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THE KARABAKH PROBLEM

FACTORS, CRITERIA, VARIANTS
OF SOLUTION



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The author elucidates the reasons and character of the Karabakh problem, the role of the historical, territorial, ethnic, geopolitical. cultural and other factors in the origin of the conflict over Karabakh and tries to define the criteria for new approaches to the solution of the conflict. In a special chapter he reviews and evaluates several variants of the Karabakh conflict resolution, brought up by different organizations, policy makers and scholars.

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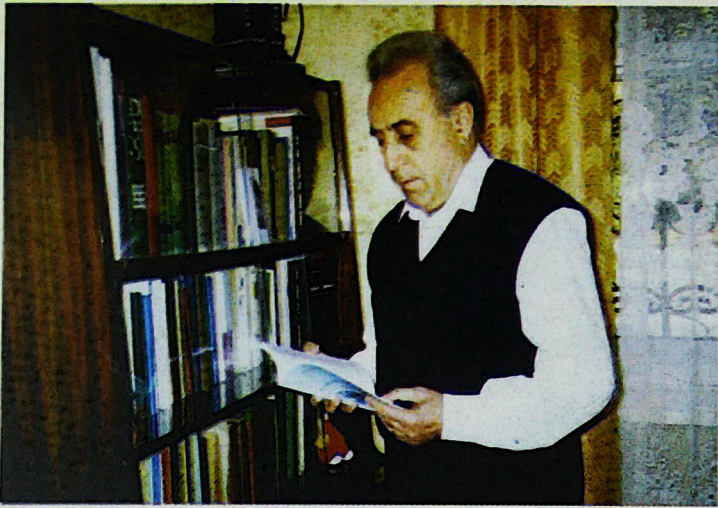
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INTRODUCTION

One of the prevalent features of the contemporary world is the phenomenon of ethnic and ethnopolitical conflicts. These conflicts have intensified with the demise of colonialism in Asia, Africa and Latin America; the ending of the Cold War; and the collapse of the Soviet Union and Yugoslavia. Many nations and ethnic groups were involved in these processes and many centers of ethnopolitical conflict have subsequently ignited throughout the world. Professor Ted Robert Gurr, summarizing the results of his long-term research on the Minorities at Risk project, has concluded that a total of 233 sizable ethnic groups, which had been targets of discrimination and/or were organized for the purpose of political assertiveness, have already or may become active in ethnopolitical conflicts.¹ His opinion is shared by Barbara Harff.²

Transcaucasia is included in the volatile, dangerous world of the ethnopolitical conflict. The ethnopolitical conflicts in Transcaucasia are among "those on which global attention has been fixated in recent years."³ The well known Transcaucasian ethnopolitical conflicts are composed of Nagorno-Karabakh, Abkhazia and South Ossetia.

Most researchers and scholars dealing with this area's conflicts concentrate attention on the Nagorno-Karabakh conflict. Among

these researchers are M. Halperin and L. Scheffer,⁴ P. Goble,⁵ J. Nichol,⁶ N. Fraser, K. Hipel, J. Jaworsky and R. Zuljan,⁷ R. Lapidot,⁸ Sh. Avineri,⁹ T. Gurr,¹⁰ B. Harff,¹¹ C. Migdalowitz¹² and many others. For these scholars, the Nagorno-Karabakh conflict is without question the first ethnopolitical conflict in the former USSR. J. Nichol states that, "the first regional ethnic conflict started in 1988 in Nagorno-Karabakh. The second started in December 1990 in South Ossetia in Georgia, while the third started in August, 1992 in Abkhazia in Georgia."¹³ The same idea is expressed by T. Gurr who notes that "The Cold War was not yet over in 1987 but winding down: the first distinctively post-Cold War ethnic conflict began the following year in Nagorno-Karabakh."¹⁴

These researchers also stress the impact of the Karabakh Liberation Movement on other ethnic processes not only within the Soviet Union, but also outside its borders. As mentioned, the Nagorno-Karabakh conflict was followed by the conflicts in Georgia (South Ossetia and Abkhazia). Ethnic clashes in the Central Asian republics and parts of the former USSR followed. The German professor, Otto Luchterhandt, who carefully examined this question concludes: "The Armenian ethnic group in Nagorno-Karabakh was, and that also deserves to be noted, one of the first to make public its unsatisfied, insulted national concern and made its demands for political revision. Its action was an essential contribution to the ini-

tiation of that process which led to the dissolution of the Soviet Union three years later.”¹⁵

The Nagorno-Karabakh influence on countries outside the Soviet Union is cited by Jim Nichol: “The ongoing Nagorno-Karabakh conflict has raised ethnic consciousness among some “Southern Azerbaijanis.”¹⁶ Paul Goble goes much farther when he states that “More than any other problem in the post-Soviet space, the fighting around Nagorno-Karabakh threatens to involve not only regional powers but more distant countries as well.”¹⁷

All ethnopolitical conflicts operate under the banner of self-determination. Although some basic similarities exist in all conflicts, each conflict must be defined by characteristics unique to itself. M. Halperin and L. Scheffer are correct in suggesting that “Self-determination movements are decidedly not all alike or even similar to each other.”¹⁸ They believe that in our changing world it is necessary that a new, modern approach to the problems of self-determination and ethnopolitical conflict be utilized: “The international community must respond to this greater complexity not by simply resisting self-determination claims, but by adopting a framework for distinguishing among them and assessing their legitimacy.”¹⁹ M. Halperin and L. Scheffer suggest, “as a first step toward a modern approach, governments must adopt a broader and less alarmist view of self-determination.”²⁰

These scholars agree that these ethno-political conflicts and resulting self-determination movements, including that in Nagorno-Karabakh, stem from background ethnic, political or cultural causes. The above-mentioned American researchers have formulated the following principle which constitutes the basis of the modern approach to the problem of self-determination and ethno-political conflict: that they "may be based on ethnic, geographic, historical or economic factors."²¹ Territorial and religious factors should be added to this list.

**GEOGRAPHIC, ETHNOCULTURAL AND HISTORICAL
FACTORS OF THE SELF-DETERMINATION MOVEMENT
IN NAGORNO-KARABAKH**

An understanding of historical, geographic, ethnic, religious, cultural, political and territorial factors is necessary in seeking authentic ways and means, as well as for adopting realistic policy for resolution of the Nagorno-Karabakh conflict. We must bear in mind that "Contemporary conflicts between ethnic groups and states are a part of the heritage of large historical processes."²²

1. Name of the Area

The area of the Nagorno-Karabakh was known to the ancient medieval worlds by various names. In the Urartian cuneiforms, this region was called Urtekhe-Urtekhini, bearing an obvious similarity to the traditional Armenian name for the area, Artzakh.²³

In ancient Greek historical sources, the area was called Orkhistena,²⁴ again deriving from the Armenian "Artzakh." The name

Artzakh and its variations were widely known at the time. The area also bore other names - Tsavdek, from the name of the center of the principality of Tsavdek; and Khachen, after a fortress of the same name. Khachen was common in the 10th-12th Centuries. As mentioned *Vardan*, a historian of the 13th Century, "Artzakh is now Khachen."²⁵ Khachen originated from the Armenian word, *khach*, which means "cross." It reflects the fact that the inhabitants of the region were Christian Armenians.

Medieval historical sources also list the area as "Little Siunik" and "Little (Minor) Armenia."²⁶

The name Karabakh was first recorded in two 14th Century sources - *Qartlis Tzkhovreba (The Georgian Chronicle)* and in a work by the Persian historian, Hamd-Allah Mustafwi of Qazwin.²⁷ According to the Persian tradition, this region was divided into two parts: "Plain," which was called *Bagh-i Safid* ("White Garden"), and "Mountainous," called *Bagh-i Siyah* ("Black Garden"). The latter was translated directly by Turks as *Karabakh* ("Black Garden"). The Armenians call this part of the region *Lernayin Karabakh*, or Mountainous Karabakh. The name Nagorny Karabakh is a combination of Russian "mountainous" (*Nagorny*) with Turkish *Karabakh* (Black Garden), or Mountainous Black Garden. The Armenians still adhere to their ancient traditional name, Artzakh.

2. Geography

Artzakh has always been an integral part of Armenia. It is located on the right bank of the River Kura, the geographical and state border between Armenia and Caucasian Albania. All ancient historical sources - not only Armenian, but Greek and Roman sources as well - confirm this. A reliable source of the 7th Century, Ashkharatshits, (*Armenian Geography*) provides detail of the administrative divisions of Armenia, including Artzakh as the 10th Province of Armenia, which is further divided into 12 gavars (small regions.). Strabo called Artzakh the Province of Armenia. Other sources, including Strabo, Plinius, Ptholemeus, Plutarkos and others, indicate that it occupies the Eastern side of Armenia.

Artzakh is a mountainous land with difficult access. P. Goble suggests that "another geographic feature compounding Nagorno-Karabakh's ethnic troubles is the location there of the headwaters of one of the most important tributaries of the river that flows through Baku, the capital of Azerbaijan. Consequently, the group that controls Karabakh will have powerful leverage at the center of the Azerbaijan."²⁸ This is an important remark, as it explains the deeper aspirations of the Azerbaijani powers to keep Nagorno-Karabakh under their domination.

3. Population

The natives of Artzakh have been Armenians from time immemorial. They are of the same ethnicity, speak the same language, practice the same religion (Christianity) and enjoy the same cultural heritage as those in all other parts of Armenia. The dominant language in this Armenian province is Armenian, a branch of the Indo-European linguistic family. At the beginning of the 4th Century, the Armenians of Artzakh, as well as those from other parts of Armenia, adopted Christianity.

The ethnic composition of this province has not changed significantly throughout the centuries. Some changes occurred in the 16th-18th Centuries when various Kurdish and Turkish tribes penetrated the Artzakh province. These include Kurdish ashirats Igirmidort ("24"), *Otuz iki* ("32"), Turkish tribes *djevanshir*, *demirchi-ghasanli*, *djinli*, *shasevans*, etc. These tribal unions, which came from Central Asia, Asia Minor and Kurdistan, did not significantly impact the political condition of Artzakh, which represented itself as a federation of Five Armenian *Melikutiun* (princedom), in the beginning. The situation had changed, however, by the 18th Century, as these tribes had gradually strengthened their position, having even established their own local khans in some parts of Artzakh. It was, however, as far as they could go. They did not succeed in placing the province under their control

and the Armenian Meliks of Karabakh continued their struggle for liberty.

One ungrounded version of the area's history is that the Armenians of Karabakh are newcomers, having migrated from Iran, and that they did not live in that province until the Russian-Persian War of 1826-1828 when Russia conquered Karabakh and forced the resettling of many Armenians. The primary historical sources prove, however, that the Armenians were the indigenous population of the province.

While it is true that many Armenian families repatriated from Iran to Armenia, including Artzakh, there is no reason to exaggerate their number and significance. Before the Russian-Persian War, there were 5,107 Armenian farmsteads in Artzakh²⁹. After the War, 700 Armenian families were resettled from Iran in Artzakh-Karabakh. Of this number, 300 families later returned to Iran. In addition, a significant portion of the migrants who remained in Karabkh became victims of the black death.³⁰

Despite some changes in the ethnic composition of Karabakh, 95 percent of the population of the province at the beginning of the 20th Century were Armenians, and only five percent from Muslim tribes. Before the First World War in 1914, 206,768 Armenians were living in Karabakh. There were 224 Armenian villages, 222 active churches with 188 clergy members.

There was Armenian dominance in the province in such crucial spheres as ethnicity, religion, language and cultural heritage. The Armenians were not the newcomers to Karabakh. The newcomers were a conglomeration of Muslim nomadic tribes, who afterward, in the 20th Century, came to be called Azerbaijanis. "Armenia, - states Paul Goble, - is an ancient nation which was fully consolidated at least 2,300 years ago. Azerbaijanis did not exist as a separate people until this century, before which time they were simply part of the Turco-Persian world."³¹ In this case, the ethnic dimension, essential to the theory of M. Halperin and L. Scheffer about new approaches to the problem of self-determination, favors the claims of the Armenians of Nagorno-Karabakh.

4. History

Artzakh, as mentioned, has always been an integral part of Armenia, part of various Armenian kingdoms (Yervanduni, Artashian, Arshakuni, etc.) When Armenia was divided in 387 AD between Iran and the Byzantine Empire, Artzakh remained as part of Eastern (Persian) Armenia. But after the liquidation of the Armenian Kingdom in 428, Artzakh was included by the Persians in the Albanian Kingdom, which was under the Iran protectorate. This political situation continued until 469 when that Kingdom was also liquidated by the Persians. Instead, it was established as a province under the name "Albania" and Artzakh became a part of that province. During the subsequent centuries, many changes in the political destiny of Artzakh took place, as with the whole of Armenia, the result of invasions of various Turkish tribes from the 11th Century (the Seljuks, Mongols, Oghuses, etc.)

During the late Middle Ages, the 17th-18th Centuries, this vast region (Transcaucasia and the Middle East) became an arena of bloodshed and struggle between the Persian and Ottoman Empires. The central parts of Armenia fell under the yoke of Persia and Turkey, while the Karabakh meliks (princes) succeeded in preserving comparative independence. Because of their action and determination to preserve their ethnic identity and freedom, Artzakh became

a stronghold of the liberation movements of Armenians against Persian and Turkish domination.

