

AMERICAN UNIVERSITY OF ARMENIA

A STUDY OF NAGORNO KARABAKH CONFLICT:
TOWARDS MEANINGFUL MEDIATION

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Nagorno Karabakh Conflict: Towards Meaningful Mediation

Abstract

Given the complex nature of the Nagorno Karabakh conflict, its root causes and contesting territorial claims revolving around the territories adjacent to Nagorno-Karabakh and the political status of the entity itself, the study attempts to assess the major challenges and obstacles that stand on the way of the OSCE Minsk Group mediators for a successful engagement in Karabakh conflict.

Because of the complex historical dispute revolving around the status of Nagorno-Karabakh, the paper introduces a brief summary of the turning points in the history of the entity, as well as the central events leading to the breakup of the conflict as background knowledge.

The central concern of the essay is the identification and analysis of the main challenges that the OSCE Minsk Group co-chairs face in their attempts to resolve the Nagorno-Karabakh conflict. It analyzes the intertwined nature of strategic/tactical barriers (e.g. the political status of Nagorno-Karabakh and security, transfer of territories and return of refugees) underlying Nagorno-Karabakh conflict that have attracted the primary attention of the OSCE mediators and posed a major challenge to an effective conflict resolution. It then turns to the analysis of social-psychological dimensions (e.g. misinterpretations of history, propaganda and dehumanization of the other side) and structural/institutional obstacles (e.g. Nagorno-Karabakh as a secondary party to conflict) of the Nagorno-Karabakh conflict as well as assesses their impact on the OSCE Minsk Group mediation efforts to broker a peaceful agreement to the conflict.

The paper also focuses on the analysis of different proposals made by the OSCE co-chairs and discussed by the parties to the conflict as a source for the identification and analysis of major flaws in the OSCE mediation. Informed by the analysis of major obstacles underlying the Karabakh conflict, the paper concludes with the layout of the strategy for more comprehensive conflict resolution in the Nagorno Karabakh conflict.

Introduction

Given the complex nature of the Nagorno-Karabakh conflict, its root causes and contesting territorial claims revolving around the territories adjacent to Nagorno-Karabakh and the political status of the entity itself, this study attempts to assess the major challenges and obstacles that stand on the way of the OSCE Minsk Group mediators for a successful mediation in Karabakh conflict. To this end, this paper will be based on the framework developed by Mnookin and Lee¹ (1995) that draws on the importance and analysis of strategic/tactical barriers (security issues and strategic problems), structural/institutional issues (representation and involvement of all parties to the conflict in negotiations) and psychological barriers (intersocietal dimensions, and the patterns of enmity and hostility) for comprehensive conflict resolution and will apply it to the analysis of Nagorno-Karabakh conflict and the assessment of the OSCE mediation in it.

Apart from its comprehensive analytical structure, this framework is well suited for the identification, exploration and overall assessment of major barriers in the Nagorno-Karabakh conflict that need to be addressed for effective dispute resolution. The one clear privilege that it offers in this regard is its interdisciplinary nature that not only enriches the field of conflict resolution, but also enables to explore it from a variety of different perspectives, including those of social and cognitive psychology. More importantly, this framework appears to be well suited for the purpose of this study, since its interdisciplinary nature renders better analytic tools for exploring the research questions underlying this paper addressing the strategic barriers, structural

¹ Mnookin, Robert H. and Lee Ross (1995). "Introduction." In *Barriers to Conflict Resolution*. Arrow, Kenneth, Mnookin, Robert et al., (Eds.). (New York: W. W. Norton and Co.)

obstacles and intersocietal dimensions of the Nagorno-Karabakh conflict and its social-psychological patterns of enmity and hostility.

In other words, the central concern of this paper is to account for the major barriers of the Nagorno-Karabakh conflict and assess their impact on the OSCE Minsk Group mediation process to broker a peaceful agreement to the conflict. To this end, the analysis of different proposals made by the OSCE co-chairs and discussed by the parties to the conflict will serve as a primary source for the identification and analysis of the OSCE mediation strategy.

The thesis question proposed for this study is:

How could the social-psychological and structural barriers of the Nagorno Karabakh conflict be meaningfully addressed by the OSCE Minsk Group mediators?

The research questions are:

1. What are the main challenges that the OSCE Minsk Group co-chairs face in their attempts to resolve the Nagorno-Karabakh conflict?
2. What are the strategic/tactical barriers of the Nagorno-Karabakh conflict?
3. What are the structural/institutional barriers of the Nagorno-Karabakh conflict?
4. What are the social-psychological barriers of the of Nagorno-Karabakh conflict and to what extent does the OSCE Minsk Group mediation strategy reflect them?

Structurally, the paper consists of three major parts. The introductory part focusing on the complex historical dispute revolving around the status of Nagorno-Karabakh will give a brief summary of the turning points in the history of the entity, as well as the central events leading to the breakup of the conflict as background knowledge. It also focuses on the identification and analysis of the main challenges that the OSCE Minsk Group co-chairs face in their attempts to resolve the Nagorno-Karabakh conflict. In this regard it will analyze the different proposals made by the OSCE co-chairs and discussed by the parties to the conflict identifying the major flaws in the OSCE mediation.

Part two will analyze the intertwined nature of strategic/tactical barriers (e.g. the political status of Nagorno-Karabakh and its security(make sure you keep the same wording in all the cases), transfer of territories and return of refugees) underlying Nagorno-Karabakh conflict that have attracted the primary attention of the OSCE mediators and posed a major challenge to an effective conflict resolution. It then will turn to the analysis of social-psychological dimensions (e.g. misinterpretations of history, propaganda and dehumanization of the other side) and structural/institutional obstacles (e.g. Nagorno-Karabakh as a secondary party to conflict) of the Nagorno-Karabakh conflict as well as assess their impact on the OSCE Minsk Group mediation efforts to broker a peaceful agreement to the conflict.

Finally, the study will conclude with the layout of the strategy for a more comprehensive conflict resolution of the Nagorno Karabakh conflict. The phased strategies suggested to this end for more effective engagement are largely formulated on the basis of previous account of major obstacles and drawbacks in the overall mediatory efforts of the OSCE in Karabakh conflict.

Key Issues in Nagorno-Karabakh History

Nagorno-Karabakh,² Artsakh³ in Armenian, occupies the northeastern mountainous part of a region of Transcaucasia known as Karabakh since the fourteenth century. Its Armenian

² In his reference to Nagorno Karabakh, Cornell (1999), subjecting the roots of the word “Nagorno-Karabakh” to a semantic study, notes that “The disputed and confusing history of the Karabakh region can be seen in its very name. Karabakh is actually an amalgamation of Turkish and Persian. ‘Kara’ means Black in Turkish, and ‘bað’ means garden in Persian... The contemporary ending ‘bakh’ stems from the russification of the word ‘bag’. The word ‘Nagorno’ simply means mountainous in Russian. Thus in the name of the region, three different languages can be found, in fact the languages of the three powers that have dominated the history of the region. The region is termed Artsakh in Armenian, and Qarabag in Azeri.” Svante E. Cornell, *The Nagorno-Karabakh Conflict*,” *Department of East European Studies*, Report no. 46, (Uppsala University, 1999), 3.

³ The native, Armenian, name for the region is Artsakh; it most probably originated from the compound term **Sartsakh**, meaning "Mountains and Woods." These two words ("sar," meaning "mountain," and "tsakh," meaning "woods" or "forest," in Armenian) together best characterize Artsakh's landscape. Available at http://www.cilicia.com/History.htm#_ftn1

roots, including Christian era Armenian churches, monasteries and khachkars (cross stones) and other historical monuments trace back to the fourth century AD.⁴

The continuous presence of Armenians in Artsakh province was acknowledged in the ancient manuscripts of many historians, confirming that the provinces to the north of Kura (Cyrus) River were part of the historical Armenia. Among classical writers, Strabo, Plutarch, Ptolemy, Dio Cassius, and others contended that the border between Armenia and Caucasian Albania (Aghvank- a non extant Caucasian neighbor representing a mixture of mountainous peoples) was river Kura.⁵

The political form which Nagorno-Karabakh took throughout the history lent itself to small autonomous kingdoms.⁶ In the first century BC it constituted the part of Tigranes the Great's kingdom, more specifically, part of the ancient Armenian provinces of Artsakh and Utik.⁷

Conceived as a geographical stage between east and west, throughout the history Nagorno-Karabakh had been subjected to various invasions of Persian, Mongol conquerors, Seljuk Turk as well as different nomadic Turkic tribes. Despite their dramatic destiny, the Armenians of Nagorno-Karabakh succeeded in defending their indigenous cultural uniqueness and the right to peaceful existence in their ancient homeland.

⁴ Chrysanthopoulos, Leonidas, "Caucasus Chronicles: Nation-building and Diplomacy in Armenia, 1993-1994," (Comidas Institute Books, UK, 2002), 8.

⁵ Chorbajian, Levon, eds., "The Caucasian Knot: The History and Geopolitics of Nagorno-Karabagh," (Zed Books, London, UK, 1994), 53-54.

⁶ While the complete narrative of the history of Nagorno Karabakh and its status at different historical junctures is beyond the scope of this writing, it is worth pointing out that the older and continuous presence of the Armenians in Transcaucasia at large and Nagorno Karabakh in particular is strongly contested by the Azerbaijani historians. The outcome of this confrontation, as noted by many renowned western scholars, has been the distortion of the history to justify the Azerbaijani presence in the region. For a detailed argument on historical issues, see Tadeusz Swietochowski, *Russian Azerbaijan, 1905-1920*, (Cambridge: Cambridge University Press, 1985), 191. Also, Alexandre Benningsen, "Islamic or Local Consciousness among Soviet Nationalities?" in *Soviet Nationality Problems*, Edward Allworth, ed., (New York: Colombia University Press, 1971), 175-180.

⁷ Walker, Christopher, "*Armenia and Karabagh: the Struggle for Unity*, (Minority Rights Group, UK, 1991), 15-16.

The continuous Armenian rule over the territory had been realized by autonomous Armenian nobles (Meliks) from the late first millennium up until the end of the 18th century, even in the periods in which Nagorno-Karabakh was incorporated into larger empires. A century before the Russia's entry into the Transcaucasus, the right of the Nagorno-Karabakh Armenians to remain under the rule of their local Armenian princes was also affirmed by the Persian Shah.

In the beginning of the nineteenth century the nobilities of Artsakh, under the formal unification of "Karabagh Khanate," were annexed to the Russian Empire. The Gulistan Treaty signed in 1813 between Russia and Persia placed Nagorno-Karabakh, along with other areas in Transcaucasia, under the permanent rule of the Russian empire. However, soon after the bloody wars with Ottoman Turks, Persians and different Turkic tribes stretching for hundred years, life in Karabakh was finally marked by a peaceful period that lasted till 1917.⁸

Historical background to the conflict: Nagorno-Karabakh from 1918-1921

The revolution in Russia in 1917 had a deep effect on the destiny of Nagorno-Karabakh people and turned out to be a turning phase in the history of Nagorno-Karabakh conflict that set the basis for further escalation on the eve of the Soviet regime breakup. The dispute over Nagorno-Karabakh between the Nagorno-Karabakh's Armenians and Azerbaijan-on whose side the Ottoman Turkish army invaded Armenia in 1918 and 1920- dates from this period.

In July 1918, the First Armenian Assembly of Nagorno-Karabakh declared the region self-governing establishing the National Council and the government.⁹ In August 1919, the Nagorno-Karabakh National Council entered into a provisional treaty arrangement with Azerbaijani government in order to avoid a military conflict with a superior adversary. As a result of Baku's consistent violations of the terms of the treaty, which culminated in

⁸Avetisyan, H. eds., *"Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,"*, 2009, Antares Publishing House, Armenia, 6.

⁹ Ibid, 9.

Azerbaijanis' massacre of Armenians in Shushi, the Ninth Nagorno-Karabakh Assembly nullified the treaty and entered into a union with Armenia.¹⁰ The anti-Armenian policies of Azerbaijan and Ottoman Turkey, illustrated by the series of atrocities against the Armenians beginning from 1915 Genocide of Armenians in Ottoman Turkey and further continued in Baku and elsewhere in 1918, ceased with the sovietization of the Transcaucasian republics in 1920 and 1921.

The tumult period of 1918-1921 set the foundation for 1988 conflicts in the region. In particular, Joseph Stalin's strategy of "divide and conquer" sowed the seeds for later discontent. On July 5, 1921, the Caucasian Bureau of the Russian Communist Party adopted a political decision to annex the Armenian populated territory of Nagorno-Karabakh to the Soviet Socialist Republic of Azerbaijan (SSR):

Considering the necessity of peace between Muslims and Christians, considering the economic link between Nagorno-and Lower Karabakh and their ties with Azerbaijan, Nagorno-Karabakh is left within the borders of Azerbaijan with the city of Shushi as the center of this Autonomous Region.¹¹

This decision was motivated by regional politics, such as the relations between the higher authorities of Moscow and Turkey, the vision of the vast Muslim world as a fertile soil for the communism expansion and the desire to please the Muslim East. On July 7, 1923, the Soviet Azerbaijan's Revolutionary Committee decided to dismember Nagorno-Karabakh and created on the part of its territory an Autonomous Oblast of Nagorno-Karabakh (NKAO). Since then, the separation became the subject of continuous resistance to the Soviet Azerbaijan's authority and petitions to Moscow, such as in the June 1965 and September 1966. However, the disputable matter was constantly shelved and suppressed by the communist regime.

¹⁰ Avetisyan, H. eds., *Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries*, 2009, Antares Publishing House, Armenia, 11.

¹¹ Cited in Chorbajian, Levon, eds., *The Caucasian Knot: The History and Geopolitics of Nagorno-Karabagh*, (Zed Books, London, UK, 1994), 136.

