

AMERICAN UNIVERSITY OF ARMENIA

**A COMPERATIVE ANALYSIS OF HISTORICAL,
LEGAL AND STRATEGIC SETTINGS IN THE
CONFLICTS OF NAGORNO KARAGAKH AND KOSOVO**

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List of Abbreviations

APM	Armenian Pannational Movement
AzSSR	Azerbaijan Soviet Socialist Republic
CIO	Chairman –in-office
CSCE	Conference of the Security Council in Europe
EU	European Union
FRY	Federative Republic of Yugoslavia
LA times	Los Angeles Times
NATO	North Atlantic Treaty Organization
NK	Nagorno Karabakh
NKAR	Nagorno Karabakh Autonomous Region
NKR	Nagorno Karabakh Republic
OSCE	Organization of Security Council in Europe
SANU	Serbian Academy of Sciences and Arts (SANU, from its Serbian initials)
SC	Security Council
TRACECA	Transport Corridor Europe Caucasus Asia
UN	United Nations
USSR	Union of Soviet Socialist Republics
WWII	World War II

Abstract

The purpose of this Master's essay is to observe and compare the conflicts in Nagorno Karabagh and Kosovo. The study will be in the field of Comparative politics. It will be descriptive and explanatory, based on the secondary use of data.

The following study will focus on the comparison of the following aspects of the above mentioned conflicts: similarities and differences in the origins, escalation and resolution processes of these two prominent intransigent conflicts of the post-Soviet period.

Legal perspective with the examination of formation, administrative reorganizations and the legality of both secessions. Strategic perspective, which will look at significantly different processes under which the conflicts were settled and what are the possible scenarios for the future. Finally , the conclusions will be given based on founded similarities and differences.

Introduction

With the collapse of Soviet Union and Yugoslav Federation and the following disintegration of the constraining institutional framework of two federations, the conditions of uncertainty fostered the reinforcement of the projects of ethno-demographic cleansing nurtured for decades by the previously sidelined nationalist politicians. The violence erupted when the collapse of the USSR and the FRY removed institutional barriers, which served as security guarantees for the ethnic minorities and when so called “titular” nationalities started unlimited opportunity to victimize the minority groups in their republics.

Both Azerbaijan and Yugoslavia unilaterally dismantled previously existing autonomies within their territories: the Autonomous region of Kosovo (in 1989) and the Nagorno Karabagh Autonomous Region (in 1991).

When the “non titular” nationalities in the autonomies protested against the introduction of the repressive measures and the revocation of their autonomous status by the Azeri and Yugoslav controlled states, systematic campaigns of physical intimidations, massacres, and “pogroms” against them were launched.

The Nagorno Karabagh was Christian Autonomy within the Muslim country as opposed to Kosovo, which was Muslim Autonomy within Orthodox Christian, dominated Yugoslavia. Religious attitudes of ethnic groups in the Balkans and in the Caucasus have always represented a factor of legally colored relations within “titulars” and the minority groups.

Literature Review

Conflicts in Nagorno Karabagh and Kosovo have long been studied by different researchers and scientists. Mostly studies were done purely on the issues concerning Kosovo and Karabagh conflicts separately, but there were some done in the field of comparative politics. The comparative analysis was done by James Ron in his “Frontiers and Ghettos” (2003) where he compared Kosovo with Serbia, Palestine, Bosnia and Israel. The report contrasts the international responses to the Palestinian-Israeli conflict with those in six similar armed conflict situations (Bosnia, Kosovo, Rwanda, East Timor, Iraq-Kuwait and Iraq-Kurds). The comparative analysis addresses four issues:

- Grave human rights violations and violations of international humanitarian law;
- Colonies and demographic manipulation;
- Refusal to admit a right of return for refugees or displaced persons;
- Withdrawal of forces from territory subjected to armed occupation.

The report shows that Israel's practices are serious violations of international law, similar to those of the six other cases identified. In all of these instances, measures were deployed to ensure compliance with international law. In the case of Israel, by contrast, there has been no enforcement action and the violations have continued.

Bruno Coppieters , an Associate Professor and Head of the Department of Political Science at the Vrije Universiteit Brussel (Free University of Brussels) made a study “Secession and the Use of Force: A Comparative Analysis” (2004) , where he compared moral arguments on the right to secession. This study considers eleven cases where a debate on the unilateral right to secession is taking place. In most of these cases, a violent escalation has occurred: Chechnya, the Basque Country, Abkhazia, Nagorno-Karabakh, Kosovo, Cyprus, Taiwan, Montenegro, Flanders and Quebec.

Another study, “A Comparative analysis of Mass claims Mechanisms” , which was presented at the Stocktalking Conference on Palestine Refugee Research which was done in Canada in 2003 by Vandana Patel. In the consequences of conflict in which the previous order is changed a massive number of claims may arise demanding justice for wrongs committed (such as displacement and property loss, death and personal injury). He claims, that dispute resolution through effective mass claims mechanisms can be crucial for building peace and stability. They have been established to deal with claims arising from extraordinary circumstances such as the Iraq’s invasion of Kuwait, and the conflicts in Bosnia and Herzegovina (BiH) and Kosovo. He concludes that : “”...these mass claims mechanisms have been successful in terms of meeting their specific objectives and though it is unquantifiable they have contributed to the broader objectives of building peace and stability by confirming liability for acts of States that violate international law and obligations.

A comparative analysis of Nagorno Karabagh and Chechnya conflicts was done by Tabib Huseynov in 1999. In the study “The Questions of Self-Determination, Self-Secession, Irredentism and Territorial Integrity on the Examples of the Conflict Over the Territory of the Mountainous Nagorno Karabakh and the Conflict in Chechnya in Comparative Perspectives” he claims that : “Finally it can be concluded that both these conflicts demand urgent solution and involvement of international community, as they pose a threat to the peace and stability in the region and because too much human suffering have taken place in both conflicts.” According to him the Nagorno Karabakh conflict is more negotiable, as it is an international conflict- subject to the existing norms and principles of international law and international community can use its levers of pressure to draw parties to peace more influentially.

For him, the case of Chechnya is more complicate, as it is essentially an internal conflict; hence it is still under the domestic jurisdiction of Russian Federation. Chechnya conflict similarly to the case of Kosovo represents a true clash of fundamental principles: self-

determination versus territorial integrity. He states, that whatever the solution to this conflict may be one thing is obvious, that the solution must take into account the interests of all parties involved, be based on norms and principles of international law, primarily regarding territorial integrity and self-determination and the exercise of full self-determination should be considered as a last resort in achieving the solution in Chechnya. (Huseynov, 1999).

PART I

Historical Formation of Karabagh and Kosovo Prior to the 19th Century

We can learn from history how past generations thought and acted, how they responded to the demands of their time and how they solved their problems. We can learn by analogy, not by example, for our circumstances will always be different than theirs were. The main thing history can teach us is those human actions have consequences and that certain choices, once made, and cannot be undone. They foreclose the possibility of making other choices and thus they determine future events.

Gerda Lerner

In the historical formation of Karabagh and Kosovo both similarities and differences could be found.

Nagorno Karabagh, or Artsakh in Armenian, is one of the cradles of Armenian statehood, and as important to Armenia, as Kosovo is to Serbia.

In ancient times, the region of Karabagh and most of eastern Transcaucasia was inhabited by a people called Albanians¹. According to the Greek geographer Strabo (1st C. B.C.), Karabagh, which then encompassed both the mountainous Nagorno-Karabagh of today and the larger lowlands, surrounding it, had a highly developed economy and was famous for its cavalry.

Artsakh, the 10th province of ancient Armenia, gained new prominence at the end of the 4th century, when Christianity was spreading to Armenia's eastern provinces. Caucasian Albanians maintained close contacts with the Armenians. In the fifth century, shortly after the Armenians converted to Christianity, the Albanians too adopted the Armenian brand of

¹Not to be confused with the people of the same name now living in the Balkans.

Christianity. Given the centrality of religion to social life during that period, it is not surprising that in the following two centuries the Albanians merged with the Armenians. The nobility intermarried, the region's bishops were often Armenians, and by the seventh century the separate identity of the Albanians was lost.

Opposed to Karabagh, the region of today's Kosovo was conquered by Alexander the Great 300 years before Christ and became part of the Roman province of Dardania in the 4th century A. D.

In his "Albanians and Serbs in Kosovo: An Abbreviated History" G. Richard Jansen says, that 'the earliest known inhabitants of Kosovo were called Illyrians by both Greeks and Romans. (2002). Today Albanians claim to be direct descendants of the Illyrians. Serbian scholars claim that Albanians appeared on the scene in the early Middle Ages as a result of intermarriage between nomadic shepherds and un-Romanized remnants of Illyrians and Dardanians from Thrace.

Slavs crossed the Danube and moved into the Balkans by the 6th century. These migrations weakened the Byzantium Empire sufficiently that Illyrian speaking people, known to their neighbors as Albanians moved eastward from the Adriatic into the Kosovo region of the Balkans. Their language became known as Albanian and their culture became allied with Byzantium after the breakup of the Catholic Church into Eastern and western branches in 1054. Slavs migrating into the Balkans divided into three groups; Slovenes, Croats and Serbs, as is still true today. By the 12th century almost all arable land in the region now known as Northern Albania and Kosovo was in Slavic hands.

The territories of both Mountainous Karabagh and the larger surrounding lowlands became parts of the Armenian provinces of Utik, Sunik and Artsakh. In the seventh and eighth centuries much of this area was conquered by Arabs, who converted a portion of the population to Islam. In Karabagh, only a very small minority was converted. The situation of

Karabagh changed radically in the eleventh century when the ethnic Turkish invasions began. The Turks had emerged from Central Asia, had conquered Iran, and founded the Seljuk Turkish dynasty, which first raided, then invaded Armenia. From 1020 on, these invasions destroyed much of Armenia, and Karabagh, especially its lowlands, suffered greatly. By the mid-eleventh century, the Armenian kingdom was destroyed.

According to G. Richard Jansen, (2002),” by 1190 Kosovo had become the administrative and cultural center of the medieval Serbian state ruled by the powerful Nemanjic dynasty. This dynasty lasted 200 years and still today Kosovo is known by Serbians as "Old Serbia.” However in 1389, in the famous Battle of Kosovo Polje, the Serbs and their allies were defeated by the Ottoman Turks and shortly Kosovo became part of the Ottoman Empire. Albanians started to move back into Kosovo in considerable numbers in the 15th century and the Ottomans took sovereignty over the region in 1489. During this time the great majority of Albanians were still Christians, and Serbs and Albanians lived together in reasonable harmony. Gradually Albanians and to a lesser extent Serbs became converted to Islam. Serb resistance to conversion was strengthened by activities of the Orthodox Church since Kosovo contained many seminaries and was the home of the Serbian Orthodox Church. In the late 17th century Serbs left Kosovo in large numbers as a result of military victories of the Ottoman Turks. This caused the Serbian "center of gravity" to move northward to the region of Belgrade where it has remained ever since. This displacement of the Serb population is known in history as "the great migration". As a result, the region of Kosovo became under populated and, attracted by available fertile land, was resettled by Albanians moving eastward from the hills of Albania. At this time these Albanians were both Christian and Muslim.

When in 14th century, the last independent Armenian state collapsed, Artsakh remained one of few places on the Armenian plateau where Armenians preserved their self-rule and

were able to defend themselves from the encroachments of the invading nomadic hordes from the east. For example, “the regular Armenian armed forces of the Five Duchies of Karabagh, which in the beginning of the 18th century numbered at 40,000, were successful in repelling not only armed formations of migrating Turkic tribal nomads from Iran, but also regular invading armies in the periodical Turk-Persian wars”. (<http://nkr.am/eng/history/>)

Serbia including Kosovo was conquered by the Islamic Ottoman Turks in 1459; Bosnia and Herzegovina fell in 1465 and 1483 respectively. “During this time Serbian Christians and Jews, as "people of the book", became dhimmis subject to the dhimma or protection offered to Christian and Jews in newly Islamized lands in exchange for their lives. Christians and Jews in lands under Islamic rule remained in the status of dhimmitude until the emancipation ordered by the Ottoman Sultan in the middle of the 19th century , under pressure from the European powers.” (Jansen, 2002).

During the seventeenth and eighteenth centuries Karabagh gave rise to the pioneers of the Armenian emancipatory struggle. Representatives of the region attempted to interest the monarchs of Russia and other European powers in embarking on a "crusade" to liberate the Armenian plateau, the eastern portions of which were occupied by the Ottoman Turkish and Persian Empires. During the 1720's, the rebellion of the Armenians of Sunik and Karabagh, led by David Beg, a ‘person who was the only Armenian commander with really strategic thinking’, achieved notable though temporary success. The Russian Empire, expanding southwards in the Transcaucasus, annexed the territory of Karabagh in 1805.