In 1813, following the Russian-Persian War and the conclusion of the Gyulistan Treaty, Karabakh, together with other parts of Eastern Armenia, was incorporated into the Russian Empire. Other parts of Eastern Armenia (the provinces of Yerevan and Nakhichevan) were, under the Turkmenchai Treaty, united with the Russian Empire following the Russian-Persian War, 1826-1828. As a result of these two wars, the provinces of Baku, Gyianja, Shaki, Shirvan and Talish were incorporated into the Russian Empire.

The administrative division of Transcaucasia has changed many times. On December 9, 1867, the Russian Government divided Transcaucasia into five provinces (*guberniya*) - Qutaisi, Tiflis, Yerevan, Yelizavetopol and Baku. Part of Eastern Armenia was included in the Yerevan Province, which consisted of the Yerevan and Nakhichevan regions (*uezds*), while other parts were incorporated into the Provinces of Yelizavetopol and Tiflis. Most of Nagorno-Karabakh was included in the Yelizavetopol Province. This division remained in force until the collapse of the Russian Empire in 1918. Three independent states subsequently emerged for a brief period in Transcaucasia - Georgia, Armenia and Azerbaijan.

Immediately following this new configuration, Nagorno-Karabakh became an object of dispute between Armenia and Azerbaijan. Ac-

According to Carol Migdalovitz, "Both Armenia and Azerbaijan claimed Karabakh when they became independent in 1918".³² Azerbaijan as a state appeared for the first time in history in 1918. "Nagorno-Karabakh (Mountainous Karabakh) and the larger surrounding lowlands have been part of the Armenian homeland for more than two millennia. Azerbaijan claimed the region for the first time when it emerged as an independent state in 1918."³³ Soviet Russia, Great Britain, Turkey and other countries actively interfered in this conflict. "The population of this area opted clearly for Armenia."³⁴ There are numerous documents, materials and sources that confirm this fact. One source in particular should be cited: "However, the 95-percent Armenian majority of the region declared their wish to be part of Armenia."³⁵

The territorial dispute between Armenia and Azerbaijan continued through 1918-1920 and there were many bloody clashes between Armenians and Azerbaijanis, in addition to the Turkish intervention. But the Armenians rejected the Turkish occupation and continued their struggle for unification with their homeland, Armenia.

In April, 1920, the Soviet power was established in Azerbaijan and on November 29, 1920, in Armenia. This new political situation had borne hopes among the Armenians that the dispute would be solved fairly, and in the beginning there seemed to be some real reason for this optimism.

On December 1, 1920, the Revolutionary Committee of Soviet Azerbaijan adopted a declaration on the disputed territories and sent a telegram to the Revolutionary Committee of Soviet Armenia: "As of today, the border disputes between Armenia and Azerbaijan are declared resolved. Mountainous Karabakh, Zangezur and Nakhichevan are considered part of the Soviet Republic of Armenia.

- Chairman of *Azerbaijanis Revkom* (Revolutionary Committee), N. Narimanov, Commissioner of Foreign Affairs, Huseinov".³⁶

The declaration of the Azerbaijani Revkom was warmly received by both the Armenian population and its officials. Sarkis Kasyan, the chairman of the Armenian Revkom, in a telegram to Nariman Narimanov, expressed deep thanks to Azerbaijani Revkom, stating appreciation for its historical action and emphasizing that it would serve as an example of new relations between neighboring countries.

The Caucasian Bureau of the Russian Communist (Bolshevik) party, in its meeting on June 3, 1921 and in the presence of all Caucasian leaders - S. Ordjonikidze, Ph. Makharadze, N. Narimanov and AI. Miasnikian - made a decision recommending that the Government of Soviet Armenia mention in its declaration that Nagorno-Karabakh belongs to Armenia.³⁷

Upon implementation of this recommendation, the Government of Armenia, on June 12, 1921, published the following announce-

ment: "Based on the declaration of the Revolutionary Committee of the Socialist Soviet Republic of Azerbaijan and the agreement between the Socialist Soviet Republics of Armenia and Azerbaijan, it is hereby declared that Mountainous Karabakh is henceforth an integral part of the Socialist Soviet Republic of Armenia."³⁸ One of the leaders of Soviet Armenia, A. Mravian, was appointed extraordinary representative of Armenia in Nagorno-Karabakh.

The position of the Azerbaijani leadership changed quickly and radically, however, following this decision. N. Narimanov announced that they could not agree with the attachment of Nagorno-Karabakh to Armenia, arguing that "it will restore the anti-Soviet groups in Azerbaijan." They insisted on its attachment to Azerbaijan. In the event that their demand was rejected, they threatened to resign.

A plenary session of the Caucasian Bureau was called on July 4, 1921 to examine this issue. This party body was composed of Kirov, Ordjonikdze, Miasnikian, Makharadze, Narimanov, Nazarettian, Orakhelashvili, Figatner and others who had decided to attach Nagorno-Karabakh to Soviet Armenia. N. Narimanov, who had at that time become chairman of the Azerbaijan Government, protested and demanded a transfer of the examination of this issue to the Central Committee of the Communist (Bolshevik) Party of Russia. The Caucasian Bureau agreed to this request, but the de-

mand was not granted. On July 5, 1921, the same plenary session met, reviewed the issue and decided "that considering the necessity of national harmony between the Muslims and Armenians, the economic linkage between Upper and Lower Karabakh, and its permanent ties to Azerbaijan," Mountainous Karabakh should be left within the boundaries of the Azerbaijani Soviet Socialist Republic, while declaring it an autonomous region with Shushi as its administrative center.⁴⁰ On this decision, five voted in favor and four (S. Ordjonikidze, S. Kirov, Al. Miasnikian and Yu. Figatner) voted against it. The Central Committee of the Communist Party of Armenia protested this decision by the Caucasian Bureau, but Moscow ignored the objection.

The Azerbaijani authorities decided in 1923 "to form, as part of the Azerbaijani Soviet Socialist Republic, an autonomous Armenian region in Karabakh with Khankend as its center."⁴¹ It was formally named Nagorno-Karabakh Autonomous Oblast (NKAO). Khankend was subsequently renamed Stepanakert.

It is significant that the borders of NKAO were drawn in such a way that the oblast (province) was at no point contiguous to Armenia, thereby creating an artificial barrier between NKAO and Armenia.

This poses the question as to why an integral part of Armenia, Artzakh-Nagorno-Karabakh, was separated from its motherland,

Armenia, and placed under the jurisdiction of Azerbaijan.

Scholars who have studied this problem and the history of the period have no doubt that the Caucasian Bureau had altered its decision of July 4, 1921 (adopted July 5) to favor Azerbaijan under pressure from Stalin who at that time was one of the powerful leaders of Soviet Russia and responsible for national policy. The question of Stalin's motives for this behavior follows. One prevalent theory is that Stalin was pursuing a policy of divide-and-conquer: "Stalin intentionally planted in each republic one or more minorities which would have to depend on Moscow for protection, and which would thus serve as Moscow's agents on the scene. Moreover, by creating asymmetrical power relationships among the republics in the region, Stalin was able to direct ethnic antagonisms toward non-Russians and away from the dominant Russian community at the center."⁴² This principle was implemented in the Caucasian region, including Karabakh. "Moscow drew borders in this region so that there would be significant Armenian and Azerbaijani minorities in each other's states and then used these minorities as its henchmen."⁴³

For another explanation of this arbitrary decision regarding the Nagorno-Karabakh problem, its separation from Soviet Armenia and "grant to Soviet Azerbaijan,"⁴⁴ some researchers are exploring the character of Soviet-Turkish relations in the 1920s. Carol Mig-

dalovitz states that "Stalin reversed the decision (e.g. Caucasian Bureau on Karabakh on July 5, 1921 - N.H.), explicitly to further peace among Armenians and Muslims and acknowledge Karabakh's economic tie to Azerbaijan, and reportedly to *please Turkey*."⁴⁵ This issue is elucidated in detail by N. Fraser, K. Hipel, J. Jaworsky and R. Zuljan in their analysis of the Armenian-Azerbaijani dispute, who remind us that the new revolutionary authorities of 1920 had initially decided to place Nagorno-Karabakh under Armenian administration, but that they reversed this decision in 1921 and placed both territories under Azerbaijani's administrative control. They write: "Although the reasons for this change in jurisdiction are not perfectly clear, developments in Soviet-Turkish relations possibly played a certain role, for Kemalist Turkey was one of Soviet Russia's first and closest allies. Allocating Nagorno-Karabakh and Nakhichevan to Azerbaijan may have been a concession to the new Turkish state, which the Soviet leadership hoped would play an important role in leading the anticolonial, revolutionary struggle in Asia."⁴⁶ The English historian Christopher Walker also shares this conception.⁴⁷

This is a brief history of the arbitrary secession of Nagorno-Karabakh from Armenia and its incorporation into Azerbaijan. M. Halperin and L. Scheffer in the section, "Historical Factors," of their valuable study, "Self-Determination in the New World Or-

der," accept that "The history of how a particular region came to be incorporated into a larger state may also be relevant in deciding whether to support a self-determination claim."⁴⁸ For the resolution of this problem they suggest taking into consideration three situations: "whether a territory was forcibly incorporated into an aggressor state, voluntarily jointed the state, or never existed as an independent state."⁴⁹

In applying this theory to Nagorno-Karabakh, any unbiased researcher would have to admit that Nagorny-Karabakh did not join Azerbaijan voluntarily, but rather under forced incorporation against the will of the Nagorno-Karabakh Armenians, who at that time made up 95 percent of the total population and clearly opted for Armenia. M. Halperin and L. Scheffer suggest that "instances in which the United States previously accepted a forcible incorporation (for example, East Timor into Indonesia and Tibet into China) may deserve reevaluation."⁵⁰ As the Nagorno-Karabakh case belongs to the category of "forcible incorporation," then we believe there is a serious reason for the United States to reevaluate its attitude toward the Nagorno-Karabakh problem. Nagorno-Karabakh deserves this reevaluation.

5. Nagorno-Karabakh Autonomous Oblast (NKAO), 1923-1988

NKAO, according to the definition of N. Fraser, K. Hipel, J. Jaworsky and R. Zuljan, became a "mountainous island" of Armenians in an Azerbaijani "sea."⁵¹ The territorial decisions of 1921-23 were never acceptable to Nagorno-Karabakh's Armenians, becoming a permanent source of dissatisfaction. The Armenians of the NKAO had never given up attempts to change the status of Nagorno-Karabakh and persistently pursued their efforts to reunite with their homeland, Armenia. Since 1930, and especially in the 1960s-1980s, they sent thousands of individual and collective letters, petitions and appeals to the Central Committee of the Communist Party of the USSR (CPSU) and the Council of Ministers of the Soviet Union not only to improve their socioeconomic and political conditions, but to transfer this area to Armenia.⁵² There was never a positive response from the Soviet authorities to this demand.

In the Report of Human Rights Advocates on Nagorno-Karabakh, submitted to the UN Commission on Human Rights, it was recorded that "since the annexation of Nagorno-Karabakh to Soviet Azerbaijan, economic underdevelopment, social inequality, political and ethnic as well as religious discrimination" were reigning in NKAO due to the policy of the Azerbaijani powers.⁵³ Analogous points of view have been expressed in *A Conflict Analy-*

sis of the Armenian-Azerbaijani Dispute. The authors of that valuable analysis confirm that "by this time (e.g., in 1930-1980s - N.H.) the autonomy of Nagorno-Karabakh had been highly restricted, and deteriorating socioeconomic conditions, combined with Azerbaijani's insensitive cultural policy which discriminated against Armenians and favored Azerbaijanis in the NKAO."⁵⁴

The Conference on Security and Cooperation in Europe (CSCE) mission visited Moscow and the Republics of Azerbaijan and Armenia from February 12-18, 1992. The chairman and some members visited Nagorno-Karabakh on 17 February. The mission stated the following: "In 1998, the Armenian community in the autonomous region ('oblast') of Nagorno-Karabakh in the Republic of Azerbaijan constituted some four fifths of the population there, the other fifth being Azeris. In the Armenian community there was a long-standing resentment against the Center due to serious limitations of cultural and religious freedom. By the beginning of 1988, there were almost no churches open."⁵⁵

To the socioeconomic, political, cultural and religious problems of NKAO must be added a demographic problem. During the period in question, the percentage of Armenians in the NKAO was permanently decreasing, while the Azerbaijani population was permanently increasing. The percentage of Armenians in 1923 when the NKAO was organized was 94.4 percent of the the total

population of the Oblast, 84.4 percent in 1939 and 75.9 percent in 1979.⁵⁶ Also decreasing were the percentages of the other non Azerbaijani peoples of the NKAO, starting with the Russians. If the Azerbaijani people comprised 10.1 percent of the population in 1926, their percentage had reached 22.9 percent in 1979. Their number had doubled.⁵⁷ Quite rightly, the group of researchers analyzing the reasons behind such demographic changes in NKAO state that "Armenians considered this to be the result of intentional population manipulation."⁵⁸

The demographic policy of the Azerbaijani government disturbed and alarmed the Armenians of the NKAO. "The Armenians assume that Azerbaijan intends to oust them from Karabakh, the way they believe it did from Nakhichevan in the 1920s"⁵⁹ When Nakhichevan was placed under the domination of Azerbaijan by the provisions of the Moscow Treaty, which was concluded on March 16, 1921 between Turkey and Soviet Russia, violating the historical rights of Armenia, the Armenians consisted of about 52 percent of the total population of that province. But in the 1980s, there was practically no Armenian population in Nakhichevan.

