

# RECENT DEVELOPMENTS REGARDING THE KARABAKH QUESTION

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**Abstract:** *As known, endeavors aimed at finding a peaceful solution to the Karabakh question has been continuing for about 15 years now. The member states of the OSCE (The Organization for Security and Co-operation in Europe) have charged at a meeting convened in 1994 in Minsk, capital of Belarus, a group of countries including the USA, Russian Federation and Turkey, which would later be named as the Minsk Group, with helping in finding a solution to the question. Although the problem hasn't been solved yet, there has been several developments in the recent years, especially since 2006. In this article, we will focus on the developments in the last four years.*

**Key Word:** *Minsk Group, Karabkh, Armenia, Russia, Azerbaijan*

As known, endeavors aimed at finding a peaceful solution to the Karabakh question has been continuing for about 15 years now. The member states of the OSCE (*The Organization for Security and Co-operation in Europe*) have charged at a meeting convened in 1994 in Minsk, capital of Belarus, a group of countries including the USA, Russian Federation and Turkey, which would later be named as the Minsk Group, with helping in finding a solution to the question. Later on, this mission has been carried out by the USA, Russian Federation and France, as Co-chairs of the Group. In the course of the years, an agreement seemed to emerge on the fundamental principles for the settlement of the Karabakh conflict, with the exception of a single issue. According to this, Armenia would withdraw from the seven 'rayons' (*provinces*) that surround Karabakh, the Azerbaijani refugees would return to these territories and, an international peace-keeping force would be deployed in the region. Nakhchivan would thereby be linked to Azerbaijan.

The point over which no agreement could have been reached is what the status of the Karabakh would be. Armenia insists on a status of independent state for Karabakh. Azerbaijan demands that this region should stay dependent to Azerbaijan yet have a very substantial autonomy. In the face of these incompatible stances of the two sides, the Co-chairs of the Minsk Group have started in the recent years to propose that the question of the status of Karabakh

be indefinitely postponed or taken up in the coming years. Although the two parties do not seem, in principle, to oppose postponement, then came up, this time, the question of how the status of Karabakh will be determined following the postponement period. According to Armenia, the people of Karabakh should self determine their destiny through a plebiscite to be held in Karabakh by the end of the said period, and, this period should not be set too long. On the other hand, Azerbaijan claims that first the issue of the return of the Azerbaijani people of Karabakh to their homes should be materialized, and, hence the postponement period needs to be long. Azerbaijan opposes a plebiscite to be held solely for Karabakh; because the result is already predictable for the Azerbaijanis will constitute at most 30 % of its population even if all of them return back to this region. In other words, the Armenians of Karabakh will most probably vote for uniting with Armenia or for the independence of Karabakh if Armenia will, due to some tactical reasons, demand so. Yet, according to Article 3 of the Azerbaijan's Constitution, a plebiscite to change country's borders can only be held<sup>1</sup> over the whole country. In this respect, a plebiscite to determine the status of Karabakh needs to be made with the participation of the whole of Azerbaijan. It is already obvious that such a plebiscite will not have any other result than the continuation of Karabakh's status as dependent to Azerbaijan. This stance of Azerbaijan is based on the conviction that the Karabakh region is part of the Azerbaijani territories. On the other hand, the Armenian view claims that Karabakh proclaimed its independence before Azerbaijan did the same for itself and therefore Karabakh has never been a part of an independent Azerbaijan. This, however, is not true; because Armenia, like Azerbaijan (and all other countries that left the Soviets), in accordance with the Constitution of the Soviet Union, are accepted as having proclaimed their independence. This constitution does not, however, give the autonomous regions the right to proclaim independence.

The Azerbaijani authorities, led by President İlham Aliev, have on many occasions said that they were, if needed, able to rescue the occupied territories of Azerbaijan by using force. The speedy improvement of the Azerbaijani economy and, parallel to this, the increase in its defense expenditures along with the target set by Aliev stipulating that the Azerbaijani defense expenditures should be equal to the budget of Armenia, shows that a great difference to the benefit of Azerbaijan will come about in the future and liberating the territories under Armenian occupation with force will become a possibility. President Aliev says that there exists a cease-fire between the two countries and that the war has not yet ended.<sup>2</sup> In the legal sense the situation is like this indeed.

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1 Kamil Agacan, Nagorno Karabakh: Is 2006 a Golden Opportunity? Strategic Analysis, Feb. 2006

2 idem

### Developments in 2006

Bearing in mind that due to the Parliamentary elections in Armenia in 2007 and Presidential elections in both Armenia and Azerbaijan in 2008 it would be difficult to ensure any progress in these two years, it has been a generally accepted view also endorsed by the Co-chairs of the Minsk Group that it was required to try to resolve the Karabakh question earlier i.e., in 2006. Therefore, in the year 2006 the activities to find a solution to this question were intensified. Besides the numerous get-togethers of the foreign ministers of the two countries, Aliiev and Kocharian have met in February in Rambouillet (France), in June in Bucharest, and in December in Minsk, but couldn't reach an agreement on the status of Karabakh.

In the meantime, on the of June 2006 the Co-chairs of the Minsk Group have communicated to the OSCE Permanent Council, to whom it is accountable, the key principles they envisage for the solution of the Karabakh question.<sup>3</sup> These principles which mainly conform to the information we furnished above in the first paragraph of this text can be summarized as follows:

- *withdrawal of Armenian forces from the territories surrounding Karabakh,*
- *stipulation of special provisions for the Kelbajar and Lachin provinces (this means setting up a land-based corridor between Armenia and Karabakh),*
- *disarming the said territories,*
- *a referendum or population vote to determine the final legal status of NagornoKarabakh. (the date of this referendum and how it will be performed shall be determined through negotiations)*
- *an international peace-keeping force shall be deployed to these territories,*
- *a joint commission shall be established to implement the agreement that will contain these issues,*
- *international aid shall be supplied for clearing the mines, executing the required repair and reconstruction work, and for the return of the persons to the occupied territories and the areas of Karabakh affected by the war,*
- *the two sides shall refrain from using or threatening to use force,*
- *bilateral or international security guaranties shall be provided.*

3 Statement by the Minsk Grup Co-Chairs to the OSCE Permanent Council, Armenian Daily, 29 June 2006.

In this connection, Armenian Foreign Ministry has publicized a declaration<sup>4</sup> and expressed that these principles are deficient and there was no mention to the corridor to link Armenia to Karabakh and the status to be granted to Karabakh for the time interval till the date the referendum will be held. Yet it was also stated by Armenia that these principles constituted a serious base for the continuation of the negotiations. On the other hand, it was underlined that Armenia would insist that Azerbaijan should directly meet with the Karabakh administration if it continuous the create obstacles to prevent negotiations.

In the declaration<sup>5</sup> published by Azerbaijan in response to this, it was stated that Azerbaijan re-affirmed preparedness to grant Nagorno-Karabakh highest status of self-rule within the framework of the internationally recognized territorial integrity of the Republic of Azerbaijan and based on the current Constitution of Azerbaijan, emphasis was made on the point that Azerbaijan's territorial integrity could not be a subject of negotiation and, on the other hand, it was pointed out that Azerbaijan would continue to participate in the ongoing negotiations.

Towards the end of the year, on the 10<sup>th</sup> of April 2006, a new constitution was accepted by referendum in Nagorno-Karabakh. It states that the Nagorno-Karabakh region is a sovereign, democratic, legal, social state and will henceforth be called as "The Nagorno-Karabakh Republic". There exists no legal basis of Nagorno-Karabakh's self declaration as a sovereign state for it is an integral part of Azerbaijan. This initiative was reprimanded by the Turkish Ministry of Foreign Affairs with a statement phrased as "a new violation by Armenia of Azerbaijan's political unity, sovereignty and territorial integrity". And the Azerbaijani Foreign Ministry stated that this move meant a violation of Azerbaijan's constitution, that it would have no judicial consequences and, would not be able to deceive the international community.<sup>6</sup> With this occasion, we must state that no country has recognized either the above cited "Nagorno-Karabakh Republic" or the previous Armenian administrations in Karabakh.

As is seen, Azerbaijan and Armenia has continued without a major interruption to conduct negotiations via the Minsk Group although they were devoid of any conclusions. This is a corollary of Russia's and USA's desire for the continuation of the negotiations and their pressure on the two sides in this context. Moreover, the negotiation process prevents the current disaccord from turning into an armed conflict. On the other hand, it is obvious that the Minsk Group Co-chairs couldn't have been successful in resolving the disagreement. Despite this, the negotiations have continued all through the election years, 2007 and 2008.