The Formation of Nagorno Karabagh Autonomous Oblast and Kosovo Autonomous

Republic XIX –XX century

The Russian annexation of Karabagh was officially recognized by Persia in the Treaty of Gulistan in 1813. Thus, Karabagh came into the Russian Empire earlier than the areas of Yerevan and Nakhichevan, which were ceded to Russia by Persia in the Treaty of

Turkmenchai in 1828. This earlier annexation benefited Karabagh in some ways, but also created a major problem for the future. Because of the time it came into the Russian empire, Karabagh was made part of Elizavetpol Province, which later became Azerbaijan. Administratively, then, Karabagh could not be joined in 1813 to the un-annexed Armenian territories of which its history and population made it a natural part. Yerevan and Nakhichevan, when they were attached to the Tzarist Empire in 1828, were organized in the Armianskoy region, later the Yerevan province. Here, as in other empires, decisions made by colonial administrators laid the foundations for future difficulties.

During the first months of the Russian revolution of 1917, the situation in Karabagh was relatively calm. The Russian army had penetrated deep into the Ottoman Empire, and there was no Turkish threat to Karabagh. But by the end of 1917 the Russian army had disintegrated, and in February 1918 the Ottoman Turkish army moved into Armenia. The Ottoman Turks threatened Yerevan and made a desperate drive to oil-rich Baku, then held by a multi-ethnic coalition of Bolsheviks (headed by the Armenian Stepan Shaumian) and small Armenian military forces. While this struggle went on, representatives of the Armenians, Georgians and Azeris met and formed a short-lived Transcaucasian Federation. By May, 1918 this federation failed and three separate, independent republics were proclaimed: Armenia, Azerbaijan, and Georgia formed the cores of the former Soviet republics in the same region. The capital of the Azerbaijani Republic was at Elizavetpol (Ganja). The new government, indifferent to the wishes of its Armenian inhabitants, claimed Karabagh, as part of the territory of the new republic. The commander of Ottoman Turkish forces, Nuri Pasha (brother of the Minister Enver Pasha), ordered the Armenians of Karabagh to submit to the new government of its ethnic ally, Azerbaijan.

The strengthening of the Serb presence in Kosovo started by the opening of a Serbian seminary in Prizren in 1871 started. Following the defeat of the Ottoman Turks in the Russo-

Ottoman War in 1878 the terms of the "Peace Accord" extended Bulgaria westward and gave the Serbs control of Mitrovica and Pristina in Kosovo, while the remainder remained in Ottoman hands. In response to this peace settlement Albanian nationalists called a meeting in Prizren which was attended by over 300 delegates from Kosovo and western Macedonia. This meeting founded what became known as "The Prizren League". The delegates were primarily conservative Muslim landowners whose main interest was to maintain strong Ottoman control of Kosovo to protect them from marauding Balkan neighbors. The League also included Albanian intellectuals inspired by ideas of the European Renaissance who were interested in unification of Albanian people under the umbrella of Ottoman rule. The Ottoman Sultan supported the League because he wanted to instill pan-Islamic ideology as a counterbalance to Christian and Slavic influences. However, as the Ottoman Empire weakened the League moved toward autonomy within the Empire. In this movement the League increasingly became anti-Christian as well, causing considerable anxiety among Christian Albanians and especially among the Serbs. At this time the Muslim leadership encouraged what today would be termed "ethnic cleansing" and as a result more and more Serbs left Kosovo and moved north in Serbia. Also in June 1898 Western powers, reacting to what they perceived as undue Russian interests in the Balkans, compelled Russia to submit to a new peace settlement, this time at the Congress of Berlin presided over by the "Iron Chancellor" Bismarck. This settlement greatly reduced the size of Bulgaria and returned all Albanian inhabited land to the Ottomans. Serbian troops were forced to withdraw from Kosovo.

In August 1918, the Armenians of Karabagh formed their own national assembly, called the First Assembly of Karabagh Armenians, which then elected a People's Government of Karabagh. This government rejected the demand that Turkish troops be permitted to enter their capital of Shushi. By the end of the summer, on September 15, the Turks took Baku.

With the ethnic Azerbaijani Turks at their side,' they carried out a systematic massacre of the Armenians in the city, during which it is estimated that 15,000 to 20,000 Armenians died'. (<http://nkr.am/eng/>). When the news of that massacre came to Karabagh, Armenians understood they too were unable of resisting successfully the regular troops of the Ottoman Turkish army. On September 25, they submitted to the Turks and 5,000 Turkish soldiers entered Shushi. Within a week, 60 prominent Armenians had been arrested, the townspeople disarmed, and gallows ominously erected in the central square of the town. There is no telling what would have happened had the Turks stayed much longer.

Faced with this Turkish occupation, the Karabagh Armenians were looking for aid from armed Armenians outside their borders. The newly-founded Armenian Republic around Yerevan was much too weak to help. The only force of any consequence was the independent command of General Andranik, an ingenious guerrilla fighter and military leader, in Zangezur. General Andranik decided to help and he moved toward Shushi. This advance, however, was hindered by Muslim resistance and by lengthy discussions among Armenians, which resulted in a fatal delay. Before Andranik could reach Shushi (he got within 26 miles), the First World War ended and Turkey, along with Germany and Austria-Hungary, surrendered to the Allies.

The British occupation forces would now play the key role in eastern Transcaucasia. The British ordered Andranik to stop all further military advances and to await the solution of the Armenian Question at the Paris Peace Conference. Andranik, not wanting to antagonize the British, retreated to Goris in Zangezur. Thus, the Armenians placed the fate of Karabagh in the hands of the British and the Western Allies. The Armenians had every reason to expect that they would be treated well by the British; after all, Armenians had fought with the Allies and had been the victims of their enemy, the Ottoman Turks. President Wilson had pledged support for the Armenians. At the same time, the Azerbaijanis had been allies of the Turks in

1918. Despite all this, within a few months the British shifted their support in eastern Transcaucasia to the Azerbaijanis, motivated both by a traditional Turkophilia and by their geopolitical assumption that they needed to favor and dominate emerging Muslim entities in the Middle East, between the Suez and India, particularly those controlling petroleum reserves.

The Armenians of Karabagh could expect help from no one, and so, on August 22, 1919, their leaders signed an agreement with the Republic of Azerbaijan, accepting its authority until the final decision on Mountainous Karabagh was made at the Paris Peace Conference. By this agreement, the Armenians of Karabagh were granted cultural autonomy. This agreement established an important precedent concerning the relations of Mountainous or Nagorno-Karabagh and Azerbaijan.

In the same month, August 1919, the British began their withdrawal from Azerbaijan. But the effects of their short stay in that region are felt to the present day. It is as a result of British support of the Azeri-Turkish position on Karabagh, despite the predominant Armenian majority in the area², that this region was included in the independent Republic of Azerbaijan and became Nagorno Karabagh Autonomous Oblast.

In the first Balkan War of 1912 Albania was attacked by Montenegro, Serbia, Bulgaria and Greece. The Albanians were allied with the Ottomans. Serbs joined the army in large numbers to avenge the Serbian defeat by the Turks at the Battle of Kosovo Polje. At this time Kosovo was mostly Albanian. Serbs entered Pristina as Albanians retreated to the mountains. The Serbian army destroyed Turkish and Albanian houses and there was much plundering and killing. Serb peasants followed the army into Kosovo re-occupying the land. The Albanians fought fiercely but lost the war and Kosovo came under Serbian authority. At the Conference of Ambassadors in London in 1912 presided over by Sir Edward Grey, the British Foreign

² Armenians comprised 95% of the entire population in 1919-1926

Secretary, Serbia was given sovereignty over Kosovo which it has retained to the present day. Albania, for the first time was internationally recognized and by the Treaty of London in 1913 became a fully independent and sovereign state. Within Kosovo not surprisingly there was much anti-Serbian sentiment since the population was still mostly Albanian. In 1913, in the second Balkan War, Bulgaria attacked the Serbian and Greek armies in Macedonia. They miscalculated and were quickly and decisively defeated. Among the outcomes Serbia nearly doubled in size obtaining most of Slavic Macedonia.

After the WWII Yugoslavia consisted of the republics of Slovenia, Croatia, Serbia, Bosnia-Herzegovina, Montenegro and Macedonia. In 1940 the Communist Party of Yugoslavia had committed in writing to an autonomous "Peasant Republic of Kosovo", but as with so many communist promises it wasn't kept. After the war, thousands of Serbs and Montenegrins were prohibited from returning to Kosovo, and thousands of Albanians immigrated into Kosovo.

The 1946 Yugoslav constitution did not grant territorial autonomy to Kosovo, nor did it grant Albanian status as a recognized nationality. Five nationalities were recognized within the Yugoslav Federation; Serb, Croat, Slovene, Montenegrin and Macedonian. Albanian was not one of them. Kosovo was not recognized as a republic or an autonomous territory within Serbia. Rather it was defined as an autonomous region under Federal not Serbian jurisdiction. The 1953 constitution reduced autonomy for Kosovo even more with much repression of Albanians taking place. Not surprisingly, by 1956 there was a resurgence of Albanian nationalism. The Yugoslav government again took steps to disarm Albanians house to house. In the 1963 constitution what little was left of autonomy in Kosovo was reduced even further by placing it under Serbian rather than Federal authority.

Because of immigration of Albanians, emigration of Serbs and a very high Albanian birthrate from 1961 to 1971 Albanians increased from 67% to 74% of the population.

These developments continued and intensified. The 1974 constitution made Kosovo an Autonomous province but more importantly made it an equal constitutional element of the Federation as one of eight federal units. Although not yet a republic its authority within the Federation was now equal to that of Serbia.

Thus, both regions suffered a lot because of the invasions of Ottoman Turkey. The result of those invasions resulted by the destruction of the Armenian kingdom by the mid-eleventh century, and by the and by the defeat by the Ottoman Turks of the Serbs and their allies which made Kosovo the part of Ottoman Empire in 1389 respectfully.

The result of Kosovo within the Ottoman Empire resulted in the changing of the religion. During this time the great majority of Albanians were still Christians, Gradually Albanians and to a lesser extent Serbs became converted to Islam, which did not happen in Karabagh.

Although the region of Kosovo-Metohija was the heartland of the old Serbian kingdom where the most important Serbian religious and cultural centers were located, Serbs became a demographic minority in Kosovo.

In NK despite the outflow of Armenians and the intensive migration into the region of Azeries from neighboring Azerbaijani districts, Armenians preserved their numerical predominance, comprising 75% of the entire population of the region according to the 1989 Soviet census: also the demographic decline can be compared with the 95% of the entire population in 1926. As for Serbs, in 1989 they constitute slightly more than one-tenth of the entire population of the Autonomous Region of Kosovo.

PART II

The Escalation of the Conflicts and Causes of That

People always seemed to know half of history, and to get it confused with the other half.

Jane Haddam

As cited in the Wikipedia encyclopedia, “The term Kosovo War or Kosovo Conflict is often used to describe two sequential and at times related armed conflicts in Kosovo, a southern province of Serbia, part of the former Federal Republic of Yugoslavia.

According to encyclopedia, these conflicts were:

1996–99: Guerrilla conflict between Albanian separatists and the Serbian and Yugoslav security forces, which Albanians characterized as a national liberation struggle and Serbs saw as terrorism.

1999: War between Yugoslavia and the North Atlantic Treaty Organization between March 24 and June 10, 1999, during which NATO heavily bombed Yugoslav targets, Albanian insurgents continued attacks, and Serbian/Yugoslav forces continued to fight Albanian insurgents, amidst a massive displacement of the population of Kosovo. “
(<http://en.wikipedia.org/wiki/Wikipedia>)

Another prominent conflict which is very often considered to be conflict number one in former Soviet Union, and which erupted not only after the dissolution of the USSR, but at the time of its territorial integrity is Karabagh conflict , which “rocked the soviet Union”. (Chorbajian, 2001) .The following part of the essay will point out the main causes of both conflicts.

It is worth saying that while talking about the origins of Kosovo conflict “it would be better to start with Kosovo in Titoist Yugoslavia (1945–1986)” (Jansen, G. Richard, 2002).