So we can conclude that the ethnic, socioeconomic, demographic, territorial and historical factors are the background of the liberation movement of the Armenians in Artzakh and their demand to transfer Artzakh to Armenia.

EMERGENCE AND STAGES OF NAGORNO-KARABAKH PROBLEM

At the beginning of the 1980s it became clear that the Soviet Union had entered a phase of deep political, socioeconomic, ideological and ethnopolitical crisis. The policies of glasnost and *perestroika* (openness and reconstruction) began. Glasnost offered new possibilities for individuals, peoples and ethnic groups to openly express their desires and aspirations. Those expressing their wishes included the Armenians of Nagorno-Karabakh who sent several delegations to Moscow in 1987 and 1988 to discuss the problem of NKAO with party officials. During these meetings they addressed the issue of the status of the Autonomous Oblast. But these meetings and discussions show no record of a positive result.

Meanwhile in Karabakh, meetings and demonstrations, demanding that the Oblast be reunited with Armenia, began. Ordinary people, all social groups, were mobilized by a deep sense of grievance.⁶⁰

1. The First Stage of the Nagorno-Karabakh Problem -

Age of Declarations (1988-1990)

The Nagorno-Karabakh conflict has passed through three stages. The first stage began in February, 1988.

On February 20, 1988, in a highly charged atmosphere, the 20th Extraordinary Session of the Soviet of People's Deputies of NKAO was summoned to consider mediation of the transfer of the NKAO from the Azerbaijani SSR to the Armenian SSR. During that Session, the highest legislative body of the NKAO adopted the following Resolution. "Welcoming the wishes of the workers of the Autonomous Region of Mountainous Karabakh, to request the Supreme Soviets of the Azerbaijani and Armenian SSRs that they appreciate the deep aspirations of the Armenian population of Mountainous Karabakh and to transfer the Autonomous Region of Mountainous Karabakh from the Azerbaijani SSR to the Armenian SSR, at the same time to intercede with the Supreme Soviet of USSR to reach a positive resolution regarding the transfer of the region from the Azerbaijani SSR to the Armenian SSR."⁶¹

The Resolution was adopted by a vote of 110 in favor, 17 opposed and 13 abstentions. From the beginning, Nagorno-Karabakh's official organs placed the solution to the problem on a constitutional track. Following the decision of the NKAO's Supreme

legislative power, it was up to the Governments of Azerbaijan, the Soviet Union and Armenia to present their positions and make corresponding decisions.

The reaction of Azerbaijan was thoroughly negative.

The first Azerbaijani response came in the form of a massacre of Armenians in Sumgait on February 26-28, 1988. From the Report of the CSCE Mission on these events and their investigation as to who initiated the killings, there can be no doubt that both the militia and the security forces were unacceptably passive, providing no protection for the victims: "The first serious mass killing of Armenians took place in Sumgait, north of Baku, during the last days of February 1988. Between 26 and 50 Armenians were brutally killed by the enraged mob. While it remains a matter of some controversy who were the actual instigators of the killing, there can be no doubt that the militia and the security forces were unacceptably passive and provided no protection for the victims. From that time on, a mass exodus of Armenians from Azerbaijan began."⁶²

The entire world was shocked by the Sumgait massacre. Many peoples, human rights organizations, political parties, even parliaments expressed their deep concern about that shameful event. They raised their voices for protection of Armenians. The European Parliament, on July 7, 1988, endorsed the following resolution on the issue:

“Considering that historically Mountainous Karabakh was part of Armenia, that presently more than 80 percent of the population is Armenian, that this Region was gratuitously annexed by Azerbaijan in 1923 and that in February 1988 Armenians were massacred in the Azerbaijani city of Sumgait,

Considering the deterioration of the political situation causing massacres of Armenians in Sumgait and brutalities in Baku thus creating a dangerous situation for Armenians in Azerbaijan,

Condemns the brutalities and pressures against Armenian demonstrators in Azerbaijan”.⁶³

On June 13, 1988, the Presidium of the Supreme Soviet of the Azerbaijani SSR examined the mediation of the NKAO for transfer from Azerbaijan to Armenia. It took a special resolution, rejecting that plea, qualifying it as “unacceptable”.⁶⁴

This problem or “events in Nagorno-Karabakh” became an object of discussion in the Presidium of the USSR Supreme Soviet on March 23, 1988. The USSR Supreme Soviet decreed: “To recognize it to be intolerable when it is attempted to resolve complicated national-territorial issues through pressure on state authorities, in the atmosphere when emotions and passions are whipped up, when self-styled formations are being set up that declare for the recarving of national-state and national administrative borders, which can lead to unpredictable consequences”⁶⁵

In other words, the USSR Supreme Soviet took negative attitude towards the aspirations of the Nagorno-Karabakh's Armenians to reunite with th motherland Armenia.

The USSR Supreme Soviet resolution contained a clause about the socioeconomic conditions in NKAO. "The USSR Council of Ministers should work out measures aimed at the solution of ripe problems of the economic, social and cultural development of the Nagorno-Karabakh authonomous rcgion".⁶⁶ So the Central authorities of the Soviet Union, by this resolution had recognized that the self-determination movement in Nagorno-Karabakh had very serious economic, social and cultural background.

Rejecting the request of NKAO for transfer to Armenia, the Central Committee of CPSU and the Council of Ministers of the Soviet Union, in accordance with the resolution of the USSR Supreme Soviet March 23, 1988, announced on March 24, 1988 an eight-year socioeconomic and cultural development plan for Nagorno-Karabakh. Folloving is an essential excerpt from that decision: "Recent years have witnessed a reduction in the economic production of the Autonomous Region of Nagorno-Karabakh. Capital construction plans, including the construction of houses, have not been implemented. Social-cultural developments are behind the people's growing expectations."⁶⁷ The Communist Party Central Committee and the Council of Ministers of the Soviet Un-

ion decided that continued attention must be given to the economic, social and cultural development of the region: to construct more houses, to take necessary measures to enable the NKAO to receive Soviet, Armenian and Azerbaijani television programs, to reconstruct the historical and cultural monuments in the area with the participation of experts from Armenia, to expand the publishing of literature in the Armenian language, to ensure a continuous water supply for Stepanakert and other centers of the Region, to ameliorate the food supply for the population, to increase the network of road, etc.⁶⁸ This simple list of problems and measures reflects the disastrous conditions which had developed in Nagorno-Karabakh.

The population of Armenia, however, completely supported the demand that the NKAO be transferred to Armenia, considered it the proper way to cancel the historical injustices of 1921-23. The population of Armenia, including all social and political groups, demanded of the government to stand with the people of Nagorno-Karabakh. On June 15, 1988, the discussion of NKAO's request to be removed from Azerbaijan and transferred to Armenia finally began in Armenia's Supreme Soviet. On that same day, the session adopted the following resolution: "After an all-around study of this decision, the seventh session of the Supreme Soviet of the Armenian SSR decreed to give its consent to the inclusion of the Nagorno-Karabakh autonomous region in the Armenian SSR."⁶⁹

Of the three parties to whom the Soviet of People's Deputies of NKAO had applied for transfer of the oblast from Azerbaijan to Armenia, two of them - the Azerbaijani and the Soviet Union's leaderships - adopted negative attitudes. Their positions had coincided. They had made no attempt to entertain a more realistic position, to consider new conditions, change the situation or compromise. If they had been ready to be more flexible at the beginning of the conflict, there may have been a much easier solution to the conflict, without bloodshed, massacres and military actions. But this chance was lost. So Armenia alone was left to support the Armenians in NKAO and their demands.

Meanwhile, the strikes, demonstrations and meetings continued in Yerevan, Stepanakert, Baku and other cities. The regional Soviet of Karabakh on August 25, 1988, "once again reaffirms the determination of the workers of the region to exclude the region from the jurisdiction of the Soviet Azerbaijan and to reunite with Soviet Armenia."⁷⁰ Tensions mounted from one day to the next. "This led finally to Moscow declaring "a state of emergency" in the NKAO on 21 September and the deployment of troops and armored vehicles in the NKAO and several Armenian centers."⁷¹

On December 1, 1988, all leaders of the "Karabakh" Committee in Armenia were arrested. In January, 1989, the Presidium of the USSR Supreme Soviet placed Nagorno-Karabakh under the control

of a Special Administrative Committee of the USSR Supreme Soviet, directly responsible to the central authorities, although it continued to maintain its status of autonomous oblast in Azerbaijan.⁷²

But in Azerbaijan not all the forces welcomed this decision. As mentioned by some researchers, "perhaps the most significant development in the conflict over the NKAO during 1989 was the growth of the Popular Front (PF) of Azerbaijan, which opposed the NKAO's special administration."⁷³ It sponsored mass strikes and demonstrations in Baku and other parts of Azerbaijan. In 1989, Azerbaijan, in response to activism by PF, which was then an opposition political party with a militia, began a railroad, transportation and pipeline blockade of Armenia and Karabakh, restricting food and fuel deliveries, which had an extremely negative impact on the economies of Armenia and Karabakh.⁷⁴

In September, 1989, the Azerbaijani Government called on Moscow to abolish the NKAO Special Administration Committee and on November 28, 1989, Moscow satisfied the Azerbaijani demand and eliminated special administration and returned Nagorno-Karabakh to Azerbaijani administration.

After the elimination of the Special Administration Committee, a new situation ignited which renewed the struggle of the Karabakh Armenians for their right to self-determination. A National Council was organized in Nagorno-Karabakh which, on behalf of the

autonomous region, declared the unification of NKAO with Armenia and elected representatives to the Armenian Supreme Soviet. The response of Armenia was positive.

One of the results of conflict in Nagorno-Karabakh was the origin of the refugee problem. The conflict had led to large refugee flows from both sides - from Azerbaijan to Armenia and from Armenia and Nagorno-Karabakh to Azerbaijan. This process was accompanied by human rights violations and "a legacy of animosity and images of the opposite side as the enemy in the minds of the people."⁷⁵

The first refugee flows occurred after the Sumgait massacre when, as mentioned, a mass exodus of Armenians began from Azerbaijan. It was followed by the violations in Gyanja (Kirovabad.) "At least twice in 1988, Armenians in Gyanja were victims of mob violence and dozens were killed. As a result, all Armenians in the region left for Armenia."⁷⁶ But this was not the last migration. As also mentioned, members of the CSCE Mission in their Report, said: "the most serious violence took place in Baku on January 13 and 14, 1990, involving the brutal killings of Armenians. Estimates of the number range from 60 to more than 100."⁷⁷ It is interesting that all of these had taken place in the presence of the Soviet military forces stationed in Baku. They did not interfere or try to stop the murders. "The only aid given by the Soviet forces consisted in

helping the remaining Armenians leave Baku.”⁷⁸ These forces did intervene, however, when the violence spread to the Russian population of Baku. There were many casualties on the Azerbaijani side.

Following the events in Sumgait, Gyanja, Baku and other parts of Azerbaijan, nearly the entire Armenian population fled or was deported from Azerbaijan. About 350,000 of them found shelter in Armenia. The remainder were stationed in Russia, Central Asian republics, etc.

The Azerbaijani population in Armenia and Nagorno-Karabakh did not in turn feel secure either. The violence against the Armenians in Azerbaijan “obviously affected ethnic hostility in Armenia. Fear spread among the Azeris, women and children were moved to neighboring Nakhichevan and to Azerbaijan in increasing numbers. Some nine months after the Sumgait events, the deportation or departure of the Azeris from Armenia was completed.”⁷⁹

The first stage of the Nagorno-Karabakh conflict, which we call the “Age of Declarations,” was concluded in 1990. During this infant stage, the legislative and executive powers of the NKAO, Azerbaijani SSR, Armenian SSR and the Soviet Union made official declarations on Nagorno-Karabakh's status and defined their main political goals. In brief, the official powers of Nagorno-Karabakh declared the will of its Armenian population to unite with its motherland by transferring NKAO to Armenia. Armenia agreed to sat-

isfy the request of the NKAO Armenians to secede from Azerbaijan and become part of Armenia.

The government and the Supreme Soviet of the Soviet Union supported Azerbaijan in its attempts to maintain NKAO under its control. During this initial stage, Nagorno-Karabakh could not realize its political goal, but succeeded in shaking loose Azerbaijani domination.

The decision of December 1, 1989, of the reunification of NKAO with Armenia, remained on paper. Without the help of the Central Soviet government, Azerbaijani leadership could scarcely keep NKAO under its domination. It was increasingly inclined to resolve the conflict through force. The Central Soviet power, however, had weakened and was no longer able to control the situation in the country. Nagorno-Karabakh was on the eve of great events.

2. The Second Stage of Nagorno-Karabakh Problem

Military Actions (1991-1994)

The second stage of the Nagorno-Karabakh conflict had begun in 1991 and lasted until 1994. We call it "The Period of Military Actions," which includes two phases.