4 Ministry of Foreign Affairs of The Republic of Armenia, Press Release, 26 June 2006.

5 "About the Latest Statement of Armenia on NK", Azerbaijan Today, 27 June 2006.

6 "Communiqué du Ministère des Affaires Etrangères azerbaïdjanais sur le référendum du 6 décembre", Armennews, 6 December 2008.

### Developments in 2007

A meeting of the two country's presidents during the Commonwealth of Independent States Summit convened in Petersburg in 2007 also produced no results. In a communique<sup>7</sup> they published in this connection, the Minsk Group Co-chairs stated that there were limited numbers of obstacles preventing an agreement, that the presidents could not overcome these remaining differences and, that, in their capacity as mediators, they were not in a position to take decisions on the two countries behalf. In the same communique, it was also underlined that declarations involving threats to use force and inspiring a conviction implying war could resolve the conflict are not contributive to the preparation of the peoples for peace.

With reference to the Presidential elections to take place in Karabakh, they stressed in the same communique that, like all other members of the international community, their countries do not also recognize Nagorno-Karabakh as an independent state.

The first president of Karabakh, which proclaimed its independence in 1991, was Robert Kocharian. After he became Armenia's prime minister in 1997 (and he was elected to Armenia's presidency in 1998) Arkady Gukasian replaced him as the premier of Karabakh. Gukasian was re-elected to the same post in 2002, yet did not participate in the preceding elections for a third term was not allowed by law. In the elections that took place in 19 June 2007, Bako Saakian who attracted 85 % of the votes, became Karabakh's premier. Saakian, who was born in 1960, has joined the Karabakh war and has later held security related posts in this region including that of interior minister. He has been serving as the head of the "National Security Services" since 2001.<sup>8</sup>

It is needless to say that the "presidential elections" in Karabakh has not been recognized by any country but Armenia. In the meantime, The Foreign Ministry of Turkey has released a statement<sup>9</sup> in this connection before the elections and expressed that it viewed these elections as "a part of the efforts to legalize the current illegitimate situation in Nagorno-Karabakh" and, that these elections constitute an outright violation of "the principles of international law, the UN Security Council Decisions and the principles of OSCE. While the statement reprimanded the election on the one hand, it stressed that it wouldn't have any binding effect as regards international law and that its consequences will not be recognized, on the other.

7 "OSCE MG: Preservation of the Status Quo in the Karabakh Conflict May Seem Less Difficult for Sides Than Mutual Compromises", PanArmenian.Net. 13 July 2007.

8 "Bako Saakyan Elected as Nagorno Karabakh President", Regnum, Russia, 20 July 2007.

9 "Explanation of on the Elections in Nagorno Karabakh", 16 July 2007.

Before the meeting of the Foreign Ministers of the OSCE member states on 29 Nov 2007 in Madrid, the Co-chairs of Minsk Group has met the Azerbaijani and Armenian Foreign Ministers and gave them a document containing the “Basic Principles for a Peaceful Settlement of Nagorno-Karabakh Conflict” to be delivered to their heads of state. The Co chairs stated that the two sides narrowed their differences through their mediation in the course of the negotiations held for the last three years and that the joint proposal that was transmitted today offered just and constructive solutions to the remaining differences. Furthermore, they requested the two parties to endorse the proposed Basic Principles and to commence as soon as possible drafting a comprehensive Peace Agreement.<sup>10</sup>

This document contains 3 issues: the points agreed upon, the ones on which no agreement has been reached and, the proposals to resolve them.

The points that have been agreed upon can be summarized as follows.

- *Armenian troops are to be withdrawn from five out of seven Azerbaijani regions surrounding Karabakh,*
- *The Azerbaijani population displaced during the war is to return to these regions,*
- *Kelbajar will be freed at a later stage, with subsequent return of the Azerbaijani population. This step is conditioned by the progress of the process of determining the future status of Karabakh,*
- *The Latchin region or part of it will serve as a corridor to secure a permanent land communication between Armenia and Karabakh,*
- *Security will be ensured by an international peace-keeping force.*

These essential points provide limited information on the properties of the Madrid Principles. In addition, a more detailed form of these principles entails essential points regarding the settlement of the conflict and provides information on the state parties' current approaches towards the issue. The Madrid Principles in detail present resolution recommendations to the parties working towards finally bringing the conflict to an end.

In the Madrid Principles, some recommendations have first been provided to the leaders of Azerbaijan and Armenia. To protect security and the international peacekeeping force, armed troops of Armenia and Nagorno-Karabakh to withdraw from all occupied territories, especially Kelbajar and Latchin, surrounding

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10 <http://www.osce.org/item/28515.html> OSCE Mins Group Co-Chairs issue statment on NagornoKarabakh, Madrid, 29 November 2007.

Nagorno-Karabakh, and fugitives and migrants to take steps in returning to their territories have been requested from the Azeri and Armenian leaders until the elections to take place in 2008. Moreover, it has been expressed to both leaders that the existing status of Nagorno-Karabakh should be identified through voting, until this takes place, a temporary status should be appointed, and all trade-shipment routes should be opened. The last proposal to the Azeri and Armenian leaders has been for the political leaders to develop the appropriate basis for a positive atmosphere directed towards peace and comfort in campaigns for the elections to take place in 2008 and to indicate the controversial sections of a script if an agreement has not been able to be reached on the entire script.<sup>11</sup>

Secondly, recommendations have been made to Armenia-Azerbaijan governments and the de-facto administration of Nagorno-Karabakh. At this point, to act in compliance with the ceasefire signed in 1994, to abandon forceful actions, increase the defense budget, and to abandon mutual accusations and statements being far from peace and entailing provocations have been requested from the governments of Azerbaijan and Armenia. Furthermore, the necessity to encourage state parliaments to conduct such negotiations and strengthening relations between Azerbaijanis and Armenians has been expressed. Among the suggestions directed towards the de-facto administration of Nagorno-Karabakh are positioning of Armenians, continuation of privatization activities in the concerning regions, creation of new construction areas and ending the establishment of local buildings. Last of all, working towards granting the opportunity to Karabakh Azerbaijanis to elect the leader of their own communities, increasing transparency for all citizens and migrants to benefit from oil revenues, and reducing corruption has been requested from the Azerbaijan administration.<sup>12</sup>

The third group in which recommendations have been delivered with the Madrid Principles is the Co-chairs of the Minsk Group. In this context, improving the existing activities for the approval of the essential principles and registering to records any divergence of opinions which could arise after the elections to take place in Azerbaijan and Armenia in 2008 have been requested from the Co-chairs of the Minsk Group. While stating that the representative levels of the Co-chairs must be increased, the request from them to provide more details on the talks taking place and the expectation from the Co-chairs to prevent the exaggeration of some statements have been expressed.<sup>13</sup>

11 Araz Aslanlı, *Karabakh Problem – History, Essence, Solution Process*, Baku Nurlar Press, 2009, referred to p.97 by Mehmet Fatih Öztarsu, “Madrid Prensipleri Karabağ’a Barış Getirecek mi”, SDE, 1 April 2010.

12 Araz Aslanlı, *Karabakh Problem – History, Essence, Solution Process*, Baku Nurlar Press, 2009, referred to p.97 by Mehmet Fatih Öztarsu, “Madrid Prensipleri Karabağ’a Barış Getirecek mi”, SDE, 1 April 2010.

