

Obstacles to resolution

an Azerbaijani perspective

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Azerbaijan's pursuit of international mediation by the Conference for Security and Cooperation in Europe (CSCE) in the early 1990s was motivated by a number of factors. It was hoped international involvement in the negotiations and implementation of agreements reached would forestall accusations of partiality or bias in Azerbaijan's approach to resolving the problems underlying the conflict, while also offsetting the weakness of Azerbaijan's military and administrative resources in responding to Armenian aggression. Furthermore, it was hoped that the Western powers might offset Russia's political and military support for Armenia. The principles of the CSCE privileged the preservation of the territorial integrity of participating states, while European experience and standards of autonomies could be used in the development of a model for the Armenian minority in Azerbaijan. Finally, the CSCE's framework of ethical and moral principles could potentially help put an end to the ethnic cleansing of Azeris in the conflict zone (a hope that proved to be unfounded).

1992-1994: between the negotiating table and the battlefield

Following discussion at various levels, the CSCE Ministerial Council adopted a set of resolutions in March 1992, the main thrust of which was that all hostilities should cease immediately and the ground be prepared for talks on the future status of Nagorny Karabakh. This decision formed the legal basis or mandate for a planned conference in Minsk, Belarus, due to open in May 1992 involving eleven CSCE participating states including Azerbaijan and Armenia.

The Azeri and Armenian communities of Nagorny Karabakh were to participate in the conference as 'interested parties'. Azerbaijan agreed to this format on the understanding that although the Karabakh Armenians' status in the negotiations could not and should not equal that of Minsk Conference



participating states, their active involvement was vital. This approach is still followed by Azerbaijani negotiators today, despite claims by the Armenians and some international observers that Azerbaijan refuses to hold talks with 'Nagorny Karabakh'. This is nothing more than a propaganda tool to legitimize (already at the negotiating phase) the Karabakh Armenians' claim to independent statehood and the mono-ethnic composition of Karabakh's population achieved through ethnic cleansing.

In the first half of 1992 intensive clashes on the battlefield continued alongside the CSCE's initial mediation efforts. The success of Armenian armed forces in taking Shusha and the Lachin region and killing the Azeri population of the town of Khojaly resulted in the total ethnic cleansing of Azeris from Nagorny Karabakh. These developments cut the ground from underneath the ongoing talks, as the consequences of the occupation of Shusha and Lachin became the priority issue for the Minsk Conference, demanding resolution before Nagorny Karabakh's status could be decided. At the suggestion of US Secretary of State Warren Christopher, it was decided to hold pre-conference talks in Rome and a series of extraordinary preparatory meetings. The mediators put forward the so-called 'Calendar of Urgent Measures' outlining specific steps for the withdrawal of Armenian troops from the Shusha and Lachin districts and the return of the Azeri population.

The approach taken in the period to 1996 by the CSCE (or OSCE after December 1994 when it metamorphosed from 'Conference' to 'Organization') was characterized by the assumption that the status of Nagorny Karabakh could only be discussed once the consequences of military action had been resolved and an international peacekeeping force deployed in order to ensure the

safety of returnees. However, mediation efforts were again overtaken by events on the ground. Armenia successfully exploited the political instability and 1993 regime change in Azerbaijan to annex Azerbaijani districts around Nagorny Karabakh and cleanse them of their Azeri population. In the light of such events, negotiation efforts were hollow. It was not until the autumn-winter of 1993 that Armenian military expansion finally met with some real resistance from Azerbaijani forces. The intensity of the struggle and significant losses of human life and military hardware served to warn the Armenian leadership of the costs of its expansionist military strategy. Thus previously unsuccessful attempts of mediators to secure a ceasefire agreement finally bore fruit in May 1994 as a result of Russia's active intervention.

Around that time the conflict transformation process began to divide into two strands. One was concerned with the structure and forms of international involvement, in particular the nature of and responsibility for the international peacekeeping operation and observer mission; the other focused on issues directly connected with the Armenian-Azeri conflict and the proposals put forward to resolve it.

Competing mediator agendas

Many Azerbaijani experts believe that Russia and the Western powers see control of any Karabakh peacekeeping operation as the key to overall influence in the region. The lack of a common standpoint between the region's would-be hegemonies on this issue is one of the main obstacles to progress in the negotiations.