The First Phase. The Azerbaijani and Central Soviet governments, losing all hope of forcing NKAO's Armenians to give up their aspirations for transfer of the oblast radically changed their policy at the beginning of 1991. They adopted the policy of implementation of force, attempting to place NKAO in a position with no alternative to obeying the Azerbaijani powers. The war was imposed on Nagorno-Karabakh by the Azerbaijanis. Nagorno-Karabakh was isolated from the rest of the world by the Soviet and Azerbaijani military forces through a complete blockade. The only window to the outer world was a helicopter link with Armenia.⁸⁰

The Soviet and Azerbaijani forces launched a massive attack against the towns and villages of Nagorno-Karabakh. "Particularly serious development took place in April and May 1991 when the Soviet Army with the participation of units from the Azerbaijanian Ministry of Interior, deported the Armenians from a number of villages in the region. The deportation was done with considerable violence."⁸¹ The Soviet troops were deployed in Nagorno-

Karabakh as well as in Azerbaijan and Armenia during 1989-1990, when "Moscow sent in large-scale military forces to end a massive outbreak of intercommunal violence throughout Armenia and Azerbaijan."⁸²

The members of the CSCE Mission, investigating the situation in Nagorno-Karabakh and consequences of the military actions, confirmed "that in this period up to the failed coup in Moscow in August 1991, the Soviet forces played the most important role and were relied upon by the Azeri side."⁸³ The CSCE Mission's Report also confirmed that "at this time Azerbaijan itself had no regular army of its own. It had a militia answerable to the Ministry of the Interior."⁸⁴ So, according to this report, smaller contingents of personnel from the Ministry of Interior of Azerbaijan participated together with the Soviet armed forces, attacking and destroying a number of Armenian villages in Nagorno-Karabakh and deporting their inhabitants.⁸⁵ There was some distribution of functions between the Soviet troops and militia of the Ministry of Interior of Azerbaijan. The Soviet troops usually encircled the Armenian villages while the militia deported the Armenian inhabitants.

Following is one example from the Hadrut region of Nagorno-Karabakh, recorded by the members of the CSCE Mission: "On 13 May 1991, the region was encircled by Soviet troops, while militia from the Azerbaijani Ministry of the Interior entered villages and

started to load their inhabitants on buses for deportation. Some were asked to sign applications to leave. Those who refused to sign were cruelly beaten and some 30 were shot. Azeris from neighboring villages joined in this. Property was destroyed and looted.”⁸⁶ Armenians in Armenia, Nagorno-Karabakh and the diaspora were convinced that Moscow's position was biased, that “Moscow was taking a consistently anti-Armenian, pro-Azerbaijani stance, and felt betrayed.”⁸⁷ It was during this phase of the Nagorno-Karabakh conflict that relations between Moscow and Yerevan, between the Central Soviet government and Armenians were extremely volatile. The Armenians considered the policy of the leadership of Azerbaijan and the support from Moscow “as a part of the policy of Azerbaijan to remove all Armenians from Nagorno-Karabakh as had been the case in Nakhichevan.”⁸⁸

This policy was pursued up until August, 1991, when an attempted coup d'etat occurred in Moscow.

3. Proclamation of the Independent Nagorno-Karabakh Republic (NKR)

Despite the failure of the coup in Moscow, the process of collapse of the USSR accelerated and the union republics began to declare their independence. On August 30, 1991, Azerbaijan declared its independence from the Soviet Union. This created a new political situation and presented Nagorno-Karabakh with a choice: to secede with Azerbaijan from the USSR or according to an April 3, 1990, USSR law, to remain part of the Soviet Union "On the rule of solution to questions relating to union republics leaving the USSR." According to Article 3 of that law, "in union republics, having in their composition autonomous republics, autonomous oblasts and autonomous okrugs, referendum must be carried out separately in each autonomy. It is up to the peoples of autonomous republics and autonomous entities to decide independently the question of further remaining either in the Union SSR or in leaving the union republic, as well as putting the question of its state status."⁸⁹

This was a very important document which regulated the self-determination right not only of union republics, but also of autonomous entities. On the basis of this law, the union republics had gained their independence and were recognized by the interna-

tional community. But the same international community neglected the fact that the above mentioned law also gives analogous rights to autonomous entities on the basis of referendum. So within the framework of the law and according to its conditions, the joint Session of the Soviets of People's Deputies of NKAO and the Shahumian district proclaimed the Nagorno-Karabakh Republic on September 2, 1991 and decided to secede from Azerbaijan. But this decision did not define the status of NKR, e.g. it had not used the word, "independence." NKR chose to remain within the USSR, leaving the solution of status to referendum.

The Azerbaijani response was strongly negative, leaving no room for compromise. "Azerbaijan considered all Karabakh parliamentary action illegal, nullified the region's autonomous status and declared direct rule on November 26, 1991."⁹⁰

The members of the CSCE Mission who met with the Azerbaijani authorities mentioned that they were "told that the cancellation of the autonomous status of Nagorno-Karabakh by the Azerbaijani National Assembly is a justified response to the unconstitutional act of proclaiming independence by the Armenian majority."⁹¹ At the same time, the report of the CSCE Mission stated that the decision of Azerbaijan's parliament to annul the autonomous status of Nagorno-Karabakh "is also widely held to be unconstitutional."⁹²

In an extremely complicated situation, under the conditions of

large-scale war, Nagorno-Karabakh held a referendum on its status on December 10, 1991. The referendum was held after the USSR had already ceased to exist. About 85 percent of the population participated in the referendum. Although the Azerbaijani population boycotted it, 95 percent of the participants approved the independence of NKR.⁹³ The first parliament of NKR was elected on December 28, 1991 and NKR officially declared its independence on January 6, 1992.

The NKR Supreme Soviet expressed its hope that the creation of an independent state would contribute to ending the bloodshed and defending the population against the threat of annihilation.⁹⁴

The Second Phase. Azerbaijan, annulling Karabakh's autonomous status, launched massive military operations against NKR.

At that time, the Soviet troops had withdrawn from Karabakh, which was connected with the December 1991 demise of the Soviet Union. The withdrawal of three divisions of Soviet troops was completed in March 1992. This circumstance, "prompted an early 1992 offensive."⁹⁵ The Karabakh Armenians appeared in a critical situation as they were left alone against the Azerbaijani armed forces who were comparatively well trained and had some experience in military operations. In addition, they had enormous quantities of weapons, including heavy weapons, at their disposal. It is no surprise that in the beginning, particularly during 1992, the military

successes occurred on the Azerbaijani side. They occupied many villages and towns of NKR, heavily bombarded the capital city of Stepanakert, etc. By the end of 1992, "Azerbaijani armed forces controlled 2,000 of the 4,400 sq. kms of Nagorno-Karabakh territory. Most significant was the fact that the industrial installations were under Azerbaijani control, including the only hydroelectric dam and gold mines in the northern region, as well as 60 percent of Nagornn-Karabakh's arable land."⁹⁶ In 1992 alone, more than 4,000 Azeris and 3,500 Armenians were killed in battle. At the same time, Azerbaijan tightened the economic blockade of NKR and Armenia.

The NKR capital, Stepanakert, and its surrounding territories were in dire straits. It was under constant artillery and surface-to-surface missile bombardment. The city was without bread, water, essential food supplies. Stepanakert was a target of bombardment from Shushi. Homes, schools, buildings, hospitals were destroyed. The damage was extensive and the population was forced into cellars.

The further destiny of the Armenians of NKR was under question. But the NKR government mobilized its forces, all self-defense units, and undertook a counter-offensive, aiming to eliminate the Azerbaijani artillery and Grad missile positions near Stepanakert to end the unabated bombing of Stepanakert and ensure security. On May 9, 1992, Shushi and other Azeri strongholds were taken by the

NKR forces. Lachin soon fell and the NKR forces opened a humanitarian corridor between NKR and Armenia. The wounded were soon transported to Armenia and humanitarian aid began. This was great success in guaranteeing the survival of the NKR and its population. "During the Armenian takeover of Azerbaijani strongholds from Shushi to Lachin, tens of thousands of Azeris were displaced from their homes and fled the war zone."⁹⁷

But the war continued and in other parts of the front the Azeri forces were successful and by the end of 1992, as mentioned elsewhere, occupied about 50 percent of the NKR territory.

The military situation had changed radically in favor of the Armenians during 1993 and the first half of 1994. The NKR government succeeded in creating a regular army under very difficult conditions, trained it and prepared for protection of NKR. After heavy battles, the well disciplined armed forces liberated almost the entire NKR territory.

As many cease-fire attempts had failed, the war continued and the NKR forces entered the Azerbaijan territory and occupied the Kelbajar, Koubatly, Aghdam, Fizouli, Gebrail and Zangelan regions. In the Spring of 1994, about 12 percent of Azerbaijani territory came under the control of NKR military forces.

This began a new wave of refugees. "Since 1988, conflict in Nagorno-Karabakh has resulted in thousands of casualties and hun-

dreds of thousands of refugees on both sides.”⁹⁸ The number of Azeri refugees from Armenia, Nagorno-Karabakh and occupied Azeri territories reached approximately 700,000. The number of Armenian refugees from Azerbaijan reached about 500,000, from which about 350,000 settled in Armenia, while the others migrated to the Russian Federation, the United States, etc.

All Azerbaijani political and military attempts to preserve Nagorno-Karabakh within Azerbaijan jurisdiction, the liquidation of NKR, and attempts to rout Armenians from their ancient historical territory had failed. The Azerbaijani military forces were defeated and NKR proved its vitality.

4. The Third Stage of the Nagorno-Karabakh Problem.

Peace Process (1994-1999)

As a result of the military victories of the NKR armed forces, Azerbaijan appeared in such a condition that the continuation of war could bring more territorial losses, new refugees and other misfortunes to its people. Azerbaijan therefore agreed to sit at the table for cease-fire negotiations. Cease-fire was a necessity for NKR as well. It could bring peace and the possibility of reconstructing the destroyed villages and towns and to strengthen young statehood.

The cease-fire agreement was the result of activities of numerous states and various international organizations who were involved in the Nagorno-Karabakh conflict. It is obvious that this conflict did not exist in a vacuum and involved many states, particularly neighboring countries. Paul Goble presents the situation and the involvement of other countries in the Nagorno-Karabakh conflict in the form of a pyramid: "The region's political situation can be conceived as an inverted pyramid with four outside actors - Turkey, Iran, Russia and the West (including both Western Europe and the United States) - on the top tier; three governments - Baku, Stepanakert (the capital of NKAO) and Yerevan - comprising the second tier; and two populations - Armenians and Azerbaijanis - at the bottom."⁹⁹ So these two nations were carrying the main burden of the conflict on their shoulders.

Moscow was very active throughout the conflict. But the Soviet leader Gorbachev had made many mistakes and was unable to act effectively and find real ways to resolve the conflict. The solution could have been more easily resolved at the beginning than afterwards. Gorbachev and the CPSU Politburo had lost its chance and time and the price of that wrong policy was tens of thousands of dead, hundreds of thousands of refugees, numerous towns and villages destroyed on both sides.

After the dissolution of the USSR and emergence of the independent Russian Federation, Russia displayed numerous initiatives in finding a peaceful solution to the Karabakh conflict. The first peace mission was undertaken by Presidents Yeltsin of Russia and Nazarbaev of Kazakhstan in September 1991 within the framework of the Commonwealth of Independent States (CIS). In a communique, this mission acknowledged that "the central authorities of the USSR had been unable to handle the situation in a constructive way. On the contrary, it was found that from 1988 to 1991, serious mistakes had been made, leading to the sharpening of antagonism between the two sides."¹⁰⁰ On September 23, 1991, in Zheleznovodsk a communique was signed by RF President Yeltsin. President of Kazakhstan Nazarbaev, President Levon Ter-Petrosian of Armenia and President Mutalibov of Azerbaijan. They agreed that a settlement could be achieved, with a deadline of January 1, 1992,

that a cease-fire should be established, that all anti-constitutional acts concerning Nagorno-Karabakh by Azerbaijan and Armenia be frozen, and for observers to be sent to the region to secure the cease-fire, neutralize illegal forces, guarantee the security of all citizens and the gradual return of all deported citizens, etc. Armenia and Azerbaijan were invited to enter negotiations.¹⁰¹

This recommendation was not fulfilled and military action escalated shortly thereafter.

Russia took part in all political configurations, including the CSCE and its Minsk Group, one of the chairmen of which was the representative from the Russian Federation. This Russian activity is to be explained in the context of the policy of Russia in Transcaucasia. This region has strategic significance for Russia, one of her main goals being to prevent the strengthening of positions or influence by Turkey, Iran, the United States or any other country in Transcaucasia. The solution to the Karabakh problem would serve this political aim. Russia formally defends the principle of territorial integrity of Azerbaijan and does not support the secession of NKR from Azerbaijan. She further favors avoidance of military action as a means to solving the problem. She supports the idea of peaceful negotiations and believes that Karabakh has the right to broad autonomy and a guarantee of security for the Armenians of NKR. Russia does not recognize NKR as an independent state.