Serbs and Albanians had both long regarded Kosovo as their own historical space. Tensions between the two communities had been simmering throughout the 20th century and had occasionally erupted into major violence, particularly during the First Balkan War, World War I and World War II. The Communist government of Josip Broz Tito systematically repressed nationalist manifestations throughout Yugoslavia, seeking to guarantee that no Yugoslav republic or nationality gained dominance over the others. In particular, the power of Serbia — the largest and most populous republic — was diluted by the establishment of autonomous governments in the province of Vojvodina in the north of Serbia and Kosovo in the south. Kosovo's borders did not precisely match the areas of ethnic Albanian settlement in Yugoslavia (significant numbers of Albanians were left in the Republic of Macedonia, Montenegro, and Serbia proper, while the far north of Kosovo remained largely ethnic Serbian). Nonetheless, most of its inhabitants following 1945 were ethnic Albanians.

Kosovo's formal autonomy, established under the 1945 Yugoslav constitution, initially meant relatively little in practice. Tito's secret police cracked down hard on nationalists. For example, in 1956, a number of Albanians were put on trial in Kosovo on charges of espionage and subversion. The threat of separatism was in fact minimal, as the few underground groups aiming for union with Albania were politically insignificant. Their long-term impact was substantial, though Revolutionary Movement for Albanian Unity, which later formed the political core of the Kosovo Liberation Army.

The Soviet Union created the Nagorno Karabakh Autonomous Region within Azerbaijan in 1924, when over 94 percent of the region's population was Armenian. As the Azerbaijani population grew, the Nagorno Karabakh Armenians chafed under discriminatory rule, and by 1960 hostilities had begun between the two populations of the region.

Along the same 60s Yugoslavia underwent a period of economic and political crisis, as a massive government program of economic reform widened the gap between the rich north

and poor south of the country. Student demonstrations and riots in Belgrade in June 1968 spread to Kosovo in November the same year, but were put down by the Yugoslav security forces. However, some of the students' demands — particularly for real representative powers for Albanians on both Serbian and Yugoslav state bodies, and better recognition of the Albanian language — were conceded by Tito.

In 1974, as it was mentioned in the first part of the essay, Kosovo's political status was improved still further when a new Yugoslav constitution granted an expanded set of political rights. Along with Vojvodina, it gained many of the powers of a fully-fledged republic: a seat on the federal presidency and its own assembly, police force and national bank. Power was still exercised by the Communist Party, but it was now devolved mainly to ethnic Albanians. 70-plus years of the history of Soviet Karabagh witnessed Azeri persecution of Armenians in an attempt to drive them out and replace them with Azeris, as was done in the Armenian territory of Nakhichevan. But that was not the case in Karabagh, where the monopolistic composition of people, national solidarity and patriotism of Karabagh Armenians were indestructible.

According to the Soviet Constitution, "An autonomous oblast does have the right to secede in the event that the republic within which it resides decides to secede from the Soviet Union". Actually, the right of the self-determination of the peoples is a norm of International Law. Chorbajian says:” Self-determination in the form of creation of new states from the territories of existing states does challenge the principle of territorial integrity and must, therefore, meet the highest legal standard to be considered legitimate” and the inadmissibility of self-determination can be seen as the abolishment of the international law by itself. This is especially crucial in cases where there is a discrepancy among the parties. Nevertheless, as the Article 1, Paragraph 1 of the International Covenant on Civil and Political Rights and on Economic, Social and Cultural rights states:

“All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”

So, in 1991, the residents of Karabakh, by plebiscite, took the decision to secede from Azerbaijan upon its secession from the Soviet Union.

Tito's death on May 4, 1980 ushered in a long period of political instability, worsened by growing economic crisis and nationalist unrest. The first major outbreak occurred in Kosovo's main city, Priština, in March 1981 when Albanian students rioted over poor food in their university canteen. This seemingly trivial dispute rapidly spread throughout Kosovo and took on the character of a national revolt, with massive popular demonstrations in many Kosovo towns. The protesters demanded that Kosovo should become the seventh republic of Yugoslavia. However, this was politically unacceptable to Serbia and the Republic of Macedonia. Some Serbs (and possibly some Albanian nationalists as well) saw the demands as being a prelude to a "Greater Albania" which could encompass parts of Montenegro, Macedonia and Kosovo itself. The Communist Yugoslav presidency quelled the disturbances by sending in riot police and the army and proclaiming a state of emergency, although it did not repeal the province's autonomy as some Serbian Communists demanded. The Yugoslav press reported that about 11 people had been killed (although others claimed a death toll as high as 1,000) and another 4,200 were imprisoned.

According to a report “International Assistance to Media” (2000), quoted by Mark Thompson, the director of the BBC “as many as 580,000 inhabitants of Kosovo were arrested, interrogated, interned or reprimanded. Thousands of these lost their jobs or were expelled from their educational establishments.”

During this time, tension between the Albanian and Serbian communities continued to escalate. There was a genuine perception among Serbian nationalists in particular that Serbs

were being driven out of Kosovo, with some claiming that Serbs were being subjected to "genocide" by Albanians.

Yugoslavia's census returns suggested that there was not in fact a great Serbian migration from Kosovo. It was certainly true that many Serbs and Montenegrins had been expelled from Kosovo during World War II, but between the 1940s and 1990s their numbers had remained relatively constant at somewhere between 200,000 and 260,000. Their proportion of the population, however, changed significantly. It stood at 27.5% in 1948, 13.9% in 1981 and 10.9% in 1991, according to the census results. A major factor in this was the extremely high Albanian birthrate. The population of Kosovo thus grew overall, but most of the increase was accounted for by Albanians, not Serbs.

In his "Making of Nagorno-Karabakh: From Secession to Republic" (2001) Chorbajian argues, that: "Gorbachev clearly underestimate the depth of discontent among Soviet nationalities, and he misjudged the impact of his reform program". In the Gorbachev era of glasnost, the Armenians brought the persecution of their brethren to the world's attention through massive peaceful demonstrations in Yerevan, which first took place in February 1988. By openly and bravely protesting Soviet ethnic injustice for the first time, the reform movement in Nagorno-Karabagh ignited the independence movements in the Soviet Bloc of Eastern Europe. The "Karabagh Movement" is thus the grandfather of freedom not only in Eastern Europe but in the former USSR itself.

The independence movement has been met with appalling violence from the Azeris. On February 20, 1988, Armenian deputies to the National Council of Nagorno Karabakh voted to unify that region with Armenia. Although Armenia did not formally respond, this act triggered an Azerbaijani massacre of more than 100 Armenians in the city of Sumgait, just north of Baku. In the same 1988, there was a pogrom against Armenians in Kirovabad (now Ganja), in the interior of Azerbaijan. In 1989-90, there are joint Soviet-Azerbaijani forced

deportations of Armenians living in towns and villages of Azerbaijan bordering Nagorno-Karabagh. In January of 1990, there was pogrom against Armenians in Baku itself.

When the Azeris began an outright military assault on the Armenians of Nagorno-Karabagh itself, they took up arms to defend their homes, their land, and their ancient culture. The Armenians were and are fighting for self-preservation and for the right of self-determination, while the Azeris were and are fighting to expel an ancient people from their historic homeland and to preserve power over a foreign province.

In Kosovo growing Albanian nationalism led to growing ethnic tension between Serbs and Albanians. In June 1985, sixteen prominent members of the Serbian Academy of Sciences and Arts (SANU, from its Serbian initials) began work on a draft document that was leaked to the public in September 1986. The SANU Memorandum paid special attention to Kosovo, arguing that the province's Serbs were being subjected to "physical, political, legal and cultural genocide" in an "open and total war" that had been ongoing since the spring of 1981. It claimed that Kosovo's status in 1986 was a worse historical defeat for the Serbs than any event since liberation from the Ottomans in 1804, thus ranking it above such catastrophes as the Nazi occupation or the First World War occupation of Serbia by the Austro-Hungarians. The Memorandum's authors claimed that 200,000 Serbs had moved out of the province over the previous twenty years and warned that there would soon be none left "unless things change radically." The remedy, according to the Memorandum, was for "genuine security and unambiguous equality for all peoples living in Kosovo and Metohija [to be] established" and "objective and permanent conditions for the return of the expelled [Serbian] nation [to be] created." It concluded that "Serbia must not be passive and wait and see what the others will say, as it has done so often in the past." (1998, International Criminal tribunal for the former Yugoslavia).

The SANU Memorandum met with many different reactions. The Albanians saw it as a call for Serbian supremacism at a local level. Other Yugoslav nationalities — notably the Slovenes and Croats — saw a threat in the call for a more assertive Serbia. Serbs themselves were divided: many welcomed it, while the Communist old guard strongly attacked its message. One of those who denounced it was a Serbian Communist Party official named Slobodan Milosevic.

In November 1988, Kosovo's president Azem Vllasi was arrested. In March 1989, Milosevic announced an "anti-bureaucratic revolution" in Kosovo and Vojvodina, curtailing their autonomy and imposing a curfew and a state of emergency in Kosovo due to violent demonstrations, resulting in 24 deaths (including two policemen). Milosevic and his government maintained that the constitutional changes were necessary to protect Kosovo's remaining Serbs against harassment from the Albanian majority.

As we see, the protests of the Armenians of Nagorno Karabakh against Azerbaijani rule as well as problems in Kosovo began in the spirit of perestroika. In Yerevan the movement evolved quickly into a political organization, the Nagorno Karabakh Committee, a broad anticommunist coalition for democracy and national sovereignty. In the confusion following the earthquake that devastated northern Armenia in December 1988, Soviet authorities tried to stem the growing opposition to their rule by arresting the leaders of the committee. The attempt by the CPA to rule in Armenia without support from Armenian nationalists only worsened the political crisis.

Gorbachev's 1989 proposal for enhanced autonomy for Nagorno Karabakh within Azerbaijan satisfied neither Armenians nor Azerbaijanis, and a long and inconclusive conflict erupted between the two peoples. In September 1989, Azerbaijan began an economic blockade of Armenia's vital fuel and supply lines through its territory, which until that time had carried about 90 percent of Armenia's imports from the other Soviet republics. In June

1989, numerous unofficial nationalist organizations joined together to form the Armenian Pannational Movement (APM), to which the Armenian government granted official recognition.

The Soviet policy backfired, when a joint session of the Armenian Supreme Soviet and the National Council, the legislative body of Nagorno-Karabakh, proclaimed the unification of Nagorno Karabakh with Armenia.

As we see from the above given information there are some differences and similarities in both cases. The main similarity is the that the secessions took place in post- socialist countries and that after the dissolution of Soviet Union and the usurpation of the institutions which were kind of “defensive ” for ethnic minorities became strength less to protect minorities. Tito’s and Stalin’s unacceptable division of the land by “ruler” turned out as an unbearable for the inhabitants of two autonomous republics.

Armenia remains formally at war with neighboring Azerbaijan over the Nagorno Karabakh territorial dispute. It also suffers from economic embargo imposed by Turkey. Except for the European Union-sponsored TRACECA project, aimed at coordinating the development of transit routes between East and West, Armenia has remained on the sidelines of most of the region's major economic projects.

PART III

Muslims vs. Christians: Religious Aspects of the Conflicts in Kosovo and Nagorno

Karabakh

"Ubi solitudinem faciunt, pacem appellant" (Where they create a wasteland, they call it peace.)

Tacitus

Historian, Ancient Rome

One of the substantial differences in the cases of Kosovo and Nagorno Karabagh lies in the fact that NK was a Christian autonomy within Muslim Azerbaijan while Kosovo was a Muslim autonomy within Orthodox Christian-dominated Yugoslavia. So, what was the role of religion in both conflicts?

Hans Kung and Karl-Josef Kuschel, in their "A Global Ethic: The Declaration of the Parliament of the World's Religions" (1993) commenting on conflict within the former Yugoslavia. "...the peace negotiations between the Orthodox [Christian] Serbs, the Catholic Croats and the Muslim Bosnians had collapsed again. And there is no doubt that the religions that are so involved here had neglected in the period of more than forty years since the Second World War to engage in mourning, honestly confess the crimes which had been committed by all sides in the course of the centuries, and ask one another for mutual forgiveness....I think there can be no peace among the nations without peace among the religions!" (pp. 43-44). Although this quotation refers to Bosnia, not Kosovo, the principle is the same: a missed opportunity in the past and religious intolerance in the present.

Much earlier, before the conflict in former Yugoslavia, in 1969, the Serbian Orthodox Church had ordered its clergy to compile data on the ongoing problems of Serbs in Kosovo, seeking to pressure the government in Belgrade to do more to protect the Serbian faithful.