Until 1995, Russia attempted to establish a monopoly on the right to lead, mediate and control the peace process, despite co-chairing the Minsk Group with

Finland. From the perspective of Azerbaijani negotiators discussion of the substantive issues was less important to Russia than preserving a one-sided framework for mediation. Mediator Vladimir Kazimirov's main desire, it seemed, was to substitute the quadripartite negotiations format involving Armenia, Azerbaijan and the Nagorny Karabakh Armenians and Azeris as interested parties, with a tripartite format involving Armenia, Azerbaijan and the Armenians of Nagorny Karabakh.

The second thrust of Russia's interests was focused on imposing on the CSCE its 'special role' in controlling, staffing and implementing the peacekeeping operation in the conflict zone. Its proposed Commonwealth of Independent States (CIS) peacekeeping initiative was perceived by Azerbaijan as a thin disguise for a plainly Russian operation. Russia further sought the role of guarantor of Nagorny Karabakh's status, arguing that the draft agreement should contain an article assigning it that function. The Western states declined Russia's suggestions and adhered to Azerbaijan's position that only a multinational operation conducted under the aegis of the CSCE could be considered.

These differences between the standpoints of Russia and Armenia on the one hand, and Azerbaijan and the West on the other, were at their most obvious in late 1994, on the eve of the OSCE Budapest summit. Prior to the summit Azerbaijani President Aliyev declined an invitation from Russian President Boris Yeltsin to discuss a Russian or CIS-led peacekeeping operation to be agreed at the forthcoming event. By the time of the summit, the Western countries had already made their decision: the peacekeeping operation would be a multinational, OSCE-led initiative. This standpoint was reflected in the summit's special resolution. Russia's formal consent contrasted with its fundamental rejection of any such initiative, leading to a new tactic in Russian diplomatic efforts. This consisted of insisting upon a prior peace agreement between Armenia and Azerbaijan as a precondition for any subsequent peacekeeping operation. Given the absence of such an agreement, the international peacekeeping operation could not go forward. As the current state of ceasefire prevents the imposition of sanctions on Armenia, as well as reducing any imperative to agree to peace, the 'no war, no peace' situation has continued for the last eleven years.

Resolution efforts: the 'status for territory' impasse

From 1996 Armenia began to adopt a harder line, insisting on the simultaneous resolution of Nagorny Karabakh's status and liberation of the occupied territories around Nagorny Karabakh. This position essentially reflects the 'status for territory' formula: the

return of Azerbaijani territories occupied as a consequence of war in return for determining Nagorny Karabakh's political status. This stance caused a radical break in the approach taken by mediators since 1992, as well as fundamentally contradicting the letter and spirit of the UN Security Council resolutions. Unfortunately, the mediators failed to show the necessary firmness, going along with this unconstructive suggestion and taking the negotiations process into the impasse in which it still finds itself today.

In March 1996, Swiss Foreign Minister Flavio Cotti and his Russian counterpart Yevgeny Primakov discussed the possibility of including points on the status of Nagorny Karabakh in the preliminary agreement. Following their meeting, positions defining Nagorny Karabakh's status in very broad terms became the subject of negotiations within the Minsk Group. It should be noted that both Russia and the West supported the notion that any model considered should necessarily preserve the territorial integrity of Azerbaijan. This united position was firmly backed by Azerbaijan and featured in the statement made by the acting president of the OSCE at the organization's Lisbon Summit in December 1996. The endorsement of this position in such an important document aroused Armenian indignation as it clearly demonstrated that the international community was not prepared to stand by and watch Armenia annex Azerbaijani territory.

In early 1997, the Minsk Group came to be chaired by Russia, France and the United States. Azerbaijan had actively lobbied for the inclusion of the United States in the capacity of co-chair as a counterweight to Russia and, in part, France, which is perceived as pro-Armenian by Azerbaijani society. Azerbaijan's proposal for Germany's inclusion was unfortunately not backed by Armenia.

In the year following the formation of the Minsk Group's tripartite co-chairmanship, the co-chairs put forward two proposals for the settlement of the conflict, both considered by Azerbaijan as acceptable starting-points for further negotiations. While accepting the proposals as a basis for renewed talks, Baku pointed out that by introducing attempts to define the issue of status into documents dealing with the conditions for the liberation of the occupied territories around Nagorny Karabakh, the mediators were leading the peace process to stalemate.