Turkey is the only state or actor which completely and unconditionally supports Azerbaijan and periodically threatens Armenia and Nagorno-Karabakh, especially following the successes of the NKR armed forces on the battlefield. The late President Turgut Ozal of Turkey, referring to the Turkish genocide of the Armenians in 1915, announced that "Armenia has not learned its lesson from the experience in Anatolia and the punishment inflicted."¹⁰² After the victory of the NKR forces and defeat of the Azerbaijanis in Kelbajar in 1993, Turgut Ozal declared during a visit to the United States that it was time for Turkey "to bare its teeth to Armenia."¹⁰³

Some other Turkish officials did not exclude the "Cyprus Solution" for Armenia¹⁰⁴, e.g. quick occupation of Armenia. At that time, as witnessed in US Congressional materials: "Turkish Army units near the border (e.g. Turkish-Armenian-N.H), were placed in a 'state of vigilance' and reinforced in April 1993."¹⁰⁵ Attempting to bring pressure upon Armenia after the fall of Kelbajar in April 1993, the Turkish government suspended aid and foreign transit to Armenia through its air space and territory.

Turkey simultaneously increased and enlarged its military aid and support to Azerbaijan. The above mentioned US Congressional source indicated that as recently as 1993, about 160 Turkish military officers were aiding the Azeri Army and that a \$30-million credit was extended to Azerbaijan to finance the purchase of Turk-

ish arms.¹⁰⁶ Weapons, including missile systems, were shipped from Turkey to Azerbaijan.¹⁰⁷ Taking these circumstances into consideration, "some US concerns have been raised about a Turkish tilt to Azerbaijan in the Nagorno-Karabakh conflict."¹⁰⁸

Turkey opposed the secession of Nagorno-Karabakh from Azerbaijan and pressured Armenia to withdraw its forces, only after which Turkey said it would be ready to establish diplomatic relations with Armenia. Armenia calls for bilateral relations and establishment of diplomatic relations with Turkey, but without preconditions. Turkey has its own strategic interest in Transcaucasia and the Turkish position toward Nagorno-Karabakh must be reviewed in that context.

Turkey was exploiting Russia's weakness in an effort to strengthen its own position in that region, while preventing the strengthening of both Russian and Iranian influence in Transcaucasia. From this point of view, Azerbaijan could become a reliable ally for Turkey, taking into account that "Turkey has historic, linguistic and cultural ties to Azeris."¹⁰⁹

On the other hand, during recent years there has been a rebirth of Pan-Turkic plans and escalation of Pan-Turkic feelings. As mentioned by one of the US Congressional sources, "Turkey seeks to expand ties to Central Asia, but does not border it. A modus vivendi with Armenia would provide Turkey with a bridge to the

area and an alternative route for an oil pipeline from Azerbaijan.”¹¹⁰ This could serve as an additional element in understanding Turkey's position in the Nagorno-Karabakh conflict.

Turkey was also acting through the Council for Security and Cooperation in Europe and participated in its efforts to reach a solution to the Nagorno-Karabakh conflict. Turkey sometimes tries, within the framework of CSCE, to act as mediator or participate in peacekeeping forces by deploying its armed contingents in the region of conflict. All these Turkish attempts were rejected by the Armenians who saw it as a danger to Armenians.

A definitive role in the solution to the Nagorno-Karabakh conflict was played by Iran which was the principal mediator from February to May of 1992, naturally in pursuit of its own interests. By participating in the peace process, Iran hoped to prevent Turkey and the United States from gaining influence in the region. Iran was cautious about Russia, but did not wish to see Transcaucasia under Russian influence either. It is necessary for Iran to maintain stability to its north as “Iran fears its Azeris' ties to ethnic kin in Azerbaijan and developments in the north that might provoke Iranian Azeris.”¹¹¹

Iran had developed a plan for solution to the Nagorno-Karabakh conflict, which was presented to Armenia, Nagorno-Karabakh (NKR) and Azerbaijan at the end of March 1992. All three parties

agreed to that Iranian-mediated peace initiative which included a cease-fire, exchange of hostages, an end of the blockade and "negotiations to find a political solution between Armenia and Azerbaijan, with the participation of Nagorno-Karabakh representatives."¹¹² Iran called on the United Nations to send international peacekeeping forces to NKR. According to the Iranian-mediated peace plan, a peace conference would be convened for working out a complete resolution of the problem. But Azerbaijan opposed the participation of any Nagorno-Karabakh representative in the peace conference. It brought the Iranian peace initiative to a state of deadlock.

In considering the reasons for the failure of the Iranian initiative, the remark by Halperin and Scheffer offers an interesting perspective: "The CSCE launched an eleven-nation conference in 1992 to mediate the armed conflict between Armenia and Azerbaijan over the fate of Nagorno-Karabakh. The participants' hidden agenda may have been to exclude Iran from influencing the outcome of the dispute."¹¹³ The 11 states were Armenia, Azerbaijan, Turkey, Russia, Italy, the United States, Germany, Belarus, France, Sweden and the Czech and Slovak Federal Republic. An Italian diplomat, Mario Raffaelli, was named chairman of the peace conference.

Although Iran was excluded from participation in the peace process (it was not a member of CSCE), it continues to play a signifi-

cant role in the resolution of crucial political and economic problems in the Transeucasian and Middle Eastern region.

The role of the only superpower - the United States - is important in solving the Nagorno-Karabakh problem. The United States has the power to influence the outcome of the problem directly, through CSCE, or by backing Turkey. It stands in the position of preserving the territorial integrity of Azerbaijan. But at the same time, the United States believes the problem can be solved only through political means, without using force, and taking into account the national interests, including security and the large-scale right to autonomy of Nagorno-Karabakh.

A Cease-Fire Agreement on May 12, 1994. Following numerous unsuccessful attempts, a Russian-mediated cease-fire agreement was finally reached on May 12, 1994.

Yet on April 1-2, Russia proposed a plan which included the following conditions: A cease-fire followed by separation of forces and operations; the deployment of observers and withdrawal of troops and equipment from occupied territories, the removal of blockades and return of refugees.¹¹⁴ The Azeri Parliament rejected it as unacceptable. Then the Speaker of the Council of the Russian Federation's State Duma Schumeiko arranged a new meeting in the capital of Kirgizstan-Bishkek and succeeded to prepare protocol on a cease-fire. Armenia and NKR declared that the Bishkek Protocol

was acceptable to them. After some time had passed, Azerbaijan, on May 8, 1994, also agreed with the Bishkek Protocol. It became the basis for the May 12, 1994 agreement. The CSCE (or OSCE, as it was renamed) did not take part immediately in preparing the agreement. Swedish diplomat Eliasson, who on November 30, 1993, became chair at the Minsk Group OSCE conference, said on May 13-14 that CIS and OSCE observers were needed.

Although the cease-fire was signed, there were still questions and disagreements between the parties. In an effort to resolve these questions, Russian Federation Defense Minister Pavel Grachev on May 16, 1994, met with the defense ministers of Armenia, Azerbaijan and NKR on his revised plan: "a cease-fire, disengagement, observers from Russia, the CIS, conflicting sides (with a Russian in charge) at 49 buffer-zone posts safeguarded by 1,800 CIS troops, primarily Russians, under the command of the Russian First Deputy Minister"¹¹⁵ Armenia, Azerbaijan and NKR would share the costs connected with these measures.

Russia's position, which neglected the OSCE, had worried the OSCE. Eliasson suggested in June that it would be necessary to work out a unified OSCE-Russian approach which "might prevent antagonists from playing intermediaries off against each other."¹¹⁶ They had after all begun to cooperate.

Following the cease-fire agreement, many meetings at various

levels within the framework of the OSCE took place, with visits and discussions in Baku, Yerevan and Stepanakert.¹¹⁷ There were many proposed plans for a political solution to the first ethopolitical conflict in the former USSR. And although the conflict has not been resolved to this day, the cease-fire agreement is nevertheless a great achievement, a very important step toward the final and complete solution to the Nagorno-Karabakh conflict.

OPTIONS TO THE NAGORNO-KARABAKH CONFLICT SOLUTION

During the course of the Nagorno-Karabakh conflict, from 1988 to date, numerous proposals for potential solutions have been made by statesmen, scholars and organizations. Before analyzing those suggestions, programs and plans, it is important to elucidate some aspects of the relationship between the right to self-determination and the principle of territorial integrity regarding state borders.

Throughout the Cold War, the dominating principle in international relations was the principle of territorial integrity. At that time the world was divided into two hostile political and military blocs, headed respectively by the Soviet Union and the United States. Each side was afraid that any change in the self-determination base could impact the existing balance of forces. Attempting to preserve the integrity of the Western World, "the United States opposed so-called 'separatist' movements in allied countries; many independence movements were viewed as being communist-inspired and hence contrary to US interests."¹¹⁸ A parallel position was taken by

the Soviet Union toward the Socialist bloc, in which every separatist movement was viewed as inspired by "US-led world imperialism." The two superpowers were therefore opposed to the implementation of self-determination claims in practice "except for those that were viewed as demands for independence from colonial rules."¹¹⁹ In the divided world the separatist movements or secession could easily become a source of military confrontation between the USSR and the USA. They tried to avoid actions that could bring them to the verge of war. The status quo seemed one remedy for preserving comparative stability in the world. But even during that period, however, the secession and emergence of new states was not unheard of. Bangladesh, Singapore and Eritrea serve as examples of that phenomenon.

The situation has changed with the end of the Cold War era, the dissolution of the Soviet Union, the Socialist bloc and its military organization under the Warsaw Pact. Since that time world leaders have begun to speak about a New World Order (NWO), which required a new approach to old political, economic, strategic, ethnic and other problems. NWO also required revision of the old approach to the correlation between the right to self-determination and the principle of the inviolability of borders, the essence of which is well formulated by Halperin and Scheffer: "The end of the Cold War has forced the world community to suddenly come to

grips with numerous claims of people seeking self-determination in a variety of different contexts. The clear principles that guided the confrontation with the Soviet Union have expired, and it is no longer possible to hold that all existing states should remain unified and that no changes in international borders should be contemplated."¹²⁰ Otherwise, there is no background for opposing the principles of the right to self-determination to the inviolability of borders. The authors consider it now necessary to implement "creative policy that takes into account the particulars of each situation."¹²¹ This anti-stencil approach includes the following cases: Self-determination claims can reflect legitimate aspirations that must not be ignored and in most cases such aspirations can and should be fulfilled within the borders of existing states. But in some cases, new states will need to be created and a peaceful process of change toward secession needs to be sought.¹²² Halperin and Schef-fer define the categories of the self-determination claims, as follows:

a. Anti-colonial self-determination

b. Sub-state self-determination, when a group within an existing state attempts to break off and form a new state (Tibet in China, the Sikh community in Punjab, Taiwan, etc.)

c. Trans-state self-determination, when grouping of a people exists in more than one state. "A group may seek to break away

from an existing state and accede to another state. Examples include Armenians in Nagorno-Karabakh seeking to become part of Armenia," etc.

d. Self-determination of dispersed people.

d. Indigenous self-determination.

e. Representative self-determination.¹²³

The most interesting, from the point of view of the solution to the Karabakh problem, are the two categories, sub-state self-determination and trans-state self-determination, especially the latter, in which the authors include Nagorno-Karabakh as an example. But the most important factor is that the principle of establishing a new statehood is acceptable and the door is no longer closed as it was during the Cold War era.

But many scholars (Professor Otto Luchterhandt, Barbara Harff, Vladimir Stupishin, Saleh Zahr ad-Din, etc.) and policy makers already share and support this new idea and approach. At a press conference in France on March 8, 1992, French Minister of Humanitarian Affairs Bernard Kuchner, calling the 6-km Azeri territory separating Armenia from Nagorno-Karabakh "stupid" and a "political and geographical aberration" which should be changed, underlined the principle that "it is better to agree and change borders than to have people killed - I prefer changing borders to letting people die."¹²⁴

Following is an examination of the positions of Azerbaijan, the NKR and Armenia, who are involved in the conflict, as well as various options for solution proposed by some scholars.

1. The Azerbaijani Position

Azerbaijan from the beginning of the conflict did not recognize the right of Nagorno-Karabakh to self-determination and insisted on the preservation of its territorial integrity. After proclamation of the NKR as an independent state (September 1991), Azerbaijan annulled the status of Nagorno-Karabakh as an autonomous oblast (November 1991). The defeat of Azerbaijan in the Karabakh war and the loss of some territories (1992-1994) did not change the Azerbaijani position. It rejected the right of NKR to accede to another state (Trans-State self-determination Model) or to form a new state (the Sub-State self-determination Model).

The official demands of Azerbaijan are presently as follows:

- a. The territorial integrity of Azerbaijan is not negotiable and it rejects the secession of NKR and its declaration as an independent state;
- b. The full withdrawal of the Karabakh Army from all captured territories;
- c. The denouncement of the December 1, 1989 decision on the uni-

- fiction of Nagorno-Karabakh and Armenia;
- d. The disarming and dissolution of the Karabakh Army;
 - e. Full submission of the Karabakh people to the laws and jurisdiction of Azerbaijan.

Only after these demands are met will Azerbaijan be willing to discuss the future status of NKR, promising NKR "large-scale autonomy." But Azerbaijani officials avoid defining what type of autonomy they may grant Karabakh, whether it would be cultural, administrative, state entity or some other form. If it is along the lines of cultural autonomy, neither the NKR nor the Armenians themselves would be satisfied. Azerbaijan also denies any possibility of reconstructing Azerbaijan as a federal state.