Later, in February 1982, a group of priests from Serbia proper petitioned their bishops to ask "why the Serbian Church is silent" and why it did not campaign against "the destruction, arson and sacrilege of the holy shrines of Kosovo". Such concerns did attract interest in Belgrade. Stories appeared from time to time in the Belgrade media claiming that Serbs and Montenegrins were being persecuted, although few appear to have been reliably substantiated. Nonetheless, there was a genuine perception among Serbian nationalists in particular that Serbs were being driven out of Kosovo, with some claiming that Serbs were being subjected to "genocide" by Albanians.

Indeed, at its core, the conflict is largely a religious one. According to the article "Religious Identity at the Heart of Balkan War" which appeared in LA Times and was written by A.J. Rubin, "...religious identity has been present constantly in the antagonisms that have fragmented the Balkans for centuries - setting neighbor against neighbor, Muslims against Orthodox Christians, and Orthodox Christians against Western Christians..." Precise data is impossible to obtain, but one estimate is that of the approximately 1.9 million residents of Kosovo, the religious makeup includes:

Muslims: 1.7 million

Roman Catholics: 60,000

Serbian Orthodox: 150,000

Province of Kosovo:

1.89 million

81% Muslims,

10% Serbian Orthodox,

9% Roman Catholics

Unlike the rest of the former Yugoslavia, the Kosovo conflict has both ethnic and religious components. Before the recent exterminations and forced "ethnic cleansing," 90% of the population of Kosovo was ethnic Albanian. As it was mentioned in the first part of the essay,

these are descendants of the ancient Illyrian tribes who occupied this area since before the Roman Empire. Their language is unrelated to all other languages in the area; they are now mainly Muslim.

So, the Kosovo conflict was fueled by differences of:

ethnicity: between Serbs, of Slavic origin, and ethnic Albanians who are Illyrian in origin.

religion: between Serbs, who are almost entirely followers of the Serbian Orthodox Church, and non-Serbs, who are overwhelmingly followers of Islam, and Roman Catholicism. There is also a minority of ethnic Albanians who follow the Albanian Orthodox Church. However, there would be no significant friction, on religious grounds, between Albanian and Serbian Orthodoxy.

Religious attitudes of ethnic groups in the Balkans and in the Caucasus have always represented not only an emotional but also a legal factor in the relationships between the so called "state-bearing nations" and the minority groups. This is especially important with the regard of the unique path that characterizes the origin and the current stage making the development of the Azerbaijani nationalism, always supported by Turkey. It was a path which made the state of Azerbaijan capable for the realization of the acts of genocide, without leaving any alternative for NK Armenians but to secede from the Azerbaijani state to avoid possible total destruction. The words once said by the Turkish Minister of Justice and published in the Milliet newspaper on 30 September in 1930, that: "...The Turk is the only master in his country. Those who are not pure Turks have one right in this country: the right to be servants, the right to be slaves ..." (www.cilicia.com) were always right concerning the Armenians living in Azerbaijan.

The contrast of Karabagh with Kosovo is striking: even before the collapse of the Federal Republic of Yugoslavia there were hundreds of mosques operating in the Autonomous Region of Kosovo, which enabled Kosovar Albanians to practice Islam freely.

With respect to the Nagorno Karabakh Autonomous Region, it was the only territory in the USSR without a single functioning church; this at a time when Nagorno Karabakh's population was 95% Christian (by 1989 reduced to 77% in the course of Azeri demographic manipulations).³ Azerbaijan conveniently exploited Soviet atheistic bias and, with Nagorno Karabakh's 186 standing churches and monasteries remaining idle from 1931 to 1989, its Armenian population was effectively barred from practicing Christianity. The planned destruction of Armenian architectural monuments was part of the Azeri aim of removing all signs of other ethnic life from the territories incorporated into the present-day Azerbaijani state. The leadership in Soviet Azerbaijan declared the Armenian Christian monuments of Nagorno Karabakh and the surrounding Armenian communities "dangerous religious hothouses of the past, where harmful ideas are being preached," and concluded that "they are not worth our attention and, more specifically, our funds." The first church established in Karabagh, in the region now known as Martuni, was established by Gregory the Illuminator, first Catholicos of Armenia.

Indeed, the pre and post Soviet Azerbaijan idea that Armenians of Karabagh can form neither territorial autonomy nor independent state is rooted in the Muslim stereotype about the relations between Christians and Muslims within the parameters of traditional Islamic Law. The same Islamic Law stipulates that Christians, living within a Muslim state are capable with the protected religious freedom, but are afforded a very incomplete set of political rights. In other words Azerbaijan was caught between two paradigms, the question became kind of a double edge sword, thus, on the one hand there was a traditional Muslim influence and on the other hand -- modern and secular nationalist tendency. Both above mentioned paradigms reflect assumptions that reject the political rights for ethnic minorities.

³ In 1913, the Artsakh Diocese of the Armenian Apostolic Church had 222 active churches and places of worship, 188 priests and 206,768 parishioners from 224 Armenian cities and villages. For more information on Nagorno Karabakh's religious life in the 19th century see: Bishop Makar Barkhudariants. Artsakh. Baku. 1895.

The rejection of the political autonomy for the Christian ethnic community, something that stems from the “outstanding” Islamic legal stereotype and reinforced with the legitimization and justification of anti-minority violence in cases of Christian “misbehavior”, which, in Azeri model is intermarried with the contemporary nationalist idea of the morality of the cultural and political control of the ethnic majority over the ethnic minority. Not surprisingly, as soon as it became possible, Azerbaijan speedily disbanded the Nagorno Karabakh Autonomous Region (NKAR) and partitioned its constituent populated Armenian districts, reformulating their constituent parts to the larger neighboring regions of Azerbaijan accurate beyond the NK borders. The redistricting and division of NK was implemented in an attempt to adjust the demographic balance of the region, whereby the native Armenian population would become reduced to a demographic minority in these newly created larger administrative entities within the Azerbaijan.

Unfortunately, in the history and political practice there are no precedents wherein established Christian minorities would have unproblematic existence in Muslim states. It is worth mentioning, that relatively unproblematic existence of Orthodox Slaves residing in post Soviet Muslim republics of Central Asia does not count toward this argument. Ethnic Russians and other Slaves migrated to Central Asia in the course of USSR’s industrial transformation program, mainly in XX century. Christian and Muslim communities have never been bound by Muslim Law in Central Asia and, therefore, Central Asian Muslims have had little experience of looking at migrant Slavs through the prism of Muslim legal prejudice. The uneasy existence of Christians in Ottoman Empire and contemporary Turkey, tragic fate of Armenians, Udis, and Christian Tats in Azerbaijan, Christian communities in southern Sudan and the list can be continued, are the examples of the benign Islamic prejudice against Christians.

The almost complete destruction of Christian communities on the territory of today's Turkey is a grim reminder to the Christians of Azerbaijan that a similar fate awaits them by the rising tide of Azerbaijani nationalism, which officially models itself on Turkish nationalism.

Thus, both conflicts were even politically interpreted but the core reason lied deeply in the prejudices of the religion.

PART IV

Legitimacy of Secessions

"If you do not stop campaigning for the unification of Nagorno Karabakh with Armenia, if you don't sober up, 100,000 Azeris from neighboring districts will break into your houses, torch your apartments, rape your women, and kill your children."

(Excerpt from an address of Mr. Hidayat Orujev, a leader of the Communist Party of Azerbaijan, to the Council of the Nagorno Karabakh Autonomous Region, pronounced days before the massacre of Armenians in Azerbaijan's city of Sumgait, in late February 1988).

According to definition, legitimacy is lawfulness by virtue of being authorized or in accordance with law. With the regard to nation-states a term meaning, that the majority of people accept the rule of law of the governing political organizations.

The presence or absence of legislative acts both in former USSR and AzSSR as well as FRY can be seen as another difference in NK and Kosovo conflicts, which stipulated the legal order of secession of autonomies from their union republics. In the case of Nagorno Karabakh, the legal acts of the Soviet Union in the pre- disintegration period played a key role in the political transformation of the status of the former Soviet autonomy in Karabakh.

Marking out that for two years period unresolved pressure and ambiguity between Baku and Stepanakert brought the issue of the resolution of Nagorno Karabagh's political rank into qualitatively new stage. In 1990, the USSR Supreme Council adopted the "Law on the Resolution of Issues of Secession of Union Republics from the USSR" (later in the text — "Law on Secession") (Law on the resolution of issues of the secession of the Union Republics from the USSR, 1990).

The Law on Secession gave the republics and autonomous regions within the Soviet Union an prospect to active involvement in determining their political status as sovereign and

self-governing subjects of the Union , even taking into account their secession from the Union Republics within which they were subordinated. This right was held in reserve for the case whereby a Union Republic appeals to break away from the USSR while the autonomous body or bodies within the Union Republic reject to continue to be a constituent of the seceding republic. There are little doubts that the Law of Secession was used by the USSR's authorities for creating obstacles before the number of multi-ethnic union republics, which were eager to leave the Soviet Union. Nevertheless, the Law was both an officially permitted and political act, and a legal standard with the power on the whole territory of the USSR.

As it was mentioned in the second chapter of the essay, the Soviet Constitution stated: "An autonomous oblast does have the right to secede in the event that the republic within which it resides decides to secede from the Soviet Union". In 1991, the residents of Karabakh, by plebiscite, took the decision to secede from Azerbaijan.

“The Azerbaijani Soviet Socialist republic declared its intention to leave the Soviet Union as early as in September 1989 with the adoption of both the Constitutional Law on Sovereignty and, later, the Constitutional Law on Independence”. (Bakinskiy Rabochiy, 1989). By doing that, Azerbaijan created a legal precedent for the Armenians of NK to exercise their legal right for self-determination through the federal Law of Secession.

In contrast to the Soviet Constitution, the Constitution of the Federal Republic of Yugoslavia did not include any provisions or procedures of the secession of its federal republics and more over, autonomies from the Federation.

Thus, as a result of an expressed constitutional will of their peoples, within the territory of the former Azerbaijani Soviet Socialist Republic, two independent and equivalent states were legally formed: the Republic of Azerbaijan and the Nagorno Karabakh Republic (NKR). With the collapse of the Soviet Union, the subordination of the authorities, population, and

the territory of Nagorno Karabakh to the newly created Republic of Azerbaijan was formally suspended.

It is important to note that the disintegration of the Azerbaijani SSR into two entities was not the only possible outcome of the self-determination of the Azeri and Karabakhi peoples. For example, the cases of Tatarstan and Russia and of Moldova and its Gagauz autonomy took different roads, present an alternative scenario of events in the post-Soviet period, with the former autonomous subject and the union republic negotiating a new mode of relations between them, while preserving the territorial integrity of the republic. Unfortunately, that has never occurred between Nagorno Karabakh and Azerbaijan — neither in the very beginning of the conflict, nor after the secession of the former Azerbaijani Soviet Socialist Republic from the USSR. According to Chorbaijan, what we have instead is quite different:

1. Azerbaijan's rejection of the Karabagh as a party to negotiations
2. The acceptance of this rejection by the industrialized states in the West
3. The rejection of NK Armenians' right to self-determination on the basis of self-interested arguments masquerading as universal principles that is the alleged primacy of territorial integrity over self-determination. (2001).

The opportunity for a constructive dialogue was missed and was never revived due to the staunch reluctance of Azerbaijan's authorities to talk to their Karabakhi counterparts. Moreover, placing hope on the overwhelming numerical superiority of its armed forces, Azerbaijan repeatedly tried to resolve its dispute with the Armenians of Nagorno Karabakh by terrorization, intimidation, pogroms, and, eventually, ethnic cleansing in large-scale military operations. Yugoslavia's President Milosevic's attitude toward Kosovar Albanians was essentially the same.

"... The opportunistic idea of some Azerbaijani politicians in Baku to "stretch" the current Azerbaijani Republic back to the borders of the long-demised Soviet Republic of Azerbaijan is comparable to the calls to restore the USSR or the former Federal Republic of Yugoslavia ..." (www.cilicia.com)

The crucial legal and political specificity of the case of Nagorno Karabakh was that its independence was declared in accordance with the legal parameters of the Constitution of the USSR, which was legally binding on all union territories.

It is noteworthy that official Baku lost its control over Nagorno Karabakh three years before the Azerbaijani SSR broke away from the USSR. In other words, the independent Azerbaijan — neither in 1918-1920, nor since 1991, during the Third Republic — never controlled Nagorno Karabakh. Moreover, Azerbaijan lays claims to Nagorno Karabakh in the same fashion that it harbors territorial claims to other neighboring countries, including Iran and the Russian autonomy of Dagestan.