13 Araz Aslanlı, referred by Mehmet Fatih Öztarsu, “Madrid Prensipleri Karabağ’a Barış Getirecek mi”, SDE, 1 April 2010.

Last of all, in the Madrid Principles, recommendations have been put forth to the European Union. While wanting the European Union to increase the role of its special representative for the Southern Caucasus, the representative to closely follow the Minsk process and establish relations this way between all parties have been requested. Moreover, the necessity to communicate with the citizens of Azerbaijan who have become migrants and work together with the European Commission for economic aid have been emphasized. Finally, by utilizing the European Neighborhood Policy Strategy and economic aid operations, attention has been drawn to the expectation from the EU to work towards establishing institutions which will serve in strengthening trust towards human rights and supremacy of law.<sup>14</sup>

As can be predicted, the point not agreed upon is the status of Karabakh. To once more repeat, contrary to Azerbaijan's view that Karabakh should continue to juridically adhere to Azerbaijan though with a very wide-scale autonomy, Armenia insists that this region be granted independence. It is not known what proposals were made by the co-chairs of the Minsk Group for the determination of Karabakh's status. It is probable, however, that they are not far from the referendum concept previously proposed. Another probability is to be content with evacuating the Azerbaijani provinces surrounding Karabakh and leaving the determination of Karabakh's status to an indefinite date. In that case, Armenian domination over Karabakh will continue and Azerbaijan will be able to keep on claiming rights on the region for its status is undetermined.<sup>15</sup>

### Developments in 2008

The most noteworthy development in Armenia in the first half of 2008 was the presidential elections. Compared to the previous one, the issue of Karabakh was debated in a much more intense manner during these elections. The reason for this was Levon Ter Petrossian's bringing to the agenda the subjects leading to his resignation from presidency in 1998 linked with the Karabakh question and Robert Kocharian's, who played the main role in his resignation, accusations while responding to Petrossian's criticisms.

The chaos gone through in Armenia following the elections has also affected the Karabakh question and clashes started with Azerbaijan at the border regions and this stirred the concerns of a renewed war campaign.<sup>16</sup> The US Government called

14 Araz Aslanlı, *Karabakh Problem – History, Essence, Solution Process*, Baku Nurlar Press, 2009, referred to p.97 by Mehmet Fatih Öztarsu, "Madrid Prensipleri Karabağ'a Barış Getirecek mi", SDE, 1 April 2010.

15 Emil Danielyan, "Karabakh Peace in Question After Armenian Vote", Eurasia Daily Monitor, 3 April 2006.

16 "Vers une nouvelle guerre au Haut Karabakh", Armen news, 8 March 2008.



on Armenia and Azerbaijan not to violate the cease-fire. Soon after this, the co-chairs of the Minsk Group have made a similar demand and invited the parties to talks. Following the elections, meetings have taken place first at the foreign ministries level and later Aliev and Sarkisian met during the NATO summit in early April, yet once more without any conclusions. Despite the over-optimistic statements by the Minsk Group and, in particular by the US Representative Matthew Bryza who was a member of this Group, disagreement continues as regards the future status of Karabakh and this constitutes the biggest obstacle to finding a solution to the question. To demonstrate this situation let us present an example of how the authorities of two sides approach the issue.

In a communique,<sup>17</sup> delivered to the press regarding the principles on which the Karabakh question should be based, Armenian Foreign Minister Edward Nalbandyan said that at the top of the list came the one ensuring that Nagorno Karabakh cannot be under the authority of Azerbaijan. And President Aliev once more stressed his country's stance in a speech in early August with his words "Azerbaijan will never grant Karabakh any status outside Azerbaijan's territorial integrity."

It is obvious that the co-chairs of the Minsk Group have not been able to find a solution to the problem despite all the efforts exerted. On the other hand, from their proposing the referendum alternative, it is apparent that they are not quite willing to endorse Karabakh region's juridical adherence to Azerbaijan, a matter which has a particular significance for Azerbaijan. This stance of Azerbaijan is based on territorial integrity, one of the fundamental principles of international law. Although Armenians insist, in response to that, on another fundamental principle, i.e., self-determination, implementation of the self determination principle is no more possible due to the fact that they totally Armenianized the region during the war by massacring the Karabakh Azerbaijanis just as they did in Hodjali or forced them to flee by other means. If this point is taken into account, then it is highly important that Azerbaijan has to make the international organizations including primarily the UN, acknowledge the validity of the principle of territorial integrity. In fact, Azerbaijan has already undertaken some successful initiatives within this framework.

### **a) The Decision of the Organization of Islamic Conference (OIC)**

For some time now, the Organization of Islamic Conference has been taking some decisions in line with the viewpoints of Azerbaijan regarding the Karabakh

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17 Just and Peaceful Resolution of Nagorno Karabagh Conflict Remains a Priority of Armenia's Foreign Policy, Armradio, 23 June 2008

question. These decisions are taken up in the annual meetings of the Foreign Ministers and in the biennial Summit conferences, and, referrals are made to these decisions at the conclusion texts of these meetings.

The unabridged English text of the decision titled “The Aggression of the Republic of Armenia Against the Republic of Azerbaijan” taken in Dakar on 13-14 March 2008 [decision Nr. 10/11-P(IS)] can be seen in the “Actual Documents” section of our Periodical. Important points of this decision can be summarized as follows.

- *Aggression of Armenia against Azerbaijan is strongly condemned*
- *The actions against civilian Azerbaijani population are considered as crimes against humanity*
- *Looting and destruction of the archeological, cultural and religious monuments in the occupied territories of Azerbaijan are strongly condemned*
- *The implementation of the UN Security Council resolutions 822, 8530 874, 884 of the 1990s and the immediate and unconditional withdrawal of all Armenian forces from all occupied Azerbaijani territory included Karabakh are strongly demended and Armenia is urged to respect the sovereignty and territorial integrity of Azerbaijan*
- *The UN Security Council is called on to recognize the existence of aggression against Azerbaijan; and to take the necessary steps, in line with the decisions it has previously taken, stipulated in Chapter VII of the Charter of UN. (in other words, withdrawal of the Armenian forces should be realized)*
- *Urges All states to refrain from providing any supplies of arms and military equipment to Armenia and, stresses that the territories of the member states should not be used for transit of such supplies*
- *Peaceful settlement of the conflict between Armenia and Azerbaijan should be based on respect for the principles of territorial integrity of states and inviolability of internationally recognized borders*
- *The activities of the OSCE Minsk Group and consultations held at the level of the Foreign Ministers of Azerbaijan and Armenia are supported and it is believed a step-by-step solution will help to ensure gradual elimination of the consequences of the aggression against Azerbaijan*

As mentioned above, this decision and all the decisions taken by the OIC organs in connection with this question reflect the viewpoints of Azerbaijan and strongly support this country's demands pertaining to Karabagh issue. Like OIC's decisions concerning other issues, these decisions do not enjoy much publicity neither in the world nor in the Turkish media. The main reason for this is that they are of an advisory nature and are devoid of a binding quality. Despite this, the unconditional support of the OIC that has more than fifty member states, for Azerbaijan regarding the Karabakh question shows that Azerbaijan's viewpoints will enjoy popularity at the international organizations where Muslim countries are also members of and that the Armenian views will not have a chance of approval. In fact, as will be explained below, just the same occurred at the General Assembly of the UN in early 2008.

### **b) The Decision Of the UN General Assembly**

By taking the Karabakh question to the UN General Assembly, Azerbaijan has succeeded in having a decision coherent with its views taken at this international platform. We must right away make clear that UN General Assembly decisions are not binding just like those of the European Parliament and the Council of Europe or the OSCE Parliamentary Assembly. They are rather decisions reflecting the majority's views and are of an advisory nature. However the UN General Assembly decisions have a special significance due to the fact that the governments are represented therein. A party who can have a decision taken in its favor at the UN General Assembly gains an important edge in connection with the negotiation process.

The unabridged English text of the decision titled "Situation in the Occupied Territories of Azerbaijan" taken by the UN General Assembly on 14 March 2008 (decision Nr. 62/243) can be seen in the "Actual Documents" section of our Periodical. Important points of this decision are as follows.