During the seventy years of the USSR's existence, the government of the Soviet Azerbaijan conducted a systematic policy of deportation of Nagorno-Karabakh Armenians from their historic homeland. While Soviet statistics are not reliable sources and have been suspected of deliberately distorting ethnicity figures, they show that from 1923 to 1979 the Armenian population of Nagorno-karabakh was reduced from 150,000 to 120, 000, while the influx of new settlers increased the Azeri population five-fold from 7,500 to 38, 000 in 1979.¹²

Nagorno-Karabakh from 1988 to the Present

The near revolutionary situation that developed in Armenia in 1988 and 1989 related almost entirely to the struggle for Nagorno-Karabakh's independence, known in Soviet parlance as NKAO. These demands found a complete echo inside Armenia, and the popular mood there oscillated between longstanding demands for the peaceful transfer of the Mountainous Karabakh region, that perestroika would mean ending of a 70-year-old injustice for the people of Karabakh oppressed in an alien republic.

These events occurred at a time when the Soviet state was still believed to have an iron grip on the behavior of its people, and especially on any anti-Soviet dissent. In 1987-1988 the democratic reforms and Gorbachev's new policy of "perestroika and glasnost," Nagorno-Karabakh question reemerged with a new surge. The political movement that emerged at that time raised Nagorno-Karabakh question in a peaceful manner and employed non-violent means, such as marches, petitions, rallies, and strikes.

¹² Armenian Center for National and International Studies, Nagorno-Karabagh: A White Paper (Yerevan, March 1997), 5. In his book on Nagorno Karabakh conflict, Michael Croissant (1971) argues that "following Stalin's incorporation of Nagorno-Karabkh into the Azerbaijani SSR in 1923 and the refusal of his successors to revisit the issue, the question of the region's status was put to rest by years of strong rule..." What this implies more generally is that Nagorno Karabakh has never been part of an independent Republic of Azerbaijan. For more information see Michael Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications*, (Library of Congress Cataloging, 1971), 25.

On 20 February 1988 the Regional Soviet of Nagorno-Karabakh adopted a resolution to transfer the Autonomous Region of Nagorno-Karabakh from the Azerbaijan SSR to the Armenian SSR and at the same to intercede with the Supreme Soviet of the USSR to reach a positive resolution regarding the transfer of the region.¹³ The free will of the Nagorno-Karabakh people expressed in accord with their constitutional right¹⁴ provoked Azerbaijani nationalist backlash in the form of sanctioned pogroms, mass killings in the cities of Sumgait, Baku, Kirovabad, Shamkhor, Mingechaur, and later throughout the entire Azerbaijan.¹⁵

The conflict became militarized in 1991, when forces under the command of Baku and Moscow began an ethnic cleansing of Armenian-populated villages in the north of Nagorno-Karabakh. From April to October in 1991, deploying the forces of the Soviet Army as well as the detachments from the Ministry of Internal Affairs of the USSR (MVD) for its own punitive purposes, Azerbaijan, with the tacit consent of Moscow, launched the operation of forcing out Armenians from Nagorno-Karabakh.¹⁶ The operation of ethnic cleansing carried out under the code name “Ring” succeeded in forcibly emptying 24 villages of Khanlar, Shahumian, Shushi and Hadrut districts of Nagorno-Karabakh from the Armenian population.¹⁷ However, after the unsuccessful August coup in USSR, the situation in Nagorno-Karabakh began to change. In particular, one obvious change was that the Soviet army and the internal forces gradually ceased to intervene in the conflict on the part of Azerbaijan.

¹³ Walker, Christopher, *Armenia: The Survival of a Nation*, rev. 2d ed. (New York: St. Martin’s Press, 1991), 399.

¹⁴ The referendum held in Nagorno-Karabakh was in conformity with Article 3 of the Soviet law “On the Procedures of the Resolution of Problems on the Secession of a Union Republic from the USSR,” which stipulated that “Referendum on independence in a Union Republic that includes autonomous republics, autonomous regions or autonomous oblasts should be organized separately for each autonomous entity...” For more information on legal aspects of Nagorno-Karabakh’s independence see Avakian, Shahen, “Nagorno-Karabakh: Legal Aspects,” (French University of Armenia, 2005), 13-14.

¹⁵ Chrysanthopoulos, Leonidas, “Caucasus Chronicles: Nation-building and diplomacy in Armenia, 1993-1994,” (Comidas Institute Books, UK, 2002), 9.

¹⁶ Avetisyan, H. eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia, 6.

¹⁷ *Ibid*, 7.

On 10 December 1991 Nagorno-Karabakh held referendum on independence: 82.2 percent of Karabagh's registered voters (over 108,736 persons) participated in the elections and 99.89 percent of those casting ballots supported its independence from the already seceded Republic of Azerbaijan.¹⁸ As a result, an independent state entity has been formed on the territory of Nagorno Karabagh which has demonstrated its capacity to defend its own national, security, and economic interests.

The Karabagh Army of Defense, having been formed against the backdrop of joint Soviet and Azerbaijani military operations, successfully breached Baku's blockade in 1992 by opening the Lachin Corridor to Armenia.¹⁹ Subsequently, in response to Azerbaijan's incessant military strikes against civilian population centers, in 1993 the armed forces of Nagorno-Karabakh took control of Kelbajar, Agdain, and other Azerbaijani strongholds to solve the problem of security through defensible borders. In so doing, it protected Karabakh's territory from external aggression and prevented a tragic repetition of history. This was a case of reactive, occasionally preemptive, self-defense.

Key Stages in the Process of Nagorno-Karabakh Conflict Resolution: The Formation of the OSCE Minsk Group

The beginning of the process of Nagorno Karabakh conflict resolution was marked in autumn 1991, when the peaceful protests of indigenous Armenian majority in Nagorno Karabakh against the illegitimate Azerbaijani rule were reciprocated with sanctioned pogroms, economic

¹⁸ Armenian Center for National and International Studies, Nagorno-Karabagh: A White Paper (Yerevan, March 1997), 24.

¹⁹ On August 11, 1992, the US Congress enacted the Freedom Support Act, Section 907 of which prohibited U.S. government assistance to the government of Azerbaijan until it lifted all blockades of Armenia and Nagorno-Karabakh. Section 907 of the Freedom Support Act provided that, except for assistance in connection with nonproliferation and disarmament programs and activities, "United States assistance under [the Freedom Support Act] or any other Act may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno Karabagh. Freedom Support Act 907, 22 USC. 5812 (1992).

blockade and relentless shelling that further strengthened Karabakh Armenian's resolve to free themselves of Baku's rule and assert their right to self-determination. It was during this particular period that the danger of the conflict escalation to a full-scale military confrontation became tangible.

Given its geographical proximity to the region, Russia was the first country to offer its mediation in Nagorno Karabakh conflict in late 1991, which was initiated by the president Boris Yeltsin of Russia and Nursultan Nazarbayev of Kazakhstan after their visit to Nagorno Karabakh, and confirmed in a joint declaration signed in Zheleznovodsk, Russia, with the participation of representatives from Armenia, Azerbaijan, and Nagorno Karabakh.²⁰ Although the mediation effort failed to settle the conflict, it managed to establish a cease-fire in May 1994, which was signed by the parliamentary speakers of Armenia, Azerbaijan and Nagorno Karabagh in Bishkek, Kirgizstan.²¹ Among other things, this three party agreement signified the first recognition of Nagorno Karabagh's distinctiveness as a political and territorial entity in the negotiations.

The Conference on Security and Cooperation in Europe (CSCE, from 1994 OSCE) commenced its direct mediation of the Nagorno Karabakh conflict in June 1992, although its first contacts with the confronting parties date back to February of the same year. The peace process was initiated at an "Additional Meeting" of the OSCE Ministerial Council in Helsinki on March 24, 1992.²² It was decided that the Chairman-in-Office should visit the region in order to contribute to the establishment and maintenance of cease-fire, as well as to the establishment of a

²⁰ Herzig, Edmund, "The New Caucasus: Armenia, Azerbaijan and Georgia," (Royal Institute of International Affairs, 1999), 67-68.

²¹ *Ibid.*, 68.

²² CSCE Council of Ministers decision, Prague, 30-31 January 1992. At the invitation of Armenia and Azerbaijan the organization sent a mission to report on progress towards implementation of CSCE commitments. CSCE Communication no. 79, Prague, 24 February 1992.

framework for an effective peace settlement. In addition, the meeting established the mandate of the Minsk Group of eleven member states²³ charged with preparing a peace conference in the capital of Belarus within the CSCE framework. The decision made during this session called for the creation of a separate group of mediators to prepare for negotiations on the settlement of Karabakh conflict at the Minsk conference.²⁴

Nagorno-Karabakh conflict turned out to be the one of the major peacekeeping challenges for the OSCE that continues to this date. When the OSCE initiated what latter came to be known as Minsk process, it was originally assumed that the conference on Nagorno-Karabakh conflict resolution would elaborate on the subtleties of the peace agreement. It was further presumed that the conference would merely focus on technical issues as the main bulk of the work was to be performed by the preparatory body - the Minsk Group organization. Nevertheless, with the new problems coming to light, the diplomatic preparatory body turned into a negotiation forum, while the Minsk conference was postponed for an indefinite time. The challenges of the Minsk group involved facilitation of a regular dialogue and negotiation between the parties to the conflict aimed at forging a peaceful solution to the conflict. In addition to this, the Committee of Senior Officials (CSO) recommended the OSCE Chairman of Ministerial Council to study the area for the deployment of observation mission to conduct cease-fire negotiations.

The institute of Co-Chairmanship of the OSCE Minsk Group was founded by the decision of the OSCE Budapest Summit in 1994, and was tasked “to ensure a common and

²³ The permanent members of the Minsk Group currently include the following participating states: Azerbaijan, Armenia, Belarus, Germany, Italy, Sweden, Finland, Turkey and, on a rotating basis, the OSCE Troika including the United States, Russia and France.

²⁴ The Minsk Group, with the participation of eleven OSCE Participating States, was mandated to prepare a conference to provide “an ongoing forum for the negotiations aimed at peaceful settlement of the crisis on the basis of principles, obligations and the charter of CSCE.” CSCE, First Additional Meeting of the Council of CSCE, II, point 8, Summary of Conclusions, 24 March 1992.

agreed basis for negotiations and to realise full co-ordination in all mediation and negotiation activities...jointly chair meetings of the Minsk Group and jointly report to the Chairman-in-Office.”²⁵ Implementing the Budapest decision, the Chairman-in-Office issued the mandate for the Co-Chairmen of the Minsk Process, which is presently headed by the co-chairmanship of France, the Russian Federation and the United States. The Personal Representative of the OSCE Chairman-in-Office acts as a permanent representative of the OSCE in a conflict zone and is entrusted with observatory mission.

To consolidate the negotiations process, the OSCE Budapest Summit entrusted the Minsk Group with two important missions, namely, to promote continuation of the ceasefire and to conduct negotiations for the conclusion of a “Political Agreement on the Cessation of the Armed Conflict.”²⁶ It was not mandate to deal with the status of Nagorno-Karabakh, which was expected to remain within the purview of the Minsk Conference. The Budapest meeting also expressed the will to deploy a multinational OSCE peacekeeping force once the Agreement was in place and a High Level Planning Group (HLPG) was created to this end.

It is worth mentioning that the decisions reached at the session of OSCE Council on March 24, 1992, on the approaches and principles regarding the Nagorno-Karabakh conflict were further developed in the four consecutive Resolutions of UN Security Council passed from April to November 1993, and the conclusive document adopted at the summit of Heads of State or Government of OSCE participating States on December 1994, in Budapest.²⁷ In resolutions the UN Security Council expressed deep concern regarding the continuation of military actions, occupied territories in the NK adjacent areas, mass exodus of the population and blockade of

²⁵ Budapest Summit Document, “Towards a Genuine Partnership in a New Era,” 6 December 1994, p. 17.

²⁶ *Ibid.*, 19.

²⁷ Concerned over the escalation of Nagorno-Karabakh conflict and the accompanying fighting in and around Nagorno-Karabakh, the UN Security Council adopted four resolutions concerning the conflict. These are: resolutions 822 (April 30, 1993); 853 (July 29, 1993); 874(14 October, 1993) and 884 (12 November, 1993).

Armenia and Nagorno-Karabakh, urging the parties to conflict to cease military operations and other expressions of mutual hostility, as well as to resume negotiations under the sponsorship of the Minsk Group.

Nevertheless, during the 1996 OSCE summit in Lisbon a crisis within the tripartite framework of negotiations caused by disagreements of the parties to the conflict on key issues, basic principles, and methodology regarding the settlement of the conflict came to fore.²⁸ The last meeting held within the tripartite framework (Azerbaijan, Nagorno-Karabakh, and Armenia) under the auspices of OSCE Minsk Group took place in Helsinki, on April 1-4, 1997.

Proposals Discussed in the Framework of the OSCE Minsk Group

Between 1997 and 2001 four proposals representing different methodologies with respect to Nagorno-Karabakh conflict settlement were discussed within the framework of the Minsk Group mediation. Among these, the first one known as “Package Solution” presumed finding concurrent solution to all problems, including the final status of Nagorno-Karabakh. Taking into account the number of the contentious issues to be addressed in one package, this approach was considered to offer more flexibility for a comprehensive settlement of the conflict. The package proposal put forward by the co-chairmen of the OSCE Minsk Group between May and July 1997 consisted of two agendas: Agreement I dealing with the issues of ending the conflict, withdrawal of the troops, deployment of peacekeeping forces, return of the displaced people and security guarantees, and Agreement II on the final status of Nagorno-Karabakh.²⁹ The two separate packages, according to the report of the Ministerial Council of the OSCE 1997, were offered “...to allow the parties to negotiate and implement each at its own pace, but with a clear

²⁸ OSCE Lisbon Summit Document, “Statement of the OSCE Chairman-in-Office,” Annex 1, 2-3 December 1996.

