pares*.<sup>28</sup> It is welcome that Paris, Washington, and other OSCE participating States have been supportive of the privileged position that Moscow enjoys vis-à-vis the sides.<sup>29</sup> The Declaration is not a harbinger of the future direction of the process – the Minsk Group will not fade in importance – but it does offer some recognition of history not being denied and of Moscow's role in the realization of international peace and security. The disparity between Russian and Western values that was evident throughout much of the 20th century is much less marked today, giving cause for optimism that a US-Russian partnership will emerge, this time based on substance rather than rhetoric. This is not to suggest that the United States' presence in a region like the Caucasus will be any less. In the modern world, power and influence will increasingly be reflected in language, popular culture, and the preferences of youth, rather

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- 28 *On Turkey-Armenia Relations*, Radio Free Europe/Radio Liberty, 10 June 2009, at: [http://www.rferl.org/content/US\\_Envoy\\_Upbeat\\_On\\_TurkeyArmenia\\_Relations/1751225.html](http://www.rferl.org/content/US_Envoy_Upbeat_On_TurkeyArmenia_Relations/1751225.html). Signed by the Armenian and Azerbaijani presidents and Russian President Dmitry Medvedev following a summit at Castle Mayendorf, outside Moscow, the Declaration became the first document signed by both the Armenian and Azerbaijani presidents since the 1994 ceasefire. In it, both sides agree to settle the Nagorno-Karabakh conflict by political means, on the basis of the principles and norms of international law, through direct dialogue, under the auspices of the OSCE Minsk Group (continuing the mediation efforts begun in Madrid on 29 November 2007). A peaceful settlement must be accompanied by legally binding international guarantees, in all aspects and stages. It is important to encourage the creation of conditions for the implementation of confidence-building measures. It is noted that such a settlement will create favourable conditions for economic development and all-round co-operation in the region. The presidents of Azerbaijan and Armenia instruct their ministers for foreign affairs to intensify further steps in the negotiation process in conjunction with the co-chairmen of the OSCE Minsk Group. An unofficial translation of the Moscow Declaration can be found at: <http://realarmenia.wordpress.com/2008/11/02/the-declaration-of-the-republic-of-azerbaijan-armenia-and-the-russian-federation/>
- 29 As a statement (dated 5 December 2008, MC.DOC/1/08) issued at the sixteenth meeting of the OSCE Ministerial Council (in Helsinki) noted (in the second and final paragraph): "The Moscow Declaration signed by the Presidents of Armenia, Azerbaijan and Russia opened a promising phase in the process of settling the conflict. We strongly encourage the sides in their aspiration to intensify efforts in the negotiation process, in accordance with the provisions of the Moscow Declaration and in co-ordination with the Co-Chairs of the OSCE Minsk Group, to further elaborate the Basic Principles proposed in Madrid on November 29, 2007 and then begin drafting a comprehensive Peace Agreement. We highly appreciate their intention to develop confidence building measures and to consolidate the ceasefire". Ministerial Statement, MC.DOC/1/08, 5 December 2008, in: Organization for Security and Co-operation in Europe, *Sixteenth Meeting of the Ministerial Council*, 4-5 December 2008, Helsinki, 5 December 2008, p. 3, available online at: <http://www.osce.org/item/36852.html>.

than whose guns and bombs are located where – as much a sign of weakness and *insecurity* as anything else. Besides, Caspian oil and gas will enable Azerbaijan, Georgia, *and* Armenia (in due course) to further diversify their commercial relations, and exploiting such resources successfully demands peace and stability. The European Union, unofficially represented in the Minsk Group, will be required, as a constitutional settlement is found in Nagorno-Karabakh and Georgia thereafter reaches its own similar accommodation in Abkhazia and South Ossetia, to look more seriously at the prospect of the three south Caucasus states (plus, perhaps, those with whom they are in association) being admitted into the European family of nations by the end of the coming decade.<sup>30</sup>

Conflict is generated by people. They also have the capacity to perpetuate it. Just like a wound left naturally, it will heal or not at its own pace. Usually a wound heals. Usually people make-up, but it can take time. In respect of Nagorno-Karabakh and the issues surrounding it, the international community and the Minsk Group are about to enter the most difficult stage in any peace process: convincing the people. This requires nerves of steel, because people can be horrible (including to each other), but if time is given, a process can succeed and help prevent future conflict. After all, that is the true mark of any peace: never knowing the pain, suffering and tragedy of what could have been.

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30 Currently, EU relations with Armenia, Azerbaijan, and Georgia are governed by separate partnership and co-operation agreements. All were signed in 1996 and entered into force in 1999. See European Commission, External Relations, for Armenia at: [http://ec.europa.eu/external\\_relations/armenia/index\\_en.htm](http://ec.europa.eu/external_relations/armenia/index_en.htm), for Azerbaijan, at: [http://ec.europa.eu/external\\_relations/azerbaijan/index\\_en.htm](http://ec.europa.eu/external_relations/azerbaijan/index_en.htm), and for Georgia at: [http://ec.europa.eu/external\\_relations/georgia/index\\_en.htm](http://ec.europa.eu/external_relations/georgia/index_en.htm).