- *Respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders is hereby reaffirmed. "Internationally recognized borders" are the borders of Azerbaijan at the time it seceded from the Soviet Union. Karabakh is within these borders.*
- *Immediate, complete and unconditional withdrawal of all Armenian forces from the occupied territories of Azerbaijan is demanded. (Here the term "all Armenian forces" means both the Armenia and Karabakh military forces.)*

- *The inalienable right of the population expelled from the occupied territories of Azerbaijan to return to their homes is reaffirmed.*
- *The necessity of providing normal, secure and equal conditions of life for Armenian and Azerbaijani communities in Nagorno-Karabakh region of Azerbaijan is reaffirmed. It is underlined that this will allow an effective democratic system of self-governance to be built up in this region within the Republic of Azerbaijan. ( In this section, it is pointed out that, contrary to the current situation, Armenian and Azerbaijani communities will live together and self govern, in other words, that Karabakh will be autonomous but will stay within Azerbaijan. These expressions put an end to Armenian’s dreams of an independent Karabakh and at least shows that an independent Karabakh will not be recognized.)*
- *The stipulation that no state shall recognize as lawful the situation resulting from the occupation of the territories of neither Azerbaijan nor render assistance in maintaining this situation is reaffirmed as well. (These expressions mean that a change, by means of for example granting independence or annexing to Armenia, in the statuses of Karabakh as well as the Azerbaijani territories surrounding this region will not be accepted.)*
- *Support is expressed for the international mediation efforts, in particular those of the Co chairs of the Minsk Group aimed at peaceful settlement of the conflict in accordance with the norms and principles of international law, and the necessity of intensifying these efforts is recognized. (What is important here is that not only the Minsk Group but all international mediation efforts are mentioned and supported. Furthermore, an indirect reference is made to sovereignty and territorial integrity by stating that the solution should be in conformity with the principles and rules of international law.)*
- *The UN calls upon member states and international organizations to contribute to the process of settlement of the conflict.*
- *Lastly, the Secretary-General of the UN is requested to submit a comprehensive report at the 63rd session on the implementation of this resolution and decides to include in the agenda of that session the item “Situation in the Occupied Territories of Azerbaijan”. (Inclusion of the issue in the agenda of the next session and the Secretary-General’s preparing of a report in this connection shows that the subject of Karabakh and occupied Azerbaijani territories will be discussed also next year.*

In the voting of the decision 39 countries voted in favor, 7 against, and 97 abstained. 46 countries did not participate in the voting process. For the votes of the abstainers are not counted, the decision was accepted.

Of those 39 countries who voted in favor, 31 were OIC members. The remaining 8 are Cambodia, Georgia, Moldavia, Myanmar, Serbia, Tuvalu and, Ukraine. These countries show neither a geographic nor a political homogeneity. Their votes were received mainly with the influence of Turkey and/or Azerbaijan. No EU member country has voted in favor. Among the “Turkic” countries only Turkmenistan voted in favor, besides Azerbaijan.

Among those 7 countries who voted against, three are the co-chairs of the Minsk Group: the USA, the Russian Federation and, France. Naturally, Armenia also voted against. The reason why India voted against may be the good relations between Azerbaijan and Pakistan. Why Angola in Africa and Vanuatu in the Pacific voted against is not known. Yet it is often witnessed that some small countries vote in a biased manner at the General Assembly votings and this, in general, reflects lack of consciousness or irresponsibility.

The 97 countries that abstained constitute approximately half of the UN members. All the EU member countries except for France have casted abstention votes. Furthermore, important countries like Japan, China, Brazil and Israel are also among them. The main reason why the number of the abstaining countries is so high is that the Minsk Group co-chairs, i.e., the US, Russian Federation and France have advised them to do so. For the OIC member countries have already taken the Dakar Summit decision with unanimity, their doing the same for the UN decision would at least have been a consistent attitude. However 8 OIC members abstained in the voting. They are Albania, Algeria, Cameroon, Egypt, 13 Kazakhstan, Mozambique, Surinam and, Togo. It is possible to see the influences of France (Algeria, Cameroon, Surinam, and Togo) and the Russian Federation (Kazakhstan) in this phenomenon.

Some UN member countries are very small. It is not possible for them to take part in all activities and votings. Yet it is normally expected from countries with organized representations to vote in favor, against or to abstain, in other words, to show their preference. But, 17 of the OIC countries have not voted. Important countries like Iran and Syria are among them. Among the “Turkic” countries, Kirghizstan and Turkmenistan also did not take part in the voting.

The most peculiar feature of this voting is the against votes of the Minsk Group co-chairs. Normally, these countries were expected to abstain when their mediation role is taken into consideration. When the decision is analyzed in its entirety, voting

against meant opposing the respect for Azerbaijan's sovereignty and territorial integrity; immediate, complete and unconditional withdrawal of Armenian forces from the occupied territories of Azerbaijan; and, the return of the Azerbaijanis expelled from their occupied territories to their homes. The interpretation of the co-chairs, however, differ from this and in and" explanation of vote" they jointly made after the voting, they stated that during the OSCE's Madrid meeting in November 2007 they have given Azerbaijan and Armenia a document containing the "fundamental principles" for resolving the Karabakh question, and, that they did not vote for the Azerbaijani decision due to the fact that only some of those principles were included in it.

Close assessment of the Azerbaijani decision reveals that the only principle it doesn't contain is "self-determination" one. Azerbaijanis rightly oppose a population vote in Karabakh where only the Armenians live. We believe that the actual reason for the co-chairs' opposition to this decision is the fear that they would lose the control they currently have in case the Karabakh question is taken up at organizations other than the OSCE, especially at the UN General Assembly where the Muslim countries possess considerable weight. Yet the Co-chairs could not have prevented the decision. Moreover, the fact that the same issue will be discussed also next year will make it possible for the approval of a new decision.

The last development as regards the Karabakh question is Russia's intervention , though only for a while, of Georgian territories by excessive force due to the events of Ossetia and, the serious strain experienced in the US-Russian relations because of the anti-missile systems deployed in some countries in Europe. This development brought forth the probability of influencing their cooperation at the Minsk Group. On the other hand, this Group's being unsuccessful in resolving the question for more than 16 years now, have led to the thinking that trying some new formulations might prove useful. In the meantime, more voices have started<sup>18</sup> to be heard in Azerbaijan regarding the appointment of Turkey to the position of Co-Chair of the Minsk Group or speculations were made such that Turkey wants the Minsk Group's mandate to be taken over by the Platform for Stability and Cooperation in Caucasia.<sup>19</sup>

At the meeting of Abdullah Gül and Serge Sarkisian in Yerevan on 6<sup>th</sup> of July, the Karabakh question was also taken up. Later, when replying questions of a journalist concerning this issue Sarkisian stated "Mr. Gul said that if need be he is ready to help for the settlement of the Karabakh conflict. I have accepted it with pleasure because only an abnormal man can turn down an offer of help. However, there

18 "Azerbaijan Urges Turkey to co- Preside in the OSCE Minsk Group", Panarmenian.net, 9 September 2008.

19 "How Do Azerbaijani Political Scientist Value Turkey Recent Initiatives for Solutions to Nagorno Karabagh Conflict-Opinion Pool", Azerbaijani Press Agency, 11 September 2008.

should be made distinction between assistance and mediation. I am sure that any step designed to contribute to the Minsk Group co-chairs' activities in the resolution of the issue should be assessed positively”.

From the interpretation of Sarkisian's words one could reach the conclusion that the Karabakh question will be handled within a two-plan approach. The official negotiations will continue through the mediation of the Co-Chairs and the question will also be dealt with at the meetings to be held among Turkey, Azerbaijan and Armenia. It is understood that Turkey will, in this context, assume the role of a type of unofficial mediator.

### Developments in 2009

Compared to 2008, rapid developments have taken place in 2009 on the Karabakh conflict. The parties to the conflict have engaged in intense dialogues within the framework of the Minsk Group and as a result of private meetings with international organizations. During this period, especially Russia starting to play a more active role during the process of settling this conflict has drawn attention. As known, due to its relations within the Azerbaijan-Armenia framework and for being among the Co-chairs of the Minsk Group, Russia maintains an indisputable position and power among the actors working towards the settlement of the Karabakh conflict. Therefore, based on either their regional interests or global interests, what Russia will do in the Caucasus region and the Karabakh conflict and what it cannot do – will not do – has played the key role in the possible settlement of this conflict.

The first meeting held in 2009 regarding the Karabakh conflict has taken place in January. The Co-chairs of the Minsk Group have met in Azerbaijan's capital Baku. During their contacts, Group Co-chairs Matthew Bryza (USA), Bernard Fassiné (France) and Yuri Merzlyakov, (Russia) have met with Azerbaijan President İlham Aliev and Foreign Minister Elmar Memmedyarov.

Anjey Kaspshik, Personal Representative of the OSCE Chairman has also attended the meetings. In the statement issued by the Presidency of Azerbaijan following the meetings, it has been expressed that in this meeting, issues related to Azerbaijan-Armenia relations and the current condition and perspective of the actions taken towards the settlement of the Nagorno-Karabakh problem have been addressed.<sup>20</sup> No detailed explanation has been provided regarding the talks. Following these contacts, the Minsk Group has gone to Armenia. The explanations given following

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20 “Minsk Grubu Eş Başkanları Bakü’de” (Minsk Group Co-chairs are in Baku), *Dünya Bülteni*, 19 January 2010.

the contacts in Armenia have been no different than those provided after the meetings in Baku.