The Armenians of Nagorno Karabakh, who, in contrast to Kosovar Albanians or the Azeris, with minor interruptions maintained their own political tradition through centuries — from the 10th province of Armenia Major to the medieval Kingdom of Khachen to the Five Duchies of the 18th century to the Armenian Karabakhi self-government of 1918-1920, to the Nagorno Karabakh Autonomous Region in Soviet times — effectively recreated their own state in 1991. The Kosovar Albanians, on their part, are still before a difficult task: they, together with their Yugoslav counterparts have yet to determine the mechanism of dealing with Kosovo's wish to secede from the Yugoslav Federation, although last developments give some ground for such a development, which will be discussed in the last part of the essay.

PART V

Ongoing Conflicts - the Reaction and Mediation of International Community

It would be some time before I fully realized that the United States sees little need for diplomacy. Power is enough. Only the weak rely on diplomacy ... The Roman Empire had no need for diplomacy. Nor does the United States."

--Boutros Boutros-Ghali

Hot wars demand attention before cold wars or simmering potential conflicts. The conflicts that usually erupt within a territory of former Soviet block countries call attention of more powerful and established democracies. In some cases big powers take roles of mediators only, in others- they conduct military acts, even opposed to the norms of International Law.

The humanitarian crisis in the Yugoslav province of Kosovo has heavily shaken the structure of contemporary international relationships and at the same time created a set of new realities in the post-Cold War regime of the international security. At the time when the most of the energy of envoys and emissaries were concentrated on the Balkans, another crisis, maybe less violent but equally dangerous in the long run erupted. This was the Karabagh crisis. The most important difference in the cases of both conflicts lies with the effort of international community to cope with the risen problems. In the case of Karabagh the mediation did not go further than only mediation itself, in Kosovo case it went through military intervention of NATO's armed forces.

The Armenian-Azerbaijani war over Karabagh, now in cease-fire but without resolution, has gone on for more than a decade. The problems of extracting enormous oil and gas resources in the Caspian region and piping fuels through the South Caucasus and possibly Turkey to Western markets has encouraged new diplomatic efforts and visits to the region by

prominent veterans of international negotiations like Zbigniew Brzezinski and Henry Kissinger. Less visibly, diplomats and peace activists have worked to loosen the knot that has kept armies poised and hundreds of thousands of refugees languishing in camps. Negotiators have concluded that without resolving the Karabagh issue the region's security and economic development may be permanently threatened.

The first international mediation effort to resolve the Nagorno Karabagh conflict was attempted by the Presidents of the not yet independent Russia and Kazakhstan, Boris Yeltsin and Nursultan Nazarbayev, respectively, in September 1991. Their visits to Baku, Stepanakert, and Yerevan, and subsequent talks between the leaders of Armenia and Azerbaijan in Zheleznovodsk, Russia, produced an agreement to negotiate the conflict, which was annulled by the government of Azerbaijan almost immediately.

The international involvement in the resolution of this conflict began in earnest in 1992, after successor states to the Soviet Union had been admitted to the Conference (later Organization) for Security and Cooperation in Europe. The CSCE (OSCE), thus, became the primary venue for the resolution of the Nagorno Karabagh conflict, and remains so to this day. On March 24, 1992, a CSCE Council meeting in Helsinki decided to authorize the CSCE Chairman-in-Office to assemble a conference on Nagorno Karabagh beneath the sponsorship of the CSCE. The purpose of the conference was “to provide an ongoing forum for negotiations towards a peaceful settlement of the crisis on the basis of the principles, commitments and provisions of the CSCE” (Brief synopsis of the Nagorno Karabakh conflict, 2003). This decision launched the so-called Minsk Process, which spearheads the international effort to find a political settlement of the conflict.⁴

⁴ The process is so named because the city of Minsk, Belarus had been originally selected as the site of the future conference on this problem.

The objectives of the Minsk Process are to provide an appropriate framework for conflict resolution to support the negotiation process supported by the Minsk Group; to obtain conclusion by the parties of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference; and to promote the peace process by deploying OSCE multinational peacekeeping forces.

The Minsk Process has been supported by the Minsk Group, which included 11 countries: Belarus, Finland, France, Germany, Italy, the Netherlands, Portugal, Russia, Sweden, the United States, Turkey, in addition to Armenia and Azerbaijan. The activities of the group have proved ineffective in the early years of the conflict, as the understanding of basic issues, realities, and determining factors of the conflict was inadequate. Azerbaijan has vacillated between intense opposition to and reluctant acceptance of Nagorno Karabagh's direct participation in these negotiations. The international negotiations have intermittently accepted the reality that it is the government of Nagorno Karabagh, and not Armenia, which is the main party in the conflict with Azerbaijan.

While in the case of NK international community was deciding, ineffectively, how to deal with the conflict, the intervention of the North Atlantic Treaty Organization (NATO) was aimed to protect Kosovar Albanian minority from the policy of ethnic cleansing launched under the direction of Yugoslav president Slobodan Milosevic. The crisis in Kosovo has galvanized NATO more than any other conflict since the end of the Cold War. But NATO is an alliance composed of individual nations, each with its own history and perspective on the intervention of NATO troops in Kosovo. NATO's objectives in relation to the conflict in Kosovo were set out in the Statement issued at the Extraordinary Meeting of the North Atlantic Council held at NATO on 12 April 1999 and were reaffirmed by Heads of State and Government in Washington on 23 April 1999:

- a verifiable stop to all military action and the immediate ending of violence and repression;
- the withdrawal from Kosovo of the military, police and paramilitary forces;
- the stationing in Kosovo of an international military presence;
- the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organizations;
- the establishment of a political framework agreement for Kosovo on the basis of the Rambouillet Accords, in conformity with international law and the Charter of the United Nations.

Throughout the conflict, the achievement of these objectives, accompanied by measures to ensure their full implementation, has been regarded by the Alliance as the prerequisite for bringing to an end the violence and human suffering in Kosovo.

Whether or not the aims were humanitarian, but International Law dictates opposite. The legitimacy of NATO's bombing campaign in Kosovo has been the subject of much debate. NATO did not have the backing of the United Nations to use force in Yugoslavia but justified its actions on the basis of an "international humanitarian emergency". Criticism was also drawn by the fact that the NATO charter specifies that NATO is an organization created for *defense of its members*, but in this case it was used to attack a non-NATO country which was not directly threatening any NATO member. NATO countered this argument by claiming that instability in the Balkans was a direct threat to the security interests of NATO members, and military action was therefore justified by the NATO charter.

The use of force in International law is governed by the UN Charter. At the heart of that charter is the principle of the sovereignty and integrity of the states, which sets clear prohibition on the "threat or use of force against the territorial integrity or political independence of any state" (article 2 {4}), allowing for two exceptions only. The first is

“individual or collective self defense” (article 51), when a member state is a victim of aggression. The second one when acting under Chapter VII, the Security Council determines “the existence of any threat to peace breach of the peace or act of aggression” (article 39) and decides on coercive measures to bring an end to the situation (article 42). Chapter VII allows for some other alternatives like series of sanctions such as various forms of embargo (Chapter 7, article 41), which exclude use of force.

As noted above, the Minsk Group nearly succeeded in mediating an end to the hostilities in summer of 1993, but the plan fell through. The United Nations Security Council, meanwhile, adopted resolutions on the conflict which, however, reflected the political realities of a period predating the hostilities and therefore failed to address the situation. Importantly, the United Nations provided the OSCE with a mandate to mediate the political settlement in Nagorno Karabagh. Eventually, the parties to the conflict negotiated a ceasefire agreement through the good offices of the Russian Federation in May 1994.

The next milestone in the international involvement into the Karabagh conflict was the Budapest Summit of the CSCE, which transformed the organization into the OSCE. The Budapest Summit reaffirmed the Minsk Group process, and on December 6, 1994, adopted a resolution to create a co-chair mechanism for the Minsk Group. The OSCE members also pledged to arrange multinational peacekeeping forces to insist on the political settlement of the conflict. This raised expectations that with the strong support of the international community the parties to the Karabagh conflict would reach agreement on settlement. If anything, the summit strengthened the commitment of the parties to maintain the cease-fire. In compliance with the decisions of the Budapest Summit, the OSCE Chairman-in-office (CIO) issued the mandate for the Co-Chairs of the OSCE Minsk Group on March 23, 1995. In another significant decision, the Chairman-in-Office appointed a Personal Representative on the Conflict Dealt with by the Minsk Group to monitor the cease-fire regime periodically. To

this day, the CIO Personal Representative and his field assistants comprise the only international presence in the area of the conflict; the Personal Representative conducts periodic monitoring of the line of contact between Nagorno Karabagh and Azerbaijan forces. Negotiations between the parties to the conflict continued throughout 1995 and 1996, in many different formats: via visits of the Minsk Group Co-Chairs to the region, with Yerevan, Stepanakert, and Baku in their journey; through confidential negotiations between the advisors to the Presidents of Armenia and Azerbaijan, and through presidential meetings at the international area. With the memory of the conflict still fresh on their mind, however, the parties to the conflict continued to differ on practically all aspects of the resolution.

In contrast, the Lisbon Summit of the OSCE was a setback for the process. The OSCE CIO issued a statement on December 3, 1996, which attempted to codify the legal status of the Republic of Nagorno Karabagh ‘through high degree of autonomy within Azerbaijan’ without consultation, let alone agreement between the parties to the conflict. It adopted a formula advanced by negotiators for Azerbaijan without obtaining the permission of either Armenia or Nagorno Karabagh. “As such, it attempted to predetermine the status of Karabagh, the very object and core of the dispute. Thus, the Lisbon statement failed to reflect the current realities on the ground, and was destined to remain an unworkable formula” (Brief synopsis of the Nagorno Karabakh conflict, Embassy of the Republic of Armenia to the United States, August 2003). This and other developments significantly slowed the settlement process by early 1997.

One of the most assertive proponents of the military action in Kosovo was US. However, in comparison with the anti-war protests against the 2003 invasion of Iraq, the campaign against the war in Kosovo aroused much less public support. The television pictures of refugees being driven out of Kosovo made a vivid and simple case for NATO's actions. The personalities were also very different — the NATO nations were mostly led by centre-left

and moderately liberal leaders, most prominently U.S. President Bill Clinton, British Prime Minister Tony Blair and German Chancellor Gerhard Schrader. Anti-war protests were generally confined to the far left and Serbian *émigrés*, with many other left-wingers supporting the campaign on humanitarian grounds.

There was, however, criticism from all parts of the political spectrum for the way that NATO conducted the campaign. NATO officials sought to portray it as a "clean war" using precision weapons. The US Department of Defense claimed that, up to June 2, 99.6% of the 20,000 bombs and missiles used had hit their targets. However, the use of technologies such as depleted uranium ammunition and cluster bombs was highly controversial, as was the bombing of oil refineries and chemical plants, which led to accusations of "environmental warfare".

Another development in Karabagh was the introduction of the 'oil factor' in the region. Since 1994, Baku began to exploit the scenario of new Caspian Sea oil fields as a force to impose an unacceptable settlement of the Karabagh conflict. While this oil diplomacy has gained favor among certain states in mid-1990's, in the atmosphere of apparent antagonism between Russia and the United States, it is safe to claim now that the 'oil diplomacy' has not worked. The notion that Azerbaijan will 'make money' while Armenia and Karabagh will stagnate has not held true; the foreign investment in Azerbaijan financed the aging oil sector solely without addressing the colossal poverty in the country. The lack of conflict resolution hinders the economic development of all South Caucasus countries equally.

In March 1997, the Minsk Process was revived after the OSCE Chairman-in-Office established a new Co-Chair mechanism, with France, Russia, and the United States assuming this major responsibility. The new Co-Chairs represent three major powers that have interests in the region and are also permanent members of the UN Security Council. The Minsk Group Co-Chair mechanism established in 1997 has proved to be the most conducive to mediating

the conflict, as it eliminated the needless rivalries and misunderstandings that had so often overwhelmed the Minsk Process since its origin. Another aspect introduced by the Co-Chairs in 1997 – and still in effect today – was the agreement between the parties to the conflict to maintain complete confidentiality of the talks to facilitate good faith between the parties and prevent an undue manipulation of the public opinion in home countries.

By 1997, the Minsk Process has produced two alternative variants of the settlement of the Karabagh conflict, which hereinafter will be referred to as the ‘package’ and ‘phased’ solutions. The ‘package’ solutions favors a comprehensive settlement of the conflict, spelling out the status of Nagorno Karabagh, dealing with the Azeri regions under control of Karabagh, as well as the status of the Lachin Corridor, Shahumian region and a myriad of other issues. In opposition, the phased settlement provides for a more gradual – step-by-step – approach, dealing with the issues of Azeri regions, Lachin Corridor, refugees, etc., first and leaving the status of Karabagh for the next stage.