²⁹ Volker Jacoby “The role of the OSCE: an assessment of international mediation efforts,” (Conciliation Resources, Issue 17, 2005), 32-33. Available at : <http://www.c-r.org/our-work/accord/pdfs/downloads.php>

understanding that at the end of the day all outstanding issues will have to be resolved.”³⁰ While the initial reaction of Baku and Yerevan regarding the proposal was positive, the parties to dispute failed to make any meaningful progress in the negotiations. Among other reasons, the sequential nature of the moves that the package solution entailed arose many doubts in the minds of the disputing parties as regards the ingenuity and readiness of the other side to pursue the full implementation of the agreement on the ground. Nor were the societies along the conflicting lines, mostly due to the secretive nature of the talks, prepared to adequately appreciate the overall nature of the proposal and the flexibility that it rendered in terms of reaching a balanced agreement. In an atmosphere filled with aggressive rhetoric, enmity and hostility, the authorities failed to garner public support for mutually acceptable solutions.

The so-called step-by-step solution proposed in December 1997 envisaged signing Agreement I before Agreement II, while the issue of Lachin corridor linking Nagorno-Karabakh with Armenia was transferred to Agreement II. It was further assumed that Nagorno-Karabakh would keep the existing arrangements until the final decision on its status was made. Before that, however, it would be granted with the internationally recognized “intermediate status.”³¹ Apart from strategic considerations that the step-by-step solution entailed and the concerns of its failure in the implementation processes, which was most clearly articulated by the Nagorno-Karabakh Armenians in terms of its security implications, the underlying hostility, fears and mistrust across the conflicting societies strongly impeded to secure any substantial results. As a result, Karabakh Armenians rejected the phased settlement proposal.

³⁰ Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, (Copenhagen 1997), 38. Available at: http://www.osce.org/documents/mcs/1997/12/4167_en.pdf

³¹ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia, 23.

The “common state” proposal offered in November 1998 represented a somewhat complex model of a common state formation between Azerbaijan and Nagorno-Karabakh, with more or less horizontal relations between Baku and Stepanakert.³² The offer was rejected by Azerbaijan on the ground of violation of the principle of its territorial integrity as well as the principles agreed at the OSCE summit in Lisbon. In the words of Vafa Guluzade, the foreign policy adviser of Azerbaijan’s President, “the Minsk group introduced a potentially dangerous element in the negotiations by accepting the ‘common state’ idea as the basis of a settlement.”³³ The Minsk Group co-chairs were further criticized for having “set themselves the task not of settling the conflict, but of inventing something in order to begin negotiations.”³⁴

Towards the end of 2000, the agenda of Nagorno-Karabakh peace talks integrated meetings between Armenia and Azerbaijan at the highest level, preceded by the preparatory meetings of Ministers of Foreign Affairs of the concerned states. This format of meetings was assumed to facilitate the peace talks and contribute to finding a comprehensive solution to the Karabakh conflict. It was this framework of meetings that draw much attention during the discussions held in Paris between the Presidents of Armenia and Azerbaijan under the leadership of the President Chirac in 2001. Later, on April 3-6, 2001, the US Secretary of State Colin L. Powell invited Presidents Heidar Aliyev of Azerbaijan and Robert Kocharian of Armenia to Key West, the United States to host the next round of negotiations within the framework of “two plus three” (Presidents of Armenia and Azerbaijan and the Co-Chairs of the OSCE Minsk Group).

³² Although the exact details of the proposal have not been made public, it seems clear that the idea envisages that Nagorno-Karabakh and Azerbaijan form a common state. One new character of the proposal, however, “was to avoid use of terms such as ‘autonomy’ and ‘territorial integrity’ which had in the past evoked polemics from the rival sides, these terms having become heavily value-laden.” See Svante E. Cornell, “The Nagorno-Karabakh Conflict,” (*Department of East European Studies*, Report no. 46, Uppsala University, 1999), 127.

³³ Cited in Svante E. Cornell, “Small Nations and great Powers: A Study of Ethnopolitical Conflict in the Caucasus,” (RoutledgeCurzon, 2003), 119.

³⁴ *Ibid.*, 119.

In 2001 the mediatory initiative of France and the U.S. put forward a somewhat modified plan on Nagorno Karabakh conflict resolution, which combined elements from the earlier model with the so-called Goble Plan³⁵ (a plan assuming exchange of territories between the parties to the conflict). The proposal was considered at a meeting held between the heads of Armenia and Azerbaijan in April 2001, in Key West, but did not mark any breakthrough in negotiations. Despite the following meetings held between the Presidents of Azerbaijan and Armenia in 2002, the mediation efforts fell short of bringing any significant change in the peace discussions.

With the new President of Azerbaijan, Ilham Aliyev coming to power in 2003, the step-by-step process of the Nagorno-Karabakh conflict resolution was resumed which entailed, among other things, the withdrawal of Armenian forces from the occupied territories, and granting Nagorno-Karabakh “the highest level of autonomy within the territorial confines of Azerbaijan.”³⁶

On April 16, 2004, the co-chairs of the OSCE Minsk Group managed to arrange consultations with the Ministers of Foreign Affairs of Armenia and Azerbaijan in Prague. This new phase of meetings that marked the renewal of active consultations with the parties to conflict on finding a durable solution to Nagorno-Karabakh conflict came to be known as the Prague process. During the meeting held on April 28, 2004, in Warsaw, the presidents of Armenia and Azerbaijan charged the heads of their foreign policy departments to continue maintaining consultations with the co-chairs of the Minsk Group.

³⁵ Paul A. Goble, “How the ‘Goble Plan’ was Born”, RFE/RL Caucasus Report, vol. 3, no. 23, 8 June 2000.

³⁶ When asked in detail, the Azerbaijani officials seldom have a coherent view of what such “broad autonomy” would be in practice. Beyond the obvious statement that exact details have to be agreed upon during negotiations, Azerbaijan’s position is that Nagorno-Karabakh would enjoy self-rule but no role in foreign affairs, defense, and nation-level taxation. See, for example, See Svante E. Cornell, “The Nagorno-Karabakh Conflict,” (*Department of East European Studies*, Report no. 46, Uppsala University, 1999), 130.

From March till May 2005, the Co-Chairs held several separate consultations with the Ministers of Foreign Affairs of Azerbaijan and Armenia aimed at paving the way for the meeting between the presidents of Armenia and Azerbaijan, which took place on May 15 2005, in Warsaw, with the participation of Russian and French Foreign Affairs Ministers. In May 2006, after the failed mediation initiatives both at the summit of leaders of Armenia and Azerbaijan in Rambouillet, France, and the meeting between the representatives of Armenia and Azerbaijan, the co-chairs of the OSCE Minsk Group acknowledged that there was no necessity for the intensification of negotiations because of the exhaustion of all possible proposals made so far.³⁷

Finally, in November 2007 the co-chairs of the Minsk Group jointly proposed a set of basic principles for the peaceful settlement of the Nagorno-Karabakh conflict to the sides on the margins of the OSCE Ministerial Council in Madrid. The so called Madrid Principles, currently on the negotiation table, is characterized as a balanced document, while the negotiations are held on the standard diplomatic basis that “nothing is agreed until everything is agreed.”³⁸

The negotiations on Nagorno-Karabakh settlement received a new impetus at the Moscow meeting in 2008 initiated by President of the Russian Federation in his capacity as a Head of Co-Chair state and the signing by Presidents of Armenia, Azerbaijan and Russia of the “Declaration On Regulating the Nagorno-Karabakh Conflict.”³⁹ Given the importance of the ongoing negotiations, one of the points of the declaration further specified that the Presidents of the concerned courtiers “...reaffirm their commitment to advancing a peaceful settlement of the Nagorno-Karabakh conflict in the framework of the basic principles developed by the Minsk Group Co-Chairs in collaboration with the leaders of Armenia and Azerbaijan on the basis of

³⁷ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia), 22.

³⁸ “Nagorno-Karabakh: Risking War,” Crisis Group Europe Report N°187, 14 November 2007, 3

³⁹ Liz Fuller, Moscow Declaration A Victory For Armenian, Radio Free Europe, November 03, 2008.

their proposals advanced last year in Madrid.”⁴⁰ As a result, the Foreign Ministers of both countries were instructed to work together with the co-chairmen of the OSCE Minsk Group to activate the negotiation process.

At present, negotiations on the settlement of Nagorno-Karabakh conflict continue within the framework of Madrid Principles. The principles revolve around three fundamental elements: the non-use of force, territorial integrity and self-determination.⁴¹ While parties to the dispute have accepted the Madrid proposal as a workable document that provides right trade-offs between all these elements, serious disagreements, however, remain in regard to interpretations given to specific elements of the proposal.

With respect to the basic principles on the negotiations table, the official position of Armenia is centred around the importance of obtaining tangible security guarantees for the population of Nagorno-Karabakh by arguing that any viable resolution of the conflict should affirm the Nagorno Karabakh people’s right to self-determination.⁴² Armenia states that any solution which is acceptable to the NKR and ensures security and normal development to the people of Nagorno-Karabakh is an acceptable version of settlement of the Karabakh conflict for it. Armenia, mainly, imposes three conditions: 1) no vertical subordination of Nagorno-Karabakh to Azerbaijan, 2) provision of a land borderline between Armenia and Nagorno-Karabakh and 3) international security guarantees for NKR. Armenia contests the legitimacy of the decision of the Caucasus Bureau of Russian Communist Party of July 5, 1921 on inclusion of Nagorno-Karabakh into Soviet Azerbaijan, and equally rejects the reference to the “fact” of Nagorno-

⁴⁰ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia, 22.

⁴¹ Crisis Group Policy Briefing, *Nagorno-Karabakh: Getting to a Breakthrough*, (Crisis Group Europe Briefing N°55, 7 October 2009), 5.

⁴² Serzh Sargsyan’s interview to Euronews. Available at: <http://www.euronews.net/2011/06/23/difficult-diplomacy-as-armenia-and-azerbaijan-talk-nagorno-karabakh/>

Karabakh being a component of the independent Azerbaijan. Under this approach, two states – Azerbaijan and the NKR – are identified as sides to the conflict, and settlement should assume their participation with equal rights in finding solutions to the existing territorial disputes. Armenia only attempts to take part in this dispute as intermediary and security guarantor.⁴³

The conflict, as long as the argument of the Armenian side is concerned, did not start because the Armenians were controlling Azerbaijani territories, but because Armenians of Nagorno-Karabakh were opting for self-determination, and Azerbaijanis tried to suppress these calls for self-determination militarily. Accordingly, the central issue in the process of the settlement is the recognition of Nagorno Karabakh's right to self-determination, which is the root cause of the conflict itself.⁴⁴ In other words, the issues concerning the transfer of territories controlled by the Nagorno Karabakh armed forces and the refugee problems are the consequences of the conflict. Therefore, any enduring resolution of the NK conflict must address the root causes of the problem, which, above all, is the right of the NK people to self-determination.

In contrast to Armenia's assertions on the right of Nagorno Karabakh people for self-determination, Azerbaijan is strongly opposed to any procedure that would legalize the independence for Nagorno-Karabakh. With respect to the Madrid document, it underscores three major points: "the return of Azeris to Nagorno-Karabakh prior to its final status determination; "equal and mutual use" of the Lachin corridor, a strip of Azerbaijani territory linking Armenia and Nagorno-Karabakh, by both Armenians and Azeris; and, most contentiously, that the

⁴³ Avetisyan, H., eds., "Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries," 2009, Antares Publishing House, Armenia,

⁴⁴ Carley, Patricia, "Nagorno-Karabakh: Searching for Solutions," Peaceworks No.25, United States Institute of Peace, December 1998.

determination of the final status of Nagorno-Karabakh can only be determined within the confines of Azerbaijan's territorial integrity.⁴⁵

In his interview to Euronews the President of Azerbaijan, Ilham Aliyev, mentioned that for many years Azerbaijan's position is based on its readiness to grant the highest possible autonomy existing in the world to people who live in Nagorno-Karabakh and who will return to Nagorno-Karabakh. According to Aliyev the main issue in the OSCE-led talks with the Armenians is the "withdrawal of Armenian troops from all seven occupied territories," referring to the Azerbaijani areas around Nagorno-Karabakh that are "occupied" by Armenian forces.⁴⁶ Azerbaijan rules out independence for Nagorno-Karabakh or any procedure that would legalize its secession. Official Baku says that it is ready for any compromise that would preserve Azerbaijan's territorial integrity and the return of Azeris to Nagorno-Karabakh. On 27 May 2009, President Aliyev said, "there is no discussion on the mechanism of secession of Nagorno-Karabakh from Azerbaijan; neither can there be any such discussion. Neither today, nor in ten or 100 years will Nagorno-Karabakh be independent."⁴⁷

From the perspective of Nagorno-Karabakh, the key issue at stake in the negotiations is the physical security of its population. Karabakh wishes to obtain security guarantees that would be at least equivalent to those currently in place.

The official position of the NKR is based on three key tenets. First, there can be no direct subordination of one party to the conflict to another – that is, no vertical relationship between Azerbaijan and the NKR. Second, the NKR cannot be an enclave within Azerbaijan: the

⁴⁵ Once more about principal position of Azerbaijan on resolution of Nagorno-Karabakh conflict", Today.az, 15 May 2008.

⁴⁶ Fresh attempts to broker Nagorno-Karabakh deal. Available at: <http://www.euronews.net/2011/06/23/fresh-attempts-to-broker-deal-of-nagorno-karabach/>

⁴⁷ Official speech of the President Ilham Aliyev devoted to the Republic Day. Text of the speech available (in Azeri) at: www.president.az/articles.php?item_id=20090528101554099&sec_id=11

population of Karabakh must have overland access to the outside world. Third, the NKR must have security guarantees at a level determined by its leadership and its people. The fate of the territories surrounding the NKR – referred to in Armenian sources as the ‘security buffer’ – is an object of negotiations.⁴⁸

With respect to negotiation process the official position of the Nagorno-Karabakh Republic is that any meaningful agreement of the conflict should tackle the political status of Nagorno-Karabakh and the right of the NK people to self-determination and then only turn to the consideration of the issues relating to the consequences of the conflict. For Karabakh Armenians the question of status is paramount. The ‘step-by-step’ proposal of the organization for Security and Cooperation in Europe’s Minsk Group was rejected in Karabakh precisely because it proposed to delay the resolution of the status issue.