About a week later, Aliev and Sarkisian have come together at the World Economic Forum in Zurich on 28 January 2010. The following statements have been made:

*“The Co-Chairs explored with the two Presidents their thoughts on how to finalize the Basic Principles on the peaceful settlement of the Nagorno-Karabakh conflict, proceeding from the proposal presented to the sides at the OSCE Ministerial Conference in Madrid in November 2007. The Co-Chairs agreed to work with the Foreign Ministers on elaborating proposals for the consideration of the two Presidents on the most important remaining differences between the sides existing within the framework of the Basic Principles. The Co-Chairs hope the parties will be able to bridge these remaining differences in the nearest future to secure a peace agreement that is far better for all parties than the status quo. Their goal is a just and balanced agreement based on the Helsinki Final Act principles of territorial integrity, self-determination, and non-use of force.”<sup>21</sup>*

After these meetings, Azerbaijan President İlham Aliev has given an interview to the Wall Street Journal on 2 February 2009, expressing that the Armenian troops must withdraw from Azeri territories for the resolution of the Karabakh conflict and he has emphasized the following points:

*“The conflict remains unsolved despite years of negotiations. The issue must be solved in accordance with international law. Unfortunately, Armenia does not comply with international law and this is the main reason why the conflict has not been resolved. The talks have had some progress, but not enough, the OSCE Minsk Group stated that Nagorno-Karabakh’s recognition cannot be a matter of debate after the conflict in Georgia. The events must not set a precedent, the group added. But from the geopolitical point of view, if your neighbors are at war, it is of course not beneficial for you. Georgia and Russia are our neighbors and we maintain good relations with them both. The Armenian-Azerbaijani talks have nothing to do with the difficulties that we faced during the war in Georgia.”<sup>22</sup>*

The interesting point in Aliev’s statements is his reference to the war between Russia and Georgia in 2008 and his emphasis on the OSCE Minsk Group’s statement that it is not possible for the events taking place as a result of this war to

21 Tatul Hakobyan, “Presidents Sargsian and Aliyev to meet again in Davos on”, Reporter.am, 28 January 2010.

22 Glenn R. Simpson, “Plouffe to Donate Speaking Fee to Pro-Democracy Groups”, The Wall Street Journal, February 10, 2009.



stand as an example to the Karabakh conflict. At this point, it is possible to arrive at the conclusion that Aliiev has been uncomfortable and partially worried with Russia's recognition of Southern Ossetia's and Abkhazia's independences.

In February, NATO has made an assessment on the Karabakh conflict. NATO Secretary General's representative to the South Caucasus and Central Asia Robert Simons has said that NATO's position on the peaceful resolution of the Armenia-Azerbaijan Nagorno-Karabakh conflict is clear. "The NATO is actively cooperating with both Azerbaijan and Armenia. Both of them are our partners. Each of these countries has action plan on cooperation. I am glad about the progress in peaceful solution of the conflict through talks. Azerbaijani and Armenian Presidents have met several times and reached certain agreement."<sup>23</sup>

As known, an Individual Partnership Action Plan (IPAP) exists between NATO and Azerbaijan. Within the framework of this plan, Azerbaijan and NATO have conducted numerous partnership actions. NATO also tries to improve its relations with Armenia within the context of the IPAP. While expressing that Armenia will not become a member of NATO, Armenian President Sarkisian has stated that within the framework of the IPAP they hope their cooperation with NATO in the area of security will be efficient, particularly for the success of reforms in the army and participation in peace operations. By keeping these facts in mind, one could foresee that NATO would like to intervene in the Karabakh conflict in the medium and long term.

The Turkish Foreign Minister of that period Ali Babacan has attended the Munich Security Conference held in Munich on 6-8 February 2009 and has met with Armenian President Serge Sarkisian and Foreign Minister Edward Nalbandyan. Babacan has indicated that since the First World War, the most intense talks are being held between Turkey and Armenia and has stated that relations must develop in this direction. Following his contacts here, Babacan has travelled to Baku together with Azerbaijan Foreign Minister Elmar Memmedyarov. During his visit, Babacan has expressed that the settlement of the Karabakh conflict could be possible through peaceful means within the framework of Azerbaijan's territorial integrity and international law and principles.

Towards the end of February, in a statement by the OSCE Minsk Group regarding the Karabakh conflict, the following points have been emphasized:

*"The Co-Chairs of the OSCE Minsk Group stress that, despite two reports circulated at the request of the Permanent Representative of Azerbaijan to*

23 Robert Simons, "NATO supports all OSCE Minsk Group steps to solve Nagorno-Karabakh conflict", 2 February 2010; <http://en.trend.az/news/important/opinion/1415103.html>

*the United Nations on December 24 and 29, 2008, there is no military solution to the Nagorno-Karabakh conflict. The Co-Chairs further underscore the non-use of force as a core element of any just and lasting settlement of the conflict. Presidents İlham Aliev and Serge Sarkisian described their most recent meeting, in Zurich on January 28, 2009, as useful and constructive, despite two Azerbaijani reports circulated in the United Nations General Assembly one month earlier. At the conclusion of their Zurich meeting, the Presidents reiterated their commitment to the Minsk Group peace process, and asked the Co-Chairs to intensify their efforts to help the parties bridge their remaining differences with regard to the Basic Principles.”<sup>24</sup>*

It is understood from this statement that a military settlement for the conflict is definitely out of the question and the parties are working to get rid of their differences regarding the Madrid principles.

During the days following this statement, tension has arisen from time to time in the Armenia-Azerbaijan border, problems have developed in border security, and small-scale armed attacks have occurred. Concerning these events, a statement has been made on behalf of the EU on 5 March 2009 in the 752<sup>nd</sup> meeting of the OSCE Permanent Council.:<sup>25</sup>

- *The European Union associates itself with the condemnation that has just been voiced by the Chairmanship and by the Co-Chairmen of the Minsk Group. We deplore the armed incidents that have increased along the line of contact in recent weeks and have claimed victims on both sides. We also truly regret the shooting that led on 26 February to the cancellation of the ceasefire monitoring mission, which was operating in the region of Filouzi, even though written guarantees of security had been given to Ambassador Kasprzyk by the local military officials.*
- *The European Union would like to mention once again the particular importance that it attaches to the continuation without hindrance of the ceasefire monitoring activities on the line of contact and along the border between Armenia and Azerbaijan, which unquestionably contribute towards reducing tensions in the conflict zone and preventing a total deterioration of the situation. In this regard, the European Union calls on the parties to ensure that the OSCE observers have the security conditions they need to be able to implement their mandate.*

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24 “Statement of the Co-Chairs of the OSCE Minsk Group”, 19 February 2009; <http://www.osce.org/item/36355.html>

25 PC.DEL/123/09, “Statement by the European Union at the 752<sup>nd</sup> Meeting of the OSCE Permanent Council, Regarding Nagorno-Karabakh”, 5 March 2009

- *The European Union renews its call for strict respect of the ceasefire and urges the parties to respect in good faith their commitments not to resort to violence, which they again recently reiterated to the Co-Chairmen of the Minsk Group during the visit that the Co-Chairmen have just made to the region. We regret on this occasion that the recommendations made at the Ministerial Council meeting in Helsinki by the Co-Chairmen of the Minsk Group concerning the implementation of confidence-building measures and the consolidation of the ceasefire have still not had effect on the ground. In this connection, we strongly encourage the parties to sign an agreement on confidence-building measures and consolidation, including a commitment with a view to stopping the deployment of snipers, who are responsible for civilian and military casualties.*

The EU has conveyed with this statement how sensitive it is even for small scale armed incidents.