2. The Position of the Nagorno-Karabakh Republic.

The NKR leadership places its status as its first priority. The proclamation of the NKR has been submitted according to Soviet law decreed by the USSR president on April 3, 1990 and carried out on the basis of referendum and other democratic methods recognized by the world community. The existence of NKR is therefore completely legal. NKR rejects the old status quo and the spreading of Azerbaijani jurisdiction over NKR. Its leadership holds that they defeated Azerbaijani military forces on the battlefield, a circumstance which must be taken into consideration. There is no example in history of the victorious side being placed under the domination of the country it defeated.

The NKR aspires to establish relations with Azerbaijan only on the principles of complete equity. These relations can be horizontal, but never vertical. NKR by its proclamation as an independent republic has implicitly given up the idea of unification with Armenia. The leaders of NKR consider this an expression of great compromise from their side.

NKR rejects the idea of disarming and dissolving the NKR defense army. As for withdrawal of NKR military forces from the captured territories, referred to by NKR as the security zone, its leadership has repeatedly stated that the solution to these problems

must be connected with the final decision of NKR's status. NKR is willing to preserve the cease-fire agreement and achieve its main goals through peaceful political means with the close cooperation of such international organizations as OSCE, its Minsk group, the United Nations, CIS, etc..

3. The Position of Armenia

The Armenian leadership poses the question of Armenian security in NKR, the achievement of which would be possible through the deployment of international peacekeeping forces which would be obliged to guarantee the security of NKR.

The Armenians would require that withdrawal of the Karabakh defense forces from the captured territories be linked to a guarantee of safety for Armenians in the NKR. They would demand the full demilitarization of liberated territories within the security zone and establishment of a permanent land bridge between Armenia and NKR. Adherence to such an agreement could be guaranteed by the United Nations, OSCE and possibly CIS. Armenia does not require or insist upon unification with Nagorno-Karabakh. The official position of Armenia is full acceptance of any decision reached between Azerbaijan and the NKR. Armenia opposes resolution of the conflict through military means. If the war is renewed, however, at the initiation of Azerbaijan, Armenia will support NKR's Armenian population.

Such was the situation and position of Azerbaijan, NKR and Armenia up to 1997.

In 1997 a new attempt was made by the three co-chairmen of the Minsk group of the OSCE to find a decision, which would satisfy all sides. The co-chairmen who represent the USA, Russia and France, visited Baku, Yerevan and Stepanakert to discuss with all three sides the two possible solutions of the Karabakh problem which were called the "Package Solution" and "Step by Step Solution".

The "Package Solution" implied: a) simultaneous decision of the question of occupied territories except the Lachin. NKR would withdraw its forces from the occupied Azeri territories of Aghdam, Fizuli, Gebrail, Kelbajar, Koubatli and Zangelan, while Azerbaijan had to withdraw its forces from some territories of NKR, mainly from the Mardakert region; b) solution of the status of NKR; c) deployment of peacekeeping forces along the Azeri-Karabakh borders; d) lifting of the blockade of Armenia and NKR imposed by Turkey and Azerbaijan; e) return of refugees to their homes; f) setting of demilitarized zones along the Azeri- Karabakh borders.

Some of Clauses of this project was acceptable for NKR, as it connecteed the withdrawal of troops from occupied territories with the solution of the NKR status, and these two essential actions were not separated by the different time frames set for them. But the NKR leadership, however, rejected the plan as a whole because the

three cochairmen suggested to resolve the Karabakh problem on the base of autonomy within Azerbaijan, regarding NKR as a part of Azerbaijan.

The status of autonomy and the restoration of old status quo is not acceptable for NKR. Its leadership had declared many times that NKR is ready to establish with Azerbaijan horizontal ties, but not vertical.

The NKR's attitude was not acceptable for Azerbaijan. In fact Azerbaijan also rejects the package solution because it implies simultaneous decisions of the territorial and status questions. Azerbaijan wants to resolve first of all the questions of liberation of occupied territories and refugees. As to Armenia, according to a statement made by Levon Ter-Petrosyan, the President of Armenia, in a press conference held on September 26, 1997, "It had very serious reservations and presented them to the mediators (the three co-chairmen of the Minsk group-N.H.) Both the mediators and we were convinced that Azerbaijan and Karabakh are not yet ready to discuss the status quo of Karabakh."¹²⁵

In these circumstances the second proposal of Karabakh conflict-the "step by step solution" was introduced, This proposal was the mediators new approach to resolve the conflict.¹²⁶ This new plan called for many phases. The first phase called for the withdraw of all troops from all occupied territories. The second

phase sought the return of refugees to their prior place of residence. Phase three was a solution to the Lachin and Shushi problems. The other phases included the deployment of peacekeeping forces and the lifting of the blockade. And after that it would be possible to discuss the NKR status issue. "The status issue - as stated the President of Armenia Levon Ter-Petrosyan- is postponed until the first phase is finalized".¹²⁷ This option also was based on the principle of preservation of the Azerbaijani territorial integrity, regarding NKR as a part of Azerbaijan, having "large scale autonomy".

Azerbaijan, naturally, supported this proposal because it could give her everything she wanted - territorial integrity, control over lost territories and jurisdiction over NKR.

Armenia was ready to start negotiations on the base of step by step model. President Levon Ter-Petrosyan explained his position stating that "If that (Package-N.H.) option is not acceptable to both sides (Azerbaijan and NKR- N.H.), why not try to settle conflict step by step?"¹²⁸

NKR rejected entirely the "Step by Step Solution". Its leaders afraid that if NKR returned the occupied territories to Azerbaijan and agreed to satisfy other Azeri demands before the solution of the NKR status, then it would lose all leverages to pressure on Azerbaijan in the question of status.

So we are dealing with three positions:

Firstly, the position of Azerbaijan, standing on the step by step solution on the premise of restoring territorial integrity having NKR under its jurisdiction,

Secondly, the position of Armenian leadership, also agreeing with the step by step solution, but with a condition that the status of NKR would be de-jure within Azerbaijan, de-facto independent.

Thirdly, the position of NKR, denying to be part of Azerbaijan and under its jurisdiction, and standing for horizontal but not vertical relations with Azerbaijan.

The Minsk group suggestion and the President Levon Ter-Petrosyan's position in favor to it, provoked very serious political crisis in Armenia. All Armenians in Armenia, NKR and Diaspora did not share the President's position and were against his attitude towards the Karabakh problem solution. And on February 3, 1998, the first President of Armenia Levon Ter-Petrosyan resigned.

On March 30, 1998, Robert Kocharyan was elected a new President of Armenia and some changes took place in the position of Armenia in the Karabakh question. The new leadership rejected the step by step model for the solution of the Karabakh problem. Instead of it Robert Kocharyan suggested to return to the package solution and the question of withdraw of troops from the occupied territories, returning of refugees and the status of NKR to resolve in

one package and simultaneously. At the same time Armenia is against any preconditions in the question of the MKR status and first of all against the principles of Lisbon Decision of OSCE, 1996, regarding NKR a part of Azerbaijan. Armenia and NKR reject any direct subordination of NKR to Azerbaijan and are in favor of horizontal but not vertical ties between Azerbaijan and NKR.¹²⁹

4. The Territorial Swap

The author of this option for solution to the Nagorno-Karabakh conflict is American researcher Paul A. Goble. His approach and point of view are summarized in an article entitled, "Coping With the Nagorno-Karabakh Crisis." According to Goble, all concerned parties must recognize that Armenia and Azerbaijan will not be able to resolve the situation on their own. "Absolutely no settlement will be possible if the parties attempt to return to the status quo ante, conditions as they were before the current fighting erupted in 1988."¹³⁰ The previous status quo was sustained by the dominance of the Soviet Union, which no longer exists. The situation has now changed, which makes a new approach to the Nagorno-Karabakh conflict necessary.

Goble considers that "in principle, there are three ways to 'solve' the Nagorno-Karabakh problem: driving out or killing all Armenians now there; reimposing enormous outside forces to keep the two sides apart; or transferring the NKAO to Armenian control."¹³¹ In his opinion, implementation of the first option is morally impossible; the second is physically impossible, and the "third is politically impossible if it is done alone because it would leave Azerbaijan the loser both territorially and in terms of the water supply to Baku."¹³² Goble sees the key to the solution of the problem in the territorial swap option, which would include the following concessions:

- a. "sending part of the NKAO to Armenia, with the area controlling the headwaters of the river flowing to Baku and areas of the Azerbaijani population remaining in Azerbaijani hands; and
- b. transferring the Armenian-controlled land bridge between Azerbaijan and Nakhichevan to Azerbaijani control."¹³³

Goble obviously understands that in the event that this option is adopted, Armenia would have difficulties because "it would lose its ties to Iran."¹³⁴ Iran is vital to Armenia. It is for Armenia one of the windows to the outer world and the only window to the Iran-Arab world and beyond. The closing of the Iranian window would negatively impact Armenia's geopolitical situation and economic development. So Goble afterward introduced some corrections into his plan. He suggests establishing a corridor from the Armenian region - namely, Meghri - through Iran, where international forces would be deployed, the only task of which would be to keep this corridor open and active as a small window for Armenia to the outer world from its southern border.

NKR will scarcely agree to the loss of some of its territory, which in reality would mean a partition of Nagorno-Karabakh. Armenia would also lose territory with important geopolitical locations, which would worsen the international condition of the Republic of Armenia in the Middle Eastern region. So this plan cannot be acceptable for NKR and Armenia.

5. Associate Statehood

In recent years, both scholars and policy makers have begun to give more credence to the principle of associate statehood as a possible solution to ethnopolitical conflicts, including Nagorno-Karabakh.¹³⁵ They usually refer to the decisions and declarations of the UN General Assembly, especially Resolution 2625 adopted in 1970 and known as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States. According to this Declaration, the right to self-determination can be implemented through the "establishment of sovereign and independent State, free association with the independent State, or emergence into any other political status freely determined by a people."¹³⁶ The researchers cite as examples of associate statehood the Cook Islands and Niue, associated with New Zealand; Puerto Rico, the Marshall Islands and the Federated States of Micronesia, associated with the United States. The latter two associated states even became members of the United Nations (in 1990). On the basis of this principle, Ambassador John Maresca, former special US negotiator for Nagorno-Karabakh, outlined a political settlement of the Nagorno-Karabakh conflict. He presented his proposals on July 1, 1994 at the United States Institute of Peace to an invited audience, including senior diplomats from Armenia, Azerbaijan, Russia and

Turkey, as well as policy makers.

Maresca states that the objective of his proposal is to provide a new impetus to the negotiating process, which has been in something of a stalemate for some time, and that it has become increasingly urgent to move it forward. But he doubts that this is possible "without evidence of strong American interest in the problem."¹³⁷

Maresca's proposal consists of eight elements, the most important of which is the first, "Status of Nagorno-Karabakh." According to his proposal, "Nagorno-Karabakh will be called the Republic of Nagorno-Karabakh, and will be a fully self-governing legal entity within the sovereign state of the Republic of Azerbaijan."¹³⁸ But "RNK will be within and freely associated with Azerbaijan."¹³⁹ A basic law on the status of Nagorno-Karabakh would have to be accepted. The borders of RNK would be those of NKAO in 1988.

The proposal foresees exchange of senior representatives with Baku, and both Stepanakert (the capital of RNK) and Baku (the capital of Azerbaijan) would maintain representative offices in the other cities.

RNK would have the right to maintain permanent representatives in Moscow and Yerevan and in other capitals of special interest, and to receive such representatives from those countries. Despite this fact, "RNK will not be recognized as a sovereign independent state."¹⁴⁰

The essential part of the basic law would be the clause about the armed forces of RNK. Under this clause, "The armed forces of RNK will be gradually reduced. RNK will have the right to maintain local security forces, including forces for self defense, but will not be permitted to have an offensive military capability."¹⁴¹ Azerbaijan would have the right to station its local security forces near RNK, but have no weapons systems with offensive military capability.

The second element of Maresca's proposal deals with the signature of a Treaty on Mutual Rights of Transit and Access between Armenia and Azerbaijan. Armenia would have rights of land transit and access across Azerbaijani territory to RNK through the Lachin corridor, and Azerbaijan would have the same rights across Armenian territory to Nakhichevan along the Araks River¹⁴²

The other items of the proposal refer to the problems of refugees, displaced persons, economic issues, etc., but we would like to focus on the question of international guarantees. Maresca suggests that the CSCE and the UN Security Council will undertake to guarantee the provisions of these proposals, "in particular by providing representation in Baku, Stepanakert and Yerevan, by deploying monitors as required by the relevant provisions, and by organizing the donors conference."¹⁴³ Maresca proposes a donors conference to raise funding for the economic reconstruction throughout Armenia

and Azerbaijan, including the Republic of Nagorno-Karabakh.

This option is a positive step in comparison with the demand for unconditional subordination of NKR to Azerbaijan, in addition to its inclusion of some elements of horizontal ties between Azerbaijan and NKR. This option, with improvement of some of its principles, would be one of the backgrounds for reaching a compromise and agreement on the Nagorno-Karabakh conflict.

