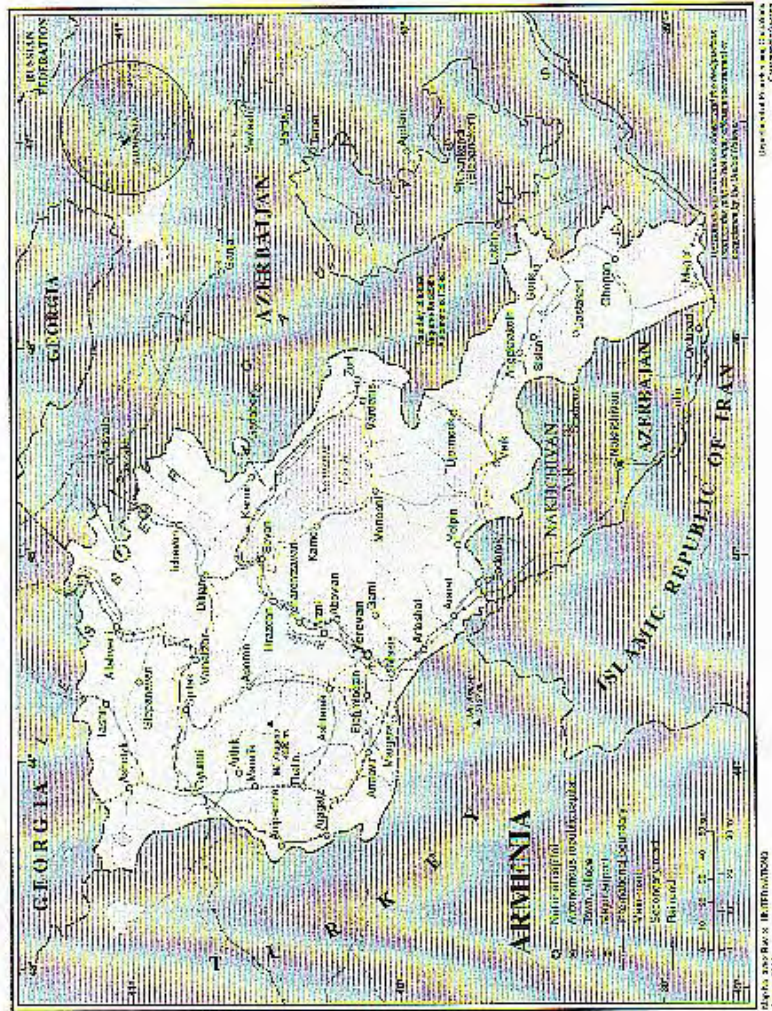
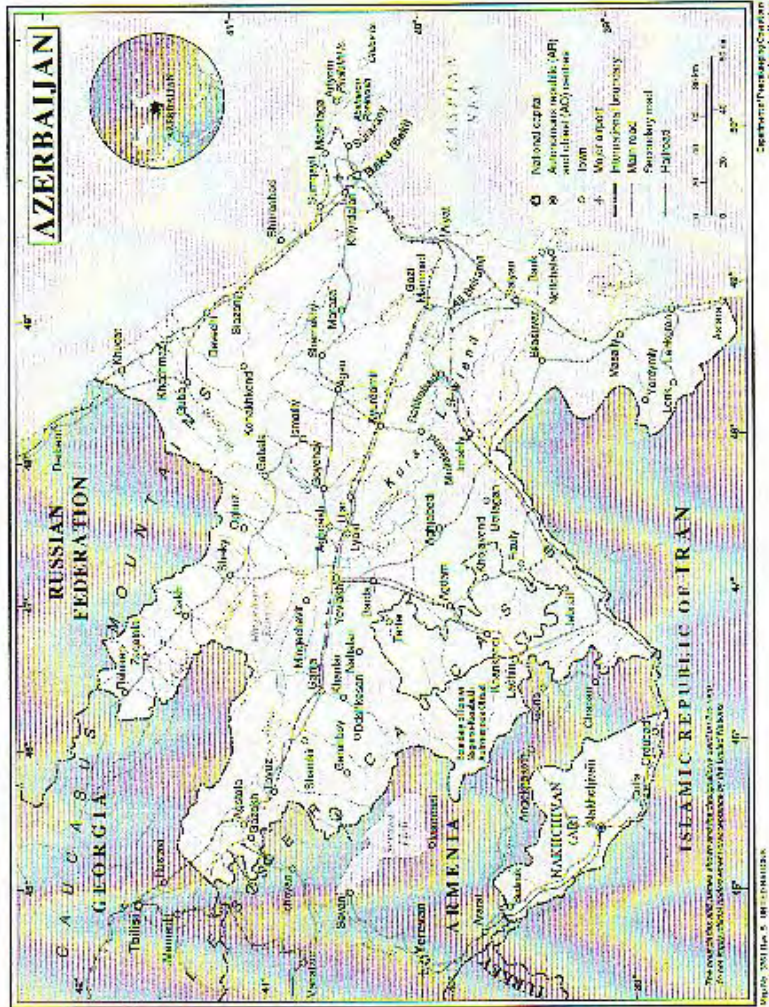


ANNEXE I

Cartes de la zone du conflit utilisées par les Nations Unies





ANNEXE II

Programmes des visites dans le cadre de la préparation du rapport

Varsovie, 22 février 2003

Rencontre avec les coprésidents du Groupe de Minsk de l'OSCE :

M. l'Ambassadeur Nikolai Gribkov (Fédération de Russie),

M. l'Ambassadeur Henry Jacolin (France),

M. l'Ambassadeur Rudolf V. Perina (Etats-Unis),

M. l'Ambassadeur Andrzej Kasprzyk, Représentant personnel du Président en exercice de l'OSCE

Bakou, 14 avril 2003

Rencontre avec M. Araz Azimov, Vice-ministre des Affaires étrangères et représentant personnel du Président de la République

Rencontre avec M. Vilayat Guliyev, ministre des Affaires étrangères

Rencontre avec M. Ilham Aliyev, chef de la délégation azerbaïdjanaise à l'APCE, et des membres de la délégation

Rencontre avec M. Murtuz Aleskerov, président du Milli Mejlis (parlement)

Rencontre avec M. Safar Abiyev, ministre de la Défense

Rencontre avec M. Namig Abbasov, ministre de la Sécurité nationale

Rencontre avec des représentants de la communauté azerbaïdjanaise du Haut-Karabakh

Rencontre avec des représentants de l'opposition parlementaire

Bakou, 15 avril 2003

Rencontre avec M. Ali Hasanov, président du Comité d'Etat sur les réfugiés et les personnes déplacées

Départ pour le camp de réfugiés et de personnes déplacées de Bilasuvar

Rencontre avec M. Heydar Aliyev, Président de la République d'Azerbaïdjan

Rencontre avec des membres de l'Académie nationale des Sciences

Conférence de presse

Rencontre avec M. l'Ambassadeur Andrzej Kasprzyk, Représentant personnel du Président en exercice de l'OSCE, pour évoquer le conflit qui retient l'attention de la Conférence de Minsk de l'OSCE

Tbilissi, 16 avril 2003

Rencontre avec M. Plamen Nikolov, Représentant spécial du Secrétaire Général du Conseil de l'Europe à Tbilissi,

Rencontre avec l'Ambassadeur des Pays-Bas en Géorgie et en Arménie et le représentant de la Commission européenne à Tbilissi

Erevan, 17 avril 2003

Rencontre avec M^{me} Thorda Abbott-Watt, Ambassadeur du Royaume-Uni à Erevan
Rencontre avec M. Hovhannes Hovhannisyan, chef de la délégation arménienne à l'APCE
Rencontre avec les présidents des groupes parlementaires
Rencontre avec M. Armen Khachatryan, président de l'Assemblée nationale
Rencontre avec M. Serge Sargsyan, ministre de la Défense
Rencontre avec M. Vardan Oskanyan, ministre des Affaires étrangères

Erevan, 18 avril 2003

Visite dans des zones d'installation de réfugiés, et rencontre avec des réfugiés
Rencontre avec un représentant du Haut-Karabakh
Rencontre avec M. Tatul Margaryan, représentant personnel du Président de la République
Rencontre avec M. Robert Kocharyan, Président de la République d'Arménie
Conférence de presse

Amsterdam, 11 juin 2003

Rencontre avec les coprésidents du Groupe de Minsk de l'OSCE :
M. l'Ambassadeur Nikolai Gribkov (Fédération de Russie),
M. l'Ambassadeur Henry Jacolin (France),
M. l'Ambassadeur Rudolf V. Perina (Etats-Unis),
M. l'Ambassadeur Andrzej Kasprzyk, Représentant personnel du Président en exercice de l'OSCE

Région du Haut-Karabakh, 23 février 2004

Visite à Shushi/Shusha et rencontre avec des réfugiés
Visite à Stepanakert/Khankendi
Rencontre avec M. Oleg Yesayan et des partis politiques
Rencontre avec M. Arkady Ghoukassyan

Erevan, 24 février 2004

Rencontre avec M. Tatoul Margaryan, Représentant personnel du Président de la République
Rencontre avec le chef du Département d'Etat pour les migrations et les réfugiés et avec des réfugiés de l'ancienne résidence universitaire de l'Université d'Erevan
Rencontre avec la délégation arménienne à l'Assemblée parlementaire et avec les partis politiques représentés à l'Assemblée nationale arménienne
Rencontre avec M. Robert Kocharyan, Président de la République d'Arménie, et M. Vardan Oskanyan, ministre des Affaires étrangères

Bakou, 25 février 2004

Rencontre avec des personnes déplacées à Bakou

Bakou, 26 février 2004

Rencontre avec M. Namig Abbasov, ministre de la Sécurité nationale

Rencontre avec M. Ilham Aliyev, Président de la République d'Azerbaïdjan

Rencontre avec la délégation azerbaïdjanaise à l'Assemblée parlementaire

Rencontre avec les partis politiques représentés à l'Assemblée nationale d'Azerbaïdjan

Rencontre avec M. Murtuz Aleskerov, président de l'Assemblée nationale

Rencontre avec M. Safar Abiyev, ministre de la Défense

Rencontre avec M. Vilayat Guliyev, ministre des Affaires étrangères

Strasbourg, 13 mai 2004

Rencontre avec M. Vardan Oskanyan, ministre des Affaires étrangères d'Arménie

Rencontre avec M. Elmar Mammadyarov, ministre des Affaires étrangères d'Azerbaïdjan

Rencontre avec les coprésidents du Groupe de Minsk de l'OSCE :

M. l'Ambassadeur Henry Jacolin (France),

M. l'Ambassadeur Yuri Merzlyakov (Russie)

M. l'Ambassadeur Stephen Mann (États-Unis),

M. l'Ambassadeur Andrzej Kasprzyk, représentant personnel du Président en exercice de l'OSCE

ANNEXE III
Résolutions du Conseil de sécurité des Nations Unies

S/RES/822 (1993)
30 avril 1993

RESOLUTION 822 (1993)

adoptée par le Conseil de sécurité à sa 3205e séance, le 30 avril 1993

Rappelant les déclarations du Président du Conseil de sécurité en date des 29 janvier 1993 (S/25199) et 6 avril 1993 (S/25539), concernant le conflit du Haut-Karabakh,

Prenant acte du rapport du Secrétaire général, en date du 14 avril 1993 (S/25600),

Exprimant sa vive préoccupation face à la détérioration des relations entre la République d'Arménie et de la République azerbaïdjanaise,

Notant avec une très grande inquiétude l'intensification des affrontements armés, et en particulier l'invasion la plus récente du district azerbaïdjanais de Kelbadjar par des forces arméniennes locales,

Préoccupé par le fait que cette situation met en danger la paix et la sécurité dans la région,

Se déclarant gravement préoccupé par le déplacement d'un très grand nombre de civils, ainsi que par la situation humanitaire d'urgence dans la région, et en particulier dans le district de Kelbadjar,

Réaffirmant que la souveraineté et l'intégrité territoriales de tous les Etats de la région doivent être respectées,

Réaffirmant également l'inviolabilité des frontières internationales et l'inadmissibilité de l'emploi de la force aux fins d'acquisition de territoire

Exprimant son appui au processus de paix en cours dans le cadre de la Conférence sur la sécurité et la coopération en Europe et profondément préoccupé par l'effet dommageable que l'intensification des affrontements armés peut avoir sur ce processus,

1. Exige la cessation immédiate de toutes les hostilités et de tous les actes d'hostilité afin que puisse s'instaurer un cessez-le-feu durable, ainsi que le retrait immédiat de toutes les forces occupant le district de Kelbadjar et les autres régions de l'Azerbaïdjan récemment occupées;
2. Prie instamment les parties concernées de reprendre immédiatement les négociations en vue du règlement du conflit dans le cadre du processus de paix du Groupe de Minsk de la Conférence sur la sécurité et la coopération en Europe et de s'abstenir de toute action qui empêcherait de résoudre le problème par des moyens pacifique;
3. Demande que soit assuré l'acheminement sans entrave des secours humanitaires internationaux dans la région, en particulier dans toutes les zones touchées par le conflit, afin que puissent être allégées les souffrances de la population civile, et réaffirme que toutes les parties sont tenues de se conformer aux principes et aux règles du droit international humanitaire;
4. Prie le Secrétaire général, agissant en consultation avec le Président en exercice de la Conférence sur la sécurité et la coopération en Europe et le Président du Groupe de Minsk, d'évaluer la situation dans la région, en particulier dans le district azerbaïdjanais de Kelbadjar, et de lui présenter un nouveau rapport;
5. Décide de demeurer activement saisi de la question.