While these developments in the Karabakh conflict were experienced in the first quarter of 2009, the declaration in April that a road map has been agreed upon for the normalization process of Turkey-Armenia relations has caused Turkey-Azerbaijan-Armenia relations to gain a new dimension. In the Turkish Foreign Ministry's statement issued regarding this road map, the following has been expressed:

*"22 April 2009*

*Turkey and Armenia, together with Switzerland as mediator, have been working intensively with a view to normalizing their bilateral relations and developing them in a spirit of good-neighborliness, and mutual respect, and thus to promoting peace, security and stability in the whole region.*

*The two parties have achieved tangible progress and mutual understanding in this process and they have agreed on a comprehensive framework for the normalization of their bilateral relations in a mutually satisfactory manner. In this context, a road-map has been identified.*

*This agreed basis provides a positive prospect for the on-going process."*<sup>26</sup>

The strongest reaction to the road map agreed upon by Turkey and Armenia has come from Azerbaijan. The main reason for this reaction has been the Karabakh issue. In the statements provided by Azerbaijan, it is stated that Karabakh is the first

26 "Joint Statement of the Ministries of Foreign Affairs of the Republic of Turkey and Republic of Armenia and the Swiss Federal Department of Foreign Affairs", No: 56, April 22, 2009, [http://www.mfa.gov.tr/no\\_-56\\_-22-nisan-2009\\_-turkiye-ermenistan-iliskileri-hk\\_.tr.mfa](http://www.mfa.gov.tr/no_-56_-22-nisan-2009_-turkiye-ermenistan-iliskileri-hk_.tr.mfa)

problem which needs to be settled and without its resolution, any agreement between Turkey and Armenia will greatly hinder Azeri interests.

During his visit to Azerbaijan in May, Prime Minister Erdoğan has delivered a speech at the Azerbaijan Parliament and has stated that the occupation of Nagorno-Karabakh is a reason why the border is closed. Indicating that opening the border without ending the occupation is out of the question, Erdoğan has also emphasized that Turkey will not take any step without agreeing beforehand with Azerbaijan. Erdoğan, who has expressed his pleasure in Azerbaijan supporting Turkey's proposal of a Caucasus Stability and Cooperation Platform, has mentioned that Turkey and Azerbaijan's view towards the Nagorno-Karabakh conflict does not differ. Erdoğan, by stating that 20% of Azeri territories are under occupation, has ended his speech by emphasizing that this situation must be resolved within the framework of Azerbaijan's territorial integrity.<sup>27</sup>

As a result of Erdoğan's speech, the strained relations between the two countries over the Karabakh conflict have partially become stable again. For Azerbaijan, this approach of Turkey is highly significant, because the side which must make concessions in order to reach a solution for the Karabakh conflict or enter a phase of its resolution is Armenia. Since Azerbaijan has lost territories, there are no concessions it can make for this issue. At this point, the following question emerges: Could Armenia be forced to make concessions over Karabakh, how can they be forced? The possibility of Europe, America and Russia to pressure Armenia to make concessions is quite low. Yet, as stated earlier, a draft resolution was adopted in the UN General Assembly on 14 March 2008 which emphasized Azerbaijan's territorial integrity and entailed the withdrawal of Armenian troops from the occupied Azeri territories. However, the governments of the Co-chairs of the Minsk Group have voted against the draft resolution. Linking the opening of the Turkey-Armenia border to the settlement of the Karabakh conflict is significant in this context. Only in such a process could Armenia make concessions to a certain degree, because in return, their goal of opening the Turkish border gate will be fulfilled. Especially in the area of trade, opening of the border will not only rescue Armenia from being dependent on the Russia-Georgia line, but will enable Armenia to easily be involved in energy projects in the region.

Another important development taking place in May has been the carrying out of the first summit of the EU Eastern Partnership Program in Prague, the capital city of the Republic of Czechoslovakia. In this summit, the presidents of Azerbaijan and Armenia have held talks in the US Embassy in Prague. This selection of location carries a symbolic significance and is an indication of the Obama administration

27 "Başbakan Erdoğan Azerbaycan Meclisinde Konuştu" (Prime Minister Erdoğan Delivered a Speech at the Azerbaijan Parliament), *Hürriyet*, 14 May 2009.

finally having influence over the process. The preliminary work of the Armenian-Azeri summit in Prague has been carried out in Washington. The foreign ministers of Armenia and Azerbaijan have travelled to Prague from Washington.<sup>28</sup>

Sarkisian-Aliev meeting started with the participation of the Foreign Ministers of the two states, the Minsk Group Co-Chairs, as well as the Personal Representative of the OSCE Chairman-in-Office.

The Armenian side assessed the Prague meeting as useful which allowed the parties to further define approaches over the basic principles for the NK conflict resolution, as well as to bring positions of the parties over some issues closer together. The Presidents of Armenia and Azerbaijan instructed the Ministers of Foreign Affairs to continue with the Minsk Group Co-Chairs their work based on the Madrid Principles and aimed at further rapprochement of the basic principles of the conflict resolution and prepare the next meeting of the Presidents of Armenia and Azerbaijan. At the request of the French Prime Minister, President Sarkisian presented the ongoing processes of the Armenian-Turkish dialogue and the NK peace negotiations. Speaking about the NK peace process, the President of Armenia noted that the core issue of the problem was the status of Nagorno-Karabakh and said that the negotiations in the framework of the OSCE Minsk Group and main principles, which serve the base for negotiations, allow it to move forward. President Sarkisian underscored that Armenia was ready to accept a solution which would bring lasting peace. In his turn, the Prime Minister of France expressed readiness to support the NK peace process. Francois Fillon welcomed and expressed support for the ongoing Armenian-Turkish dialogue and for the efforts aimed at the normalization of the relations between the two countries.

On the other hand, President Abdullah Gül has had the opportunity to meet with both Aliev and Sarkisian in the summit in Prague. President Gül has conveyed his pleasure for generally being in agreement with Sarkisian on the relations between Turkey and Armenia and for some constructive developments to take place between Aliev and Sarkisian. Gül who has stated that he hopes the process will continue positively and as a result, peace and stability will be maintained in the Caucasus; has also emphasized that all countries in the area could benefit from that kind of outcome.<sup>29</sup>

Within the context of the Karabakh conflict, May 2009 also carries a different significance for being the 15<sup>th</sup> anniversary of the ceasefire signed between Armenia and Azerbaijan in 1994. On this subject, Ambassador Yusuf Buluç, the Turkish Permanent Representative of the OSCE, has delivered a speech on 14 May

28 Kadri Gürsel, "2009 Fırsatını Kaçtırmayalım" (We Should Note Lose the 2009 Chance), *Milliyet*, 8 May 2009.

29 "Prag'da Gül-Sarkisyan Zirvesi" (Gül-Sarkisian Summit in Prague), Anadolu Agency, 8 May 2009.

2009 in the Permanent Council. In his speech, Buluç has touched upon the following points:

*“The 15th anniversary of the ceasefire between Azerbaijan and Armenia in Nagorno-Karabakh marks an event worthy of commemoration. The hostilities which resulted in thousands of victims were stopped but untold human misery continues to this day.*

*While not understating its significance, we see it as an intervention to create a pause and room for finding a lasting political solution to the conflict. We do not take the fact that it has lasted 15 years necessarily as an end or achievement in itself.*

*The same anniversary as in the preceding 15 years drives home the sad fact that despite all efforts of the international community, a solution continues to elude us.*

*The Nagorno-Karabakh conflict accords the region a distinct political character that sharply contrasts with the rest of the OSCE geography and thus renders it a status of unequal and divided security.*

*On various previous occasions we have underlined the opportunities that the region is being deprived of on account of this conflict. We do not need to repeat them today. As highlighted in the Prague Joint Declaration of the Eastern Partnership Summit, an initiative which we welcome, those opportunities are broad and tangible.*

*We should rather take the present deliberation of the Permanent Council as an exhortation to intensify and sharpen the focus of efforts by the Minsk Group countries, not least its Co-Chairmen and the wider OSCE community designed to promote a political solution. Let us make today’s review of the situation in and around Nagorno-Karabakh to mark our common dissatisfaction with the current state of affairs, renewed commiseration with the victims and their continuing suffering. In the context of the human dimension of our agenda the rights of uprooted and displaced persons to their decent and dignified exercise deserve no less priority or focus than, for example, national minorities or other vulnerable groups.*

*My government as a member of the Minsk Group is firm in its determination to continue its contribution to the process, both within and outside the Minsk Group, communicate directly with parties to the conflict at several levels to bring its positive influence to bear on this challenging task.*

*Our national input is premised on an assessment that the distance covered in the process is measurable and significant but not yet far enough nor has the required speed. The successful visit paid by the Prime Minister of Turkey to Azerbaijan which he concluded yesterday was a further evidence of such determination which we hope to be a stimulus and a contribution reinforcing and complementing the efforts by the parties and the Co-Chairmen.*

*As to the latter, let me conclude by reassuring the Co-chairs that in the conduct of their leadership role they are not alone.”<sup>30</sup>*

As can be seen, Ambassador Buluç has clearly put forth Turkey’s stance on the issue of the Karabakh conflict and has emphasized that Turkey will continue its efforts towards the settlement of this conflict.