After several visits to the regions, the Minsk Group Co-Chairs formally presented the plans to the parties to the conflict. The plans were deliberated and discussed by the political leadership both in Armenia and Karabagh, unlike Azerbaijan. In November 1998, the Minsk Group Co-Chairs presented a new plan to the parties, commonly referred to as the ‘common state’ proposal. It was in its essence a package plan providing for the establishment of a common state between Karabagh and Azerbaijan. This was a carefully crafted and very complex compromise between the principles of territorial integrity and self-determination. Unfortunately, it was rejected by Azerbaijan, which failed to meet halfway the concessions that Armenia and Nagorno Karabagh were prepared to make.

The next stage in the conflict settlement process, which ultimately proved effective, was a series of bilateral meetings between President Kocharian and President Aliyev. Almost twenty such meetings have been held since the first meeting on the margins of the NATO

Summit in Washington in April 1999. The highest point of the presidential summits was the meetings in Paris, hosted by French President Jacques Chirac, and the U.S.-hosted negotiations in Florida, in March and April 2001, respectively. During these meetings, the two Presidents achieved an understanding on a set of ideas to be used as the basis for the resolution of this conflict, which are called the Paris principles.

Unfortunately, Azerbaijan failed to make steps towards implementation of this agreement. Moreover, since 2001, the statements of President Aliyev, his Defense Minister, other members of the government, and the opposition parties raise serious concerns about growing inflexibility in Azerbaijan. It is dangerous because the ceasefire regime on Artashk-Azerbaijan line of conflict is based on the goodwill of all parties and the military balance of power, and the war propaganda in Azerbaijan will undermine the confidence in its ability to abide by the ceasefire regime. In an attempt to keep the Minsk Process flowing, a new format was introduced in 2002 to complement the presidential summit, in the form of Personal Representatives of the Presidents of Armenia and Azerbaijan to the Minsk Process. The two presidents delegated their respective Deputy Foreign Ministers to fill this role.

The start of the election period in Armenia and Azerbaijan in 2003 somewhat slowed the international mediation effort, but the negotiations are anticipated to restart in earnest soon after the presidential election in Azerbaijan in October 2003.

Within Yugoslavia, opinion on the war was split between highly critical among Serbs and highly supportive among Albanians — although not all Albanians felt that way; some appear to have blamed NATO for provoking Serbian violence.

Opinion in Yugoslavia's neighbors was much more mixed. Macedonia was the only Yugoslav republic apart from Montenegro not to have fought a war with Serbia and had tense relations between a Slav majority and a large Albanian minority. Its government did not approve of Milosevic's actions, but it was also not very sympathetic towards the Albanian

refugees. Albania was completely supportive of NATO's actions, as might be expected given the ethnic ties between Albanians on both sides of the border. Croatia, Romania and Bulgaria granted over flight rights to NATO aircraft and turned a blind eye to occasional territorial violations, including the embarrassing incident in which a stray NATO missile landed in a suburb of the Bulgarian capital Sofia. Hungary was a new member of NATO and supported the campaign, although it was unenthusiastic about it. Across the Adriatic, Italian public and political opinion was against the war, but the Italian government nonetheless allowed NATO full use of Italian air bases. In Greece, popular opposition to the war reached 96%.

The reaction of not neighboring countries was also different. For example, Germany developed an argument to legitimate military action. Kinsel's conditions stressed the inability of the SC to act in emergency situation; the fact that a military action was in the 'since and logic' of the UN resolution 1160 and 1199 (although he conceded that the latter did not provide direct legal ground); and the particular high standards for the protection of human rights reached by European states in the OSCE context, in particular regarding the protection of minorities.

Netherlands's argument for justifying use of force was based on the reference to a checklist for military action adopted by the Dutch Parliament in 1994, where the point was that 'gross violations of human rights, such as genocide, can be the reason for military intervention by the international community'.

French government was not unanimous in accepting the legitimacy of military intervention. French foreign minister Hubert Vedrine stated that military action had to be authorized by SC, although it was open to interpretation whether resolutions 1160/1199 were implying future military action.

More uncertainty reigned in the Italian government. In September 1998, the Defense Minister Berjamino Adreatta stated that the danger of humanitarian catastrophe caused by

Belgrade created the "conditions for the application to the Article 51", meaning, presumably, the right to collective self-defense. According to UN Charter, however, the right only applies only to states, but not the entities such as Kosovo. Few days later, speaking in the Parliament Italian Prime Minister Romano Prodi affirmed that "first, there was no ground for the intervention in Kosovo as all means to reach a peaceful solution had not been exhausted, and, second, that the military action would have to be legitimized by the SC."

NATO allies' position was vehemently rejected by Russia and China.

The Russian ambassador to the UN, Sergey Lavrov pointed that only the UN SC can "decide the use of force or authorize resort to use of force under the authority of the UN Charter". He claimed that to invoke "a humanitarian crisis in a country as a sufficient reason for a unilateral armed intervention" would be "unacceptable and contrary to the foundation of the contemporary system of international relations and to the Charter of the UN."

In October 1998, Chinese Foreign Minister Tang Jiaxuan stated that his government "resolutely opposed the use of force or the threat in international relations." Both countries confirmed their positions by their veto on the UN resolution 1203. Russia's Foreign Minister Igor Ivanov called the bombings "a crude violation of the UN Charter" and "act of open aggression against a sovereign member state of the UN," as his government announced that it interrupted all cooperation with NATO in the context of the Founding act and the partnership for Peace.

In their argument the general international law provides basis for military intervention, some referred to bodies of law which have developed since the UN charter was drawn up in 1945- particularly crimes against humanity, violations of 1948 Genocide Convention, and violations of 1949 Geneva Convention – asserting that they might constitute a potential ground for intervention, although these and related agreements do not provide explicitly for preventive military measures against states violating these provisions.

Legally, it is debatable whether the principles established and agreed within the OSCE justify rules for humanitarian intervention that differ from those applied in other parts of the world. Positively, it can be argued that OSCE Human Rights principles allow states to interfere with one another's affairs well beyond what general International Law permits.

Negatively, one may object that fundamental human rights that entails *erga omnes* obligations (the prohibition of torture, of genocide, mass killings, and so on) are no more strongly protected in Europe than elsewhere, as rules prohibiting their violation have universal validity.

All above introduced perspectives allow concluding that International Law governing the right of humanitarian military intervention is incomplete and imperfect. International practice for intervention has evolved since 1990s. Yet the incipient political and moral consensus that military intervention is sometimes necessary to prevent Human Rights violation on a major scale has not been formalized into a body of laws constituting part of the international Law. It is now urgent that this consensus be transformed into law.

NATO decided to bomb the "mess" out of Yugoslavia without having the legal authority to do that. This action violates traditional standards of international law and NATO policy. The sovereignty of nations is one of the cardinal principles of the international order; plus, foreign powers were not allowed to intervene in the internal affairs of other countries. Importantly, NATO didn't ask for the permission of the United Nations either; there was a big possibility that they wouldn't have gotten it.

Hence, it can be argued that even if *politically* or *morally* a humanitarian military intervention to Kosovo can be justified in particular cases, *legally*, the legitimacy of the use of the force against a sovereign remains a subject of hot debates. Neither in Karabagh nor in Kosovo, did mediations not solve the conflicts. According to Aivazian: "The OSCE peace plan fails to solve or even to recognize these problems" in Karabagh case. And in the case of

Kosovo the war was a gigantic miscalculation by the West. It did not expect the expulsion of a million Kosovars from Kosovo. Instead it expected a quick capitulation by Yugoslavia. It was tragically wrong on both counts and a humanitarian disaster of monumental proportions has occurred. Indeed in no one of these conflicts the solution was reached with the mediation of other countries and organizations.

PART VI

Conflicts and Refugees

War does not determine who is right - only who is left.

Bertrand Russell

The most horrible thing that remains after wars is not only ruined cities or villages, but broken people's destinies. People who become refugees not because of their will, but because of war, which usually makes people not only homeless, but which is most vulnerable, give them a new "status" – refugee status.

A refugee is defined as a person outside of his or her country of nationality who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion

The expulsion of hundreds of thousands of ethnic Albanians from Kosovo was one of the most terrible episodes of the Balkan drama. Although the Azerbaijani military offensives of 1992 and 1993 each created a humanitarian catastrophe for Nagorno Karabakh, follow-on in the depopulation of 60% of Nagorno Karabakh's settlements and razing its capital Stepanakert to the ground by haphazard artillery bombardment and aerial attacks, the mass exodus of Nagorno Karabakh's population was not achieved, in stark contrast to the case of Kosovo. When the Nagorno Karabakh's defense forces liberated parts of their homeland from the Azerbaijani military, Armenians refugees from Nagorno Karabakh returned to their homes without a humanitarian intervention from abroad.

The nationalist crusades of Yugoslav and Azerbaijani governments against Kosovar Albanians and Karabakhi Armenians started almost simultaneously — in mid-1987, with the

Azeri pogrom against the Armenian inhabitants of the town of Chardakhly in northwestern Azerbaijan and Yugoslav President Slobodan Milosevic's order to publish the notorious Memorandum of the Serbian Academy of Arts and Sciences, which laid down the guidelines of future troubles in the Balkans.

According to a witness of The Earl of Shannon at the House of Lords of the British Parliament: "...Hence the theoretically overwhelming might of Azerbaijan; its large population; Turkish officers in uniform commanding troops; and Mujahideen, whom I interviewed through interpreters, being paid 500 dollars per month to come to fight for the Azeris. The infinitely smaller Nagorno Karabakh population threw out that overwhelming might and drew cordon sanitaria around its country to stop it being shelled over the border. The reason is quite simply that the Nagorno Karabakh Armenians are front-line soldiers and I am afraid that the Azeris do not measure up to the same quality ..." (17 March, 1999)

Despite this fact, the marauding bands of Azeris, armed with makeshift arsenal, ransacked Armenian homes, beating and killing the inhabitants under the direct management and direction of the municipal authorities of Sumgait, it was a drawn-out, low-tech massacre, much of it perpetrated with knives and iron rods, and the killers often broken up their work to rape and torture their victims. The legacy of the 1905 pogroms, the September 1918 slaughter of 30,000 Armenians of Baku and the March 1920 annihilation of 20,000 Armenians of Nagorno Karabakh's former capital of Shushi by Azeri and Turkish forces was revived in Azerbaijan.

The February 1988 massacre of Armenians in Sumgait was the first episode of mass ethnic violence in the Soviet history. This Azeri-perpetrated murder of hundreds of civilians — mainly women and the elderly — also resurrected the memories of the 1915 Genocide of Armenians by the Ottoman Turks, in which more than 1.5 million Armenians perished and the West Armenian heartland was erased from the face of the earth. The chauvinistic wickedness

in Azerbaijan displaced over 370,000 people — approximately 80% of all Armenians residing in Soviet Azerbaijan. Thus, half-a-million-strong native communities of the historical Armenian provinces of Utik and Paitakaran, which made up part of today's Azerbaijan in the past and existed as flourishing civilizations two millennia before the first proto-Azeri infiltrators first appeared there uninvited, were uprooted and destroyed.⁵

The fact is that in the beginning of March 1988 about 50,000 Azeris easily left Armenia in a matter of days, ahead of time fearing Armenian revenge for the Sumgait massacre of Armenians in Azerbaijan, which took place from 26-28 February 1988. Not surprising, the great majority of these ethnic Azeri migrants came back to Armenia one month later, in April, with the same ease, when it became clear that the Armenians were devoid of any rancorous moods directed against them. This demonstrates the quasi-nomadic mentality is still deeply rooted in the Azeri psyche. For instance, the traditionally high territorial mobility of Azeris, who were repeatedly encouraged by Baku authorities to move to Nagorno Karabakh in order to change its ethnic composition, was used as a tool of ethno-demographic warfare waged by Azerbaijan against Nagorno Karabakh in Soviet times.

In a similar fashion, panicking Azeris left Lachin, Kelbajar and other regions in and around Nagorno Karabakh as the first sounds of remote battles, far behind the mountains, worried them about a possible overflow of military operations to the places of their current presence.