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Conseil de sécurité

Distr.
GENERALE

S/RES/853 (1993)
29 juillet 1993

RESOLUTION 853 (1993)

Adoptée par le Conseil de sécurité à sa 3259e séance,
le 29 juillet 1993

Le Conseil de sécurité,

Réaffirmant sa résolution 822 (1993) du 30 avril 1993,

Avant examiné le rapport publié le 27 juillet 1993 par le Président du Groupe de Minsk de la Conférence sur la sécurité et la coopération en Europe (CSCE) (S/26184),

Exprimant la vive préoccupation que lui inspirent la détérioration des relations entre la République d'Arménie et la République azerbaïdjanaise ainsi que les tensions entre elles,

Se félicitant que les parties concernées aient accepté le calendrier de mesures urgentes visant à appliquer sa résolution 822 (1993),

Notant avec inquiétude l'escalade des hostilités armées et, en particulier, la prise du district d'Agdam dans la République azerbaïdjanaise,

Préoccupé par le fait que cette situation continue de mettre en danger la paix et la sécurité dans la région,

Se déclarant une fois encore gravement préoccupé par le déplacement d'un très grand nombre de civils dans la République azerbaïdjanaise et par la gravité de la situation humanitaire d'urgence dans la région,

Réaffirmant la souveraineté et l'intégrité territoriale de la République azerbaïdjanaise et de tous les autres Etats de la région,

Réaffirmant également l'inviolabilité des frontières internationales et l'inadmissibilité de l'emploi de la force aux fins d'acquisition de territoire,

1. Condamne la prise du district d'Agdam et de toutes les autres zones récemment occupées de la République azerbaïdjanaise;

2. Condamne en outre toutes les actions hostiles dans la région, en particulier les attaques dirigées contre la population civile et les bombardements des zones habitées;

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S/RES/853 (1993)

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3. Exige qu'il soit mis fin immédiatement à toutes les hostilités et que les forces d'occupation en cause se retirent immédiatement, complètement et inconditionnellement du district d'Aghdam et de toutes les autres zones récemment occupées de la République azerbaïdjanaise;
4. Demande aux parties concernées de conclure et de maintenir en vigueur des accords de cessez-le-feu durables;
5. Réitère dans le contexte des paragraphes 3 et 4 ci-dessus les appels qu'il a lancés précédemment afin que soient rétablies les liaisons économiques, de transport et d'énergie dans la région;
6. Approuve la poursuite des efforts déployés par le Groupe de Minsk de la CSCE afin de parvenir à une solution pacifique du conflit, y compris les efforts entrepris pour appliquer la résolution 822 (1993), et se déclare gravement préoccupé par l'effet perturbateur que la recrudescence des hostilités armées a eu sur ces efforts;
7. Se félicite des préparatifs d'une mission d'observation de la CSCE assortis d'un calendrier concernant son déploiement, ainsi que de l'examen au sein de la CSCE de la proposition visant à établir une présence de la CSCE dans la région;
8. Prie instamment les parties concernées de s'abstenir de toute action qui ferait obstacle à une solution du conflit par des moyens pacifiques, et de poursuivre les négociations dans le cadre du Groupe de Minsk de la CSCE, ainsi que par des contacts directs entre elles, en vue d'un règlement définitif;
9. Prie instamment le Gouvernement de la République d'Arménie de continuer d'exercer son influence afin d'amener les Arméniens de la région du Haut-Karabakh de la République azerbaïdjanaise à appliquer la résolution 822 (1993) du Conseil ainsi que la présente résolution, et à accepter les propositions du Groupe de Minsk de la CSCE;
10. Prie instamment les Etats de s'abstenir de fournir toutes armes et munitions qui pourraient conduire à une intensification du conflit ou à la poursuite de l'occupation de territoires;
11. Demande une fois encore que soit assuré le libre accès des secours humanitaires internationaux dans la région, en particulier dans toutes les zones touchées par le conflit, afin que puissent être allégées les souffrances accrues de la population civile, et réaffirme que toutes les parties sont tenues de se conformer aux principes et aux règles du droit international humanitaire;
12. Prie le Secrétaire général et les organismes internationaux compétents de fournir d'urgence une aide humanitaire à la population civile touchée et d'aider les personnes déplacées à retourner dans leurs foyers;
13. Prie le Secrétaire général, agissant en consultation avec le Président en exercice de la CSCE ainsi qu'avec le Président du Groupe de Minsk, de continuer à lui rendre compte de la situation;
14. Décide de demeurer activement saisi de la question.



Conseil de sécurité

Distr.
GENERALE

S/RES/874 (1993)
14 octobre 1993

RESOLUTION 874 (1993)

Adoptée par le Conseil de sécurité à sa 3292e séance
le 14 octobre 1993

Le Conseil de sécurité,

Réaffirmant ses résolutions 822 (1993) du 30 avril 1993 et 853 (1993) du 29 juillet 1993, et rappelant la déclaration dont le Président a donné lecture le 18 août 1993 au nom du Conseil (S/26326),

Ayant examiné la lettre datée du 1er octobre 1993, adressée au Président du Conseil de sécurité par le Président de la Conférence de Minsk sur le Haut-Karabakh de la Conférence sur la sécurité et la coopération en Europe (CSCE) (S/26522),

Se déclarant gravement préoccupé de ce que la poursuite du conflit dans la région du Haut-Karabakh de la République azerbaïdjanaise et aux alentours, ainsi que les tensions entre la République d'Arménie et la République azerbaïdjanaise pourraient mettre en danger la paix et la sécurité dans la région,

Prenant note des réunions de haut niveau qui ont eu lieu à Moscou le 8 octobre 1993 et exprimant l'espoir qu'elles contribueront à l'amélioration de la situation et au règlement pacifique du conflit,

Réaffirmant la souveraineté et l'intégrité territoriale de la République azerbaïdjanaise et de tous les autres Etats de la région,

Réaffirmant aussi l'inviolabilité des frontières internationales et l'inadmissibilité de l'emploi de la force aux fins d'acquisition de territoire,

Se déclarant une fois encore gravement préoccupé par les souffrances que le conflit a causées à la population et par la gravité de la situation humanitaire d'urgence dans la région, et exprimant en particulier son vif souci devant le déplacement d'un très grand nombre de civils dans la République azerbaïdjanaise,

1. Demande aux parties concernées de rendre effectif et permanent le cessez-le-feu instauré comme suite aux contacts directs établis avec le concours du Gouvernement de la Fédération de Russie à l'appui du Groupe de Minsk de la CSCE;

S/RES/874 (1993)

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2. Réaffirme à nouveau son appui sans réserve au processus de paix en cours dans le cadre de la CSCE ainsi qu'aux efforts inlassables que déploie le Groupe de Minsk de la CSCE;
3. Accueille avec satisfaction et recommande aux parties le "Calendrier modifié de mesures urgentes visant à appliquer les résolutions 822 (1993) et 853 (1993) du Conseil de sécurité" qui a été établi le 28 septembre 1993 à la réunion du Groupe de Minsk de la CSCE et présenté aux parties concernées par le Président du Groupe, avec le plein appui des neuf autres membres du Groupe, et engage les parties à l'accepter;
4. Se déclare convaincu que toutes les autres questions en suspens soulevées par le conflit et non directement visées par le "Calendrier modifié" devraient être réglées sans tarder au moyen de négociations pacifiques dans le cadre du processus de Minsk de la CSCE;
5. Demande que soient immédiatement appliquées les mesures réciproques et urgentes que prévoit le "Calendrier modifié" du Groupe de Minsk de la CSCE, y compris le retrait des forces des territoires récemment occupés et la suppression de tous les obstacles aux communications et aux transports;
6. Demande également la convocation à une date rapprochée de la Conférence de Minsk de la CSCE afin qu'un règlement négocié du conflit puisse être réalisé, comme le prévoit le Calendrier, en conformité avec le mandat donné le 24 mars 1992 par le Conseil des ministres de la CSCE;
7. Prie le Secrétaire général de répondre favorablement à l'invitation d'envoyer un représentant assister à la Conférence de Minsk de la CSCE et de fournir toute l'assistance possible lors des négociations de fond qui suivront l'ouverture de la Conférence;
8. Exprime son soutien à la mission d'observation mise en place par la CSCE;
9. Demande à toutes les parties de s'abstenir de toute violation du droit international humanitaire, et demande de nouveau, comme il l'a fait dans les résolutions 822 (1993) et 853 (1993), que soit assuré le libre accès des secours humanitaires internationaux dans toutes les zones touchées par le conflit;
10. Prie instamment tous les Etats de la région de s'abstenir de tout acte d'hostilité et de toute ingérence ou intervention qui auraient pour effet d'élargir le conflit et de porter atteinte à la paix et à la sécurité dans la région;
11. Prie le Secrétaire général et les organismes internationaux compétents de fournir d'urgence une aide humanitaire à la population civile touchée et d'aider les réfugiés et les personnes déplacées à regagner leurs foyers dans la sécurité et la dignité;
12. Prie également le Secrétaire général, le Président en exercice de la CSCE et le Président de la Conférence de Minsk de la CSCE de continuer à lui

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rendre compte de l'évolution du processus de Minsk et de tous les aspects de la situation sur le terrain, ainsi que de la coopération actuelle et future entre la CSCE et l'Organisation des Nations Unies à cet égard;

13. Décide de demeurer activement saisi de la question.

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Conseil de sécurité

Distr.
GENERALE

S/RES/884 (1993)
12 novembre 1993

RESOLUTION 884 (1993)

Adoptée par le Conseil de sécurité à sa 3313e séance,
le 12 novembre 1993

Le Conseil de sécurité,

Réaffirmant ses résolutions 822 (1993) du 30 avril 1993, 853 (1993) du 29 juillet 1993 et 874 (1993) du 14 octobre 1993,

Réaffirmant son appui sans réserve au processus de paix poursuivi dans le cadre de la Conférence sur la sécurité et la coopération en Europe (CSCE) et aux efforts inlassables du Groupe de Minsk de la CSCE,

Prenant note de la lettre datée du 9 novembre 1993, adressée au Président du Conseil de sécurité par le Président en exercice de la Conférence de Minsk sur le Haut-Karabakh et ses pièces jointes (S/26718, annexe),

Exprimant sa grave préoccupation de ce que la poursuite du conflit dans la région du Haut-Karabakh de la République azerbaïdjanaise et aux alentours, ainsi que des tensions entre la République d'Arménie et la République azerbaïdjanaise, pourrait mettre en danger la paix et la sécurité dans la région,

Notant avec inquiétude l'escalade des hostilités armées, conséquence des violations du cessez-le-feu et de l'usage excessif de la force en réaction à ces violations, en particulier l'occupation du district de Zanguelan et de la ville de Goradiz dans la République azerbaïdjanaise,

Réaffirmant la souveraineté et l'intégrité territoriale de la République azerbaïdjanaise et de tous les autres Etats de la région,

Réaffirmant également l'inviolabilité des frontières internationales et l'inadmissibilité de l'emploi de la force pour l'acquisition de territoire,

Se déclarant vivement préoccupé par le récent déplacement d'un très grand nombre de civils dans le district de Zanguelan et la ville de Goradiz ainsi qu'à la frontière méridionale de l'Azerbaïdjan, et par la situation humanitaire d'urgence qui existe dans ces régions,

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1. Condamne les récentes violations du cessez-le-feu établi entre les parties, qui ont entraîné une reprise des hostilités, et condamne en particulier l'occupation du district de Zanguelan et de la ville de Goradiz, les attaques contre les civils et les bombardements du territoire de la République azerbaïdjanaise;

2. Demande au Gouvernement arménien d'user de son influence pour amener les Arméniens de la région du Haut-Karabakh de la République azerbaïdjanaise à appliquer les résolutions 822 (1993), 853 (1993) et 874 (1993), et de veiller à ce que les forces impliquées ne reçoivent pas les moyens d'étendre leur campagne militaire;

3. Accueille avec satisfaction la Déclaration du 4 novembre 1993 des neuf membres du Groupe de Minsk de la CSCE (S/26718) et approuve les propositions qui y figurent concernant des déclarations unilatérales de cessez-le-feu;