Taking the occasion of the 15<sup>th</sup> anniversary of the Armenia-Azerbaijan ceasefire, a statement has also been made by the EU in the Permanent Council of the OSCE:

*“Fifteen years have elapsed since the entry into force on 12 May 1994 of the ceasefire agreement between Armenia and Azerbaijan. While that agreement put an end to the hostilities, the reports by Ambassador Kasprzyk, Personal Representative of the Chairperson-in-Office, unfortunately remind us that the situation on the ground remains volatile and that armed incidents continue to claim victims, including civilians, on both sides of the line of contact in Nagorno-Karabakh. These incidents constitute unacceptable violations of the 1994 ceasefire agreement.*

*On the occasion of the 15th anniversary of the implementation of this agreement, the European Union would like therefore to solemnly renew its call for strict respect of the ceasefire modalities and the additional measures agreed in 1995. It also urges the parties to respect in good faith their commitments not to resort to force. Furthermore, as it already stated in the Permanent Council on 5 March 2009, the European Union lends its full support to the recommendation made by the Co-Chairmen of the Minsk Group at the Ministerial Council meeting in Helsinki concerning the development of confidence-building measures on the ground. In this regard, we regard the unconditional withdrawal of the long-range precision weapons, which are responsible for many civilian and military victims, as being particularly important.*

*The European Union welcomes the regular meetings between the*

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30 PC.DEL/358/09, “Statement by the Permanent Representative of Turkey, Ambassador Yusuf BULUÇ at the 761th Meeting of the Permanent Council”, 14 May 2009.

*Presidents of Armenia and Azerbaijan, which attest to the vitality of the negotiation process and the constructive nature of the relations that have been established between them. The meeting between President Aliev and President Sarkisian on 7 May, which took place in Prague on the sidelines of the summit launching the Eastern Partnership that we have just spoken about, is the fourth such meeting in less than a year. It follows the meetings in St. Petersburg in June 2008, in Moscow in November 2008 and in Zurich in January 2009, which took place in an open and constructive climate.*

*The mediation on the part of the Co-Chairmen of the Minsk Group to reach a fair and lasting solution to the conflict in Nagorno-Karabakh was confirmed at the highest level on this occasion. The European Union reaffirms its complete confidence in the French, Russian and American Co-Chairmen to make progress in all fairness in the search for a political settlement of the conflict, which is vital for the future and stability of the entire region.*

*While it welcomes the willingness reiterated once again in Prague by the Armenian and Azerbaijani Presidents to progress with and intensify the dialogue, the European Union urges the parties to finalize as soon as possible the basic principles that were submitted to them at the Ministerial Council in Madrid some 18 months ago. We believe that it is now time to open up a new phase in the negotiations.*

*As it has already underscored on several occasions, the European Union recalls that the efforts of the Co-Chairmen of the Minsk Group can be successful only if the parties take responsibility and agree to the necessary compromises. It therefore urges them to be realistic and show the political will that is indispensable for the conclusion of a balanced and mutually acceptable conclusion.*

*Lastly, the European Union reiterates its determination to work closely with the parties to promote stability and prosperity and to consolidate democracy and the rule of law in the region, and to strengthen its co-operative relations with the parties within the framework of the Eastern Partnership that has just been launched in Prague.*

*The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina and Montenegro, and the European Free Trade Association countries and*



*members of the European Economic Area Iceland, Liechtenstein and Norway align themselves with this statement.*"<sup>31</sup>

In short, this statement emphasizes that the fights taking place at the border of Nagorno-Karabakh from time to time are unacceptable, that the EU supports the Minsk process and is highly confident about it, and that the sides coming together within the framework of the Eastern Partnership program have been noted with pleasure. Through the Eastern Partnership Program, the EU strives towards adopting a more effective and prominent position in Eastern Europe and the Caucasus. For the EU, the Caucasian region being stable and far from fights is important for the energy resources of Caspian-Middle Asia to securely reach Europe. Therefore, it is not difficult to understand the EU's interest in the Karabakh conflict.

In June, it can be observed that the Co-chairs of the Minsk Group have again held meetings in Azerbaijan and Armenia. However, they have refrained from giving definite statements on them and it has been informed that works have been continuing within the context of the Madrid Principles.

Four days after the Economic Forum, Russian President Dmitry Medvedev has met with Aliiev and Sarkisian separately and then the three leaders have come together at dinner. Moreover, Sarkisian and Aliiev have held a bilateral talk. Medvedev's Spokeswoman Natalia Timokova has expressed that the three leaders have addressed the situation in the Caucasus, including the settlement of the Nagorno-Karabakh conflict. Kremlin foreign policy aide Sergei Prikhodko stated that they do not expect any significant progress in the talks, any new agreements to be made or extraordinary developments, such as the detailed evaluation of the issue, to take place, but that they are working towards supporting direct communication between the two leaders.<sup>32</sup> While Aliiev has expressed that he is pleased with Azerbaijan's relations with Russia, Sarkisian has said that they are continuing to work towards securing the protection of Nagorno-Karabakh's local community and allowing them to independently determine their faith. In the statement issued by the Armenian Presidency, it has been stated that this meeting on the Karabakh conflict has been constructive.

In July, the sides have once again met in Moscow. Medvedev's foreign policy aide Sergei Prikhodko has once again expressed that Medvedev, as the Co-chair country of the OSCE Minsk Group, is ready to contribute in every way and to support the attempts to find a solution which could be mutually accepted by both

31 PC.DEL/349/09, "Statement by the European Union at the 761st Meeting of the OSCE Permanent Council, Regarding Nagorno-Karabakh" 14 May 2009.

32 Saban Kardas, "Aliyev and Sarkysyan Meet in Moscow", The Jamestown Foundation, 21 July 2009.

sides. Prikhodko who has expressed that the leaders have assessed the solutions to the Nagorno-Karabakh conflict, has also stated that “despite the continuing disagreements on very important issues, the meeting has been very comprehensive and constructive. For us, it was a highly constructive meeting. Some specific problems were focused upon. Aliev and Sarkisian expressed their pleasure in President Medvedev’s efforts to find a solution to the Nagorno-Karabakh conflict and to bring Armenian and Azerbaijan positions closer to each other.”<sup>33</sup>

Following the meetings, US representative Matthew Bryza from among the OSCE co-chairs has also provided explanations. Although expressing his discomfort with not being able to reach new decisions at the end of Aliev and Sarkisian’s meeting, Bryza has also not failed to convey his satisfaction with the leaders discussing the issues very openly for the first time. Moreover, Bryza has also emphasized that despite not everything being perfect, the process has been continuing at a serious level.<sup>34</sup>

In both Russian aide Prikhodko’s and US representative Bryza’s statements, an interesting point exists. Both of them have expressed that a progress in the settlement of important matters has not been achieved and reconciliation has not been reached. It is not difficult to presume that what is meant by “important matters” is the evacuation of Karabakh and the seven regions surrounding it.

Perhaps, the most important reason for progress not being able to be achieved is Armenia being distant to the Madrid Principles. A serious opposition exists in Armenia who does not want the Madrid Principles to be accepted. Therefore, Armenia is acting cautiously and slowly on this subject.

On this matter, a specialist on the Caucasus, Alexander Jackson’s evaluations draws attention: “For Armenia, domestic (and semi-domestic) concerns may have played a role in slowing down the talks. At home, the Armenian Revolutionary Federation (ARF) warned President Serge Sarkisian on July 17 that if he signs an agreement with Azerbaijan’s President Aliev on Karabakh, the ARF will call for his resignation. A few days earlier, the ARF demanded the sacking of Foreign Minister Edward Nalbandyan, also for his allegedly soft stance on peace talks. The semi-domestic problems come from the separatist ‘Nagorno-Karabakh Republic’ (NKR), which insisted that the current negotiating format was “deficient” and that no deal could be signed without the active participation of the NKR. To defuse the tension, Mr. Nalbandyan travelled to the region to reassure the leadership, declaring that

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33 Saban Kardas, “Aliyev and Sarkysyan Meet in Moscow”, The Jamestown Foundation, 21 July 2009.