In other words, the mere return of the territories to Azerbaijan without attending to the root causes of the problem is in no way a settlement to the Nagorno Karabakh conflict. Furthermore, with respect to the ongoing negotiation process the President of the Nagorno Karabakh Bako Sahakian has recently made the following remark “While welcoming Azerbaijan’s and Armenia’s participation in negotiations and expressing our gratitude to Armenia, we always add that within that [existing] framework it’s impossible to reach an agreement because the Artsakh Republic must also be involved in those discussions.”⁴⁹

The main stumbling block in Nagorno Karabakh conflict resolution process, as the positions of the parties to the conflict reveal, is the determination of the final status of the entity. As demonstrated in the analysis, Karabakh Armenians, who support independence and

⁴⁸ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia, 40-41.

⁴⁹ Nagorno-Karabakh Leader Praises OSCE Mediators, Radio Free Europe, July 07, 2011, Available at: http://www.rferl.org/content/nagorno-karabakh_leader_osce/24258329.html

Azerbaijanis, who demand that the entity remain part of its territory, have diametrically opposite demands that are not easily reconcilable. Azerbaijan's preferred outcome therefore, is for Nagorno Karabakh to stay within the territorial confines of Azerbaijan and for the country to remain a unitary state. Karabakh Armenians, on the other hand, insist that their entity can never again be part of Azerbaijan - even within wider power sharing arrangements and autonomy. The preferred outcome in Armenia and Nagorno Karabakh is either unification of the entity with Armenia, or full independence for Stepanakert.

On the whole, then, the determination of the political status of Nagorno Karabakh appears to be the most intractable issue in the process of Karabakh conflict resolution. The incompatible positions that the parties to the conflict demonstrate with respect to the political status of Nagorno Karabakh directly lead to a complete deadlock in negotiations. The failure of the OSCE Minsk Group mediators to devise a mutually acceptable proposal that would bring the positions of the disputing parties closer renders a strong testimony to this. Not only are the contesting claims of the parties to the conflict regarding the status of Nagorno Karabakh incompatible, but also, significantly, any untoward change of the status quo is perceived by the leaders of the disputing states as undermining their legitimacy. It is not surprising therefore to find that the flexibility of the approaches that the parties to the conflict frequently display in addressing territorial issues and refugee problems quickly turn into hard-line positions once the determination of the status issue emerges.

Furthermore, because of the mutual antagonism and enmity, displayed at the intersocietal level of the conflicting lines, steps toward compromise would clearly endanger the positions of the Azerbaijani and Armenian authorities and make them an easy target to more aggressive domestic forces that exploit the patterns of enmity and hostility between the societies. That is,

the authorities of the conflicting parties are clearly restricted in their political latitude to engage in interactive problem solving negotiations and bring such discussions to bear on conflict resolution endeavors. In the words of de Waal (2009) “The NK issue has both an internal and an external dimension,” and therefore “the peace process cannot move forward because the internal resistance is bigger than the external pressure.”⁵⁰

Clearly, the post-war years have created a huge cleavage between the Azeri and Armenian societies. A very important impediment to the resolution of the conflict is in the realm of attitudes, where the conflict has considerably reinforced distrust and hostile attitudes between the parties. There is no credible political movement with wide support that advocates a compromise in either society and there are few channels of communication between Armenians and Azerbaijanis to begin with. The aggressive rhetoric, dehumanization and demonization of the other side strongly affect the environment in which the negotiations around Karabakh conflict revolve, leaving no room for the introduction of comprehensive trust-building measures as necessary prerequisites of transforming the hostile relationships across the conflicting lines and, thereby, establishing the right conditions in the buildup to peace in Nagorno Karabakh conflict.

The assessment of the OCSE Minsk Group mediation efforts clearly reveals that the mere focus on the elimination of strategic and tactical barriers, however crucial the mediation at this level might seem, with no parallel actions taken to build favorable conditions on the ground through a consistent engagement at intersocietal level in no way contributes to forging a sustainable agreement at the negotiations table. What this implies more generally is that violent conflict is a relationship between societies, not just formal leaders or states, and that conflict resolution means transforming these hostile relationships into a constructive interaction. This,

⁵⁰ Thomas de Waal, *The Karabakh Trap: Dangers and Dilemmas of the Nagorny Karabakh Conflict*. (Conciliation Resources, 2009), 4. Available at: <http://www.c-r.org/our-work/caucasus/documents/Nagorny-Karabakh-report-AW.pdf>

however, entails subscription to a set of comprehensive approaches aimed at addressing the social-psychological obstacles of the Nagorno Karabakh conflict with a strong commitment to gradually mitigate the intersociatal patterns of enmity and hostility. More specifically, the intersocietal dimensions of the Nagorno Karabakh conflict and its social-psychological basis in particular, is an important part and parcel of Nagorno Karabakh conflict and, upon deliberate exploitation, clearly impedes the negotiation process to unfold in a constructive spirit. Therefore, any attempt of effective mediation that fails to attend to this level and mitigate its devastating potential through track-two diplomatic efforts and problem solving workshops is doomed to failure.

Part II. Strategic/Tactical Barriers of the Nagorno-Karabakh Conflict: The Political Status of Nagorno Karabakh and its Security Implications.

The issue related to the determination of the political status of Nagorno Karabakh, apart from constituting the major obstacle to effective conflict resolution, appears to be the most intractable in the process of Karabakh conflict resolution. This is largely due to the fact that the contested status of Nagorno Karabakh, taken separately, is the major cause of the conflict itself and strongly affects the security perceptions of the conflicting parties. All other problems, among which the transfer of territories controlled by the NK and the return of refugees addressed further as barriers to conflict resolution, are perceived and interpreted by the disputing parties in light of the status issue. To put it differently, all the issues at the strategic level are closely intertwined and mutually reinforcing and, once put through a sieve, the effective solution of the Karabakh conflict boils down to the determination of the status issue and the security concerns stemming from it. This brings further complications into the negotiation process and entails the necessity of bridging the conflicting principles of self-determination and territorial integrity in a meaningful and acceptable way. The Madrid principles proposed by the OSCE Minsk Group, as opposed to

other proposals discussed throughout the entire negotiation process between the disputing parties, are based on brokering an acceptable compromise between these principles.

The Status Issue

The determination of the status of Nagorno Karabakh based on Madrid principles, however, does not yield an easy solution to the problem. Not only are the contesting claims of the parties to the conflict regarding the status of Nagorno Karabakh incompatible, but also, significantly, any untoward change of the status quo is perceived by the leaders of the disputing states as a threat to their legitimacy.⁵¹ Needless to say that the flexibility of the approaches that the parties to the conflict frequently display in addressing territorial issues and refugee problems quickly turn into hard-line positions once the determination of the status issue crops up.

The intransigent positions that the disputing sides demonstrate with respect to the political status of Nagorno Karabakh, as the experience of the previously conducted negotiations clearly shows, directly lead to complete deadlock. This, in turn, leads to a constant elaboration of new proposals on the part of mediators to resume the negotiation process. In short, all the changes in methodologies and proposals presented to the conflicting parties so far have been contingent on the stalemate resulting from the determination of the legal status of Nagorno Karabakh.

Security Implications

The security problem which, as mentioned above, is closely intertwined with the status issue or, rather stems from it, is a major concern for Armenia, Nagorno Karabakh and Azerbaijan alike. Among other reasons, this is because the final determination of the status of Nagorno

⁵¹ Crisis Group Policy Briefing 2009 reports that “many also complain about what they perceive as the secretive nature of the talks. This gives rise to suspicions that a peace deal equates to surrender and that leaders who would take such action would be guilty of treason.” Crisis Group Policy Briefing, *Nagorno-Karabakh: Getting to a Breakthrough*, (Crisis Group Europe Briefing N°55, 7 October 2009), 1.

Karabakh is, albeit in different ways, closely related to the security concerns of the disputing parties. “For Armenia, geographically landlocked and subject to blockade,” it is argued, “national security is dominated by an external focus on the Nagorno-Karabakh conflict. The core issue of Armenian national security since independence has been the unresolved conflict with neighboring Azerbaijan over the Armenian-populated enclave Nagorno Karabakh.”⁵² On the ground, the security perceptions of the authorities in Nagorno Karabakh are clearly articulated in their arguments that the territories adjacent to Nagorno-Karabakh are serving as a security belt “to maintain security and protect the civilian population from shooting and bombing from the Azeri side, as experienced during the war.”⁵³ Since the physical security of Armenians will be at risk in the event some land was eventually returned to Azerbaijan, strong guarantees are necessary before any such process can begin. The security concerns are therefore of existential character for governments of Armenia and Nagorno Karabakh and hinge on the determination of the legal status of NK as a viable security guarantee. In its assessment of security concerns at the current stage of negotiation process, Crisis Group Report 2009 notes that for Armenia the “...bottom line remains recognition of a right to self-determination for Nagorno-Karabakh, a secure land link between Nagorno-Karabakh and Armenia and security guarantees that preclude resumption of hostilities.”⁵⁴

Clearly, the twentieth century has been a period of successive tragedies for the Armenian people, the Genocide in Ottoman Turkey in the first part of the century and forced deportations of and pogroms against Armenians in Azerbaijan as recently as the late 1980s and early 1990s lie

⁵² Richard Giragosian, *Redefining Armenian National Security* (Heldref Publications, 2006), 23.

⁵³ The seven districts currently under the control of Nagorno-Karabakh, namely, Kelbajar, Kubatly, Zangelan, Jebraïl, Fizuli, Agdam and Lachin, serve as a buffer zone to maintain the security and safety of its population. Nagorno-Karabakh: A Plan for Peace, (Crisis Group Europe Report N°167, 11 October 2005), 21-22.

⁵⁴ Crisis Group Policy Briefing, *Nagorno-Karabakh: Getting to a Breakthrough*, (Crisis Group Europe Briefing N°55, 7 October 2009), 6.

at the core of Nagorno Karabagh's insistence on guaranteed security for its citizenry. Therefore, not only is the recognition of Nagorno Karabakh's legal status perceived as a reliable security guarantee for the Armenians of Nagorno Karabakh, but also the safety of the population is closely linked to it.

While Nagorno Karabakh conflict is a major concern to Azerbaijan, the security implications emerging from its unsettled status for Azerbaijan are, however, defined in broader regional terms that have larger geoeconomic connotations. In his reference to the present situation in Karabakh, the Azerbaijani Minister of Foreign Affairs maintains that "the unresolved Nagorno-Karabakh conflict... threatens the security of the existing pipeline infrastructure, preventing us from optimizing the region's energy trade with Europe."⁵⁵ Furthermore, in assessing the regional security of the South Caucasus region, Azerbaijani authorities frequently refer to the Nagorno Karabakh conflict as preventing security cooperation and impeding economic development across the region.⁵⁶ The current situation of no war, yet no peace in the conflict zone, it is argued, "plays a crucial role in Azerbaijan's political instability and is a destabilizing factor that continues to impact on wider European security."⁵⁷ What this implies more generally is that the unresolved conflict in Karabakh is not conceived as posing any physical threat to the Azerbaijani population and its security concerns are defined in wider regional terms that have clear geoeconomic and geopolitical implications. In other words, there is a clear asymmetry between the security perceptions of the conflicting sides in that what is of existential importance to Armenia and Nagorno Karabakh is a matter of energy security and

⁵⁵ "Elmar Mammadyarov, The Caspian Moment," *The Wall Street Journal*, January 21, 2008. It is worth mentioning that the pipeline projects referred to in this statement (Baku-Tbilisi-Ceyhan oil pipeline and Baku-Tbilisi-Erzurum gas pipeline) are running through Georgia with whom Armenia retains friendly relations and have never been threatened as possible targets neither by the Armenian nor the Nagorno Karabakh governments.

⁵⁶ Nuriyev, Elkhan, Azerbaijan and the European Union: new landmarks of strategic partnership in the South Caucasus-Caspian basin (*Southeast European and Black Sea Studies* Vol. 8, No. 2, June 2008), 160-161.

⁵⁷ *Ibid.*, 160.

international standing for Azerbaijan. Given this asymmetry, the vague security guarantees of granting NK an interim status prior to the conduct of referendum therefore do not meet the security needs of its population. Azerbaijan, on the other hand, is strongly opposed to offering more than this. Because of the incompatible nature of the contesting claims vis-à-vis the status issue and ensuing security concerns, opportunities for any significant mediatory breakthrough at this level seem quite bleak and discouraging.

Furthermore, the asymmetry of security perceptions between Armenia and Azerbaijan or, rather, the way forward to ameliorate them is clearly evident in a brief analysis of the strategic security documents of the two republics. Consistent with the National Security Concept of the Republic of Azerbaijan 2007, the second paragraph below the rubric of introductory notes refers to “military aggression of Armenia,” which “the young Republic [Azerbaijan] faced in the early years of its independence.”⁵⁸ Throughout the entire presentation of the concept, a constant reference is made to the “aggression of Armenia” and “the occupied territories of the Republic of Azerbaijan.” Furthermore, below the subtitle on Cooperation with regional countries,” the National Security Concept of Azerbaijan declares that “it is unacceptable for the Republic of Azerbaijan to cooperate with Armenia until it abandons this [aggressive] policy.”⁵⁹

Against the backdrop of these aggressive statements embodied in the conceptual documents of Azerbaijan, the relevant provisions in the National Security Strategy of Armenia are sustained by a correct political wording, reflecting the objective reality of the Armenian-Azerbaijani relations. The National Security Strategy of Armenia emphasizes the absence of diplomatic relations between Armenia and Azerbaijan, “due to the Nagorno Karabakh conflict.” The relevant provisions of the National Security Strategy of Armenia, as the citation below

⁵⁸ National Security Concept of the Republic of Azerbaijan (Approved by Instruction No. 2198 of the President of the Republic of Azerbaijan on 23 May 2007), 3.