6. *Synthesis Option*

A proposal partially resembling the suggestion of Paul Goble, with elements resembling the suggestion of John Maresca, was made in an interview with the *Turkish Daily News* by senior researcher of the US National Institute for Democracy, Ambassador Nelson Ledsky. Ledsky considers it necessary to resolve the conflict through negotiation, but including the return of occupied territories to Azerbaijan. He finds it necessary for Nagorno-Karabakh to be part of Armenia though he says it would be possible to find some form of connection between Nagorno-Karabkh and Azerbaijan. "There is no doubt that the Armenians had succeeded in this war," he states. "It is necessary for Azerbaijani side to recognize that it has lost something."¹⁴⁴

According to Ambassador Ledsky, the essential part of the regulation of the conflict consists of the problem of Nakhichevan from the point of view of its communcations with Azerbaijan. To the question, "Do you suggest an exchange of Nagorno-Karabakh and Nakhichevan?" Ledsky replies: "It is necessary to negotiate, which will secure the communication between Nagorno-Karabakh and Armenia, as well as between Nakhichevan and Azerbaijan."¹⁴⁵

This is the essence of the ambassador's proposals, which are an expression of the new situation in Transcaucasia and which acknowledge the fact that the restoration of the old status quo is not practical, wise or possible.

7. *Cyprus Model*

During the discussions on the regulation of Karabakh problem, the specialists seldom address the so-called "Cyprus Model." It is well known that in 1974 the Turkish army had occupied the northern part of Cyprus, where the "Turkish Republic of Northern Cyprus" was proclaimed. This republic has existed de facto for more than 25 years despite numerous resolutions taken by the United Nations and its Security Council and other international organizations.

The essence of the "Cyprus Model" is the following: this entity is not recognized de jure by any state or international organization. It exists de facto and functions in this capacity.

In the NKR case, the "Cyprus Model" would mean:

- a. The NKR would not be recognized de jure;
- b. Its political independence and its right to membership in international organizations would not be recognized;
- c. Recognition de facto existence of NKR;
- d. It would not be a part of either Azerbaijan or Armenia.

This model, by its character, is a compromise and opens doors to reconciliation of the new status quo without a loss of dignity to either side involved in the conflict. It would disarm the situation and allow a certain amount of time to pass before a broader approach to

the problem would need to be addressed. It would allow for a normalization of relations between two neighboring states.

In this case it is important the change which recently took place in the USA position toward the Cyprus problem. During the negotiations of the USA President Bill Clinton with the Prime Minister of Turkey Bulent Ecevit on September 29, 1999, in Washington, "one of the highlights of the talks was the announcement by the White House that there can be no return to the pre-1974 situation on Cyprus."¹⁴⁶ This was confirmed by "The Washington Post". During an interview with Turkish Prime Minister Ecevit "The Washington Post" asked him: "When you met with President Clinton at the White House, did you agree to jump-start the talks on Cyprus?" Bulent Ecevit gave the following answer: "We did not go into details. He said that a return to the pre- 1974 conditions could not be contemplated".¹⁴⁷ It means, if that's true, that the USA does not stand anymore for the restoration of the situation, existing before the proclamation of "Turkish Republic of Northern Cyprus" in 1974. This new approach will serve as precedent for the solution of analogous conflicts, to which belongs also the Nagorno-Karabakh problem, i.e. to resolve the conflict on the base of new realities and do not insist on return to the pre – 1988 situation on Karabakh.

The "Cyprus Model" appears as one perspective solution which takes into consideration the present reality and a balance of force.

8. Nagorno-Karabakh as Independent State

Alongside the above mentioned options, which connect the solution of the Nagorno-Karabakh conflict with preservation of Azerbaijani jurisdiction over NKR or with the implementation of a territorial swap, appeared option of independence of Nagorno-Karabakh. The most distinguished representative of this trend is Hamburg University Professor Otto Luchterhandt who has provided a special study of this issue called, "Nagorny Karabakh's Right to State Independence According to International Law."

The author carefully examines the principles of self-determination and territorial inviolability through documents, declarations and other official materials of the UN, OSCE, including the Helsinki Final Act, etc. Luchterhandt deeply analyzes the political, socioeconomic, cultural and ethnic situation in Nagorno-Karabakh, the policy of the Azerbaijani government during the decades in Nagorno-Karabakh and other vital issues.

Then he simply accepts the existence of tension between the right to self-determination and state sovereignty and sees the aim as to bring both rights or rules into a justifiable state of balance, "which takes into account the weight of each in the particular case,"¹⁴⁸ and adds: "Principle X. para. 4 of the Principle Catalogue of the CSCE Final Act, attempts to express the same thought by

formulating that every one of the 10 principles must be 'interpreted, taking into account the others."¹⁴⁹

On this basis, the principle of sovereignty find its limits in the right of self-determination, just as conversely, the professor elucidates, the right of self-determination finds its limits in the principle of sovereignty.¹⁵⁰ Luchterhandt is quite right when he resumes that "the problem is one of establishing a practical concordance between the right of Azerbaijan to the respect and observance of its sovereignty, the inviolability of its borders, etc. on the one hand, and the legitimate interest of the Armenians of Nagorno-Karabakh in a national right of self-determination on the other."¹⁵¹ Recognizing the collision between Nagorno-Karabakh's right to self-determination and Azerbaijan's right of sovereignty, and acknowledging this as a conflict in international law, Luchterhandt indicates that this conflict can be resolved by differentiating between a normal case and an exceptional case.

He distinguishes between the two by describing a normal case as one in which "the precedence of the principle of sovereignty applies as it is the decisive foundation of the system of international law in general. The right of self-determination limits itself here to the cultivation and development of national characteristics."¹⁵²

Exceptional cases, however, require different approaches. "In exceptional cases, that is to say when a national minority is being

discriminated against in an unbearable manner, then the right of self-determination, in the form of the right of secession, has precedence over the sovereignty of the state concerned. In the case in question, the Azerbaijani's right to sovereignty loses weight in comparison to the right of self-determination (right of secession) because Azerbaijan itself has only just broken free from the dissolved USSR by using its right to self-determination."¹⁵³

So the compensatory granting of minority status, which can work in a normal case, is therefore out of the question for Nagorno-Karabakh. The Nagorno-Karabakh problem belongs to the category of exceptional cases. Luchterhandt stresses that "the analyses of Azerbaijan's policy in regard to Nagorno-Karabakh as well as the living conditions in the area show that from an administrative, national-cultural, socioeconomic and demographic point of view, the Armenian ethnic groups have been the subject of lasting and massive discrimination that has endured for decades. The state of Azerbaijan has forfeited its right to the subjugation of the Armenian ethnic group of Nagorno-Karabakh to its sovereignty."¹⁵⁴ These circumstances are the preconditions of the exceptional Nagorno-Karabakh case.

A summary of Luchterhandt's observations converge in one fundamental conclusion: "As a result of the expert study as a whole, it can be established that in accordance with current international law,

the Armenian ethnic group of Nagorny-Karabakh holds the right to self-determination in the form of a right to separation from the Republic of Azerbaijan (right of secession) which takes priority over the Republic of Azerbaijan's right to sovereignty. By virtue of the right to self-determination, the Armenian ethnic group of Nagorno-Karabakh is entitled either to form a state of its own or to unite with the Republic of Armenia.”¹⁵⁵

This option suggested by Professor Luchterhandt is objective, unbiased and in full harmony with principles of the new approach to the solution of ethnopolitical conflicts in the post-Cold War era and in the epoch of the New World Order.

On the same theme stand the Lebanese politologist Saleh Zahr ad-Din; the Russian lawyer and historian Vladimir Stoupishin and others. Dr. Stoupishin, examining the Azeri claim on Nagorno-Karabakh as the “indigenous” Azerbaijani territory, concludes: “Azerbaijan had not and still has no right to Karabakh, whatever has been declared in Lisbon or elsewhere. It is not honest to speak about 'indigenous' territory in the case of the ex-Soviet Azerbaijan because never before had such a state been there, where it was born during the bustle of revolution, civil war and foreign intervention, 1918-1923.”¹⁵⁶

9. The Chechen Variant

This variant has appeared in 1997 following the Russian-Chechen cease-fire agreement and postponement of the Chechnya status problem for a minimum of five years. Specialists immediately began speaking about the perspectives of this model for the resolution of the Karabakh problem. The idea was put forward by the deputy chairman of one of the committees of the Russian State Duma, Sergei Mitrokhin. In his opinion, there is no other choice for regulation of relations between Azerbaijan and NKR than to go by the way of Russia in its relations with Chechnya.

The essence of this model is the postponement of the decision of the question of status, using the interim period for changing the situation and the mentality of the people, clarifying the geopolitical interests of the states involved in the conflict and growing of a new generation of policy makers, because this generation of statesmen is not capable of resolving the Karabakh problem.¹⁵⁷ The analysis of the Chechen variant brings us to the conclusion that the Karabakh problem contains three main principles:

- a. Guaranteeing maximum security to Karabakh and the people of the neighboring districts of Azerbaijan and Armenia;
- b. Establishing a transition period at a minimum of five years with postponement of the problem of NKR status;

c. Growing a new generation of policy makers who will be free of the burden of the past period and ready to demonstrate a new approach to the problem and ability to act in a new political atmosphere.

The fulfillment of these conditions will create the necessary atmosphere for realistic compromise. The leaders of NKR had employed a positive attitude toward this variant. The President of NKR, Robert Kocharyan, in his statement of February 27, 1997, emphasized that "the variant of the decision on the Karabakh problem by an analogy to the Chechen problem is quite acceptable for Karabakh."¹⁵⁸

10. Status of Neutrality

The analyses of the contemporary geopolitical situation and balance of power in the Transcaucasian-Middle Eastern region, and the necessity of establishment good neighboring relations between Azerbaijan and Armenia at the base of a fair and lasting peace brought us to an idea that one of the realistic and perspective options to the Karabakh conflict solution would be to give Nagorno-Karabakh Republic the status of neutrality.

Three factors should be taken into consideration to set Karabakh on the premise of neutrality.

First we must recognize that the Nagorno-Karabakh successfully defended itself against the Azeri aggression and won the war. NKR survived for its own for the past more than ten years and this fact should prove its political, economic and military viability. This is a reality and any attempt to ignore this historical fact could lead to catastrophic misunderstanding, misfortune and unnecessary tragedies.

The second factor that we must observe are the geographical ones. Geography determines the need for Armenians and Azerbaijanis to exist peacefully as neighbors. To ignore this fact or to pretend that this need does not exist is both extremely dangerous and foolish. We are destined to live in one Transcaucasian space. For

this reason it is very important that the conflict is resolved sooner and to close that chapter on confrontations and violence for their sake. Both the Armenians and Azerbaijanis can establish *modus vivendi* of peaceful coexistence that might in turn lead to cooperation. It should be a resolution that will not humiliate any party's national dignity.

The third factor is the need for security in the Transcaucasian-Middle Eastern geopolitical region. The region is one of the world's most unstable areas. Add to this dangerous situation present in the North Caucasus (Chechnya, Dagestan, etc.), then it should be a clear picture of instability in the region as a whole. The area is a crossing point to the vital interests of many countries such as Russia, Turkey, Iran, Britain and the United States.

The significance of the region has only become more important and the situation more strained due to the discovery of possible large quantities of Caspian Sea oil. The problem is that there has to be construction of a pipeline to deliver the oil from Caspian Sea to the Mediterranean and Black Sea ports. The oil companies from many countries, such as U.S., Turkey, Russia, Britain and others, are involved in the exploration of the Caspian oil and are very interested in establishing a calm and secure region. This is not possible without a solution to the various ethnopolitical conflicts in the region, including the Nagorno-Karabakh crisis.

So the solution to the Karabakh conflict according to the principle of "Neutrality" would diminish the risk and danger and would also help to stabilize in the region. This in turn would create a favorable condition for possible construction of one or more pipelines traveling through Nagorno-Karabakh and Armenia to the Mediterranean sea, which most of the oil companies agree is the most efficient and economically feasible way to transport the oil that will benefit many. There is no doubt that both the stability and security in the Transcaucasian-Middle Eastern geopolitical region to some extent rests upon a solution to the Karabakh conflict.

After taking all of these into consideration, we would like to offer our response as an alternative solution to this continuing debate on the principle of "Neutrality".

We are not naive in assuming that all sides will greet the appearance of this option. In fact we are sure that there will be objections and it will have critics, but we hope our proposal can and will have supporters behind us. On the other hand we are also aware of the difficulty it will take to re-orientate a long drawn diplomatic machine. However the game is worth the candle.

Here are the main principles of a variant of the Nagorno-Karabakh conflict resolution based on the principle of Neutrality.

I. STATUS

1. Armenia, Azerbaijan and the Nagorno-Karabakh Republic proclaim the neutrality of Nagorno-Karabakh. The proposed new name for Karabakh would be the Nagorno-Karabakh Neutral Territory (NKNT).

2. The decree of the Armenian Supreme Soviet and the Nagorno-Karabakh National Council on December 1, 1989 regarding the unification is canceled.

3. Armenia, Azerbaijan and the NKNT by amendment of their constitutions confirm by a special clause the status of neutrality of NK.

II. GUARANTEES

1. Armenia, Azerbaijan and the UN Security Council's five permanent members (Great Britain, China, France, Russian Federation and U.S.) guarantee the NKNT neutrality.

2. The UN Security Council is authorized to implement political, economic and military sanctions on regard to any party violating the status of NKNT neutrality.

III. BORDERS

1. NKNT withdraws its troops from the occupied regions of Aghdam, Fizuli, Jebrail, Kelbajar, Kubatly and Zangelan.

2. Azerbaijan withdraws its troops from occupied territories of NKNT and the Shahumian region.

3. The Lachin region, for the purpose of linking NKNT with the outside world, is regarded associated with NKNT territory.