4. Exige des parties concernées qu'elles cessent immédiatement les hostilités armées et les actes d'hostilité, que les forces d'occupation soient retirées unilatéralement du district de Zanguelan et de la ville de Goradiz et que les forces d'occupation soient retirées des autres zones récemment occupées de la République azerbaïdjanaise, conformément au "calendrier modifié" de mesures urgentes en vue d'appliquer les résolutions 822 (1993) et 853 (1993) du Conseil de sécurité (S/26522, appendice), tel qu'il a été modifié lors de la réunion du Groupe de Minsk de la CSCE tenue à Vienne du 2 au 8 novembre 1993;

5. Prie instamment les parties concernées de remettre promptement en vigueur de manière effective et permanente le cessez-le-feu intervenu à la suite des contacts directs pris avec le concours du Gouvernement de la Fédération de Russie pour appuyer le Groupe de Minsk de la CSCE, et de continuer à rechercher un règlement négocié du conflit dans le cadre du processus de Minsk de la CSCE et du "calendrier modifié", tel qu'il a été modifié lors de la réunion du Groupe de Minsk de la CSCE tenue à Vienne du 2 au 8 novembre 1993;

6. Prie instamment, de nouveau, tous les Etats de la région de s'abstenir de tout acte d'hostilité et de toute ingérence ou intervention qui auraient pour effet d'élargir le conflit et de porter atteinte à la paix et à la sécurité dans la région;

7. Prie le Secrétaire général et les organismes internationaux compétents de fournir d'urgence une aide humanitaire à la population civile touchée, notamment dans le district de Zanguelan et la ville de Goradiz ainsi qu'à la frontière méridionale de l'Azerbaïdjan, et d'aider les réfugiés et les personnes déplacées à regagner leurs foyers dans la sécurité et la dignité;

8. Réitère sa demande tendant à ce que le Secrétaire général, le Président en exercice de la CSCE et le Président de la Conférence de Minsk de la CSCE continuent de lui rendre compte de l'évolution du processus de Minsk et de tous les aspects de la situation sur le terrain, en particulier de l'application de ses résolutions pertinentes, ainsi que de la coopération future entre la CSCE et l'ONU à cet égard;

9. Décide de demeurer activement saisi de la question.

ANNEXE IV

Restricted

AS/POL (2004) 24 Appendix IV

8 September 2004

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ENGLISH ONLY

The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference

NOTE: This appendix reproduces the background paper prepared by the Directorate General of Political Affairs for the seminar “Youth and Conflict Resolution” (Strasbourg, 31 March - 2 April 2003). It also contains a letter by the Permanent Representative of Azerbaijan to the Council of Europe as a response to parts of it which were equally reproduced in an information document for the Committee of Ministers.

The views expressed in this document do not necessarily reflect those of the Rapporteur or the Assembly.

Cette annexe reprend le document d'information préparé par la Direction générale des Affaires politiques pour le séminaire “Jeunesse et Résolution des conflits (Strasbourg, 31 mars – 2 avril 2003). Elle comprend également une lettre du Représentant permanent de l’Azerbaïdjan auprès du Conseil de l’Europe répondant à des parties de ce texte qui étaient intégrées dans un document d’information du Comité des Ministres.

Les opinions exprimées dans ce document ne reflètent pas nécessairement celles du Rapporteur ou de l’Assemblée.

The Nagorno-Karabakh Conflict

This background paper is prepared for the seminar “Youth and conflict resolution”, where participants with personal conflict experience are expected to discuss other, lesser known to them conflicts. To serve its purpose, the paper seeks to present fairly the official positions, but also the historic and psychological burdens, the fears and aspirations of the sides in the conflict. In describing the position of one side, the paper contains textual and graphic information, which is not necessarily acceptable and may be offending to the other side. The views are clearly attributed throughout the text. Presenting them does not imply endorsement by the Council of Europe Secretariat. Where Secretariat views are given, they are clearly marked as “Comment”.

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Basic facts

The name Nagorno-Karabakh is a relatively recent combination of the Russian word *Nagorno*, meaning *mountainous*, and the Turkic-Persian word *Karabakh*, meaning *black garden*. The de-facto authorities of Nagorno Karabakh (hereinafter: N-K) as well as most Armenian sources use the historical name of the region: Artsakh, meaning *strong forest*. The origin of both names seems to be linked to geographical features: elevation, cooler climate and, in ancient times, forests rich in game and fruit.



Armenian historiographers indicate that present-day N-K comprises one-third of the historic Artsakh territory, just as present-day Armenia covers about one-tenth of traditionally Armenian lands.



For this paper and for conflict-resolution purposes N-K means the territory of the former N-K Autonomous Oblast (NKAO) of the USSR.

Doc. 10364

N-K has an area of 4.400 square kilometres - for comparison, about twice the size of Luxembourg or half that of Cyprus. There are lowlands, hills and peaks as high as 3724 m. Vineyards, orchards, silkworm and grains are the major agricultural activities. According to the 1989 USSR census, N-K had 186.100 inhabitants of whom 138.600 (73.5%) were Armenians and 47.500 (25.3%) Azerbaijanis. Estimates about today's population vary from less than 100.000 to 130.000. There are no Azerbaijanis left.

The N-K conflict left estimated 30.000 dead and twice as many wounded combatants and civilians. Over one million people, some 800.000 from them Azerbaijanis, have fled their homes to live refugee lives in tents, railway carriages and mud brick homes.

The "line of contact" between the ethnic Armenian and Azerbaijani forces is heavily mined; much of the infrastructure is destroyed or dismantled. Nine years after the 1994 cease-fire, the yearly death toll along the line of contact has diminished, but young persons continue to die in mine blasts or occasional skirmishes.

Because of the conflict, Armenia has no diplomatic relations with two out of its four neighbours, Azerbaijan and Turkey. Prospects for regional co-operation are bleak.

The N-K conflict is the longest-running one in the former Soviet Union. It is a strong barrier to economic development and democratic reform in the whole region.

Hundreds of thousands of broken lives will take at least a generation to heal.

Ancient history

Two largely opposite versions of history shape present-day Armenian and Azerbaijani perceptions as regards the N-K conflict.

The Armenian view is that Artsakh is the cradle of Armenian identity. Back in the 5th century, the first Armenian school was open at the *Amaras Church* in present-day *Martuni District* of N-K. Earlier, in 301 Armenia had adopted Christianity and in 405 scholar, preacher and military leader *Mesrop Mashtots* had created – or according to other sources, revived the forgotten Armenian alphabet.

The Azerbaijani view is that from 4th century B.C. to 8th century A.D. present-day N-K belonged to *Caucasian Albania*, the most ancient state of Northern Azerbaijan, which adopted Christianity in 313 and had its unique alphabet composed of 52 letters.

In the centuries that followed, the region was subject to influence and conquest by Persians, Arabs, Mongols, Turks and Russians. Armenian historiographers consider this long period essentially as Christian or Armenian resistance against foreign, largely Muslim domination. The Azerbaijani view is fundamentally different: the region was populated by Caucasian Albanian and Turkic tribes ruled by Albanian *Mikhranid* princes and later by descendants of *Hassan-Jalal - Jalalids*. In the 15th century, after they lost political and secular power, the *Jalalids* became spiritual leaders – Patriarch-Catolicos of the Albanian autonomous Church. Under this interpretation, the Albanian Autocephalous Church was subordinated to the Armenian Church only in 1836, resulting in the Grigoriniasation (Armenisation) of the Albanian population.



According to Armenian sources, in the 17th-18th centuries, the Artsakh medieval princes, or *Meliks* ("crowned heads") of the five principalities *Varanda, Khachen, Disak, Djraberd* and *Gullistan* sought the support of Russia against Persian domination.

However, the *melikhs* strength was sapped by constant internecine strife and in the late 18th century, as the hold of the Ottoman Empire on the South Caucasus weakened, the leader of one of the Turkish-speaking tribes, *Panakh* settled (with the help of *Melik Shakhnazar II*) in the fortress of Shusha and proclaimed the *Karabakh khanate*.

Armenian historiography views the establishment of the khanates – *Karabakh, Erivan, Nakhichevan* and some 17 others, as the beginning of the penetration of a Turkic ethnic element in Artsakh.

For their part, Azerbaijani historiographers trace the beginning of Islamisation back to 705 when Arabic tribes conquered *Albania* lowlands. According to Azerbaijani sources, the *Meliks* were descendants of the clan of *Jalalids*, granted the title of *Melik* by the *Jahanshah* of Persia in the 15th century; none of them were of Armenian descent. The Albanian title of “*Melik*” differs from Armenian titles “*Ishkhan*”, “*Tar*” etc. In their letters to the Russian czar, Karabakh *Meliks* call themselves “descendants of the *Albanian Arshakids*”.

In the early 1800s, in the wake of Russian-Persian and Russian-Turkish wars, the Karabakh khanate and much of the South Caucasus were transferred to Russia. Azerbaijani historiography considers that migration of Armenians to the South Caucasus began after the *Turkmanchay Treaty* between Russia and Iran (1828) and *Adrianopol treaty* between Russia and Turkey (1829), both of which included special clauses allowing for migration of Armenians into the Caucasus. This is when first compact Armenian settlements appeared in Karabakh and *Zangezur* (the present-day area between Azerbaijan proper and Nakhichevan). Further to the *Turkmanchay treaty*, Russia created, for the first time in history, an Armenian *Oblast* (district). It comprised *Erivan*, *Nakhichevan* and *Ordubad* areas.

Comment: Depending on the viewpoint taken on ancient history, N-K can probably be seen as traditionally either Armenian or Azerbaijani land – or both.

Recent history

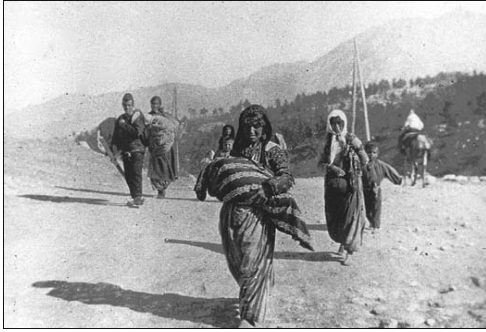
Comment: the recent history of the South Caucasus is replete with tragic events, which have become powerful myths dominating popular mindsets and political decisions. In this context, the term “myth” does not imply that historic events are questioned - it is used to identify the extent of the influence of these events on current thinking as well as the need to address related perceptions in the conflict resolution process.

For centuries, the Ottoman Empire ruled over numerous Christian minorities, which lived as second-class subjects (“infidels”), a mixed existence of conformism and resistance. In the 19th Century, Christians asserted their identity and struggled for independence - against severe punishment inflicted by the decaying Ottoman power and against the political turbulence resulting from the dispute amongst European Powers over how to divide the Empire.

Unlike other Christian Minorities, who lived mostly on the outskirts of the Empire, there were large groups of Armenians in the big cities of Turkey as well as a sizeable compact population in Asia Minor. Altogether, at the beginning of the 20th century there were some 2.5 million Armenians in Turkey. In the late 19th century, Armenian political movements emerged to claim reform and autonomy: the oldest *Ramkavar* (1885), the socialist-oriented “*Hnchak*” (1887) and the biggest party, the only one surviving to this day, “*Dashnaksutyun*” (1890), also known as *the Armenian Revolutionary Federation*.

Armenian historiographers indicate that in the 1890's, Sultan *Abdul Hamid II* (1876-1909) encouraged the first massive anti-Armenian pogroms. The Armenian community welcomed the “Young Turks revolution”, which introduced Constitutional rule in 1909. As the Young Turks saw their pro-liberal reforms stall, they turned to pan-Turkic nationalist ideas. Towards 1915, the Young Turk “Committee for Union and Progress”, dominated by *Mehmed Talat Pasha*, *Ismail Enver Pasha* and *Ahmed Djemal Pasha* masterminded a plan to take advantage of the First World War events to deport the Armenian population from Asia Minor with a view to “consolidate” Turkey. In this context, historiographers point out, on 24 April 1915, hundreds of Armenian community leaders were rounded up and later murdered. As the Armenians were asked to turn in their weapons to assist the war effort, anti-Armenian xenophobia was fanned. The able-bodied Armenians were drafted and disappeared. The women, children and white-bearded men were told they would be “relocated”. Most of the future victims cooperated with the Government programme.

The Armenian view is that, in effect, the “relocation” turned out to be an unpitied death march towards the Mesopotamian deserts amidst murder, rape and starvation. Under the scorching sun, deportees died by the thousands of dehydration and disease. Armenian sources put the death toll at 1.5 million. This tragedy remains burnt forever in the collective Armenian memory. The Armenians refer to it as *The Genocide*.



Armenian deportees: women, children and elderly men
Ottoman Empire, region Syria, 1915.
Photos: A Wegner



Three generations of deportees sharing a tent
Ottoman Empire, region Syria, 1915
Source: Armenian National Institute

The Turkish view is that there was no Genocide. What happened was a bitter civil war started by Armenian nationalists, in which both Armenians and Muslims died. The figure of 1.5 million Armenian victims is exaggerated; the number of Muslims who died in the same period is close to 3 million.

Comment: the bitter debate about events in 1915 is one of the most difficult issues between Armenia and Turkey. Progress towards reconciliation with this period of their common past would undoubtedly have a beneficial effect on prospect for solving of the N-K conflict.