⁵⁹ *Ibid.*, 12.

summarizes, are fully consistent with the nature of its participation in the Karabakh conflict settlement process:

Azerbaijan has adopted a policy aimed at the exclusion of Armenia from all projects of regional cooperation. Azerbaijan continuously refuses to open its communication routes with Armenia and denies all Armenian and international initiatives to engage in bilateral cooperation in an attempt to exert pressure on Armenia regarding the Nagorno Karabakh conflict. Armenia believes that the bilateral and regional cooperation could build confidence and have a serious positive impact on the overall situation. Armenia will continue its confidence building efforts and to this end will encourage cooperation, contacts and visits on every level.⁶⁰

The National Security Concept of Azerbaijan was adopted in late May 2007, almost three months later from the date marking the adoption of the National Security Strategy of Armenia. Thus, the Azerbaijani leadership had the opportunity to familiarize itself with the relevant provisions of the National Security Strategy of Armenia and to determine its positions and priorities regarding the prospects for establishing bilateral relations with its western neighbor. However, as a response to the Armenian proposal of regional cooperation to create mutual confidence, Azerbaijan had further tightened its position.

Despite its acute security concerns, Armenia sees cooperation and confidence-building as a way forward towards ameliorating the security concerns and thereby building a stable and secure region. Azerbaijan, on the other hand, embarks on more aggressive stance that completely excludes the possibility of a mutual acknowledgement and cooperative engagement to improve the security situation between the two neighboring countries and enhance stability in the region.

Transfer of Territories and Return of Refugees

Apart from the status issue and the ensuing security concerns, the Karabakh conflict resolution process is further augmented by contested territorial issues surrounding the Republic of Nagorno Karabakh and refugee problems. Discussions revolving around the transfer of

⁶⁰ National Security Strategy of the Republic of Armenia (Approved by RA President Decree NH-37-N, 2007), 4.

territories to Azerbaijan and the future settlement of these areas by the Azerbaijani refugees go together and, being an important part and parcel of the current negotiations, present further impediments to brokering an effective solution.

At present, the negotiations are primarily focused on the following: transfer of territories controlled by the NKR to Azerbaijan (the widely shared approach, at least articulated by the Azerbaijani officials encompasses the transfer of five districts, except for Kelbajar and Lachin provinces of the former Azerbaijani SSR⁶¹) and granting Nagorno Karabakh an interim status prior to the conduct of referendum on self-determination.⁶² Beyond this, none of the OSCE co-chairs has anything to offer at this stage.

This proposal, along with the resettlement of Azerbaijani population in the territories adjacent to Nagorno Karabakh prior to deciding the status issue, is strongly opposed by the authorities of the NK and Armenia. While Azerbaijan is more or less content with this proposal, from the perspective of NK, the transfer of at least one area to Azerbaijan prior to settlement of the status issue, will, on the contrary, embolden Azerbaijan seek military solution to the conflict.⁶³

Indeed, one of the major obstacles to peaceful resolution of the Karabakh conflict is the misconception that the transfer of some or all territories controlled by the NKR to Azerbaijan, without any prior agreement on the status issue, will contribute to bringing the settlement process closer. The harsh position of Azerbaijan, as clearly manifested by daily war rhetoric and the military preparations made to this end, according to the study, entails that soft position of Armenia on territorial issues will strengthen the Azerbaijani cause to pursue the return of all

⁶¹ See the Map of Nagorno-Karabakh and surrounding seven districts, in Appendix A

⁶² Crisis Group Policy Briefing, *Nagorno-Karabakh: Getting to a Breakthrough*, (Crisis Group Europe Briefing N°55, 7 October 2009),

⁶³ Institute of Political Research (IPR) Report, 2009, *Karabakh Conflict: 15 Years of Neither War Nor Peace Situation*, Antares Publishing House, Armenia, 11-12.

controlled territories by encouraging it to the ultimate seizure of the NKR.⁶⁴ The transfer of even one area will, it is argued, invigorate Azerbaijan towards adopting a harsher position and extracting further concessions.

Furthermore, the fortified arrangements left along the ceasefire line will, upon the failure to finalize the status issue, instantly be used for mounting new devastating military actions against the NKR.⁶⁵ The transportation and communication links between the NKR and Armenia will, as a consequence, turn into open targets subject to different military assaults from Azerbaijan. The transfer of at least one district to Azerbaijan, it is further argued, will critically affect the internal political situation of Armenia and Nagorno Karabakh, since the appearance of “dissatisfied masses” will embolden Azerbaijan to exploit the domestic fragmentation of both Armenia and the NKR. In this regard, one can easily recall the incident of March 3-4, 2008 along the line of contact between the NKR and Azerbaijani forces near the village Levonarkh. By offering international security guarantees to NKR and an incomplete international standing in return for territorial concessions to Azerbaijan, the report notes, the mediators, in fact, put the entire architecture of balance of power in the region at peril.⁶⁶

It should be recalled that even during the totalitarian Soviet system the central authorities were unable to ensure the safety of the Armenian population in Azerbaijani SSR. In fact, the central apparatus of the Soviet system wielded the arsenal of all necessary tools and techniques that could drastically suppress any manifestation of unlawful acts in relation to Soviet citizens. However, it proved incapable of timely responding to the massacres and ethnic cleansing of Armenians in the Azerbaijani SSR, perpetrated in the areas of their settlements in Sumgait,

⁶⁴ Institute of Political Research (IPR) Report, 2009, Karabakh Conflict: 15 Years of Neither War Nor Peace Situation, Antares Publishing House, Armenia, 12.

⁶⁵ Ibid, 12-13.

⁶⁶ Ibid, 13-14

Baku, Kirovobad and the republic of Azerbaijan at large, where regional and city committees of state security services, internal affairs, internal troops detachments and other law enforcement organs of the USSR were stationed. From this vantage point, the Armenians of Nagorno Karabakh and all persons of Armenian origin forced to flee their homes in 1988-1991 have every reason to call into question the proposed international guarantees of security.⁶⁷ This is all the more compelling if one takes into account that the international mediators and—for that matter international peacekeeping forces—are often simply incapable of performing their tasks. In this latter connection, it will do well to remember the tragic example of Srebrenica during the war in former Yugoslavia.

Furthermore, the security guarantees of Azerbaijan, even those backed by the assurances from international community, are completely inadmissible for the Armenian side, since Azerbaijan continues to act as an irresponsible partner incapable of living up to its international obligations. The obligations spelled out in the agreement of all parties to conflict on February 6, 1995, and the Dovile statement of the Presidents of France, U.S. and Russia on May 25, 2011, to strengthen the ceasefire regime along the line of contact are not met, nor do the confidence-building measures proposed by international mediators engage the Azerbaijani support. In their statement in Helsinki on December 4, 2008 the Foreign Ministers of the OSCE Minsk Group Co-Chair countries proposed the parties to the conflict to remove snipers from the line of contact. Again, Azerbaijan failed to live up to even these measures of confidence.⁶⁸

The territories controlled by the Nagorno Karabagh Self-Defense Army are an important part and parcel of the republic's current security system. The position of the Nagorno-Karabakh

⁶⁷ Bill Frelick, "Faultlines of Nationality Conflict: Refugees and Displaced Persons From Armenia and Azerbaijan", (Oxford: Oxford University Press, Vol. 6, No. 4, 1994).

⁶⁸ Institute of Political Research (IPR) Report, 2009, Karabakh Conflict: 15 Years of Neither War Nor Peace. Antares Publishing House, Armenia, 14.

Republic with respect to negotiations centers around the idea that any meaningful agreement of conflict resolution should, above all else, tackle the underlying causes of the conflict (the political status of Nagorno-Karabakh and its security), and then only turn to the consideration of the issues relating to the consequences of the conflict (occupied territories, refugees, restoration of communications, etc.). In other words, the mere return of the territories to Azerbaijan without attending to the root causes of the problem is in no way a settlement to the Nagorno Karabakh conflict.

Return of Refugees

The issue of refugees and internally displaced people (IDPs) is one of the major aspects underlying the humanitarian consequences of the Karabakh conflict in general and the military actions of the parties to conflict from 1991 to 1994 in particular. It is also closely related to the legal principles of respect and protection of human rights. The problem of refugees and displaced people, once considered in a broader framework, is one of the most devastating consequences of the Karabakh conflict.

The arguments related to the number of refugees and displaced people are clearly politicized in the current format of negotiations, which impedes to build an objective picture regarding the numerical representation of people with the status of refugee and internally displaced from the Armenian and Azerbaijani side alike. Since the figures underlying Azerbaijan's account of refugees and displaced people are grossly overestimated, Armenia, apart from calling into question the political and legal validity of these statements, also pinpoints to the fact that the attribution of the "refugee" status to the Azerbaijanis who have left the Armenian SSR from 1988 to 1989 and the zone of Karabakh conflict is explicitly inaccurate. The figures constantly presented by the Armenian side merit close consideration and study, especially

against the background of Azerbaijan's alleged, let alone fabricated figure of "one million refugees."⁶⁹

To begin with, from 1988 all throughout 1992, roughly 168 thousand Azerbaijanis left ArmSSR and 40 more thousand Nagorno-Karabakh. From the territories of former AzSSR presently controlled by Nagorno-Karabakh, approximately 375 thousand Azerbaijanis were internally displaced. Therefore, the accurate number of Azerbaijani refugees and internally displaced people in total is around 583 thousand people.⁷⁰

The study further argues that a significant part of Azerbaijani migrants, from the number presented above, do not qualify as refugees. First, a huge number of Azerbaijanis who have left ArmSSR considerably benefited from an exchange of apartments with the Armenian refugees from AzSSR, while the other not less significant part from the overall 168 thousands Azerbaijani population of Armenia obtained material compensation from the Government of Armenian SSR.⁷¹ In 1989 only, almost 14,5 thousand Azerbaijani families simultaneously received compensation for the houses and property left in Armenia at that time commensurate with 110 million U.S. dollars.⁷² Against this background, none of the 400 thousand Armenian refugees from AzSSR, who hastily abandoned the republic under the immediate threat to their life, was offered any material compensation for the sustained material and moral losses.

Furthermore, a considerable part of Azerbaijani population immediately from Nagorno-Karabakh and neighboring regions, it is further contended, does not fall under the category of refugees because of their active participation in the military activities from 1991 to 1994. In other

⁶⁹ While the Azerbaijani authorities constantly speak of more than one million of refugees and internally displaced people (IDP) in Azerbaijan, the UNCHR Statistical Snapshot of January 2009 reports of 621, 914 thousand refugees and IDPs currently residing in Azerbaijan. Available at: <http://www.unhcr.org/cgi-in/texis/vtx/page?page=49e48d1e6>.

⁷⁰ Avetisyan, H., eds., "Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries," 2009, Antares Publishing House, Armenia, 16-17.

⁷¹ Ibid, 17.

⁷² Ibid. 17-18.

words, those having resided beyond the boundaries of the declared Nagorno-Karabakh Republic in the territory of their citizenship and being afterwards compelled to move to other regions, just as in the case of the former, cannot be regarded as “refugees” in the internationally accepted legal terms and therefore fall under the qualification of “forced migrants.”⁷³

In their account of Nagorno-Karabakh conflict, the international sources frequently refer to 360,000 - 400,000 Armenians as being enforced to leave the Azerbaijani SSR from 1988 to 1990.⁷⁴ In 1988 the actual number of Armenians residing in the former Azerbaijani SSR was 500 thousand people (according to the census of 1979, there were 475 thousand people). Practically, in all big cities of Azerbaijani SSR, Armenians constituted the considerable bulk of the population. Only in Shemahin, Ismaili, Zhdanovsk (nowadays Bejlagansk), Kutkashensk and a number of other regions of Azerbaijani SSR there were dozens of compactly populated Armenian settlements.

From 1988 to 1990 the Armenian population in AzSSR was subjected to sanctioned ethnic cleansings and forced mass deportations. Having the citizenship of the Republic of Azerbaijan, the Armenians were expelled exclusively for their ethnic belonging with a silent consent of the Azerbaijan’s Soviet authorities. This was continued in the summer-autumn of the same year, when tens of thousands had no choice but to leave Baku. As a result of large-scale pogroms and ethnic cleansing, Armenians residing in the northern part of Nagorno-Karabakh were expelled from all the rural settlements of the Azerbaijani SSR.⁷⁵

⁷³ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia, 18.

⁷⁴ International Protection Considerations Regarding Armenian Asylum-Seekers and Refugees, (United Nations High Commissioner for Refugees (UNHCR), Geneva, September 2003), 19-20. Available at: <http://www.unhcr.org/refworld/pdfid/3f5f27d14.pdf>

⁷⁵ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia, 16.

The distorted representation in the issue of actual refugees and forced migrants in the zone of Karabakh conflict and around it strengthens the Azerbaijani allegations that, as long as the humanitarian aspect of the conflict is concerned, Azerbaijan is the sole victim, whose rights must be restored instantly and without delay.⁷⁶ The restoration of “rights” per se is further conceived of as the unconditional return of the Azerbaijani population to the territory of Nagorno Karabakh in its present borders. The Armenian side does not oppose it altogether, the author argues, but with one necessary clarification in place, namely, that the same course of actions, entailing the recognition of the right to return and creation of appropriate conditions for safe and secure existence is envisaged for all Armenian refugees forced out from their places of residence in the former Azerbaijani SSR.⁷⁷ In other words, this conditionality should be comprehensively transformed into cooperation of all parties to the conflict in the issue of restoring the rights of refugees and forced migrants and thereby exclude any confrontational manifestation leading to impasse. While in principle acknowledging the right of Azerbaijani people for return, NKR warns of its dire consequences as regards the total lack of desirable atmosphere and trust that might bring further havoc to the peace process. Given the tough posture of Azerbaijan against the return of Armenian refugees to their places of residence in Baku, Sumgait, Kirovabad and other Azerbaijani settlements, the resettlement of refugees at the current stage of negotiation process appears problematic.⁷⁸

⁷⁶ According to Svante E. Cornell 2003, “The Azerbaijani government also hinders this population from resettling elsewhere and integrating into Azerbaijani society, as this would mean the eviction of this population was a *fait accompli*; the use of the refugee issue would become impossible. In this sense allegations have been made that the Azerbaijani government is using the refugees as pawns in a political game. Svante E. Cornell, “Small Nations and great Powers: A Study of Ethnopolitical Conflict in the Caucasus,” (RoutledgeCurzon, 2003), 123.