4. Azerbaijan and NKNT recognize mutually each other's territorial integrity

IV. SECURITY ZONE

1. Demilitarized security buffer zones are established along the Azerbaijan-NKNT borders.

2. In the buffer zones international peacekeeping forces are deploying to provide security and stability, confirmed by the UN Security Council and functioning under the aegis of the UNO.

3. The UN Security Council with the consent of Armenia, Azerbaijan and NKNT, confirms the number of international peacekeeping forces and the list of the states which provide their contingent.

V. REFUGEES

1. Armenia, Azerbaijan and NKNT undertake all necessary political and economic measures for the voluntary return of refugees to their permanent places of residence, according to the norms of International Law.

2. Refugees, who refuse to return to their places of previous residence, receive suitable material and financial compensation.

3. Certain regions and villages of refugees will be designated for international monitoring.

4. The UN organizes a Fund to donor the financial requirements of resettlement and compensation of refugees.

VI. ECONOMIC STATUS

1. NKNT is declared free economic zone with equal rights for all interested parties.

2. All economic restrictions, established by the blockade, will be lifted.

3. The UN and OSCE will facilitate the establishment of a Fund for the reconstruction of the economy of NKNT and the damaged from the war regions of Azerbaijan and Armenia.

VII. GOVERNMENT SYSTEM

1. The UN Security Council, according to its five permanent members' suggestion, Armenia's and Azerbaijan's approval and NKNT's consent, appoints Plenipotentiary spokesman of the UN Secretary General in NKNT

2. Functions of the Plenipotentiary spokesman of the UN Secretary General embrace:

- a) To keep watch over observance of NKNT's neutrality status;
- b) To keep watch over observance of human and minorities rights in NKNT;
- c) To submit an annual report on the situation in NKNT to the UN.

3. NKNT has its own Constitution, higher legislative, executive, and legal bodies:

- a) President elected by general voting of NKNT people;
- b) National Assembly (parliament) elected by general voting of NKNT people. Minorities of NKNT will have right to proportional representation to the National Assembly of NKNT;
- c) NKNT will establish Courts at all levels;
- d) NKNT government appointed by the President and approved by the National Assembly of NKNT.

4. On the NKNT territory are acting the laws adopted by the President and National Assembly of NKNT and which do not contradict in international law norms and NKNT's neutrality status.

5. The President and National Assembly are competent to adopt laws and decrees on issues of domestic policy, economy, justice, social security, public health, enlightenment, education, culture, science, etc.

6. NKNT will have its own police force to providing internal order.

7. NKNT will have its own armed forces. Their number and structure are determined proceeding from NKNT's security and coordinated with the UN Security Council and OSCE.

VIII. COMMUNICATIONS

1. With the proclamation of the NKNT's neutrality status, Armenia's and NKNT's blockade is lifted and all land, air and waterways are opened.

2. They are opened for all forms of transit and easy of access for every country.

3. NKNT is to provide secure and free functioning of all transport communications- auto, air, railroads, oil and gas pipelines, etc. passing or which may in the future pass through its territory.

4. A treaty will be signed between Armenia, Azerbaijan and NKNT on guarantee of free transit all forms of transport and pipelines through the NKNT territory.

IX. CITIZENSHIP

1. NKNT's citizens receive their citizenship recognized by the international community.

2. NKNT's citizens may be persons who were born in NKNT or the children of a parent who has NKNT citizenship.

3. Persons who came from other regions may become NKNT

citizens if they have regularly live there not less than 5 years.

4. NKNT citizens, if they wish, may also receive citizenship of Armenia and Azerbaijan.

X. FOREIGN REPRESENTATION

1. NKNT holds the right to open its representative offices in countries with which it is connected geographically and economic, transportation and security needs.

2. NKNT opens its representative offices in Armenia, Azerbaijan, Georgia, Turkey, Iran, and in the countries of five permanent members of the UN Security Council, and also, if necessary in other countries.

3. Armenia, Azerbaijan, Georgia, Turkey, Iran and five permanent members of the UN Security Council and other interested countries may open representative offices in NKNT.

4. NKNT may become a member of regional economic, ecological, cultural, educational, public health and other non-political and non-military organizations.

XI. SYMBOLS

1. NKNT has its symbols.

2. Stepanakert is the capital of NKNT.

3. NKNT has its own flag.

4. NKNT has its own coat of arms.

5. NKNT has its own hymn.

XII. PROTOCOLS

1. In addition to this document separate Protocols may be signed on issues, which the sides will consider it necessary.

XIII. REGISTRATION IN THE UNO

1. This document on the neutrality status of NKNT is registered as UN official one.

2. It has international legal power.¹⁵⁹

Such is a scheme of Nagorno-Karabakh's neutral status in short and we outlined of its main ideas and principles. Neutrality as a status consists one of the princples of international law and international practice. It always was used for the settlement of different kind territorial disputes. Today there are some states with the permanent status of neutrality, recognized formally by international community, like Switzerland, Austria, etc. But there are also some entities without state status, which are recognized as neutral zones. Such zones exist in the Arab world and in the Arab peninsula in particular. The Neutrality status of NK is based on the principle of compromise. It is an expression of the fact that all conflicting sides are ready to yield to each other something very important. Neutral-

ity as form of compromise for the Armenian side means that Nagorno-Karabakh is giving up a) the idea of independent state and b) to be reunited with its homeland Armenia. This is very serious concession from the Karabakh side taking in account the fact that Nagorno-Karabakh had won the war. An expression of compromise is NKR's willingness not to become a member of international community and international political organizations and to be satisfied by the status of neutral territory.

The Neutrality status may satisfy one of the main requests of Azerbaijan. Azerbaijan is against the creation of new Armenian state. Its leadership is afraid that the establishment of independent Nagorno-Karabakh state or its reunification to Armenia will strengthen Armenia and its position in the region. The President of Azerbaijan Heidar Aliev had stated many times that there is no space for a second Armenian state in Transcaucasia. The status of neutrality will eliminate the Azeri anxiety.

The Azerbaijani consent to the neutrality of NK would mean that its leadership has given up the idea to restore the old status quo and to put again Nagorno-Karabakh under its domination and jurisdiction. The acceptance of neutrality of NK would mean the recognition of new political reality and readiness of the Azerbaijani side for compromise. Instead of vertical subordination, Azerbaijan may receive possibilities for horizontal ties with NKNT.

Due to the consent of all conflicting sides with the NK status of neutrality, the confrontation between them may overgrow into competition which would be transferred from political and military fields into economic one. And as NKNT would be a free economic zone, then will gain the side, which would suggest NKNT more economic, financial, communication and other advantages.

The Azeries usually complain that they are against any settlement imposed from the outside and they stress that the conflicting sides have to take decision over the NK conflict by themselves. This circumstance has taken in account when we suggested that the neutrality of NK have to be proclaimed by Azerbaijan, Armenia, and NKR.

We would like to pay attention at one moment else. The implementation of this new option is not connected only with OSCE but also with United Nations Organization and in particular its Security Council. It has its reasons. The OSCE had not recorded any success in settlement of the NK problem and it has no much possibilities for it. As recognized in her report the co-chairman of the OSCE Minsk Conference, Minister of Foreign Affairs of Finland Tarja Halonen, "The means available to the OSCE are limited."¹⁶⁰

The means of UN, on the contrary, are practically unlimited. The UN is a more powerful organization and at its display are numerous political, economic and military remedies to pursue its

goal. The UN can act more decisively and at the same time to be more flexible.

We understand how it is complicated to derail the decision of the NK problem from the OSCE track into the UN track. It requires a certain time and new efforts. But this is not the first time dealing with difficult and dangerous problems at the UN. It has accumulated a large and rich experience in conflict resolution, which, we are sure, could be implemented successfully for the settlement of the NK conflict, giving to it the status of neutrality.

Now some remarks on the right of NKNT to have its foreign representations. On suggesting to give NKNT a right to have foreign representations we proceed from the international practice. There are a lot of non-independent entities, which apply to the right of having their representative offices in foreign countries or allowing those countries to open their own representative offices in the territory of autonomous or other kind nonindependent entities.

The best example of that may serve the Aland Islands. Its status of autonomy within Finland was confirmed by an "Act on the Autonomy of Aland", adopted by Finnish Parliament on May 6, 1920, and then replaced in 1991 by another, which entered into force on February 1, 1993.¹⁶¹

Many countries such as Russia, Germany, the Netherlands, etc. have their consulates in the Aland Islands capital Mariehamns. The

Aland Islands may have their own representatives in other countries. Moreover, in according to the "Act on the Autonomy of Aland" the Government of Aland may propose negotiations on a treaty with a foreign State to the appropriate State officials"¹⁶² In 1970, Aland obtained its own representation in the Nordic Council, became the member of that important regional organization, the members of which are Russia, Germany, Poland, Sweden, Finland, Norway, Denmark, Iceland, Latvia, Lithuania and Estonia. Many meetings of Nordic Council have been held in Aland.¹⁶³ The representatives of Aland, as well as of two other selfgoverning regions of Faroes and Greenland are collaborating in the Nordic Council of Ministers.¹⁶⁴ Aland has established contact with the countries of the Baltic Sea in the spheres of culture, tourism, and fishing. The Aland Parliament is very active in its contacts with the Parliaments of other countries.¹⁶⁵ There were stipulations made for Aland when Finland became a member of the European Union. The latter has taken into consideration the specific status of Aland.¹⁶⁶

We can add two important facts. Aland has had a flag of its own since 1954 that now is used as a maritime flag on ships registered in Aland.¹⁶⁷ Since 1993 the Aland postal administration has been using its own stamps and Finnish postage stamps cannot be used any longer in Aland.¹⁶⁸ And let us remember, that Aland is not a independent state and has no status of neutrality. It is an autono-

mous region under the Republic of Finland. This situation is like a "state within the state" and does not worry the Finnish leadership. By giving Aland rights in the foreign sphere the Finnish government had eliminated the Aland suspicions and strengthened the ties between them. It is a wise policy, far ahead of its time.

It is necessary to give some explanation about the registration of the document on NKNT neutrality status in the UNO. It has its many precedents in the international practice. We would like to remind everyone of the Aland example, whose autonomous status was adopted and guaranteed by the League of Nations in June 1921.¹⁶⁹ And when Finland joined the European Union in 1990s, a record had been made in a Protocol "that Aland autonomy is guaranteed in the constitutional law of Finland and rests upon a basis of international law through international decisions and agreements."¹⁷⁰

The registration of the NKNT status of neutrality in the United Nations Organization will serve as some kind of guarantee to that status. Its violation is to be regarded the violation of international law.

In our view the Nagorno-Karabakh's status of neutrality may be the best way to provide a peaceful coexistence to the people of Azerbaijan and Armenia, proceeding from contemporary situation and balance of forces. It would facilitate the establishment of secu-

riety, stability and cooperation in the Transcaucasian-Middle Eastern geopolitical region.

* * *

In October 1998, the USA, Russia and France, the three co-chairmen of the OSCE Minsk group, presented a new project for the solution of the Karabakh problem, named "Common state", which was accepted by Armenia and NKR as a base for the negotiations. The conception of the "Common state" has common features with the Dayton model, implemented in Bosnia. Despite the fact that its details are not yet revealed completely, this project or its modification obviously may have a chance to be realized if all three sides- Azerbaijan, Armenia and Nagorno-Karabakh Republic should demonstrate political will to come to a compromise on principal issues.

In conclusion we would like to confirm that all above mentioned options after all has created a favorable political atmosphere and a wide field for manoeuvring, compromises and selection of the most optimal variant to the Nagorno-Karabakh problem solution.

Upon our view the solution has to be searched in the triangle of the Associated statehood-Independent state-Neutrality Status.

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THE KARABAKH PROBLEM
FACTORS. CRITERIA. VARIANTS OF SOLUTION

ՂԱՐԱԲԱՂՅԱՆ ԿՈՆՖԼԻԿՏԸ
ԳՈՐԾՈՆՆԵՐ, ՉԱՓԱՆԻՇՆԵՐ, ԼՈՒԾՍԱՆ ՏԱՐԲԵՐԱԿՆԵՐ

Հրատարակչության տնօրեն՝
Հրատարակչության խմբագիր՝

ՍՈԿՐԱՏ ՄԿՐՏՉՅԱՆ
ՄԱՇԱ ՄՆԱՑԱԿԱՆՅԱՆ

Նկարիչ՝
Սրբագրիչ՝
Համակարգչային շարվածք՝
Համակարգչային ձևավորում՝

ԱՐԱ ԲԱՂԴԱՍԱՐՅԱՆ
ՆՎԱՐԴ ՓԱՐՍԱԴԱՆՅԱՆ
ԿԱՐԻՆԵ ՀԱՐՈՒԹՅՈՒՆՅԱՆ
ՆՈՒՆԵ ՄԱԿԱՐՅԱՆ

Տպագրությունը՝ օֆսեթ
Թուղթը՝ օֆսեթ
Չափսը՝ 60x84/16
Ծավալը՝ 7 տպ. մամուլ
Տպաքանակը՝ 400
Գինը՝ պայմանագրային

«ԶԱՆԳԱԿ-97» հրատարակչություն,
Երևան, Մարշալ Բաղդամյան 3: 56-30-82

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