Map showing the boundaries of Armenia as awarded by PRESIDENT WILSON.



- Turkish-Armenian boundary
- Other international boundaries
- Unmarked international boundaries
- Old Turkish-Russian boundary
- Vilayet boundaries
- Sandjak boundaries
- Kaza boundaries
- Railways, broad gauges

ERZERUM Names of the vilayets of Erzerum, Trebizond, Van, and other administrative units

Map compiled under the direction of Major Lawrence Marston, General Staff, U. S. Army, by the topographic branch U. S. Geological Survey, in cooperation with the Department of State, from field observations by the Harbord Mission and from maps of the Turkish General Staff, scale 1:200,000, German maps prepared during the war, scale 1:400,000, and British maps of Persian and Transcaucasian territory, scale 1:1,000,000



Woodrow Wilson

The post-war Turkish government held criminal trials and found the Young Turks triumvirate guilty *in absentia*. Turkey agreed to let US President Wilson draw the border with the newly-born Republic of Armenia. The US-proposed solution, known as “Wilsonian Armenia” was to include most of the six western Ottoman provinces as well as a large coastline on the Black Sea. Cilicia, or “Little Armenia”, a separate region on the Mediterranean (North of Cyprus) was to be a French mandate.

Turkey did not accept the US proposal. During the brief Turkish-Armenian War of 1920, the army of Mustafa Kemal-Attaturk drove the returning Armenians out of “Wilsonian Armenia”. In agreement with Soviet Russia, the *Kars* and *Ardahan* provinces of Armenia went to Turkey. Thus the present-day borders of Armenia were drawn.

In the Armenian perception, the Genocide and the lost Wilsonian dream merged into a lasting feeling of injustice done to the Armenian people. The “restoration of historic justice” is enshrined in the acting Constitution of Armenia.

The Armenian Revolutionary Federation turned radical. In 1919, its 9th World Congress in Yerevan adopted a sweeping platform, which has remained essentially unchanged - “integral Armenia repopulated by Armenians”. The Dashnaks focused on pressuring Turkey into admitting and apologizing for crimes of the past. In this context, a radical's view, will make little or no distinction between “Turkey” and “the Turks” – including the Azerbaijanis.

In this broad context, Azerbaijani sources trace the first Dashnak anti-Azeri pogroms back to 1905 – when nine Azeri villages in the *Echmiadzin* region, as well as the villages of *Khalaj*, *Saldashy*, *Injevan* and *Gatar* were pillaged and burnt. Azerbaijani and Turkish sources maintain that the Dashnaks are responsible for terrorist attacks against Turkish interests, all over Europe throughout the 20th century.

In October 1917, the Bolshevik Revolution ended the involvement of Russia in the First World War and Russia withdrew its troops from the South Caucasus. In May 1918, after a brief spell in the short-lived *Transcaucasian Federation*, Azerbaijan and Armenia declared independence. Several chaotic and violent years followed, with episodes of the Russian civil war, the Turkish-British military enmity for control of the region and ethnic strife where Armenia and Azerbaijan sought, unsuccessfully, to control N-K. This is also the time when ethnic pogroms, on both sides, took place.

From May 1918 to April 1920, the *Azerbaijan Democratic Republic (ADR)* existed. Azerbaijani historiographers are proud of this 23-month period. They underline that ADR was the first secular state in the Orient, with the first European-like Parliament, Cabinet of Ministers and other democratic institutions. The ADR was represented at the Paris Peace Conference and at the League of Nations.

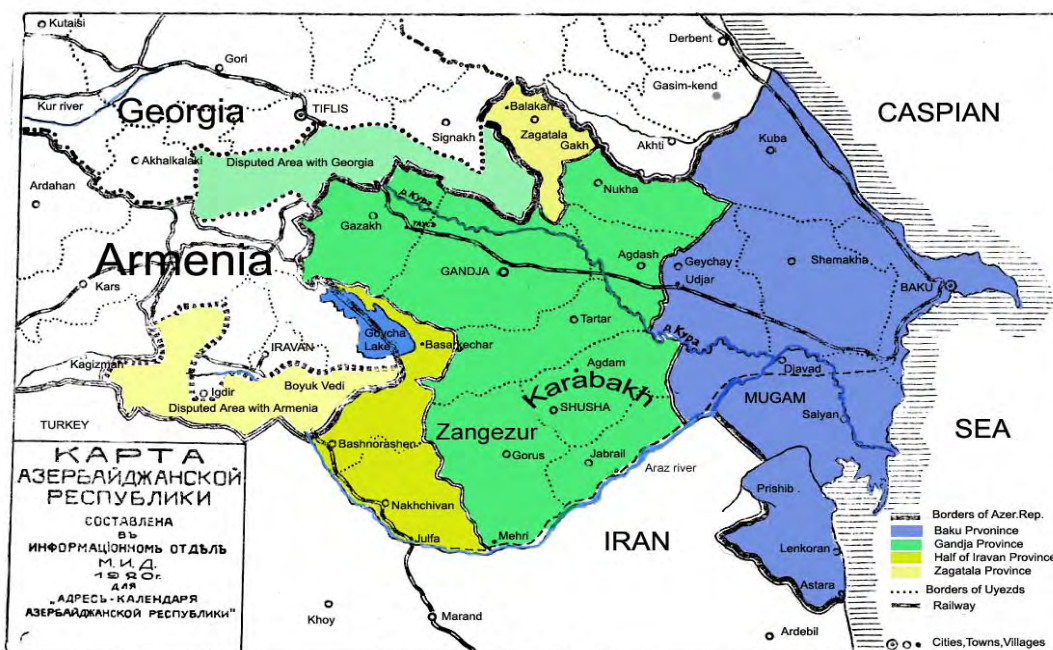


The ADR delegation in Versailles, 1919

Armenian sources underline that, at the time, the international community did not recognize N-K as part of ADR. Present-day Armenian politicians find in these events what they see as one of their strongest arguments: *N-K has never been (and will never be) part of independent Azerbaijan.*

Azerbaijani sources attach great importance to the short-lived Batum Treaty of 4 June 1918 between the Ottoman Empire and Armenia, Azerbaijan and Georgia. The treaty accorded to Armenia only the Erivan and Echmiadzin districts, some 10 000 sq. km.

From July to September 1918, ethnic conflict raged in Nakhichevan, Karabakh and Zangezur. Azerbaijanis fled the area of Zangezur (according to Azerbaijani sources, their number was 50 000). Subsequently the ADR fought the Soviet Commissars for control of Baku. The takeover of Baku was followed by anti-Armenian pogroms in what some Azerbaijanis viewed as retaliation for earlier anti-Azeri violence.



Source: MFA ADR, 1920

In 1920, the Bolsheviks took over the South Caucasus or, as seen from Moscow, the Transcaucasus. In November 1920, the Azerbaijan Revolutionary Committee recognized the disputed regions of Zangezur and Nakhichevan as integral parts of Soviet Armenia and granted N-K the right to self-determination. The resolution, which some historians ascribe to a wish to help the Armenian Bolsheviks to take power, was never put into practice. However, N-K Armenians will often quote this episode, as they believe it gives historic legitimacy to their claim to unity with Armenia or sovereignty.

In July 1921, the Bolshevik Party Caucasus Bureau reversed the above decision. N-K was granted a broad autonomy within the newly created Azerbaijan Soviet Socialist Republic. In 1923, the N-K Autonomous Oblast (NKAO) was established. Russian analysts believe that the final decision was made to appease the Muslim population of the region: in the Bolshevik mindset Azerbaijan, with its larger population and oil resources was assigned the role of a beacon of the revolution in the East and was therefore more important than Armenia.

Armenian historiographers generalize the Soviet period as the time of determined policy of the Azerbaijan SSR to under-fund N-K and prevent the growth of the Armenian population in the region. They point out that, if in 1921 Armenians were 96% of the N-K population, in 1979 the percentage dropped to 75%.

For their part, Azerbaijani historiographers stress that, due to Stalinist ethnic-territorial gerrymandering, the 114.000 sq km of ADR territory (1918-1920) were reduced to the present-day 86.600 sq km. They particularly point out that in 1947, Moscow ordered the resettlement “on a voluntary basis” of one hundred thousand Azerbaijanis from Armenian SSR to the *Kura-Araz* lowland of the Azerbaijan SSR.

Late in the Soviet epoch, in the winter of 1987-1988, Yerevan re-launched the move for ethnic homogeneity of the Armenian SSR by driving 165 000 Azerbaijanis out of Armenia.

The demise of the USSR and the slide into war

Comment: the early stages of the N-K conflict developed against complex and rapid political changes in the USSR, but also in Soviet Azerbaijan and Armenia. Without a deep knowledge of the epoch, many of the positions taken by key decision-makers of the time may seem unconvincing or irresponsible. The perception problem should be kept in mind, as this paper can only give the briefest of sketches about this period.

During Gorbachev's "glasnost" times, N-K renewed its drive for a change of status. On the basis of a popular petition⁴, in February 1988, the N-K Supreme Soviet appealed to the Supreme Soviets of Armenia, Azerbaijan and the USSR to allow NKAO to join the Armenian SSR. In June 1988, the Armenian lawmakers approved the request; two days later their Azerbaijani counterparts rejected it. Such a clash between Union Republics was without precedent in the USSR. In July 1988, Moscow decided to maintain the disputed region within Azerbaijan, but adopted "special measures for the accelerated development of NKAO". As the situation seemed to get worse, in January 1989, Moscow established direct governance over N-K.

The Azerbaijani view is that these were unjustified measures taken by Moscow under the influence of hard Armenian lobbying (in particular, of Mr Gorbachev's family) as part of a sinister plan to wrench N-K away from Azerbaijan.

On 24 February 1988, a direct confrontation between Azerbaijanis and Armenians near *Askeran* (in N-K, on the road *Stepanakert-Agdam*)⁵ degenerated into a skirmish. During the clashes, which left about 50 Armenians wounded, a local policeman, reportedly an Armenian, shot dead two Azerbaijanis - Bakhtiyar Uliyev, 16 and Ali Hajiyev, 23.

On 27 February 1988, while speaking on Central TV, the USSR Deputy Prosecutor General mentioned the nationality of those killed. Within hours, a pogrom against Armenian residents began in the city of *Sumgait*, 25 km North of Baku, where many Azerbaijani refugees resided. The pogrom lasted for three days. According to reports, phone calls for help to the local police and ambulance services went unanswered. Later, Moscow covered up the Sumgait affair as "hooliganism".

The Armenian view is that the Sumgait pogroms were prepared months in advance and implemented with the tacit approval, if not covert assistance, by the authorities. The *Sumgait events* conjured up ever-present memories of "Turks killing Armenians". In Yerevan, the "Karabakh Committee" was formed, soon to be headed by future President Levon Ter-Petrosian. In N-K, its counterpart was the "*Krunk* Committee" - from the Armenian word for crane, a symbol of longing for the homeland.

The Azerbaijani view is that, against the background of the expulsion of thousands of Azerbaijanis from the *Meghri* and *Kafan* districts of Armenia, the killing of the two young men triggered the outburst of violence in Sumgait. The violence was two-way: the official investigation reported 32 deaths - 6 Azerbaijanis and 26 Armenians.

In 1988-1989, the Azerbaijani Popular Front (APF) emerged as an alternative to the Communist Party. The Azerbaijani Communist Party, increasingly unable to govern, allowed APF to stage giant meetings in Baku in the summer of 1989 - also as a means to impress on Moscow the need to bring back N-K under Azerbaijani control. The APF used nationalism and the N-K issue to stir up popular support.

By end-1989, the N-K crisis, the Azerbaijani refugee problems and an assortment of local grievances had brought the situation in Baku close to explosion. When the Armenian and N-K legislatures adopted the joint resolution "*On the reunification of N-K with Armenia*" (1 December 1989), many in Azerbaijan thought that was the last straw.

In January 1990, the sporadic pogroms in Baku took on an organized character. Azerbaijani sources point out that the local militia was disarmed on orders from Moscow, thus preventing it from keeping law and order. The Armenian view is that the city was being cleared of Armenians house by house. The number of fatalities is not known. The Soviet Army Baku garrison, under Moscow commandment, stayed in the barracks.

On 15 January 1990, Moscow lawmakers imposed a state of emergency in N-K. Their Baku counterparts did not give approval, as required by the procedure. A week later Soviet tanks rolled out in Baku. The Soviet Army reportedly used armour and random fire to remove barricades, killing over 130 mostly very young civilians and wounding many times more. In Azerbaijan, this tragedy is known as the "*Black January*".

By the autumn of 1990, elections had taken place in all three South Caucasian Soviet Socialist Republics, The communists retained power only in Azerbaijan. Russian analysts note that support for

⁴ According to N-K sources, 80 000 signed, i.e., half of the N-K population, two thirds of the ethnic Armenians.