⁷⁷ Avetisyan, H., eds., “Republic of Nagorno-Karabakh: Process of State-Building at the Crossroad of Centuries,” 2009, Antares Publishing House, Armenia. 17-18.

⁷⁸ Report on Monitoring the Coverage of Armenian-Azerbaijani Relations in the Media of Armenia and Azerbaijan (2008) “Yeni Nesil” JUA, YPC. Available at: http://www.ypc.am/upload/ArmAzMonit0809_eng.pdf

Psychological Barriers of the Nagorno-Karabakh Conflict: Misinterpretations of History

Apart from the negotiations conducted at the interstate or official level, Karabakh conflict is also marked by a strong hostility and antagonism manifested at the intersocietal level that clearly impacts the overall process by mutually exclusive interpretations of history. However, it is not the history per se, but rather its various misinterpretations or reinterpretations that serve as an obstacle to creating a desirable atmosphere for a constructive engagement. While the history as such does not constitute a subject of international law and therefore renders little assistance to the final determination of the status issue, the arguments of the disputing parties and their overall perceptions of a just solution are, nevertheless, heavily influenced by historical arguments and strongly constrain the scope of a flexible and deal-oriented approach both at the official and public levels.

Clearly, the growth of nationalism among the conflicting populations poses serious obstacles to dialogue and reconciliation. Using selective interpretations of history, myths, symbols and religious imagery, the conflicting parties have developed complex claims to Nagorno-Karabakh that exclude the other's presence and rights. In its assessment of the major obstacles in Nagorno Karabakh conflict, the report released by Crisis Group in 2005 notes that "Nagorno-Karabakh has become the dominant symbol of nationhood and statehood, capable of harnessing tremendous emotional power. Many common people, particularly among the younger generations, no longer consider any coexistence there possible."⁷⁹ In particular, the Azerbaijani government is reported to have "...repeatedly discouraged and even targeted activists who promote confidence building with Armenians."⁸⁰ "Except for a thin layer of Baku-based civil society," it further contends, "very few are bold enough to voice an alternative opinion. A pro-

⁷⁹ Nagorno-Karabakh: Viewing the Conflict from the Ground, (Crisis Group Europe Report N°166, 14 September 2005), 26

⁸⁰ Nagorno-Karabakh: Risking War, (Crisis Group Europe Report N°187, 14 November 2007), 15.

government parliamentarian recently sought to introduce criminal responsibility for those who travel to or in any way deal with Armenia.”⁸¹ As a consequence, the foundations, let alone the prerequisites for considering Azerbaijan as a party to conflict willing to secure a political compromise on the Karabakh settlement issue on the basis of trust and reconciliation, are completely absent.

For the Armenian side, however, Nagorno Karabakh conflict is often perceived as a continuation of 1915 Genocide committed under the Ottoman Empire. The impact of the outright war propaganda on the part of Azerbaijan and deep-seated historical perceptions of Armenian Genocide, taken together, turn the negotiation process into a zero-sum enterprise. The Armenian side often sees the present and the future in the historical perspective of being encircled in a Turkic world which has potential and actual genocidal intentions vis-à-vis Armenia and may be intending to pursue these in the future. These fears are best captured by the quotation below:

...the Armenian side is negotiating with the past and not the future. So far, the events of 1915 dominate Armenian consciousness and the entire peace talk process Armenian fears and apprehensions are rooted in this past experience. It is still characteristic for Armenians to be convinced that all things Turkic (which includes Azerbaijan) are to blame for the Armenian national tragedy ... for them...Karabakh is a continuation of the events of 1915.⁸²

What this implies more generally is that negligence about the environment and dominating attitudes on the ground will certainly compromise any meaningful mediatory engagement unless the psychological atmosphere, the dominant stereotypes and fears are changed. Such changes can be facilitated through contacts on all levels, particularly civil dialogue, and other measures that would challenge the dominant xenophobic and aggressive

⁸¹ Nagorno-Karabakh: Risking War, (Crisis Group Europe Report N°187, 14 November 2007), 16.

⁸² Arif Yunusov, "The Status of Nagorno-Karabakh: The Root of Conflict", in Gerard Libaridian and Arif Yunusov, *New Approaches to Nagorno-Karabakh: A Window of Opportunity?*, (East-West Institute Policy Brief no. 3, 1998.), 3.

discourse. There is at least a possibility that, given the chance, moderate civil society actors and average Azeris and Armenians could play a key role in “developing a new language of dialogue...to help deconstruct the inherited history of myth and symbol that fuels confrontation.”⁸³

Dehumanization of the Other Side

War rhetoric, dehumanization and demonization of the other side strongly affect the environment in which the negotiations around Karabakh conflict revolve. While there is little reason, if any, for Armenia to engage in war propaganda and demonization of the Azerbaijani side, because the Armenian side has already resolved all the military-strategic objectives for the maintenance of the security of Nagorno Karabakh and the safety of its population, the ceaseless war rhetoric of Azerbaijan articulated at the highest official level on every possible occasion with clearly belligerent nature is a widely acknowledged fact.⁸⁴ Due to its domestic propaganda aimed at inculcating the idea of enmity and hatred toward the Armenians, the course of actions subscribed to by Azerbaijan has turned the latter into a hostage of its own propagandistic actions, leaving no room for the introduction of comprehensive trust-building measures as necessary prerequisites of conflict resolution.

Even though enmity and hostility towards the Azerbaijanis is a prevalent feature of the Armenian society, the Crisis Group reports “Armenian officials have largely refrained from openly bellicose statements, , while portraying Azerbaijan as a threatening but corrupt and weak state.”⁸⁵ Although advocacy of military solutions is not propagated in Armenia, public opinion in

⁸³ Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot, 1995), p.151.

⁸⁴ “Ahto Lobjakas, Nagorno-Karabakh: Azerbaijan up for a Fight, but Armenia Unbowed,” *A EurasiaNet Partner Post from RFE/ RL*, 2/09/08.

⁸⁵ Nagorno-Karabakh: Risking War, (Crisis Group Europe Report N°187, 14 November 2007), 15.

Armenia has increasingly hardened after a video was released in December 2006 of massive destruction of approximately 6,000 ancient Armenian cross-stones in Nakhichevan, Azerbaijan.⁸⁶

The societies across the conflict line continue to blame each other for starting the war and for the tragedies that have befallen them with attention whatsoever paid to their own national group's responsibility. As such, confrontational attitudes remain strong. As neatly characterized by Libaridian,

...each party has impugned the worst intentions on the other, and each party has more often than not behaved in a manner justifying the other's worst fears. This is more than mistrust at work: it is the dehumanization of the adversary that makes even dialogue, let alone serious negotiations, difficult.⁸⁷

Finally, the social-psychological aspect of the Nagorno Karabakh conflict is further compounded by Azerbaijan's denial of any contacts with officials or common people living in Nagorno-Karabakh. Azerbaijani civil society activists who defy the government line face harassment at home. For example, in April 2003 the authorities organized mobs of "angry civilians" to demonstrate against and attack the premises of the Human Rights Centre of Azerbaijan and the Institute of Peace and Democracy for having cooperated with Armenians and traveled to Nagorno-Karabakh.⁸⁸

Structural/Institutional Barriers of the Nagorno-Karabakh Conflict: Nagorno Karabakh as a Secondary Party to Conflict

Although we talk of negotiation process, at present, it can hardly be construed as a finite and internationally consistent practice, since one of the internationally recognized parties to

⁸⁶ "Historic graveyard is victim of war", *The Times*, 21 April 2006, Available at : www.timesonline.co.uk/tol/news/world/europe/article_707673.ece.

⁸⁷ Gerard Libaridian, "Time is on Neither Side", in Gerard Libaridian and Arif Yunusov, *New Approaches to Nagorno-Karabakh: A Window of Opportunity?* (East-West Institute Policy Brief no. 3, 1998.), 3.

⁸⁸ Nagorno-Karabakh: Viewing the Conflict from the Ground, (Crisis Group Europe Report N°166, 14 September 2005), 24.

conflict in fact takes only indirect part in the process.⁸⁹ The bilateral format of present negotiations in which NK participates as a secondary party to negotiations does not reflect the genuine nature of the conflict and serves as a major structural barrier in the way to successful conflict resolution. Nagorno-Karabakh didn't pursue the role of being party to negotiations from the start because, when the talks got underway, the former President of NK, Robert Kocharian, had just been elected president of Armenia- on a promise not to betray his homeland. Nagorno-Karabakhis thought they could trust him to look out for their interests.⁹⁰ Another account with respect to Nagorno Karabakh's exclusion from the negotiations process is offered by member of parliament of the Nagorno-Karabakh Republic Gegham Baghdasarian according to whom: Azerbaijan's rejection of direct contacts with the NKR authorities, boycott of all processes concerning the NKR and attempt to cast Armenia in the role of aggressor is an attempt to isolate Karabakh and create an economic and humanitarian crisis for its population flouts the rights of the Karabakh Armenians and is seen as an effort to force them out of their homeland.⁹¹

The exclusion of Nagorno Karabakh from the negotiation process, according to Crisis Group report 2007, has the following result on the ground:

Its non-recognised status and Azerbaijan's rhetoric deepen Nagorno-Karabakh's insecurity and reluctance to change the security situation. Public opinion has hardened, while the region's de facto leaders have not participated in the negotiations since 1997, so do not bear responsibility for decisions made in the peace process and can comfortably stake out hardline positions. It is vital to bring them into the negotiating process in order to give them a sense of ownership and responsibility for any deal.⁹²

⁸⁹ The format of negotiations with only Armenia and Azerbaijan as participating sides is not consistent with the OSCE official decisions enshrined in the Budapest Summit of December 1994. The Chairman's Summary delivered in the first meeting of the Senior Council of OSCE of March 31, 1995 maintained that "The Chairman-in-Office confirms previous OSCE decisions on the status of parties, i.e. the participation of the two State parties to the conflict and of the other conflicting party (Nagorno Karabakh) in the whole negotiation process, including the Minsk Conference." Available at: <http://www.ca-c.org/data/appendix-14.shtml>.

⁹⁰ Will Englund, "Nagorno-Karabakh wants a seat at the table." Available at: http://www.washingtonpost.com/world/europe/nagorno-karabakh-wants-a-seat-at-the-table/2011/07/08/gIQAxXGf3H_story.html

⁹¹ Gegham Baghdasarian. (2005) A Karabakh Armenian perspective. Available at: <http://www.c-r.org/our-work/accord/nagorny-karabakh/karabakh-armenian-perspective.php>

⁹² Nagorno-Karabakh: Risking War (Crisis Group Europe Report N°187, 14 November 2007), 18. This is all the more compelling, taking into consideration that the success in Ireland is largely attributed to allowing the

The certain deadlock that appears to characterize the current phase of the negotiations on conflict settlement in many respects pinpoints to the fact that Nagorno-Karabakh, being de jure a party to the conflict, is de facto withdrawn from the process of negotiations. This is not say, however, that NK is totally excluded from the present format of negotiations, since everything that happens in the negotiation process that has real bearing on conflict resolution process involves briefing, engagement or direct participation of the NK. The capital of Nagorno Karabakh, Stepanakert, also serves as a destination of “shuttle diplomacy” conducted by the co-chairs of the OSCE Minsk Group. Yet, the indirect participation of NK in the negotiation process clearly affects the very nature of these negotiations. This is all the more compelling, if one takes into consideration that the practical implementation of any concluded agreement cannot be meaningfully carried out without the involvement of NK in all contentious issues underlying the conflict settlement and in the implementation of any prior agreement in its territory.⁹³ Therefore, neither the concessions, nor the entire process of constructive conflict resolution seem feasible, if the previous status of Nagorno Karabakh as an immediate party to conflict is not restored in the negotiation process.

The foreign policy of NKR with respect to its exclusion from the official framework of negotiations is grounded on the principle that any preliminary agreement between Armenia and Azerbaijan – representing two of the three parties to the conflict - is greeted and considered as a necessary, but not sufficient, constituent in the overall process of conflict resolution.

⁹³ For example, the de facto Foreign Minister of Nagorno-Karabakh Georgi Petrosian, “though not rejecting the Madrid Document out of hand, said Nagorno- Karabakh bears no responsibility for it because its leaders have not participated in the negotiation.” Nagorno-Karabakh: Risking War, (Crisis Group Europe Report N°187, 14 November 2007), 8.

Summary of Major Obstacles and Opportunities

Just as any protracted ethno-territorial dispute, Nagorno Karabakh conflict demonstrates a complex set of interrelated and interdependent issues that defy easy solutions. Because of the incompatible nature of the contesting claims vis-à-vis the status issue and ensuing security concerns, opportunities at this level seem quite discouraging. The failure of the OSCE Minsk Group mediators to devise a workable proposal that would bring the positions of the disputing parties closer bears a strong testimony to this.

The contested status of Nagorno Karabakh, apart from being the major cause of the conflict itself, strongly affects the security perceptions of the conflicting parties and thereby brings further complications into the agenda of peace talks. As previously mentioned, the security concerns of the disputing parties are closely related to the status issue or, to be more exact, stem from it, and present a major challenge for Armenia, Nagorno Karabakh and Azerbaijan alike. While Karabakh Armenians consider the independence of Nagorno Karabakh as a reliable security guarantee that would ensure the survival and the safety of the Armenian population of Nagorno Karabakh, Azerbaijanis see it essential to their modern statehood and interpret its significance in terms of wider geoeconomic implications. Given this asymmetry in security perceptions, Armenian officials therefore favor a land for security approach. Azerbaijan, however, considers such an exchange of territory for status would be an admission of defeat and strongly resists making a peace deal along these lines. In other words, the status of Nagorno-Karabakh and the security perceptions revolving around it are closely intertwined and any durable resolution to the Karabakh conflict therefore must address Karabakh Armenians' security concerns as well as Azerbaijan's right to territorial integrity in a workable fashion.