The Armenian side declined both proposals, calling on the co-chairs to develop a 'package solution' granting Nagorny Karabakh the status of an independent state, after which the liberation of part of the occupied territories around Nagorny Karabakh would be feasible. This led to a hiatus in the peace process until November 1998, when the co-chairs put forward a third proposal

based on an entirely new concept. On the whole close to the first two proposals, the third further suggested the possibility of the creation of a 'common state'. However, far from implying the integration of Karabakh into Azerbaijan by means of some mechanism yet to be defined, this document proposed the integration of two equal sovereign entities. The sometimes-reported view that this proposal was initially greeted with enthusiasm in Azerbaijan is mistaken. The lack of reaction among official sources in Azerbaijan was taken by some of our negotiating partners as a positive sign, but in reality any proposal that sought to predetermine a sovereign status for Karabakh was naturally unacceptable to Azerbaijan.

The Minsk Group co-chairs then proposed direct negotiations between the presidents of Armenia and Azerbaijan. These meetings were intended to provide an opportunity for the sides to develop a common model for settlement. Although the meetings are still being held today, this aim has not been met. Azerbaijan feels that this is due to the stance adopted by Armenia, as declared by Robert Kocharian upon coming to power. The basic premises of this standpoint are that: the liberation of part of the territories around Nagorny Karabakh is possible only after Azerbaijan's agreement to the independence of Nagorny Karabakh; and the territory situated between the administrative of the former Nagorny Karabakh Autonomous Oblast and Armenia must be given to Armenia.

This strategy is clearly intended to reduce Azerbaijan to capitulation, an outcome seen by the Armenian side as the logical consequence of its own military victory.

The Charter of Four

In the light of these territorial demands, the so-called 'land swap' proposal was developed. The parameters surrounding this proposal were kept secret, and even today it is difficult to say precisely what the proposal involved or who authored it. Nevertheless, the author of this article resigned in protest from his post as foreign minister of Azerbaijan at the admissibility of even discussing such a project. The fragments of information filtering through to the Azerbaijani public caused widespread protest, leading finally to the publication of the so-called 'Charter of Four'. This document was prepared and published by prominent civic rather than political actors (this author, one of the four behind the document, was no longer in public office) and supported by hundreds of social and political organizations. Outlining the approach the authors felt the Azerbaijani government should pursue in attempting to resolve the Karabakh issue, it represented a kind of 'mini-referendum' on the government's Karabakh policy.

Its main points were:

- the acceptability of the use of force, alongside political methods, in order to resist aggression and restore territorial integrity;
- the possibility of granting the entire Nagorny Karabakh population – Azeri and Armenian – a wide degree of autonomy;
- the necessity of a phased approach to the resolution of the conflict, whereby the status of Nagorny Karabakh would be decided only after the surrounding territories are liberated. Only after the liberation of these lands could the parameters and norms for a model of broad autonomy of Nagorny Karabakh within Azerbaijan be determined;
- the necessity of wide international involvement in the process at all stages at the levels of negotiations, implementation of agreements and post-conflict rehabilitation.

The Azerbaijani government subsequently used the Charter of Four as 'evidence' of the Azerbaijani public's unreadiness for compromise. Rather, the document provided an indication of the parameters of compromise palatable to the Azerbaijani public, which Aliyev had clearly exceeded in his negotiations with Kocharian.

Prospects

Aliyev's illness and death, and the change of leadership in Azerbaijan slowed the process of conflict settlement. After Ilham Aliyev's accession, the meetings between presidents were resumed and supplemented by meetings between the foreign ministers of the two countries.

In August 2005, the co-chairs proposed a new concept: interim status. Some of the territory around Nagorny Karabakh could be liberated in exchange for recognition of the *de facto* present-day situation in Karabakh until the final status of the region is determined through negotiations facilitated by international mediators. This proposal reflects an attempt to break out of the 'package' versus 'step-by-step' impasse in structuring peace proposals. As such expert opinion on both sides positively assesses the 'interim status' model as a way of progressing from the 'package' versus 'step-by-step' dichotomy that characterized the late 1990s, but has now lost its currency. However, there are indications that Armenian negotiators have attempted to include in the preliminary agreement points predetermining the status of Nagorny Karabakh as an independent state. This suggests that Yerevan is once again seeking to exchange liberation of occupied territories for independent status. Unless this strategy is abandoned, the talks have little chance of success and tensions arising from the Armenian-Azerbaijani conflict will persist.