⁵ Stepanakert, after the Bolshevik leader Stepan Shaumian, was the name given to the N-K regional capital in 1923. Today this name is used by de facto authorities and Armenia. The official Azerbaijani name is Xankandi.

Azerbaijan was acquiring added significance for the Kremlin, which aimed at safeguarding the Soviet Union. Indeed in March 1991, Azerbaijan voted "in favour" of the preservation of the USSR.

Starting in April 1991, Soviet forces and Azerbaijani militia stepped up the pressure on ethnic Armenian paramilitaries operating in N-K. Russia had already deployed troops to Yerevan, too. The Armenian side holds Moscow responsible for conducting deportations of Armenians of northern N-K in the spring of 1991. Twenty-six N-K villages were reportedly surrounded and ethnically cleansed by USSR and Azerbaijani forces in operations known as "*Kaltso*" (Ring), resulting in the killing of more than 150 civilians and the deportation of some 10.000 ethnic Armenians.

For their part, the Azerbaijani side holds Russia responsible for the decisive military assistance to Armenia as well as for episodes of anti-Azeri ethnic cleansing (notably, the role of the Russian 366th motorized regiment in the *Khojali massacre*).

The Nagorno-Karabakh war

After the August 1991 putsch failed, in September Moscow ordered the Soviet Army units to cease military actions and return to their barracks. On 2 September 1991, the "Nagorno-Karabakh Republic" was declared. The newly emerged entity had its own "self-defense forces", which quickly swelled to some 15 000. Violence in N-K increased dramatically. In November 1991, Azerbaijan adopted a law "On Abolishing NKAO". In 1992, the N-K conflict escalated into a full-scale war, which saw episodes of aerial bombardments of Stepanakert, tank battles in the north and trench war along the Iranian border.

In February 1992, almost day-to-day four years after the Sumgait events, the ethnic Armenian forces attacked the only airport in N-K, in *Khojali*, to the North of the local capital. At the time, the population of Khojali was 7000. The Azerbaijani view is that the taking of Khojali, which left some 150 defenders of the airport dead, was followed by unprecedented brutalities against the civilian population. In one day, reportedly 613 unarmed people were massacred and close to 1300 were captured – many of them while trying to flee through an alleged humanitarian corridor. The Armenian side contests this view and the number of casualties.

The Khojali massacre sparked an exodus of Azerbaijanis and precipitated a political crisis in Baku. Five years later, in 1997, President Aliyev issued a Decree referring to the tragedy as the "Khojali genocide". In May 1992, Armenian forces overtook *Shusha* (or *Shushi*, in Armenian) and the Lachin district of Azerbaijan, establishing a link between N-K and Armenia proper – the so-called "Lachin corridor". The fall of traditionally Azerbaijani Shusha, a fortress reputed for its strong defences, is one of the most controversial events in the war. Azerbaijani political forces and individuals have been accused by their opponents but also by regional actors (Iran) of willingly surrendering Shusha for political reasons of the moment.

In June 1992, the Azerbaijani Popular Front (APF) Chairman Ebulfez Elcibey won the presidential election. Born in N-K, a former dissident having spent time in Soviet prisons, Mr Elcibey became a prominent nationalist. Under his presidency, Azerbaijan launched a fresh military offensive, which eventually turned unsuccessful. In June 1993, the APF was ousted from power by the forces of rebel army colonel Suret Guseinov. Mr Geidar Aliyev replaced Elcibey.

By October 1993, ethnic Armenian forces succeeded in occupying almost all of N-K, as well as large areas in south-western Azerbaijan. Hundreds of thousands of refugees fled to other parts of Azerbaijan. The map on the next page represents the official position of Azerbaijan as regards occupied territories and refugees.

In May 1994 Azerbaijan, N-K and Armenia, with the mediation of Russia, Kyrgyzstan and the CIS Inter-Parliamentary Assembly signed the *Bishkek Protocol* and a few days later, the *1994 Moscow cease-fire*, which holds to this day.

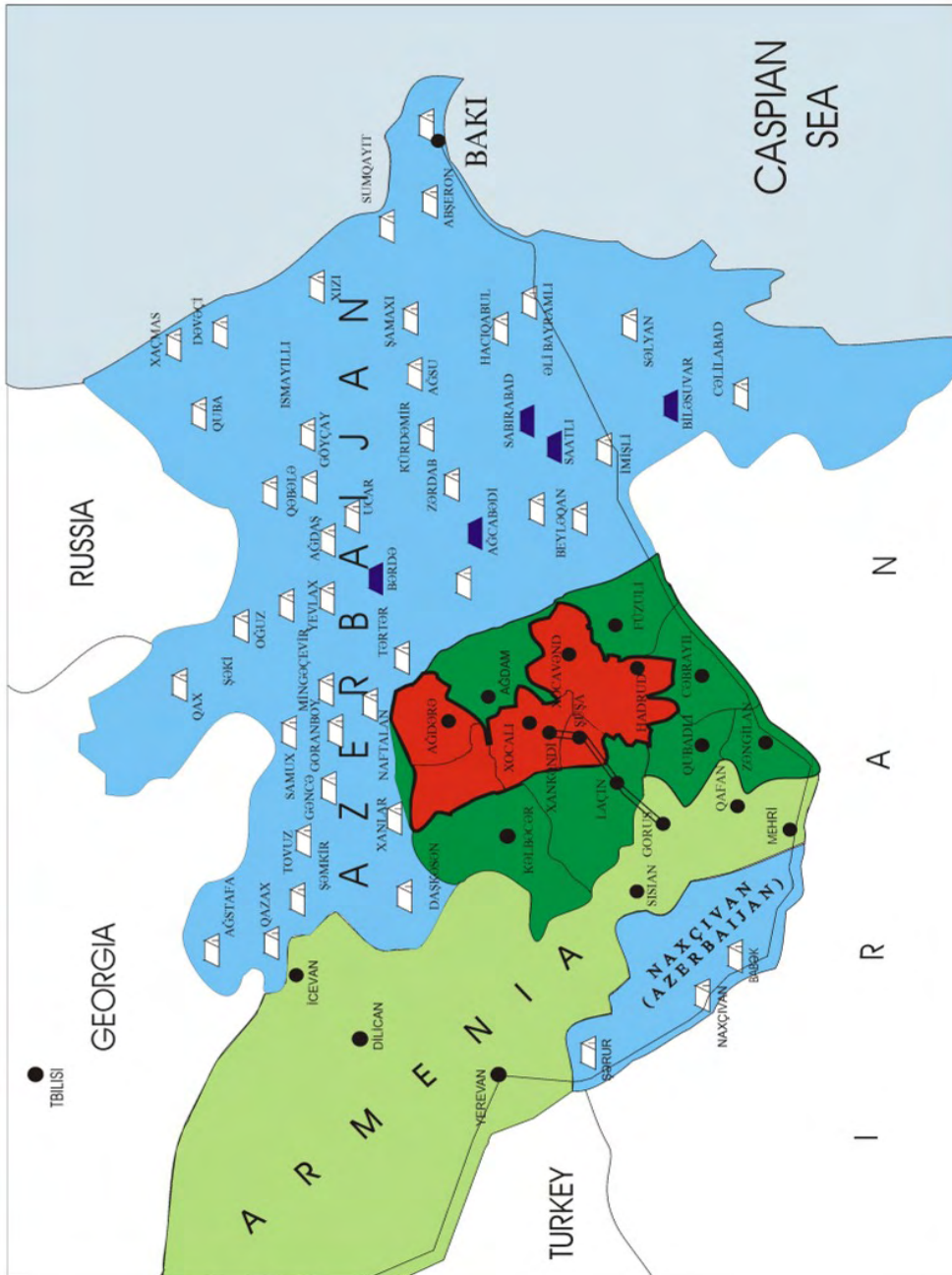


Armenian refugee – living in makeshift shelter
Photo Onnik Krikorian



Azerbaijani refugee - burning sheep manure
for heating, Sabical Camp No 1, 1997
Photo Betty Blair

THE RESULTS OF ARMENIAN AGGRESSION



Refugees and internally displaced persons in Azerbaijan

Refugees from Armenia	-243.682
Internally displaced persons from the occupied territories of Azerbaijan	-611.239
Total	-904.214

The Armed Forces of Armenia deployed in the occupied territories of Azerbaijan

Tanks	- 316
ACV	- 324
Artillery	- 322
Personnel	- 50.000

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— Railway Baki-Horadiz-Mehri-Naxçıvan-Yerevan-Gumri

Temporary refugee settlements

Tent camps

Borders of former NKAO

Road Gorus-Lacın-Şuşa-Xankəndi



The occupied territories of Azerbaijan

The Nagorno-Karabakh area

Territory	-4388 sq. km
Population (1989)	-186.610
Armenians	-138.600 (73,5%)
Azerbaijanis	-47.500 (25,3%)
Territory	-289 sq. km
Population	-23.156
Azerbaijanis	-21.726 (93,8%)
Armenians	-1430 (6,2%)
Occupied	- May 8, 1992

The regions outside the Nagorno-Karabakh area

Lacın region	Occupied	- May 18, 1992
Kalbacar region	Occupied	- April 2, 1993
Ağdam region	Occupied	- July 23, 1993
Cəbrayıl region	Occupied	- August 23, 1993
Qubadlı region	Occupied	- August 31, 1993
Füzuli region	Occupied	- October 23, 1993
Zəngilan region	Occupied	- October 27, 1993

Victims of aggression

Killed	- 20.000
Disabled	- 50.000

Destructions caused by the aggression of Armenia against Azerbaijan

Settlements	-890
Houses	-150.000
Public Buildings	-7000
Schools	-693
Kindergartens	-855
Health Care Facilities	-695
Libraries	-927
Temples	-44
Mosques	-9
Historical Palaces	-9
Historical Monuments and Museums	-464
Museum Exhibits	-40.000
Industrial and Agricultural Enterprises	-6000
Motorways	-800 km
Bridges	-160
Water Pipelines	-2300 km
Gas Pipelines	-2000
Electricity Lines	-15.000 km
Forests	-280.000 hec
Sowing Area	-1.000.000 hec
Irrigation Systems	-1200 km

The total damage is estimated as exceeding 60 billions US \$

Figures about refugees and internally displaced persons are disputed on both sides. Therefore the numbers given below are of indicative value. The total number of Armenians who left their homes in Azerbaijan is estimated at 300.000. Around 30.000 of them were resettled in N-K and the Lachin district. The total number of exiled Azerbaijanis is estimated at 800 000, including some 200.000 refugees from Armenia and around 600.000 internally displaced persons from the zone of conflict. The latter figure counts practically all 50.000 Azerbaijanis from N-K.

Perceptions of the military conflict

The official line of Armenia and the N-K *de facto* authorities is that Azerbaijan had the stronger army, formed on the basis of the military equipment of the 4th Soviet Army stationed in the Azerbaijani SSR⁶. Nevertheless, N-K forces won the victory because their soldiers were fighting for their own homes. The Armenian logic is: *we won the war because our cause is just. Azerbaijan lost the war and must come to terms with this reality.*



N-K men carrying their dead

Azerbaijan will vigorously protest this logic which leaves out the Azerbaijanis who fled their homes in N-K as well as the seven occupied districts of Azerbaijan proper.

The Azerbaijani view is that, with the combined populations of Armenia and N-K less than half of the Azerbaijani population, ethnic Armenian victories were made possible by huge arms shipments from Russia often in violation of the Treaty of Conventional Forces in Europe (CFE). In support of this view, Azerbaijani sources quote a 1997 report on illegal deliveries of Russian arms to Armenia by Mr Lev Rohlin, then Chair of the Duma Defense Committee.

In addition, while there are Russian military bases in Armenia and Russian troops guard its borders with Turkey and Iran, Azerbaijan was unfairly placed in 1992 under a “US embargo” under *Section 907 of the Freedom Support Act* - because of Armenian lobbying⁷. The continuing Armenian occupation of Azerbaijani land creates a strong perception of injustice done to Azerbaijan, further aggravated by the feeling that the international community tolerates the *status quo*.

The Azerbaijani logic is reversely identical to the Armenian one: *we will never accept Armenia’s war gains. Our cause is just therefore we will prevail.*

The legal side of the dispute

National aspirations. On 1 December 1989, the Supreme Soviet of the Armenian SSR and the N-K legislature adopted a joint resolution “*On the reunification of N-K with Armenia*”. The resolution has not been withdrawn or otherwise invalidated.

On 23 August 1990, the Supreme Soviet of the Armenian SSR referred to the above document in the “*Declaration of Independence of Armenia*”. Two out of the six preambular paragraphs of the Declaration read as follows:

“Aware of its historic responsibility for the destiny of the Armenian people engaged in the realization of the aspirations of all Armenians and the restoration of historical justice”;

⁶ Reviewing the process of the formation of the armed forces in of N-K, independent Armenia and Azerbaijan is not within the remit of this paper. Most analysts agree that all these were formed much in the same way, with part of the Soviet officer corps forming the backbone of the new armies, the bulk of the weapons “privatized” or outright stolen from Soviet warehouses and with an important role for paramilitary militias. In Armenia, the process started earlier than in Azerbaijan.