Again, because of the contesting claims and security concerns stemming from the territorial concessions and return of IDPs, the elimination of the barriers here seem quite discouraging. While not a completely desperate enterprise, this, however, entails subscription to a set of comprehensive approaches aimed at addressing the structural and social-psychological obstacles of the Nagorno Karabakh conflict with a strong commitment to gradually mitigate the intersocietal⁹⁴ patterns of enmity and hostility. More specifically, the intersocietal dimensions of the Nagorno Karabakh conflict and its social-psychological content in particular, is an important part and parcel of Nagorno Karabakh conflict and, upon deliberate manipulation,⁹⁵ clearly impedes the mediation process to unfold in a constructive spirit. Therefore, any attempt of effective mediation that fails to attend to this level and mitigate its devastating potential through track-two diplomatic efforts and problem solving workshops is doomed to failure.

The value of the social psychological paradigm of conflict resolution, it needs to be mentioned, is to focus on the importance of preference formation and change, and to demonstrate the importance of tools for changing preferences- policy tools collectively known as peace-building efforts.⁹⁶ Efforts at conflict resolution often fail, from this vantage point, because peace-building efforts are not given enough attention and support. Furthermore, since the preferences are in large part emotionally based, efforts to alter those preferences must also have appeal at an emotional level. While peace-building is by no means a cure for severe conflict, it is the only

⁹⁴Kelman (2007) argues that "...international conflict is an intersocietal process, not only an interstate or intergovernmental phenomenon." Kelman, Herbert, "Social psychological dimensions of international conflict." In *Peacemaking in international conflict: Methods and techniques* (rev. ed). I.W. Zartman, ed. (Washington, DC: U.S. Institute of Peace Press, 2007.), 64.

⁹⁵According to Crisis Group report 2005, "... Baku refuses to allow any contacts between Azerbaijanis and officials or common people now living in Nagorno-Karabakh. Azerbaijan... This is a misguided policy. Dialogue between Baku and Stepanakert is urgently needed to build a sense of confidence and security between Armenians and Azerbaijanis. Baku should not continue holding the building of contacts and communication links hostage to a peace deal." Crisis Group Report, *Nagorno-Karabakh: A Plan For Peace* (Crisis Group Europe Report N°167, 11 October 2005), 26-27.

⁹⁶Stuart J. Kaufman, "Peace-Building and Conflict Resolution," Department of Political Science, University of Kentucky, October 14, 2000), 3.

kind of conflict resolution effort that aims at constructive change in the preferences of the societies in conflict.⁹⁷

From the psychological perspective of conflict analysis, outbreaks of conflicts are dependent on the appearance of particular perceptions, needs and fears, all of which must change for conflict resolution to occur. Kelman (1998, 1999), in a series of works outlining the social-psychological dimensions of ethnic conflict, extends this analysis, contending that conflict is an intersocietal process - a hostile relationship between whole groups or societies, not just leaders or armies.⁹⁸ However, because peace agreements between leaders do not necessarily address these hostile intersocietal dynamics, the scholar further contends, hostile emotions, norms, and images among ethnic groups are a key barrier to the resolution of ethnic war. What must be kept in mind therefore is that violent conflict is a relationship between societies, not just government officials or armies, and that conflict resolution means transforming that relationship into a peaceful interaction.

The assessment of the OCSE Minsk Group mediation efforts has clearly revealed that the mere focus on strategic and tactical barriers, however crucial the mediation at this level might seem, with no parallel actions taken to build favorable conditions on the ground through a consistent engagement at intersocietal level in no way contributes to forging a sustainable agreement at the negotiations table. Nor has the incorporation of the trust-building measures between the representatives of the conflicting sides, it bears underlining, through well-structured and consistently implemented workshops duly engaged the attention of the OSCE co-chairs. The

⁹⁷ Stuart J. Kaufman, "Peace-Building and Conflict Resolution," Department of Political Science, University of Kentucky, October 14, 2000), 3.

⁹⁸ See, for example, Kelman, H.C. Social-psychological contributions to peacemaking and peacebuilding in the Middle East. *Applied Psychology: An International Review*, 47, no. 1 (1998). Also, Kelman, H.C. Transforming the relationship between former enemies: A social-psychological analysis. In R.L. Rothstein (Ed.), *After the peace: Resistance and reconciliation* (Boulder, CO, and London, England: Lynne Rienner, 1999).

opportunities present at this level are not yet fully exhausted and, once meaningfully exploited, may well serve the larger goal of brokering a durable resolution to the conflict. Effective conflict resolution in Nagorno Karabakh conflict, therefore, requires addressing the fears, needs and symbolic processes that influence how tangible issues are perceived and how they play out at the intersocietal level. Informed intervention along these lines can create a desirable environment for a more successful mediation to take place. In other words, the social-psychological barriers in Nagorno Karabakh conflict should not be treated as problems of lesser profile and need to be meaningfully incorporated into the OSCE Minsk Group mediation efforts. A key to promoting breakthroughs in peace negotiations, therefore, is long-term support for peace-building activities aimed at conflict transformation. It is to this concerns that the analysis will turn its focus in the proceeding part of the paper, arguing that the establishment of right conditions in the buildup to peace in Nagorno Karabakh conflict, along with the restoration of the genuine format of negotiations, should be the specific objective of the OSCE mediation process.

Part III. Strategic Advice to the OSCE Minsk Group co-chairs

One of the classical understandings of intractable ethnopolitical conflicts is that of zero-sum outcomes, of winners and losers.⁹⁹ Intractable conflicts are characterized as being protracted, irreconcilable, violent and of a zero-sum nature, with the parties involved having an interest in their continuation. In the context of intractable conflict, it is further argued, formal conflict resolution is only a necessary phase “on the rocky road of peacemaking.”¹⁰⁰ This is a dominating feature of protracted enthnoterritorial conflicts that finds its clear reflection in Nagorno Karabakh conflict, at least in the perceptions of the disputing sides. “Outcomes that do

⁹⁹ Morton Deutsch, *Conflict Resolution: Theory and Practice* (Political Psychology, Vol. 4, No. 3, Sep., 1983). Also, William Zartman, *Conflict and Order: Justice in Negotiation* (International Political Science Review / Revue internationale de science politique, Vol. 18, No. 2 Apr., 1997).

¹⁰⁰ Daniel Bar-Tal, *From Intractable Conflict through Conflict Resolution to Reconciliation: Psychological Analysis*, (Political Psychology, Vol. 21, No. 2 Jun., 2000), 335.

not satisfy basic human needs and security concerns, Kelman 2003 observes, “contain latent conflicts which cause further cycles of manifest conflict.”¹⁰¹ This being the case, the creation of an atmosphere in which a settlement can be reached, and be sustained once it is reached, should be the specific objective of the OSCE mediation process. To put it differently, while seeking a durable resolution to the Nagorno Karabakh conflict the ultimate goal of the OSCE mediatory efforts should be the establishment of favorable conditions on the ground that would facilitate the settlement of the conflict by peaceful means. Clearly, what is missing between the parties to the conflict in Nagorno Karabakh is trust and belief. Therefore it is toward meeting these ends that the OSCE Minsk Group mediation efforts need to focus at this stage.

Layout of the Strategy and its Component Parts

It is worth mentioning at the outset that there are no readily applicable models, let alone quick-fixed solutions, that can be easily deployed to resolve the Karabakh conflict. The ongoing negotiations under the aegis of the OSCE Minsk Group that extend for already seventeen years bear a strong testimony to this. One could persuasively argue that the various proposals- frequently plagued by misapprehensions and clouded perspectives of meeting the interests of solely one side- are as unrealistic and inapplicable as those confined to simplistic solutions of the transfer of territories and return of refugees without addressing the root causes of the conflict. This is especially true if one recalls the great number of proposals made by the OSCE Minsk Group co-chairs and discussed by the parties to the conflict that failed to secure any substantial result on the ground.

Nagorno-Karabakh conflict is indeed complex, with deep-seated historical antagonism, fears and misperceptions which were not created overnight. Nor would the proposals of conflict

¹⁰¹ Kelman, Herbert, “Social-Psychological Dimensions of International Conflict,” in *Peacemaking in International Conflict: Methods and Techniques*, ed. Zartman William (United States Institute of Peace, 2007), 71.

resolution therefore provide a quick settlement to the ongoing conflict. It is therefore sensible to build on realistic assumptions, while at the same time trying to trace elements of optimism that certain steps, if genuinely executed, could confer upon the overall negotiation process and help resolve it.

The strategies spelled out below are presented in a priority order; that is, the importance of certain steps is underscored because of their urgency and significant impact on overall peace process. However, an important element that cuts across all the prioritized steps is that they should be complemented by an effective track-two diplomacy and workshops aimed, above all else, at addressing the intersocietal or, to be more exact, social-psychological dimensions of the Nagorno-Karabakh conflict that deal with perceptual and attitudinal problems. The introduction of track-two diplomacy, it bears stressing, should not be conceived of, let alone interpreted, as a supplement to official or track-one mediation. It should be designed to complement other approaches rather than substitute for them. This said, however, the inclusion of track two diplomacy and workshops should not be an appendage, but an integral part of the overall mediation process aimed at transforming hostile relations into peaceful ones by moderating participants' hostile perceptions and attitudes.

Before embarking on the phased outlay of the strategy, however, it is worth mentioning that some analysts object to the emphasis on the perceptual and attitudinal obstacles to conflict analysis, maintaining that it downplays "...the reality of the interests at stake - political power, land, security, or resources."¹⁰² This, however, is misinterpretation of the facts. Social-psychological approaches do recognize the reality of these interests, and therefore operate on the premise that stable peace, in aggregate, requires not just a political settlement but also a

¹⁰² See, for example, Shireen T. Hunter, *Borders, Conflict, and Security in the Caucasus: The Legacy of the Past*, (SAIS Review, vol. XXVI, no. 1, Winter-Spring 2006), 112.

laborious task of transforming hostile relations into peaceful ones through trust and confidence-building initiatives.¹⁰³ Clearly, many of these tasks are long-term ones that would take decades to fully succeed. But that is what Karabakh conflict is about. Nagorno Karabakh conflict resolution is not solely about reaching agreements, especially in the form of signing the Madrid principles, but about reaching agreements that can hold permanently. Therefore the role that reconciliation initiatives could play in promoting peace can best be understood by showing how they would fit into a comprehensive mediation strategy. While any demarcation of phases given below is inevitably an oversimplification of a more refined and nuances approach, the following three phases provide a useful starting point for thinking about how to fit the pieces together.

Phase I. Agreement on the Cessation of Fighting

As a principal measure aimed at contributing to the process of conflict resolution to unfold in a constructive way, as well as strengthen the security in the conflict zone, where the parties continue to sustain losses among their respective troops¹⁰⁴ (hence, the phase of armed conflict cannot be regarded as complete) a tripartite agreement on ceasefire concluded in May 1994 should be supplemented by an “Agreement on the Cessation of Fighting,” which would ban the use of force and reinforce all parties to refrain from the threat of using force against each other. The objective of this agreement is not to eliminate conflict entirely; rather it is to eliminate the violent and otherwise destructive manifestations of the conflict and set the foundation for a peaceful engagement. A special provision of such an agreement, it needs to be underscored,

¹⁰³ Daniel Bar-Tal, From Intractable Conflict through Conflict Resolution to Reconciliation: Psychological Analysis, (Political Psychology, Vol. 21, No. 2 Jun., 2000), 339-340.

¹⁰⁴ “Although a deliberate military offensive from either side is unlikely in the near future,” the Crisis Group policy Briefing 2009 notes, “the ceasefire that ended active hostilities fifteen years ago is increasingly fragile. There has been a steady increase in the frequency and intensity of armed skirmishes that could unintentionally spark a wider conflict. Though the ceasefire has helped prevent return to full-scale hostilities, it has not prevented some 3,000 deaths along the front line – military and civilian alike – since 1994.” Also see “OSCE Chairman expresses concern over cease-fire violation in Nagorno-Karabakh conflict and recent casualties; calls for restraint” OSCE Press Release 2009, Available at: http://www.osce.org/cio/item_1_30003.html. Also, “OSCE investigates incident with violation of ceasefire on frontline” BIZKLUB, December 2009, <http://www.news.az/articles/4830>.

should address the issues relating to the complete and unconditional removal of snipers from the conflict line.

The tripartite agreement ruling out the possibility of a military solution to the conflict should be conceived of as the starting and not the ultimate point of negotiations between the disputing parties. Apart from saving the lives of both Azerbaijani and Armenian soldiers, which in itself is a valuable outcome, the overall intent of such an agreement is to signal that the parties to the conflict are driven by a strong commitment of totally dismissing the threat or use of force as a viable option. This, in turn, would enable to build mutual trust and confidence between the conflicting parties both at the official and public levels, as well as serve as a gateway to restoring the genuine format of the negotiations. Not less important, however, is that the agreement would also lay the groundwork for the entry of track-two diplomacy as an important and continuous element of an overall mediation effort.

Phase II. Restoring the Genuine Format of Negotiations

The picture of Karabakh conflict negotiation process, as previously mentioned, is distorted and does not correspond to its real nature. The origins of this disparity lie in the general misapprehension of the Karabakh conflict as one between Armenia and Azerbaijan. The bilateral format of current negotiations, which is sustained by Armenia representing the NKR in the negotiation process (taking into account that NKR has all the internationally backed legal foundations spelled out in international documents to participate in the negotiation process on its own, based on the internationally recognized status of the parties to conflict) is an absolute distortion of the real image of the conflict.

The absence of NKR in the present format of bilateral meetings between the Presidents of Armenia and Azerbaijan, the Ministers of Foreign Affairs representing the conflicting parties,

denotes one thing- negotiations as such do not exist. The current efforts of the two parties to the conflict under the auspices of OSCE Minsk Group can at best be characterized as consultations, exchange of views, harmonization of principles, but not negotiations. To restore the genuine format of negotiations, the third party to the conflict - Nagorno Karabakh - needs to get a seat around the table for negotiations.