The retreat of Azeri tribesmen from Nagorno Karabakh and adjacent regions was a sad event as was the earlier mass expulsion of Armenians from Nagorno Karabakh and other parts of Soviet Azerbaijan. However, international experts agree that while there well-documented evidence of the systematic deportation of Kosovo Albanians and Karabakh

⁵ ⁵ Some observers in the past had an image of Azerbaijan as a relatively cosmopolitan place. The reason why that erroneous image was so successfully maintained lies in the fact that the absolute majority of visitors to Azerbaijan used to limit the range of their travel to Baku, -cosmopolitanism has been kept up due to the efforts of local Armenians, Russians, Jews and representatives other nationalities which together comprised a demographic majority in that city for a long time.

Armenians exists; the return of Azeri colonists from Nagorno Karabakh to the plains of Central Azerbaijan was not part of any predetermined plan of the Karabakh's Armenian leadership but was the result of a spontaneous panic reaction (Fuller, Liz 1999).

The ethnic Azeris left Armenia by selling or exchanging their flats with the smaller number of incoming Armenian refugees from Azerbaijan. They also received compensation from the Armenian Government for the property they had lost to the tune of 110 million dollars. Unlike this, Armenian refugees who arrived in Armenia from Azerbaijan after the Sumgait and Baku massacres and hostilities in the rural Armenian-populated districts of Azerbaijan, received no compensation from the government in Baku, in spite of the fact that they could not sell their flats and in most cases left their property behind, the total value of which is estimated at 2 billion dollars.

The Karabakh Armenians, in contrast to the Yugoslav case, had no organizational and material resources to round up and expel the population of entire regions as was done in Kosovo. In Nagorno Karabakh, the local population mobilized to repel the aggression of the overwhelming Azerbaijani Army.

PART VII

Prospects for Solutions of the Conflicts: Self Determinations of Kosovars and Karabagh People vs. Sovereignty not Accepted by the International Community

It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause, who at best knows achievement and who at the worst if he fails at least fails while daring greatly so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Theodore Roosevelt:

From a speech given in Paris at the Sorbonne in 1910

Indeed, two conflicts, which have profoundly shaken to different extents former Soviet camp and later on the world, need solutions. The following part of the essay is devoted to the clarification of the possible if not final solution, but long lasting ones and latest developments in both cases.

Since at least 1981, strife over Kosovo has been about the external consequences of its status, not its internal order. "In a political context in which identities and states are being reformed, redefined, and reconstituted, including changes in borders, the case of Kosovo has been a catalyst or instrument of these reformulations throughout former Yugoslavia and the wider region." (Chandra L. Sriram, 1999) .A decision about the status of Kosovo might raise issues regarding Albanians in other states in the region and minorities in Kosovo itself.

The same process was along the Karabagh conflict, where the problem was and is the identification of the status of former Autonomous Oblast. There can not be any talks about the internal order in Karabagh case because of the mono ethnic composition of the Karabagh Armenians and common strive for independence can be seen as prerequisites for the internal peace of NK. But according to Aivazian, the reasons and solutions to the conflict “are not to be found in the domains of ideology or social and ethnic psychology but in the realm of strategy, or more precisely, geostrategy”. Aivazian notes that Karabagh conflict evolves on two levels: strategic and diplomatic legal. So, strategic is not only a purely a military aspect, but it is the set of complex factors that determines the strategic thinking of the immediate parties to the conflict. Diplomatic – legal level can be only achieved only through the deep understanding of the mediators of the conflict and its reasons. (Aivazian Armen, 2001).

For example, in Karabagh conflict the perception of the reasons of the conflict differs a lot between immediate parties to the conflict (IPCs) and OSCE Minsk group. As, the understanding of IPCs that the NK’s conflict is about the entire territory of Armenia, Azerbaijan and to some extent Turkey vs. Minsk group’s view of the conflict as “limited to NK and adjacent territories” .

In international law the right of self-determination connotes the right to political involvement and the liberated exercise of the will of the people to use sovereignty in a state of their choosing - a right very rarely enshrined explicitly in domestic law. Self-determination has internal and external components: the former is the degree to which the populace determines the composition of the government, while the latter refers to the place of a state as a sovereign subject in international law. The right to self- determination has ramifications for both domestic and international law, providing both for the continued rights of people in an existing state to be free of suppression and the right of a subjugated people to be free or to choose the state to which they belong. Such rights can be realized through the establishment

of a sovereign state, free association or integration with an existing, more extensive state, or some other political status freely chosen by a people. Self-determination is not contrary to sovereignty, but parallel to it; the culmination of self-determination is the creation or selection of a state sovereign and the exercise of territorial control. The exercise of self-determination need not result in the carving out of a separate state, but may come in the form of autonomy of a sub-state entity. However, in the international community there is concern that the exercise of self-determination not casually, disrupts the territorial integrity of existing states. According to Chandra L. Sriram, (1999), several factors aggravated the Kosovo crisis. First, demographic shifts, particularly the steep growth in the Albanian population, heightened the ethnic tensions in Kosovo. Second, the Serbs took an increasingly hard line towards the Albanians with revocation of autonomy, pushing them to establish a parallel government. Third, the instability in Albania in 1997 that threw open the country's arsenals produced an unstoppable flow of weapons into insurgents' hands in Kosovo. Fourth, Milosevic has used Kosovo as a tool to entrench his own domestic power. Finally, the situation was exacerbated by misperceptions and miscalculations on the part of both the West and Milosevic.

Kosovo raises serious theoretical and political problems. Sovereignty precludes most intrusion in domestic affairs, but international action, particularly surrounding Kosovo, has highlighted the development that obvious violation of human rights can severely limit the presumption of non-interference- a limitation formally ratified in international law a half-century ago in the genocide convention. However, self-determination as a originator to independence remains problematic, particularly as significant Albanian populations reside in surrounding states, raising the specter of further state disintegration. Finally, any political arrangement must take account of minorities still residing in Kosovo.

There are many potential solutions for the final status of Kosovo-some almost impossible, some just unlikely, and the others problematic. They range from reversion to a

unitary Serbia to secession and independence (or secession and unification with Albania), with a return to the status quo ante of 1989, a finely tuned autonomy. Also on the spectrum is a confidently more narrative approach to the sovereignty dilemma: a new form of self-governance in tandem with E.U. programs for participation in European integration that would serve the countries of the South Eastern European region. Maximal self-rule in this circumstance would not necessarily require moving formally towards state dissolution and formation. The key to this approach is regional integration, a process that softens borders and encourages economic and socio-cultural exchange; such integration could take place through the E.U., as Yugoslavia is surrounded by E.U. members and applicants for membership. To be durable, final status policies must include democratization and demilitarization, the acceptance of multiple identities, flexibility regarding geography and governance, internationalization (specifically Europeanization).

Since 1998, Armenia has insisted on a "package" solution to the conflict that would address and resolve all disputed issues in a single agreement, without leaving any "loose ends," even if the various provisions of that agreement were implemented not simultaneously but consecutively, over time.

Azerbaijan, by contrast, favors a "step-by-step" approach, under which a series of separate aspects of the problem would be addressed and resolved one at a time, and the second problem or set of problems would be addressed only after measures to implement the first had been successfully completed. That approach would theoretically enable Azerbaijan to demand a major concession from Armenia -- such as the withdrawal of Armenian forces from the regions that they currently control bordering on the unrecognized Nagorno Karabakh Republic -- without making a concession of similar magnitude in return. That approach is anathema to Yerevan, as it entails the possible danger of Armenia granting its biggest "bargaining chip" -- the occupied districts.

U.S. diplomats previously involved in the Minsk Group process say that the "package" approach was the basis for the tentative agreements, known as the "Paris principles," arrived at during the spring of 2001 during talks in Paris and Florida between Armenian President Robert Kocharian and his Azerbaijani counterpart Heidar Aliyev. Aliyev, however, apparently subsequently realized that it would be more difficult than he originally thought to persuade the Azerbaijani people to accept a peace agreement that required a major concession from Baku.

The failure of the "Paris Principles" underscores the extent to which the result of any peace process is unavoidably hostage to domestic political considerations, specifically, the willingness or the reluctance of national leaders to risk their careers by agreeing to concessions that many voters consider not only politically unacceptable but an offense to the memory of those who gave their lives fighting. While success could be rewarded by a nomination for the Nobel Peace prize, failure, or even badly judged timing, can spell the end of a political career.

The conflict sides and the OSCE Minsk Group have a gentlemen's agreement not to divulge either specific proposals under discussion or the reactions of one side to statements by the other. That insistence on the confidentiality of the negotiating process is projected to prevent the leak of details that could destroy a shaky consensus reached in months or even years of talks by aggravating a domestic political counterattack that might even endanger the stability of one or both governments. But it is worth mentioning, that the lack of detailed information also serves to engender any amount of speculation, disinformation, and rumors concerning peace proposals that have no formal status -- such as "that by EU rapporteur Per Gahrton, that Armenia withdraw its forces from five occupied Azerbaijani districts in return for the resumption of rail communication between Azerbaijan and Armenia." (Fuller, Liz 2004).

Merzlyakov's Moscow discovery suggests that there are indeed grounds for cautious optimism that a solution to the conflict could be reached. But Azerbaijani Foreign Minister Elmar Mammadyarov warned that it will take time. The Azerbaijani daily "Ekho" on 24 June, 2004 quoted him as comparing the negotiations to cooking, implying that for the best results, neither process should be rushed. At the same time, Mammadyarov expressed confidence that the final product will be both "tasty" and "digestible" to everyone.

On April, 2005 -- The foreign ministers of Armenia and Azerbaijan, Vartan Oskanian and Elmar Mammadyarov, met in London and on 15 April discussed new proposals drafted by the OSCE Minsk Group for resolving the Nagorno Karabakh conflict, a Moscow correspondent for RFE/RL's Armenian Service reported on 5 April quoting Yurii Merzlyakov, the Russian Minsk Group Co-chairman. Merzlyakov did not give details of the new peace plan, other than to warn that it will require mutual concessions from both sides. Armenian Defense Minister Serzh Sarkisian warned last week that "painful" concessions are unavoidable (see "RFE/RL Newslines," 31 March 2005).

Two trends had seemed to call into question the prospects for further progress towards a peaceful solution of the Nagorno Karabakh conflict. In late February, Oskanian fell ill with pneumonia, and was unable to travel to Prague for a further round of talks with his Azerbaijani counterpart Elmar Mammadyarov (see "RFE/RL Newslines," 2 March 2005). Oskanian had implied at the beginning of a "new phase" in the conflict settlement process following his previous meeting with Mammadyarov in January (see "RFE/RL Caucasus Report," 21 January 2005). But the Minsk Group's failure to reschedule the Prague meeting fuelled speculation that unanticipated obstacles to the peace process had emerged.

According to RFE/RL Newslines from 23 March 2005: "a considerable number of minor violations of the ceasefire agreement signed 11 years ago have been registered in recent weeks on the Line of Contact separating Armenian and Azerbaijani forces. At least six

servicemen have reportedly been killed in those exchanges of fire". Several Armenian politicians have construed that escalation of low-level hostilities, which Oskanian said on 29 March is the result of Azerbaijani efforts to move their front line closer to Armenian positions, as evidence that Azerbaijan is preparing for a major new offensive -- an assumption that is corroborated by the militant rhetoric of Azerbaijani President Aliev and Defense Minister Colonel General Safar Abiev. Oskanian initially told journalists on 23 March he thinks such rhetoric is intended for a domestic audience, Noyan Tapan reported. But one week later, addressing the Armenian parliament, he admitted the possibility that Baku may seriously intend to start military actions (see "RFE/RL Newline," 30 March 2005).

Azerbaijan was indeed the aggressor during the recent wave of shootings along the Line of Contact. But it is not beyond the realm of possibility that Baku was prepared to risk provoking such limited exchanges of fire and blaming them on the Armenian side in order to deflect public attention from the recent report released by the OSCE Minsk Group on the situation in the seven districts adjacent to the NKR which are under Armenian control. That report, presented to the OSCE's Permanent Council in Vienna last month, effectively demolishes Azerbaijani allegations that the Armenian government has over the past decade engaged in a deliberate and systematic attempt to resettle tens of thousands of Armenians on those territories. Despite the recent ceasefire violations, both Oskanian and Mammadyarov remain publicly committed to the search for new blueprints for resolving the conflict

Mammadyarov, made new suggestions to air at his next meeting with Oskanian, as well as according to the independent ANS television station, during his talks with Rupel, Mammadyarov signaled a softening of Azerbaijan's position on one key issue: he admitted that "sooner or later" the Armenian community of the NKR should join in the Armenian-Azerbaijani talks on resolving the conflict because "we cannot take any steps without them".