⁷ The prohibition, under Section 907 of the US Freedom Support Act was lifted in 2001.

“Based on the December 1, 1989 joint decision of the Armenian SSR Supreme Council and the Artsakh National Council on the “Reunification of the Armenian SSR and the Mountainous Region of Karabakh,”...

For the Armenian founding fathers, the independence of Armenia is inseparable from the restoration of historic justice and the unification of N-K with Armenia. The acting Constitution of Armenia, adopted on 5 July 1995, elevates these to the rank of national aspirations, in the following reference to the Declaration of Independence:

“Recognizing as a basis the fundamental principles of Armenian statehood and the national aspirations engraved in the Declaration of Independence of Armenia...”

The Azerbaijani side in the conflict points a finger to the Constitution of Armenia to prove that *“Greater Armenia” aspirations* are at the core of the Armenian domestic and foreign policy. They underscore that Yerevan has never really renounced the *territorial claims* to its neighbours.

Legal history. On 30 August 1991, the Supreme Council of the Azerbaijani SSR declared *“the restoration of the state independence of the Republic of Azerbaijan in 1918-1920”*. According to Armenian lawyers, this act legally nullifies the USSR set-up. Moreover, N-K was not internationally recognized as part of the Azerbaijani Democratic Republic of 1918-1920. Therefore, in the Armenian view, *Azerbaijan has no legal claim over N-K.*

Validity of referendum. On 2 September 1991 the Regional Councils of NKAO and of the *Shahumian* district (on the Northern tip of N-K) proclaimed a new state - the N-K Republic. On 10 December 1991, a “referendum” on independence took place. On 6 January 1992, the “Parliament” of N-K officially declared independence.

The Armenian side maintains that the N-K independence referendum was conducted in accordance with the USSR law on the *“Procedure for Solving Issues of Secession of a Soviet Republic from the USSR”* of 3 April 1990. Article 3 of this law provided autonomous regions within the Soviet republics with the right to determine independently, by referendum, whether they wished to remain within the USSR or join the republic seceding from the USSR⁸. It would however seem that according to this law N-K would have the choice of two options – to remain within the USSR or to join independent Azerbaijan; N-K independence does not seem possible.

The Azerbaijani side points to the USSR Constitution of 1977, namely Article 78 stipulating: *«The territory of Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics»*.

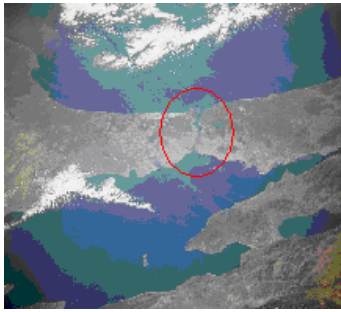
Unlike the 15 Soviet Socialist Republics, the Autonomous Regions in the former USSR had neither constitutions, nor the right of secession from the USSR.

International law. In their legal disputes, both sides often refer to recognized principles of International Law, such as the right to self-determination and the respect for territorial integrity. Council of Europe experts, in providing legal assistance in a different conflict have examined arguments based on the Soviet legal doctrine, which traditionally treated self-determination outside of its legal context, in effect - much as a political concept. For information, Appendix I contains the relevant excerpts of Document CM/Inf (94) 27 of 2 September 1994 “Expertise on a Special Legal Status for the Gagauzes in Moldova”.

The broader geopolitical context

The Caspian basin, very rich in oil and extremely rich in natural gas, has traditional problems in bringing the energy to the consumer markets. The shortest and cheapest route is to the South through Iran. This route (both existing pipelines and projects) is opposed, mainly by the US, on political and strategic grounds. Idem for the (more recent) Eastern route through Afghanistan. All Westward pipelines bring the oil and gas to Black Sea terminals, notably Novorossiysk. Novorossiysk also serves the bigger part of the oil coming from Northern Russian energy fields. The figure on the next page gives *the main pipelines and their capacity in thousands of barrels per day.*

⁸ References to legal texts are taken from various sources without independent check against the original legal texts – except where explicitly presented as quotations.



From the Black Sea, the route to consumer markets passes through the Bosphorus straits - a narrow, congested channel, more akin to a river. Upwards of 100 vessels per day (some 15 of them tankers), take an average of 16 hours to pass. Turkey closes the straits to two-way traffic whenever a ship longer than 200 m is to pass. Maritime incidents are inevitable and the risk of environmental damage is high. A major catastrophe could lead to the closure of this route altogether.

Analysts agree that Russia has both an economic and a strategic interest to keep control over the Westward flow of Caspian energy. A project named Blue Stream is underway to lay a 24-inch gas pipeline on the bottom of the Black Sea to link Novorossiysk with the Turkish coast in order to bypass the Bosphorus.

The pipeline project, which has given rise to most controversy during its 10 years of gestation, is the *Baku-Tbilisi-Ceyhan* project (BTC). Construction is now scheduled to begin in March 2003 and the first oil is to flow in 2005. BTC consists of a 1777 km-long, 42 inch-oil pipeline and a 700 km-long gas pipeline, also known as the *South Caucasus Gas Pipeline*. The gas will run parallel to the oil, but the pipeline is shorter as it will link to the existing Turkish gas distribution system.

The main problem of the BTC project is instability in the region. The energy route will pass some 60 km from Chechnya and 10-15 km from Armenia and N-K. The pipeline was also seen as too long and costly, but that was largely offset with the confirmation of the commercial viability of the huge *Shah Deniz* gas site (400 billion m³, 100 km South of Baku).



Source: Cambridge Energy Research Associates.

The BTC carrying capacity will be one million barrels per day. That is double the size of any of the existing pipelines. The gas pipeline will carry 7 bn m³ per year by 2006 and later – double that volume. To give an idea of the scale of what is at stake: the projected oil demand of OECD countries (minus Mexico) by 2020 is close to 50 million barrels per day, with the countries in question producing

themselves around 20 million barrels per day. In other words, BTC capacity will be equal to 1/30 of the oil needs of the industrialized world.

Georgia supports the BTC, from which it stands to gain yearly some 70 million usd. in transit fees. As long as the present stalemate in relations of Armenia with Azerbaijan and Turkey continues, the BTC stands to isolate further Armenia.



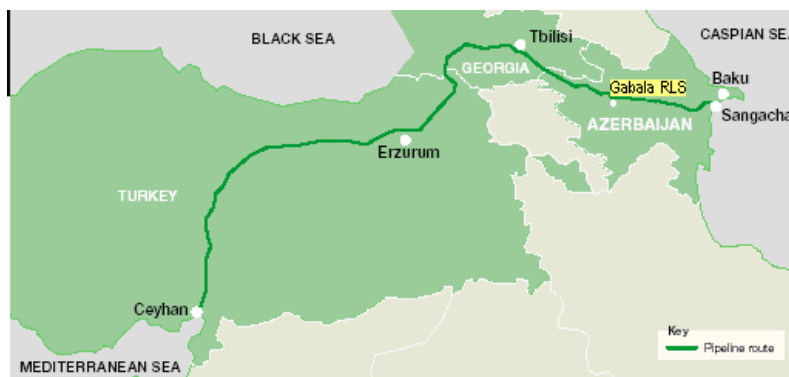
Because of the N-K conflict, the BTC will bypass Armenia

Turkey and Azerbaijan obviously favour the project. However, the BTC will bypass two regional powers with compelling interest in oil and gas – Russia and Iran.

Whereas Iran has direct access to Asian oil markets, whose forecast growth exceeds tenfold the projected oil demand increase in Europe and the US, Russia will be particularly affected. Most of its energy exports come to Novorossiysk from oil fields in Northern Russia, increasingly expensive to exploit, through aging pipelines with lesser debit. Experts predict that several years after BTC becomes operational, market forces will squeeze smaller the Russian share of the energy trade, itself a major income source for the budget of Russia.

Pundits recall that back in 1993, Russia supported Mr Aliyev against Mr Elcibey, who was seen as much more anti-Russian. In June 1993, the month Mr Aliyev came to power, he suspended a deal with a Western consortium (BP, Amoco, Pennzoil and others) to develop three Azerbaijani oil deposits. This agreement was crucial for the Baku-Ceyhan project. Fifteen months later, on 20 September 1994, when President Aliyev had consolidated his power, he signed “the deal of the century”, prompting a failed coup d’etat attempt in Baku and Ganja (where supporters of the ousted 1^e Minister Suret Guseinov took part). Russia opposed the deal, quoting the unresolved delimitation of the Caspian Sea bed.

According to US analysts, after September 2001, Moscow realised Russia cannot rely only on close relations with Armenia to guarantee its regional interests against growing US presence. Five days after the Baku-Ceyhan launching ceremony, Presidents Putin and Aliyev signed a treaty on the division of the Caspian Sea bed. Russian companies are considering participation in the Baku-Tbilisi-Ceyhan project. In January 2002, Baku rented to Russia the Gabala radiolocation station (RLS), close to the city of Mingacevir in central Azerbaijan. The Gabala RLS was the last but one of nine facilities the Soviet Union built to ensure its early warning capability. Put in operation in 1988, the up to 350 MW station is capable of monitoring the Persian Gulf, much of Africa and can “see” as far as Australia.



The Baku-Tbilisi-Ceyhan project

Mediation efforts in the N-K conflict

Iranian mediation. Iran made a short-lived effort in March - May 1992, when two meetings took place in Tehran, the second one on presidential level. In March, the first ever cease-fire between the belligerents was achieved, but it only lasted days.

According to Iranian analysts, the effort failed for a number of reasons, one of them being that Tehran was not perceived as impartial. Iran, a traditional rival of Russia and Turkey in the region, was thought to have an interest that the newly emerging Armenia, Azerbaijan and Georgia survive as independent "buffer states" between itself and Russia, while keeping them in balance by pressuring the stronger side. In the N-K conflict, this would imply constraining Armenian military advances.

Iran shares the same religion with all neighbouring countries except Armenia, but has the greatest affinity with the Azerbaijanis who, like the vast majority of Iranians, are Shiite Muslims (until Azerbaijani independence, Iran was the only State representing Shiite Muslims). On the other hand, Armenians are traditionally hostile to Iran's rival Turkey, while Iran and Armenia have not had problems in recent history.

Iran has a sizeable Azerbaijani minority – the second largest in the country. The Azerbaijani Popular Front had a pro-Turkish orientation. At one point the APF openly appealed to Iranian Azerbaijanis to secede and join Azerbaijan. While allegations that Iran provided arms to Armenia were not proven, it is certain that Yerevan today enjoys very good relations with the Iranian neighbour.

In a little known episode, in September 1993, when Armenians launched an attack on Nakhichevan, Iranian troops crossed the border, with the official purpose to guarantee the security of the jointly managed dams on the *Araz* river and to establish camps for Azerbaijani refugees (Iran says it hosts over 4 million refugees from Azerbaijan and Iraq). After this event, there was no further military action in Nakhichevan.

Russian mediation. In October 1993, President Yeltsin of Russia proposed to his counterparts from the three South Caucasian states to adopt a declaration calling for the unblocking of lines of communication, joint protection of the borders of Georgia, Armenia and Azerbaijan with Turkey and Iran and .setting up of Russian military bases for this purpose. Presidents Ter-Petrosian and Shevardnadze agreed, but President Aliyev maintained that a declaration of this type could not be adopted until the Armenian forces had withdrawn from the occupied Azeri territories.

Earlier, in September 1991, President Yeltsin and President Nazarbayev of Kazakhstan visited Baku, Stepanakert and Yerevan. Following the visit, the first direct negotiations took place in Zheleznovodsk, Russia, with the participation of the Presidents of Armenia and Azerbaijan as well as the N-K leadership.

Negotiating mechanisms

The UN Security Council adopted, in 1993, four resolutions on the N-K conflict⁹. They called for cessation of military activities and hostile acts, withdrawal of forces and resumption of negotiations, condemned the violation of the then established cease-fire and the excessive use of force in response thereto. The UN Security Council also referred to the forces that overtook the *Kelbajar* district of Azerbaijan as "local Armenian forces" and urged the Armenian government "to exert its influence" on the Armenians of N-K.

The Minsk process goes back to March 1992, when the CSCE Helsinki Meeting requested the Chairman-in-Office to convene a conference in Minsk on N-K peaceful settlement. The meeting named eleven States to participate in the conference. The conference never took place, but the name of the Belarusian capital remained attached to the process and the would-be participants became known as the Minsk Group. N-K was to be invited to the conference as an interested party. The formula "*elected and other representatives of N-K*" refers to the de facto authorities and the Azerbaijani refugees.

⁹ Resolutions 822/30.04.1993, 853/30.06.1993, 874/14.10.1993 and 884/12.11.1993.

In 1994, the *OSCE Budapest Summit* “strongly endorsed the mediation efforts of the *CSCE Minsk Group* and expressed appreciation for the crucial contribution of the *Russian Federation* and the efforts by other individual members of the *Minsk Group*”. In order to harmonize these into a single co-ordinated effort, a Co-Chairmanship for the process was established – Russia and Finland. In 1997, the Co-Chairmanship was revised to its current composition: the United States, Russian Federation and France.

