

Old states and new

shifting paradigms and the complex road to peace in Nagorny Karabakh

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**Armenian President
Robert Kocharian.**

Source: Reuters/Mike Segar

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Over the course of the last decade, the content and focus of the negotiations on Nagorny Karabakh have changed dramatically. By breaking down the process into stages, it is possible to see how we have come to a point where – with sufficient political will – we can move more concretely towards resolving our differences.

The conflict began in 1988, when Azerbaijan used force to respond to peaceful demonstrations by the people of Nagorny Karabakh calling for this Armenian-populated region to be able to determine its own status. Even as military activities continued, there were various incongruent, uncoordinated, random and impulsive efforts at mediation from within the former Soviet space. In 1992, the conflict resolution process became internationalized through the Conference for Security and Cooperation in Europe. Yet just as we thought the fighting had stopped, Azerbaijan mounted another attack in December 1993, which was repelled by the Karabakh Armenians who took control of certain surrounding territories in order to prevent further military aggression. By May 1994, there was a mutually agreed ceasefire. At a summit of the now Organization for Security and Cooperation in Europe (OSCE) in Budapest in December, the OSCE harmonized the various negotiation tracks. Thus the end of military hostilities coincided with the creation of a mechanism for serious negotiations, which continue to this day.

Over the years, international developments and self-determination processes in different parts of the world have led to fundamental changes in international thinking on the issues underlying the Karabakh conflict, as well as in the process and content of the negotiations. Relationships between states – new and old – are evolving. We have witnessed East Timor's independence through a referendum and the signing of an agreement in Sudan concluding a decades-old conflict on the basis of a referendum to be held in one part of the country. There are serious deliberations about the possibility of a referendum to determine Kosovo's status. Among political, legal and academic experts, there is a growing awareness of the possibility and reality of recognizing the right of self-determination in certain circumstances.

Each self-determination struggle must be judged by its own historical and legal circumstances, as well as the realities on the ground. Self-determination conflicts fall into four types depending on the degree of control the state exercises over its entire territory (including the territory on which those striving for self-determination actually live) and the degree of self-determination achieved in practice by those struggling for it. In the first category, those expressing a desire for self-determination exercise that right through a vote and

choose to remain part of the state. The only example of this is Quebec, which has voted to remain part of Canada. The overwhelming majority of today's secession movements conform to a second type, struggling without any degree of self-determination as the state continues to fully control the territory under question. A third category is comprised of borderline cases where the state is not able to control those desiring self-determination, who in turn are not strong enough to maintain control over their territory with any certainty of permanence.

Nagorny Karabakh falls into a completely different, fourth category. Azerbaijan has no control whatsoever over Karabakh, which has achieved all the empirical attributes of complete sovereignty in the last 15 years. In this context the attempt to convince its people to accept Azerbaijani jurisdiction by enticing them with promises of human rights and economic benefits is a senseless exercise. In addition to the duration and depth of its self-determination, Nagorny Karabakh's situation is further reinforced and made complete by the following facts. First, it seceded legally, according to the laws of the day. Second, the territory in question has never been within the jurisdiction of independent Azerbaijan. Third, Azerbaijan, in perpetrating violence against people that it considered its own citizens, has lost the moral right to custody over those people. And, finally, there is the *de facto* political reality of Nagorny Karabakh's proven ability to hold elections, govern its people, protect its borders and conduct international relations.

Azerbaijan's authorities find it difficult to come to terms with these indisputable realities. Instead, they construct their positions on new premises and myths. First, they have convinced themselves that their territories are the essence of the issue. Yet, when this conflict began, there were no territories outside Nagorny Karabakh under Armenian control. Those territories came under Armenian control not only because there was disagreement about Nagorny Karabakh's status, but also because Azerbaijan attempted the complete cleansing of all Armenians from Nagorny Karabakh.

Second, the Azerbaijani authorities want to believe that if they do not realize their maximum demands through negotiations, they can always resort to military solutions. But is it not obvious that a conclusive military resolution is not possible? A successful military solution would require more than conventional arms against the people of Nagorny Karabakh, who are defending their own homes. Azerbaijan can succeed in its attempts only by ethnically cleansing Nagorny Karabakh of all Armenians.

Third, Azerbaijan thinks that time is on its side, a belief rooted in the confidence that oil revenues will enhance their military capacity. This is a great deception, because time is not guaranteed to work in favour of any one side. International tendencies today are moving towards reinforcing the right to self-determination. The longer that Nagorny Karabakh maintains its *de facto* independence, the harder it will be to reverse the wheel of history.

Fourth, the Azerbaijani authorities think an isolated Armenia will be economically unable to sustain its position and will sooner or later agree to serious concessions. This is a faulty assumption because it is the people of Nagorny Karabakh who must first agree to concessions. Furthermore, both Armenia and Nagorny Karabakh have gone beyond mere economic survival and are recording growth.

Finally, Azerbaijan has convinced itself that by presenting Armenia as the aggressor, it will become possible to use international resolutions to force Armenian capitulation. However, Armenians have consistently demonstrated that Azerbaijan is a victim of its own aggression. The territories under Armenian control could be returned in order to assure Nagorny Karabakh's security and future; but they could be kept if that assures the same end more effectively. The purpose is security and self-determination, not acquisition of territory.

The solution will not be found either through military action or international resolutions, and no solution can be imposed from the outside. The only way to a solution is to demonstrate political will and embrace realistic positions. Armenians remain faithful to their initial premises that there cannot be a vertical link between Azerbaijan and Nagorny Karabakh, that it must have a geographic link with Armenia, and that the security of the people of Nagorny Karabakh must be assured.

For us, the basis of resolution is the affirmation of the right of the people of Nagorny Karabakh to self-determination and international recognition of that right. Azerbaijan's acceptance of this fact – and its formalization in an agreement – will open the way for the resolution of the conflict and the elimination of its consequences.