The participation of NKR in all official processes of Karabakh conflict resolution is a necessary and indispensable condition for putting the whole peace process on a meaningful track. In addition, it will set the foundation for the two main parties to conflict represented by the NK and Azerbaijan to secure agreements across the whole spectrum of issues, among which the transfer of territories and the problem of Azerbaijani and Armenian refugees stand out as major issues amenable to be meaningfully addressed through their direct participation. In other words, no agreement, including a ceasefire, is sustainable without the signature of Nagorno-Karabakh's de facto leadership.

In addition, this format of talks could, at later stages of successful conflict resolution, envision the involvement of Azerbaijani population of the former Nagorno-Karabakh Autonomous Region (NKAR) in the process, who have abandoned the territory of Nagorno Karabakh. For its part, the NKR should engage in drafting and adopting a comprehensive concept regarding the political, socio-economic and cultural integration of the Azerbaijani population of former NKAR into the mainstream of social life in Nagorno Karabakh. The issues of territories, refugees and the determination of borders should be resolved on a reciprocal basis, with NKR and Azerbaijan represented as the main parties to agreement and it should be synchronized with the overall peace process.

Phase III. Introduction of Track-Two Diplomacy into the Negotiation Process

The introduction of a parallel process of track-two diplomacy, further augmented by well-structured and target-oriented workshops,¹⁰⁵ into the broader mediation effort of the OSCE Group co-chairs should serve as a necessary supplement to the conduct of official diplomacy and its efficiency at the official and grassroots levels alike.

Structurally, the framework of track-two diplomacy should be designed to ensure the participation of Azerbaijani and Armenian individuals in their personal capacities, and yet with access to influence both decision makers and the public at large through opening a useful channel of communication. All unofficial processes should be aimed at influencing official opinion, and the link between these levels needs to be clear enough. Its effectiveness is limited, one may argue, however, as long as it induces the parties to explore and recognize the underlying needs and fears through different conflict resolution workshops and meetings, it does serve the ultimate goal of durable conflict resolution. More importantly, a workshop should not be a one-time event.

During the Kazan summit in late June 2011 after a meeting between the leaders of Armenia and Azerbaijan hosted by the Russian President Dmitry Medvedev the sides released a statement saying that a “common understanding had been reached on a number of issues whose resolution will help create the conditions for approval of the basic principles.”¹⁰⁶ However, as results show the Kazan summit in late June failed to produce an agreement.

Presently, the officials in Azerbaijan, Armenia and Nagorno Karabakh are absolutely unprepared to pursue the revision of the status quo state of affairs in the conflict area, let alone

¹⁰⁵ It is worth noting that the workshops should be designed in a way as to exclude the possibility of serving as another platform for articulating propagandistic statements, so that it can produce frank discussion aimed at overcoming divergent interests on the basis of shared values and common threats.

¹⁰⁶ By Ellen Barry, Azerbaijan and Armenia Fail to End Enclave Dispute. Available at: http://www.nytimes.com/2011/06/25/world/asia/25karabakh.html?_r=1&ref=armenia

contribute to the peaceful resolution of the conflict. Among other reasons, this is largely due to the deep seated antagonism, historical fears and dehumanization of the other side that the societies across the conflicting lines have elevated to unattainable heights. In other words, even if the mediation efforts were to result in offering a well-balanced proposal reflecting the sensibilities of the conflicting sides and based on mutual concessions, such a proposal would be clearly rejected on the ground.

Operating in an environment of mutual antagonism and enmity vigorously displayed at the intersocietal level, where societies have long been encouraged to entertain unrealistic expectations and where conciliation is fraught with risk, steps toward compromise would clearly endanger the positions of the Azerbaijani and Armenian authorities.¹⁰⁷ Given these limitations at the official level, track II diplomacy should involve problem solving workshops carried out by the Armenian and Azerbaijani elites who have access to top leaders but are not part of the official leadership. The aim of such workshops is to bring together people from opposing sides of a conflict and help them replace their mythical beliefs, hostility and fear with enough understanding to make peace look attractive and attainable. One privilege of such talks is to allow for more informal, and often more creative, exploration of options than formal leaders are willing to risk.¹⁰⁸

Finally, the two governments should treat civil society organizations not as opponents, but as natural allies whom they should consult with to gain public support. Such constructive

¹⁰⁷ In the Arab-Israeli relationship, for example, Palestinian leader Yasser Arafat spent his career affirming that the struggle will continue until all of Palestine is liberated. Trapped by this commitment, Kaufman 2006 notes, "...he found it virtually impossible to make peace because it would require him to give up such symbols as the 'right of return,' the pursuit of which was at the heart of his legitimacy. When pressed at Camp David to make concessions on Jerusalem, he reportedly asked President Clinton: 'Do you want to go to my funeral?' Peace, ironically, comes to be seen as riskier than war. See Stuart J. Kaufman, "Escaping the Symbolic Politics Trap: Reconciliation Initiatives and Conflict Resolution in Ethnic Wars," (Journal of Peace Research, vol. 43, no. 2, 2006), 205.

¹⁰⁸ For example, the 1993 Israeli-Palestinian Oslo process, often cited as an example of successful track two diplomacy, began as an informal series of discussions between two Israeli academics and some members of the PLO leadership.

cooperation would facilitate a negotiated solution, enhance the legitimacy of a decision by the leaders to sign the basic principles agreement and proceed toward substantive dialogue. At the same time, civil society organizations should widen and diversify their partnerships, working through a wide range of mediums, including television, radio, educational institutions, and business groups, so as to transform the dialogue and define a new framework for describing the conflict and its solution. Given the contextual specificities of the Nagorno Karabakh peace process, track-two diplomacy should be specifically designed to address the following issues:

a) Dehumanization and Deligitimization of the Other Side

Deligitimization and dehumanization of the other side, as already noted, exert a strong influence on how the negotiation process around Karabakh conflict revolves. Clearly, the policies of mutual exclusion have long impeded any meaningful dialogue between the Armenians and Azerbaijanis on the substantive issues, diverting the parties to fights over secondary matters such as statements and declarations.

What peace-builders can do in this regard is to bring together people from opposing sides of conflict to replace the myths about the other side with better information, and to replace relationships of enmity with cooperative relationships. Such efforts among informal leaders can empower formal leaders to persuade their people to ratify a compromise settlement and keep it on track in the implementation stage.

For example, one of the overriding reasons accounting for the reluctance of the governing regime in Azerbaijan to make concessions on Karabakh issue are the domestic political constraints. The Azerbaijani leadership is completely restrained to work within the framework that entails making mutual concessions mostly due its domestic propaganda aimed at inculcating the idea of seizing more at the negotiations table from the enemy. The public in Azerbaijan has

been continuously exposed to a very vitriolic and often hateful propaganda involving the other side. Deliberate manipulations of public opinion to gain or keep power by political leaders, however, severely constrain the power of informal leaders to reverse the course of hostile policies.

While antagonism and resistance is a pervasive feature of Armenian society,¹⁰⁹ the latter, however, is more inclined to see the resolution of Nagorno Karabakh conflict as an outcome of mutually agreed concessions, of give and take. This willingness, as opposed to Azerbaijani daily war rhetoric¹¹⁰ articulated at the highest official level, is clearly reflected in the balanced statements of the officials in Armenia. Therefore, the way for track two diplomacy and workshops to address these problems is to promote reconciliation, addressing both the emotional foundations of hostile political attitudes and their expression.

b) Historical Grievances

Because hostility between the Azerbaijani and Armenian societies is further exacerbated by mutually exclusive interpretations of history and de-legitimization of the other side, track-two diplomacy should also help revise the ingrained tendencies of rendering biased interpretations to events and selective information processing. In this regard, the reconstruction of the past should be an important part and parcel of the reconciliation process, because the collective memory of the past underlies much of the animosity, hatred, and mistrust between the parties. “Conflict resolution,” to quote Kelman 2003 “does not imply that past grievances and historical traumas

¹⁰⁹ Although some Armenians refer to Azerbaijanis as “Turks” and consider the conflict in Nagorno Karabakh as a continuation of Genocide committed against the Armenian population in 1915 by Ottoman Turkey, statements characterizing Azerbaijanis as Turks appear neither in media coverage nor official statements. As long as Nagorno Karabakh conflict is concerned, there is, in other words, no propaganda in Armenia carried out along these lines. This is not to say, however, that Armenians are less belligerent, since they are as intransigent, if not more so, than the Azerbaijanis, especially when it comes to the determination of the status issue.

¹¹⁰ “Ahto Lobjakas, Nagorno-Karabakh: Azerbaijan up for a Fight, but Armenia Unbowed,” *A EurasiaNet Partner Post from RFE/RL*, 2/09/08. Also see, “Azeri Defense Minister Threatens War.” Dec.14, <http://www.asbarez.com/2009/12/14/azeri-defense-minister-threatens-war-2/>.

have been forgotten and a consistently harmonious relationship has been put in place. It simply implies that a process has been set into motion that addresses the central needs and fears of the societies and establishes continuing mechanisms to confront them.”¹¹¹ To break a cycle of growing hostilities and misperceptions, track-two diplomacy and the workshops designed within its framework should, among other things, present the past in a balanced way and in a more objective manner. The memories of the past, while including tremendous pain, also encompass warm memories of shared life in a multiethnic Nagorno-Karabakh and Azerbaijan.¹¹² This process requires a critical examination of the history of the intergroup relations and a gradual cultivation of new look at the actions of one’s own group and those of the other group.

Conclusion: Measures of Success for Comprehensive Mediation

Just as any protracted ethno-territorial dispute, Nagorno Karabakh conflict demonstrates a complex set of intertwined and interdependent issues manifested at the strategic, psychological and structural levels that, once left firmly knotted, resist easy solution. This multilayered composition of interrelated issues and obstacles, which is a dominating and persistent characteristic of any protracted enthnoterritorial conflict, constitutes an important part and parcel of Nagorno Karabakh dispute and poses a major challenge to an effective conflict resolution. Although it is not an easy task to fully capture the intricate nature of strategic, institutional and social-psychological barriers of the Karabakh conflict, as well as the whole scope of security perceptions and concerns of the parties to the conflict revolving around them, a few conclusions are nevertheless evident.

¹¹¹ Kelman, Herbert, “Social-Psychological Dimensions of International Conflict,” in *Peacemaking in International Conflict: Methods and Techniques*, ed. Zartman William (United States Institute of Peace, 2007), 67.

¹¹² “Outside the conflict region, Crisis Group report 2005 notes, “especially in Georgia, Russia and Iran, Azerbaijani and Armenian traders and businessmen live and work side by side. Ethnic Armenians and Azeris (including from NK) cooperate in small and medium-size businesses, in markets, retail shops and small restaurants.” See Nagorno-Karabakh: A Plan for Peace, (Crisis Group Europe Report N°167, 11 October 2005), 25.

The assessment of the OCSE Minsk Group mediation efforts, as manifested through a number of proposals made to the disputing parties, clearly reveals that the mere focus on the elimination of strategic and tactical barriers, with no parallel actions taken to build favorable conditions on the ground in no way contributes to conflict resolution. The intersocietal dimension of the Nagorno Karabakh conflict and its domineering social-psychological basis, as argued throughout the paper, is an important part of Nagorno Karabakh conflict and should not be treated as a problem of derivative importance. Any attempt of effective mediation that fails to attend to this level and mitigate its devastating potential through track-two diplomatic efforts and problem solving workshops is therefore doomed to failure. This being the case, the establishment of right conditions in the buildup to peace in Nagorno Karabakh conflict should be the specific objective of the OSCE mediation process.

Not less important, however, is the establishment of tangible and attainable benchmarks against which the success or -for that matter failure- of the OSCE Minsk Group mediation efforts could be meaningfully assessed and measured. This is all the more relevant for any mediation in protracted conflicts, since it enables to effectively evaluate the mediatory activity on the ground as well as introduce the needed methodological and tactical changes into the mediation process for more informed and adequate engagement.

Given the complicated nature of Nagorno Karabakh conflict and its devastating escalatory potential, the success of the mediation efforts could, for example, be gauged in terms of producing a ceasefire along the line of contact and a strong determination and readiness shown on the part of disputing sides to seek a solution that completely excludes the propensity of resorting to force. In this connection, the cessation of war rhetoric and the abandonment of cheap propaganda for internal consumption, cohesion and unity, along with parallel actions taken

towards demilitarization and demobilization, could well serve as visible and reliable indicators of successful diplomatic engagement. In particular, the removal of snipers from the line of contact will certainly be a major breakthrough to this end.

Restoration of the genuine format of negotiations in which Nagorno-Karabakh gets a seat around the table for negotiations would clearly lay the groundwork for effective conflict resolution. This is important for the future success of the whole mediation process, because neither the mutual concessions, nor the entire process of constructive conflict resolution seem feasible, if the status of Nagorno-Karabakh as an immediate party to the conflict is not restored. The clear deadlock that appears to characterize the current phase of the negotiations in many respects pinpoints to the fact that Nagorno-Karabakh, being *de jure* a party to the conflict, is *de facto* withdrawn from the process of negotiations. Only through the acknowledgement of the Nagorno-Karabakh as a party to conflict and its immediate participation in negotiations will the genuine format of peace talks be restored. Without this, even a well-balanced OSCE proposal incorporating innovative resolution packages and based on mutual concessions stands little chance of being effectively implemented on the ground.

Finally, success can be considered as occurring when diplomatic intervention has achieved convergence of expectations by gradually reducing aggressive rhetoric, misperception, and hostility between the parties to the conflict through an effective conduct of track two diplomacy and workshops aimed at addressing the social-psychological dimensions of the Nagorno-Karabakh conflict that deal with perceptual and attitudinal problems. In other words, parallel to the efforts at the negotiating table, track two diplomacy further reinforced by well-designed workshops should enable the public to bridge the gap in perceptions of the peace process, so that popular opinion reinforces, rather than challenges the political will of leaders to

reach agreements. The willingness of the parties to take a more conciliatory stance on resolution as a shared problem could well provide another reliable yardstick against which the success of the OSCE mediation can be assessed.

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Appendix A

Map of Nagorno-Karabakh and surrounding seven districts.