The Minsk Group receives assistance from the Personal Representative of the Chairman-in-Office, who resides in the region and a High-Level Planning Group made up of military experts seconded by OSCE participating States. The latter is a dormant body, which would come into action if and when the multinational OSCE peacekeeping force recommended by the Budapest Summit is established.

The Minsk Group has put forward several peace plans, which have been rejected as they were not seen to deal acceptably with major concerns of one or another party to the conflict,

Direct negotiations between Armenia and Azerbaijan at the highest level go back to the Zheleznovodsk meeting mentioned above. President Aliyev and Kocharyan have met nearly 20 times, with no breakthrough or decisive step forward in sight.

In December 2002, the OSCE Porto Ministerial meeting “welcomed the continuing meetings of the Presidents of Armenia and Azerbaijan and of their Special Representatives” and “encouraged the parties to continue their efforts, with the active support of the Co-Chairmen, aimed at reaching a just and enduring settlement”.

Positions of the sides

Comment: the viewpoints of the parties to the conflict remain opposed as to the causes of the conflict, the way in which it should be resolved and which problems should be addressed first.

The key elements of the positions can be summarized as follows:



- Armenia is the aggressor;
- the international community/participants in the negotiations must give ma an appropriate political evaluation of the conflict;

- occupied territories must be liberated as a precondition for serious negotiations;
- with territories occupied, there can be no regional co-operation or “business as usual”;
- the return of the refugees must be addressed at an early stage of the negotiations;
- Azerbaijan is prepared to grant N-K “*the highest level of autonomy known in the world*”, or “*in concrete terms – the status of Tatarstan in the Russian Federation*”;
- as the conflict is settled, Azerbaijan will re-establish normal relations with Armenia - (In Armenian terms – will lift the blockade).



- Azerbaijan must come to terms with reality - Baku lost the war, Azerbaijani legal claim on N-K is not valid;
- N-K has never been/will never be part of independent Azerbaijan;

- the blockade of Armenia by Azerbaijan and Turkey is illegal and must be lifted;
- Armenia has no territorial claims to Azerbaijan;
- N-K must be recognised as a party to the conflict and of the negotiating process;
- The occupied territories will be returned to Azerbaijan once the conflict is settled;
- The Lachin corridor must remain under Armenian sovereignty but will be compensated to Azerbaijan by equal territory from other parts of N-K;
- Armenia stands ready to develop regional co-operation and confidence-building measures.



- the position of the N-K de facto authorities is largely identical with that of Armenia, as aptly symbolized by the flag - an arrow yearning to merge with the Motherland, also hinting of traditional N-K carpets

- N-K has already covered its part of the road to compromise by renouncing the claim to union with Armenia and agreeing to be independent;
- N-K sovereign existence does not depend on international recognition, because N-K has (1) a territory and (2) population as well as (3) elected, organized and functioning authorities and is (4) capable of assuming and fulfilling international obligations.

Settlement options

The content of the proposals for settlement officially remains a secret. Nevertheless it is not difficult to see that any solution has to be one of or a mix of elements from the following main options:

- (1) restitution of the status quo ante;
- (2) self-rule of N-K within Azerbaijan;
- (3) "common state" or a confederal/federal set-up (this option remains very unclear);
- (4) independence or merging with Armenia for N-K with either
- (5) a swap of territories or
- (6) exchange of corridors in order to ensure continuity between Armenia and N-K on one side and Azerbaijan and its exclave Nakhichevan on the other side.

In 1996, the *OSCE Lisbon summit* elaborated three principles for settling the N-K conflict:

- territorial integrity of Armenia and Azerbaijan;
- N-K legal status to be based on self-determination and highest degree of self-rule within Azerbaijan;
- guaranteed security for N-K and its whole population.

The above principles could not be adopted by consensus due to Armenian disagreement.

According to Azerbaijani sources, in 1997, on the margins of the Second Council of Europe Summit, Presidents Aliyev and Kocharyan reached an understanding based on a swap of territories. Subsequently Armenia allegedly rejected the arrangement, which had also become known as the *Sadarak agreement*. The Armenian view is that a swap of territories is not possible as it would cut Armenia off its border with Iran.

In April 2001, further to their travel to Strasbourg on the occasion of the joint accession of Armenia and Azerbaijan to the Council of Europe, the two presidents met in Paris upon the invitation of President Chirac of France. Reportedly, an agreement was reached, referred to as *the Paris principles*. Subsequently, in a weeklong negotiation in a proximity format¹⁰ in Key West, US, the Paris agreement was put on paper. The bargaining seems to be about exchange of corridors, the *Lachin corridor* linking Armenia with N-K and the *Meghri corridor* linking Azerbaijan with Nakhichevan.

¹⁰ "Proximity format" implies that the two sides do not negotiate directly and remain in separate premises, with the third mediator side shuttling to and fro with proposals and messages.



According to Azerbaijan, the exchange would be symmetrical, with Baku and Yerevan establishing full control over their respective corridors.

Armenia says the agreement was asymmetrical, with Yerevan gaining full sovereignty over the Lachin corridor and Baku having the right of passage through Meghri corridor, much along the lines of the Berlin corridor of the past.

In October 2002, there were vague press reports about new Azerbaijani proposals – notably, to divide contested lands with international mediation, with some localities choosing by referendum whether they belong to Armenia or to Azerbaijan. The same reports indicated that Baku had reiterated it would never accept that N-K become a new sovereign state.

Problems of Conflict Settlement

Comment: the following summary is based on writings by experts in conflict-prevention and negotiation.

The extent of historical mistrust between Azerbaijanis and Armenians is difficult to evaluate. Whereas both sides may be exaggerating at present, serious violent episodes date back at least to the end of the 19th century. At the same time, as recently as 1990, far more Armenians lived in Baku than in N-K. During the N-K war, Armenians maintained life-saving relations with Iranian Azerbaijanis.

Some experts argue that, generally speaking, in the South Caucasus the definition of ethnicity as well as the link between ethnicity and territory may be not so strong as in other regions where nation-building took place earlier and in different circumstances.

Armenians are mistrustful of all Turkic-speaking Muslims, whom they tend to view as a single people (“Turks”). Most Azerbaijanis and Armenians seem to believe that the N-K conflict is not simply between Governments or the military, but between their two peoples.

The internally displaced persons, in particular in Azerbaijan and especially those from N-K are known to be a bitter and intensely radicalised force, and have been responsible for attacks on Armenians in Baku. Here again, the problem may be exaggerated. Some observers believe that Baku is not doing enough to help refugees integrate – as integration would mean accepting the Armenian war gains.

Security problems. Azerbaijan cannot feel secure while Armenians occupy seven of its provinces. However, if Baku forces were to re-establish control of Azerbaijani territories, the Armenian perception about the south-eastern part of their country would be one of vulnerability. In addition, Yerevan has particular worries about its long border with Turkey. Last October, Armenian Defence Minister Sarkisian told the press that the newly created joint Russian- Armenian military unit is to serve, *inter alia* as a deterrent against a possible Turkish incursion. Generally, security perceptions are a particular concern for Armenia and represent one of the main stumbling blocks in the attempts to find a settlement.

The state of democratic reform. Ethnic Armenians find it difficult to trust a government in Baku that they may perceive as authoritarian, corrupt, and intolerant of minorities; Azerbaijanis, for their part, cannot bring themselves to trust the government of a state they believe is constructed on a strictly ethnic basis - a state that acts as if it believes Armenia is for ethnic Armenians alone.

Domestic politics. The way the N-K conflict has interlocked the actors in internal political life both in Yerevan and Baku may be the single biggest obstacle to solution. President Kocharyan, himself native of N-K, came to power after his predecessor Ter-Petrosian was forced to resign by N-K hardliners opposing his moves towards settlement. Some analysts note that, against the background of economic difficulties, Yerevan has little to deliver for the time being, except a war that was won and a national dream. In Azerbaijan, the predecessors of President Aliyev are seen to have lost the war. Partly for this reason, the present-day political opposition in Baku often takes a harder line on the conflict than the Government. President Aliyev, a native of the Azerbaijani exclave of Nakhichevan, can hardly afford to be seen to give in to Yerevan.

Once, a high-ranking official from the region put the political problem in a nutshell: both in Armenia and Azerbaijan, N-K is both a source of power and a threat to power.

Guarantees. N-K is very sensitive to the question of guarantees. N-K recalls the British guarantees of 1918-1920, which did not prevent the application of force by the first Azerbaijani Republic, and the "guarantees" of the Soviet Union, which permitted what Stepanakert sees as the *de-Armenianization of Nakhichevan*.

Regional issues. Several analysts indicate that the conflict is unlikely to find a lasting settlement before the regional powers – Russia, Turkey and Iran – adapt to geo-political changes. In the post - 11 September world, these geo-political shifts are not necessarily a zero sum game where gain by one side is another side's loss.

Common interest in settlement. From 1988 to 1994, the GDP of Azerbaijan fell 73%. Azerbaijan needs to have the N-K conflict solved to gain stability for development based on oil wealth. According to experts, Azerbaijan has enough energy deposits to finance two generations of economic growth. There would be the immediate economic gain of a large segment of the population – the refugees and IDPs – returning to regular economic activity. Experts also caution that oil-based development is only guaranteed in a country with stable democratic institutions ("will Azerbaijan develop like Norway or like Nigeria").

From 1988 to 1994 Armenia saw its GDP fall by 60%. Particularly in Armenia, the economic situation was further aggravated by the 1999 Russian financial system crisis. For Armenia, not having diplomatic relations with two out of four neighbours is clearly an abnormal situation. Restoring regular relations with the outside world would not only bring transport costs back to normal but would also enable Armenia's longer-term comparative advantages – the Diaspora support with its networking and lobbying power and capability to raise investment. There are expert calculations suggesting that Armenia could experience a short term increase of up to 40% of GDP. Some analysts broadly compare the Armenian "Diaspora factor" to the Azerbaijani "oil factor". In this context, the "Norway vs. Nigeria dilemma" is also valid for Yerevan.

The Council of Europe position

Armenia and Azerbaijan joined the Council of Europe simultaneously on 25 January 2001. For the first time in its history, the Organisation invited two new members with a bitter unresolved conflict between them. This was made possible by the prevailing understanding, both in the Parliamentary Assembly and in member States' Governments that the accession of Azerbaijan and Armenia could help to establish the climate of trust needed for a solution to the N-K conflict.



Back in 1992, the Committee of Ministers had concluded that a closer relationship of Armenia and Azerbaijan with the CoE “would demand not only the implementation of substantial democratic reforms, but also their commitment to resolve conflicts by peaceful means”.

Armenia and Azerbaijan were granted the special guest status with the Assembly in 1996.

The Political Affairs Committee held hearings on the N-K in 1998 and 1999. While voting positively on their accession demands, the Parliamentary Assembly asked Armenia and Azerbaijan to commit themselves, with regard to the N-K conflict:

- to continue efforts to settle the conflict by peaceful means only;
- to settle international and domestic disputes by peaceful means and according to the principles of international law (an obligation incumbent on all Council of Europe member states), resolutely rejecting any threatened use of force against its neighbours;
- (for Armenia) to use its considerable influence over the Armenians in N-K to foster a solution to the conflict;

The Presidents, Speakers of parliaments, Prime Ministers and the chairmen of the political parties represented in Parliaments of Armenia and Azerbaijan confirmed these commitments in writing.

The Presidents of Armenia and Azerbaijan wrote separately to reiterate their countries' commitment to a peaceful negotiated settlement of the N-K on the basis of a compromise acceptable to all concerned. President Aliyev stressed that Azerbaijan's accession to the Council of Europe would be a major contribution to the negotiations process and stability in the region.

Comment: the commitments regarding N-K are spelled out in less detail compared to domestic law and human rights obligations. Nevertheless, the Organisation regards them as seriously as any other commitments. They are subject to monitoring procedures.

In September 2002, the Parliamentary Assembly adopted Resolutions 1304 and 1305(2002) on the honouring of obligations by Armenia and Azerbaijan, where it:

- recognized that Armenia and Azerbaijan maintained regular high-level contacts with a view to reach a suitable and peaceful solution to the conflict,
- acknowledged in particular the positive influence of Armenia on the Armenians in N-K,
- voiced concern with the prevailing frustration in Azeri society at the deadlocked negotiations on the conflict, which is more and more frequently expressed,
- expressed hope that the negotiation process - including a recent meeting of the Presidents would soon lead to an acceptable settlement of the territorial conflict in line with the principles of the Council of Europe and international law,

The Assembly has appointed Mr Terry Davis (UK, Soc) Rapporteur on N-K.

The Committee of Ministers monitoring Group, also known as "GT-Suivi Ago" follows regularly N-K conflict settlement efforts. It asks questions in writing, urges Yerevan and Baku to build confidence and, generally, impresses on the two countries the position of the member States' Governments.