But Mammadyarov added, "We think we should continue the talks with Yerevan and achieve some results." Previously Baku has ruled out the participation of the NKR in such talks.

In early July, Armenian officials told RFE/RL's Armenian Service that Armenia and Azerbaijan had reached agreement on the key points of a formal peace accord ending the Nagorno Karabakh conflict, and that agreement could be signed by the end of 2004 year. Days later, the Minsk Group co-chairmen likewise expressed cautious optimism. U.S. co-Chairman Steven Mann told journalists in Yerevan on 14 July that "there is a possibility of a Nagorno Karabakh settlement in the course of this year," RFE/RL's Armenian Service reported. Mann repeated that prognosis the following day but qualified it, saying, "There are very difficult issues that are still on the table and real gaps between the two sides." According to the website day.az, Azerbaijani Deputy Foreign Minister Araz Azimov, who is President Aliyev's special envoy for the Nagorno Karabakh conflict, was even more upbeat, telling journalists in Baku on 18 July that "we are closer to peace than ever before" .

But unfortunately, contradicting facts, came after each other, such as , Azerbaijani Foreign Minister Elmar Mammadyarov's claim that Yerevan had agreed to, and the two sides were already discussing the time frame for, the withdrawal of Armenian forces from seven districts of Azerbaijan bordering on the unrecognized Nagorno- Nagorno Karabakh Republic (NKR). The Armenian Foreign Ministry rejected Mammadyarov's claim the following day. Echo-az.com quoted Mammadyarov as saying that the two sides are discussing both the "phased" and the "package" approaches to resolving the conflict. But a senior Armenian Foreign Ministry official told this writer on 8 June on condition of anonymity that the final agreement will be a package one, although its various provisions might be implemented one after the other, rather than simultaneously.

The people of Nagorno Karabakh have their own state that was proclaimed independent on January 2, 1992 after a nation-wide referendum conducted earlier. The rights of Nagorno

Karabakh people are fixed in NKR legislation and are strictly observed. Nagorno Karabakh citizens play an active role in the political life of the republic, strengthen and develop state and civil institutions including the supreme legislative body of the republic – the National Assembly. Since the independence, three presidential, four parliamentary and three municipal elections have been conducted in Nagorno Karabakh. International observers assessed them as transparent, free and fair.

The NKR CEC calls the Azerbaijani side with which Nagorno Karabakh has had no political and legal ties for about 20 years to refrain from groundless and obviously populist statements misleading international public opinion and direct efforts towards constructive dialogue and establish stability in our region and peaceful co-existence of the two countries. The war in Kosovo was a gigantic miscalculation by the West. It did not expect the expulsion of a million Kosovars from Kosovo. Instead it expected a quick capitulation by Yugoslavia. It was tragically wrong on both counts and a humanitarian disaster of monumental proportions has occurred. The agreement to end the conflict was the best that either side could expect to get. However, the future in Kosovo will be rocky and will require a peacekeeping force including substantial numbers of U. S. troops for many years. No one was a winner in this war, not Yugoslavia, not the people of Serbia, not the KLA, not Albanian Kosovars, not Serb Kosovars, not the region where political instability has increased, not NATO, and certainly not the United States which by virtue of the bombing had worsened not only relationships with the governments of Russia and China but with the Russian and Chinese people as well.

The framework for a political solution to the Kosovo crisis based on the following general principles:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;

- Deployment in Kosovo of effective international civil and security presences endorsed and adopted by the United Nations capable of guaranteeing the achievement of common objectives;

-Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to insure conditions for a peaceful and normal life for all inhabitants of Kosovo.

-The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;

-A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;

- Comprehensive approach to the economic development and stabilization of the crisis region.

At this time the situation in the Balkans remains unsettled and dangerous. It is clear that the the Dayton dream of a unified Bosnia has not happened and does not seem likely to. Nor has it come to pass that Kosova has achieved its long sought goal of independence from Serbia. The ambiguity of UN Security Council Resolution 1244 remains, leaving the fate of Kosovo unresolved. Macedonia is increasingly destabilized by the ethnic Albanian insurgency and the goal of a greater Albania under Muslim control is a possibility, but not likely. NATO's bombing campaigns in Bosnia and Serbia stopped the fighting, but settled nothing. We must await the judgment of the "Cunning of History"

In order to give a long-lasting solution to a Karabagh problem, one needs to deeply understand the essence of the conflict. According to Aivazian : “a successful settlement of

this conflict depends on whether the international mediators, as well as parties to the conflict, understand adequately what is taking place on the ground and how seriously they try to cope with the fundamental causes of this conflict “First of all, it is important to note that Karabagh has never been part of independent Azerbaijan. At the time of collapse of the Soviet Union two states were formed: the Azerbaijani Republic on the territory of Azerbaijan Soviet Socialist Republic and Republic of Nagorno Karabagh on the territory of the Nagorno-Karabagh Autonomous Region. Establishment of both these states has similar legal grounds. The territorial integrity of Azerbaijan, henceforth, has nothing to do with the Republic of Nagorno Karabagh. Second: the war of 1992-94 was launched by the aggression of the Azeri authorities, which attempted to implement ethnic cleansing of the territory of Nagorno Karabagh with the purpose of its annexation. The situation in place today is the result of a selfless fight of the Armenians of Nagorno Karabagh for survival on their own land. It is a classical example of both the implementation of the right for self-determination and of misusing the “territorial integrity” concept as a justification for ethnic cleansings.

But what we have instead, according to Chorbajian, is:” 1) Azerbaijan’s rejection of Karabagh Armenians as a parties to the negotiations, 2) the acceptance of this rejection by the industrialized states of the West, 3) rejections of the Karabagh Armenians’ rights to self-determination on the basis of self-interest arguments masquerading as universal principles, that is the alleged primacy of territorial integrity over self-determination. “

Opposed to Karabagh problem solution, summer 2005, was kind of decisive for Kosovo. The international community set to review the highly charged issue of Kosovo's political status. Since a 1999 NATO air campaign drove Serb forces from Kosovo, this poor, tense corner of the former Yugoslavia has been in legal midpoint. The Bush administration gave a welcome, if belated, push toward resolving this thorny problem by putting forward a road

map toward resolution. If all goes well, final-status negotiations - involving Europe, the US, and both sides in the conflict - would begin in the fall.

Conclusions

If only by 1190 Kosovo had become the administrative and cultural center of the medieval Serbian state, Artsakh, ancient Armenian name for Karabakh, from ancient times was within Armenian kingdom as its 10th province.

Both regions suffered a lot because of the invasions of Turkic hordes. The consequence of those invasions resulted in the destruction of the Armenian kingdom in the mid-eleventh century, and in the victory of the Ottoman Turks over the Serbs in the 14th century, which made Kosovo a part of the Ottoman Empire. The Muslim domination in Kosovo and Karabagh had different outcomes: while the Albanians and to a lesser extent Serbs were gradually converted to Islam, Artsakh/Karabakh remained staunchly Christian. This happened partly due to the preservation of Armenian armed forces in this mountainous region.

During the seventeenth and eighteenth centuries, more and more Serbs left Kosovo and moved north, while the leadership in Karabagh attempted to interest the monarchs of Russia and other European powers in the liberation of Armenia, occupied by the Ottoman and Persian Empires.

During the Soviet period, despite the intensive migration into the region of Azerbaijanies, the Armenians comprised almost 80% of the entire population of Nagorno-Karabakh. As for Serbs, in 1989 they constituted slightly more than one-tenth of the entire population of the Autonomous Region of Kosovo, thus becoming demographic minority.

Tensions between the two communities (Serbs and Albanians) had been simmering throughout the 20th century. The Communist government of Josip Broz Tito systematically repressed nationalist manifestations throughout Yugoslavia, seeking to guarantee that no Yugoslav republic or nationality gained dominance over the others. In particular, the power of Serbia was diluted by the establishment of autonomous governments in the province of

Vojvodina and Kosovo. Kosovo's formal autonomy, established under the 1945 Yugoslav constitution, initially meant relatively little in practice.

The Soviet Union created the Nagorno-Karabakh Autonomous Region within Azerbaijan in 1924, when over 94 percent of the region's population was Armenian. By 1960 hostilities had begun between the two populations of the region and attempts to drive Armenians out and replace them with Azeris were conducted, as was done in the Armenian territory of Nakhichevan. In the Gorbachev era of glasnost (publicity), the Armenians openly protested Soviet ethnic injustice; the reform movement in Nagorno-Karabagh became the grandfather of freedom not only in USSR itself but also in former Eastern Europe.

Nagorno Karabagh was Christian autonomy within the Muslim Azerbaijan, and Kosovo – Muslim autonomy within Christian orthodox dominated Yugoslavia which added some fuel to the conflicts.

The contrast of Karabagh with Kosovo is striking: even before the collapse of the Federal Republic of Yugoslavia there were 600 of operating mosques in the Autonomous Region of Kosovo, which enabled Kosovar Albanians to practice Islam freely. In contrast, the Nagorno-Karabakh Autonomous Region was the in the USSR's only political-administrative entity with the majority Christian population that didn't have a single functioning church. Nagorno Karabakh's 186 standing churches and monasteries remained idle from 1931 to 1989, thus effectively barring its Armenian population from practicing Christianity.

The case of Nagorno Karabakh was unique, because its independence was declared in accordance with the legal requirements of the Constitution of the USSR, which was legally binding on all union territories. The Soviet Constitution stated: "An autonomous oblast does have the right to secede in the event that the republic within which it resides decides to secede from the Soviet Union".

In contrast to the Soviet Constitution, the Constitution of the Federal Republic of Yugoslavia did not include any provisions or procedures of the secession of its federal republics and more over, autonomies from the Federation. Congress of People's Deputies of the USSR Supreme Council, 1990 adopted "Law on the Resolution of Issues of Secession of Union Republics from the USSR". The law stipulates that, if a Union Republic appeals to break away from the USSR, the autonomous body or bodies within the Union Republic can reject to continue to be a constituent of the seceding republic. Thus, in 1991, the residents of Karabakh voted by plebiscite to secede from Azerbaijan.

The most important difference in the cases of both conflicts lies in the effort of international community to cope with them. In the case of Karabagh the mediation did not go further than only mediation itself, in Kosovo case it brought NATO's military intervention. While in the case of NK international community was contemplating, ineffectively, how to stop the hostilities, the intervention of the NATO was aimed to protect Kosovar Albanian minority from the policy of ethnic cleansing launched under the direction of Yugoslav President Slobodan Milosevic. In the case of Kosovo, it can be argued that even if *politically* or *morally* a humanitarian military intervention can be justified, *legally*, the legitimacy of the use of the force against a sovereign remains a subject of hot debates. Neither in Karabagh nor in Kosovo, did the pure diplomatic interventions succeed.

Mechanisms for the settlement which have proved to be effective in both conflicts are very similar- military solutions. But the difference is that in Nagorno Karabakh conflict military solution was secured by the Armenian side as opposed to Kosovo conflict, where the military solution was secured by the NATO.

By 1997, the Minsk Process has produced two alternative variants of the settlement of the Karabagh conflict, known to the public as the 'package' and 'phased' solutions. The 'package' solution favors a comprehensive settlement of the conflict, spelling out the status of

Nagorno Karabagh, In contrast, step-by-step approach, deals with the issues of Azerbaijani regions, Lachin Corridor, refugees, etc., first and leaving the status of Karabagh for the next stage.

Since its establishment in 1999, the OSCE Department of Elections was organizing and supervising elections. Over the last four years, four elections were held in Kosovo - at the municipal level in 2000 and 2002 and the central level in 2001 and 2004. Such a trend is crucial to the development of an inclusive and democratic society.

Western community is rightly gravitating towards the recognition of Kosovo's independence. Such a decision would involve some difficult issues, but considering the alternatives, independence makes the most sense. Serbia's notion of "more than autonomy, but less than independence" is vague, and simply won't be accepted by Kosovo's majority Albanians. Serbia is now a fledgling democracy, but that doesn't erase the Albanians' historic fears. Only in two ways Serbia would give up Kosovo, if, of course, it would. First, it must be promised eventual assimilation with the world of democratic nations, including the European Union and NATO. And second, it must receive guarantees of protection for the Serb minority in Kosovo.

As for Nagorno Karabakh, the international community should abandon its insistence that the principle of territorial integrity, which Azerbaijan consistently adduces as central to any settlement of the conflict, should not automatically take precedence over the right to national self-determination. In that context, the examples of East Timor and the ongoing discussion over the future status of Kosovo independence could be seen as vivid precedents for Karabakh.

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