In April 2002, the Chairman of the Committee of Ministers, further to a visit to the South Caucasus region, reported, “the most difficult challenge the member States face are their unresolved conflicts. Indeed, the conflicts of Nagorno-Karabakh and Abkhazia undermine the European efforts to assist

Armenia, Azerbaijan and Georgia and threaten to effectively put limits on the process of democratisation”.

In January 2003, the Enlarged Bureau of the Committee of Ministers’ Deputies held an exchange of views with the Co-Chairmen of the Minsk Group and the Special Representatives of the two Presidents.

Within the framework of its assistance activities, the Council of Europe can bring to the sides in the conflict the European experience of post-conflict reconciliation and “work on the past”. It can also promote regional co-operation as one of the means of post-conflict rehabilitation, and it can apply the Organisation know-how in working with the civil society for awareness raising and confidence-building. If a solution requires legal expertise, the Council of Europe, through the Venice Commission, remains prepared to help the Minsk Group work out the legal aspects of N-K status and protection of minorities.

Comment: In the end, Nagorno-Karabakh is part of the shared history and common suffering of the Armenian and Azerbaijani people. A common solution must be found for a better future.

Map of Nagorno-Karabakh



Source:OSCE

Excerpts from Document CM/Inf (94) 27 of 2 September 1994 “Expertise on a Special Legal Status for the Gagauzes in Moldova”.

“International Covenant on Civil and Political Rights (ICCPR)”

It must be noted that the ICCPR makes no attempt to define who are a “people”. The term “people” is often used with different meanings. Sometimes it is used to mean all the citizens, regardless of their ethnic origin, of a particular State. For example, somebody might refer to “the people of France” or “the people of Germany”. On other occasions it is used for the purpose of designating a particular ethnic group and without any intention to indicate any legal status. For example, a person might refer to “the Welsh people” or “the Scottish people”. Such references are sometimes made by persons in the United Kingdom who would be quick to contradict any suggestion that they were implying that the Welsh or the Scottish people have any right to an independent State or that Article 1 of the ICCPR confers any such right on Wales or Scotland. Government Ministers in the United Kingdom who are committed to the continued existence of the United Kingdom have sometimes referred to “the Welsh nation” or “the Scottish nation”.

It must also be noted that the Charter of the United Nations does not provide any definition of the term “people”. The charter begins with a statement by “the peoples of the United Nations” in which it is stated that “our respective Governments” (i.e. the Governments of those peoples) have agreed to the Charter and thereby establish an international organisation to be known as the United Nations. Article 1(2) of the Charter provides that one of the purposes of the UN is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”. Because of the tendency in many parts of the Charter to equate “nation” with “State” this does not appear to be a reference to any entitlement to have the borders of a State changed except, possibly, in the case of colonial territories of the colonial powers. In the “Charter of the United Nations; Commentary and Documents” by Goodrich, Hambro and Simons, it is stated that questions regarding the difference, if any, between the terms “nations”, “peoples” and “states” were left unresolved at the San Francisco Conference of 1945 at which the Charter was signed, see page 30 of the 3rd edition. Two of the authors attended that Conference.

It must be noted that the ICCPR does not contain any provisions, which set out the type of measures to be taken by a State Party under Article 1. There is no provision that statehood must be granted to all the peoples within its territory by a State Party. This omission would appear to be deliberate.

Lack of any definition of a “people” and the omission to state how States Parties are to implement Article 1 have the consequence that Article 1 cannot be regarded as having any clear legal consequences, except in the case of the people of a State. The preamble to the Covenant contains a number of paragraphs, which clearly relate to the rights of individuals but it does not contain any clear statement about the self-determination of peoples. The reference in the first paragraph of the preamble to “the equal and inalienable rights of all members of the human family” appears to be ambiguous insofar as the question of whether a reference is being made to all peoples as members of the human family is concerned.

The Human Rights Committee has considered Article 1 of the ICCPR but in a General Comment on this Article it avoided giving any opinion on whether the right to self-determination applied to any people in a sovereign State. Some individual members of the Committee appear to have suggested that it is so applicable but those individual views do not seem to represent any generally accepted view.

The optional Protocol, adopted by the General Assembly of the UN on 16 December 1966, to the ICCPR provides, see Article 1, that a State Party to the ICCPR which becomes a party to the protocol recognises the competence of the Human Rights Committee set up by Part IV of the ICCPR to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the ICCPR. Article 7 of that Protocol provides that pending the achievement of the objectives of Resolution 1514 (xv) of the UN General Assembly of 14 December 1960 concerning the Declaration on the granting of independence to colonial countries and peoples, the provisions of the Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialised agencies. The fact that the protocol gives no right of petition to peoples and that Article 7 only preserves the right of petition of colonial peoples suggests that Article 1 of the ICCPR was not intended to give any right of self-determination to other peoples. It would seem that the only clear conclusions are that Article 1 of the ICCPR is intended to oblige States Parties to it to promote the realisation of the right of self-determination of

the people of each State, i.e. of all the inhabitants of each State, and, probably, to colonial peoples. The cases of the dissolution of the USSR and Yugoslavia do not seem to give any useful guidance on the interpretation of Article 1 of the ICCPR.

If Article 1 of the ICCPR had been considered to confer on all groups with a separate ethnic identity forming the majority in a particular area a right to independence then it seems most unlikely that a number of the Parties, such as Spain, France and the United Kingdom, would have become parties to a convention which could have led to the break-up of their States".

...

"Article 27 of the ICCPR protects the rights of persons belonging to ethnic, religious or linguistic minorities. The term "minority" should not be regarded as having any derogatory implications. It merely refers to certain numerical and ethnic realities. The Gagauz clearly have an ethnic identity and the term "ethnic" is used with reference to the Gagauz identity in a number of places in the document attached to the letter from Mr S. Topal. Article 27 provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. The word "culture" in Article 27 was interpreted by the Human Rights Committee established by Part IV of the ICCPR in the case of *Ominayak and the Lubicon Lake Band (i.e. Tribe) –v- Canada*, see the Annual Report of the Human Rights Committee 1990, UN Document A/45/40, Volume 2, Appendix A (1990). In that case the Human Rights Committee said that the rights protected by Article 27 "include the rights of persons, in community with others, to engage in economic and social activities which are part of the culture of the community to which they belong". This is clearly a wide interpretation of the word "culture". Presumably such economic and social activity must be necessary for the preservation of the ethnic minority in question. The Committee did not deal with the question of what would happen if such activities conflicted with the general social and economic policies of the State in question. However, it would seem likely that the mere fact that such activities by a minority in some way contradicted general economic policy of the State in question would not be held to justify interference by the State. There would seem to be good ground for thinking that a State could only interfere with such activities in order to prevent serious consequences of an economic nature. Definite opinions cannot be expressed on this point because the views of the Committee in the *Lubicon Lake Band Case* will require further development in other cases. Reference is made to an Article in the *International Comparative and Law Quarterly*, 1991, page 658, by Dominic McGoldrick".

RESPONSE LETTER BY THE PERMANENT REPRESENTATIVE OF AZERBAIJAN
TO THE COUNCIL OF EUROPE



Azərbaycan Respublikasının
Avropa Şurası yanında
Daimi Nümayəndəsi

Représentant Permanent
de la République d'Azerbaïdjan
auprès du Conseil de l'Europe

Strasbourg
« 22 » January 2003
No. PE-024

Dear Chairman,

Referring to the document CM/Inf(2003)3 on the Nagorno-Karabakh conflict prepared by the Directorate of Political Affairs, apparently with a view to the Enlarged Bureau meeting of 23 January 2003, I have to stress a several inaccuracies, as well the use of some points, in one case because of the irrelevancy to the matter, in another case these of being taken out of the context. As a result of uncareful treatment of the history of the countries of the regions, and the process they have been engaged in, the document distorted the reflection of the routes, reasons and realities of the conflict. Suffice to say most outstanding issue of the conflict which is the occupation by Armenian forces of N-K region and 7 adjacent regions of Azerbaijan has not been mentioned.

The attention should be paid also to the next part of the document which deals with not so long past of the history, but the current activities of the Minsk Group. Not dwelling on the errors with the composition of the Minsk Group, I wish readers refer to the decision of the First additional Helsinki meeting of the CSCE Council, held on 24 March 1992. Moreover according to this decision, Chairman would invite as interested parties "elected and other representatives of N-K" and consequently, representatives might be appointed by both Armenian and Azerbaijani communities of N-K.

The convocation of the conference has been blocked not by the refusal of Azerbaijan but the Armenian occupation of the Lachin region.

Mr Joseph LICARI
Chairman of the Deputies' Ministers
Council of Europe

Cc: Mr Leonard G. DAVIES, Secretary to the Committee of Ministers

...
Decision of Budapest Summit of 1994, besides it established the co-chairmanship of the Minsk Group, had another two major accomplishments:

1. Approval of the stage-by-stage approach to the settlement in accordance with which co-chairmen were tasked to speed up the conclusion of an agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict thus permitting of the convocation of the Conference.
2. Heads of the CSCE States agreed to deploy multinational CSCE peacekeeping force, as an essential element for the implementation of the agreement itself.

Regarding the principles of the OSCE Lisbon Summit, they were not only elaborated but declared and officially issued, and also, adopted by all countries, except Armenia. The exact wording of the second principle is the following: "Legal status of Nagorno-Karabakh defined in an agreement based on self-determination confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan".

In fact the Minsk Group has put forward several proposals, the implementation of which have been blocked by occupation of Azerbaijani territories. On 18-21 May 1992 was elaborated decision on Minsk Conference, but blocked by the occupation Lachin region. The peace timetable elaborated in November 1992 was also blocked by occupation of 15 villages of Zengilan region, in the frontier between Armenia and Azerbaijan. Actually the occupation had been conducted directly from Armenia. Next attempt to elaborate timetable for withdrawal from the occupied territories and return of refugees was turned down by the occupation of Kalbadjar region of Azerbaijan in March 1993. The visit of Mario Raffaelli, Chairman of the Minsk Conference, to the region in June 1993 was marked by occupation of Agdam region. In August 1993 Armenia replied to the statement by the Chairman of the UN Security Council Madeleine Albright, urging them to stop the hostilities, by the occupation of Jabrail and Fizuli regions. Chairman-in-office of CSCE, Swedish Minister of Foreign Affairs Margaret All Uglass, during visit to Azerbaijan, desperately tried to stop the ongoing occupation of Zangilan and Gubadli, but her demands were not met by Armenia.

The negotiations of 1995/1996 aimed at elaboration of the agreement on cessation of the armed conflict mandated by the Budapest Summit of 1994 were blocked by Armenian side putting preconditions on defining the legal status of N-K.

Among the proposals one should be mentioned specifically that is a plan proposed by the co-chairmen on the basis of stage-by-stage approach which has been approved by both Presidents of Azerbaijan and Armenia. It is symbolic that this event took place at 1997 Summit of the Council of Europe.

The matter of the so-called blockade has been discussed in depth in this Organisation, thus there is no need in further comments on irrelevance of the word "blockade" applying to the stance of lack of any relations between Azerbaijan and Armenia resulting from war. Major communications passing through conflict zone were vastly destroyed, the most important among which is the railway between Baky-Nakhitchevan-Yerevan. The Council of Europe is aware of the proposal on the withdrawal of Armenian forces from 4 regions thus enabling the rehabilitation of the region and restoration of the mentioned road. But Armenia rejected this proposal making instead irresponsible statement implying possibility for secured passage of Azerbaijani people and goods through occupied territories. Refusal of Armenia proves the

only thing thus this country has no intention to act in good faith and to withdraw its forces from Azerbaijani lands.

The given document ignores also the very nature of the conflict, which is based on territorial claims by Armenia to Azerbaijan. Having occupied N-K region and 7 adjacent regions of the territory of Azerbaijan, Armenia now insists on the secession of the part of Azerbaijani territory. Azerbaijan will under no circumstances agree with loss of territory and with a *fait accompli*- based settlement. Azerbaijan is aimed at peaceful solution in accordance with the norms and principles of the international law.

It should be noted as well that compromises might not be unilateral by definition – as they are naturally of mutual character. Azerbaijani government has paved its part of the way.

Some issues were discussed by Presidents of Azerbaijan and Armenia in the consequent meetings in January, February and April 2001 in Paris and in Key West. No agreement was achieved and nothing known as Paris principles or Key West agreement does exist. The same goes as well for alleged new Azerbaijani proposal.

It's worth to stress once more the legal basis for the settlement of the conflict established by the relevant UN Security Council Resolutions and OSCE decisions. Any solution will be possible only in full respect of territorial integrity of Azerbaijan.

I believe that above observations will be helpful in understanding of the existing situation on this conflict.

I would appreciate, Mr Chairman, your consent to circulation of this letter at the meeting of the Bureau enlarged to all interested delegations on the honouring of commitments by Armenia and Azerbaijan regarding the resolution of the Nagorno-Karabakh conflict, to be held on 23 January 2003.

Yours sincerely,



Ambassador Agshin MEIDIYEV