34 “Aliyev ve Sarkisyan Petersburg’da Görüştü” (Aliev and Sarkisian Meet in Petersburg), Radikal, 18 July 2009.

“Armenia cannot make any agreement without the approval of the people and leadership of Karabakh”.<sup>35</sup>

A French Co-chair of the OSCE Minsk Group, Bernard Fassier has also expressed his thoughts and said that their primary aim is to put Nagorno-Karabakh's final status aside and bring the sides closer to each other based on certain principles and that the process is continuing successfully within this framework. In summary, the French Co-chair has stated that the final status of Nagorno-Karabakh has been put aside for the time being and the first target to reach is the evacuation of all Armenian occupied regions surrounding Nagorno-Karabakh and returning them to Azerbaijan. Fassier has stated that at the basis of this project is the belief that it is not possible for Nagorno-Karabakh to join to or separate from Azerbaijan except through war and the reasons for the process to drag on so much is the resentment between the two communities and the issue being made into an instrument of domestic policy. While indicating that they have remained at an equal distance to both sides during the meetings, Fassier has also touched upon the subject of Turkey's possible co-chairmanship, expressing that it is not possible for Turkey to attend the meetings as a mediator like France and Russia, as the concept of “one nation, two states” between the Turks and Azerbaijanis prevents this from taking place.<sup>36</sup>

It could be understood from the French Co-chair's statements that even if the talks on the Nagorno-Karabakh conflict are completed successfully under the Minsk Group, the uncertainty in Karabakh's status will continue and the definite determination of its status will be delayed to an unknown date. Moreover, it has been emphasized that Karabakh's status will be determined with a referendum. It is not difficult to already guess the result which will be obtained from such a referendum. In such a situation, the Azerbaijan government experiencing difficulties with its public opinion will be inevitable.

The French Co-chair's assessment on Turkey's co-chairmanship is not only ungrounded, but also contradictory within itself. If the Co-chair is sincere in his view, then he must express that it is also wrong for Russia to have the status of co-chair, because the very intensive relations between Russia and Armenia are much deeper than relations between Turkey and Azerbaijan. Azerbaijan has the power to sustain their existence as a state without Turkey. However, what kind of a situation Armenia, which is in the position of almost being Russia's satellite, will find itself in without Russia is highly difficult to foresee.

35 “The Internal Dynamics of Armenia's Karabakh Policy”, CU Issue 40, 20 July 2009.

36 “AGIT Minsk Grubu'nun Fransız Eş başkanı Fassier'in Açıklamaları” (Statements of French OSCE Minsk Group Co-chair Fassier), Cihan News Agency, 22 July 2009.

In October 2009, a very important development has taken place in the Karabakh conflict and Turkey-Armenia relations. On 10 October 2009, two protocols on the “Establishment of Diplomatic Relations” and “Development of Relations” have been signed between Turkey and Armenia. It has been decided that the protocols would enter into force two months after the ratification by the parliament of the two states. However, neither Turkey nor Armenia has been able to complete the procedures for the ratification of the protocols. There are different reasons for this. The reason for Turkey not to immediately ratify the protocols is the Karabakh conflict. As a matter of fact, Prime Minister Erdoğan had repeated many times that it was not possible to implement the protocols without the resolution of the Karabakh conflict. For Armenia however, different reasons exist. It could be seen that despite signing two protocols with Turkey, Armenia attempts to amend some dispositions of the protocols. In Sarkisian’s “Call to Armenians” speech delivered on 11 October, it has been expressed that their relations with Turkey does not mean that the “genocide” truth will be questioned, genocide must be recognized and condemned by humanity, and the sub-commission mentioned in the Second Protocol is not a commission of historians. This statement almost suppresses the function of the Sub-commission on the Historical Dimension. Moreover, stating that the existing border conflict between Turkey and Armenia will be settled based on norms and principles of international law and that the protocols have not gone beyond this. President Sarkisian has given the impression that Armenia is definitively not recognizing the borders between the two countries .

At this point, considering the reasons put forth by both sides, the following conclusion can be obtained: Turkey has continued to maintain their Karabakh condition after the signing of the protocols and there is no change in their stance, since its position on that matter is known long time before the signing of the protocols. However, Armenia has attempted to amend some dispositions of the protocols which they had signed a day before.

While these developments have taken place in Turkey-Armenia relations, presidents of Azerbaijan and Armenia have come together in Munich in November. Before the meeting, İlham Aliev has displayed a rather strong stance and has not only mentioned that this meeting is the last chance for the settlement of the Nagorno-Karabakh conflict, but that if the meeting with Sarkisian remains inconclusive then they will have no choice but to use military power. He also expressed that they do not want war, but they will no longer allow Armenia to put them off.<sup>37</sup> However, the possibility of Aliev to put this statement into practice is quite low. This subject will be touched upon in the last section of this article.

37 Fahriye Keskin, “Karabağ Sorunu Bağlamında Münih Görüşmesi” (Munich Meeting in the Context of the Karabakh Conflict), SDE, 24 November 2009.; “Sarkisian-Aliyev Regular Meeting”, Armtown.com, 23 November 2009.; <http://www.armtown.com/news/en/Ira/20091123/16027/>

Apart from Aliev and Sarkisian, the Co-chairs of the Minsk Group have also attended the meeting. At the end of the meeting, French Co-chair of the Minsk Group Bernard Fassier has stated that the presidents of Azerbaijan and Armenia have made significant progress on the issue of the Nagorno-Karabakh conflict in the meeting, but also some difficulties and conflicting views have been noticed. It will be remembered that the French Co-chair had also expressed that conflicting views existed on important matters in his statement delivered in July. Consequently, during the five-month period that passed by, no progress has been made on “important matters”.

In December, a conference of the foreign ministers of OSCE member countries has taken place. In this conference, the foreign ministers of Turkey, Azerbaijan and Armenia have touched upon the Karabakh conflict in their speeches.

The Turkish Foreign Minister Ahmet Davutoğlu has addressed the Nagorno-Karabakh conflict within the context of regional security and has emphasized the unresolved existing problems in Azerbaijan-Georgia-Moldova under a single heading. Regarding the issue, Davutoğlu has made the following explanations:

*“Unresolved conflicts in Azerbaijan, Georgia and Moldova continue to threaten the security and stability of our continent. While they have different roots, different historical and political backgrounds and therefore need to be addressed within their own parameters, however, the relevant international norms and principles applicable to all of them must be consistent.*

*Respect for sovereignty and territorial integrity must constitute the bedrock of any settlement. In this vein let me reiterate the continued support of Turkey to the mediation efforts of the OSCE Minsk Group and its Co-Chairmen. We encourage both sides to build upon the existing momentum in order to achieving a breakthrough without further delay. Turkey is of the view that efforts aimed at the resolution of the Nagorno-Karabakh conflict and the creation of an environment of durable peace and stability in the region are mutually reinforcing and have a direct impact on one another. The two processes cannot be seen in isolation.*

*The war in Georgia in 2008 was a reminder that the so-called frozen conflicts are not so frozen after all. The damage which this war has inflicted upon the overall political climate and its negative impact on other areas of the OSCE's work have yet to be remedied. A successful outcome of the Geneva talks would be a first step. The closure of the OSCE presence in Georgia is regrettable and we hope that Kazakhstan will continue the efforts*

*of the Greek Chairmanship in order to re-establish a meaningful OSCE field operation in Georgia.*

*We are pleased to see a renewed political momentum in the resolution of the Transdnistrian conflict, generated by the resumption of the talks in “5 plus 2” format. This format remains the basic negotiating platform capable of addressing the interest and concerns of all the parties.”<sup>38</sup>*

It is important for Davutoğlu to refer to the war between Georgia and Russia in 2008, while mentioning Turkey’s efforts towards solving regional disputes. At this point, he has emphasized that the existing “frozen” disputes cannot always remain like this, Davutoğlu has expressed that the events experienced in Georgia confirms this and therefore, has implied that the Karabakh conflict must be settled as soon as possible in order to prevent a similar war.

Azerbaijan Foreign Minister Elmar Mammadyarov has also emphasized the Nagorno-Karabakh conflict in his speech and by drawing attention to the fact that this conflict has not been able to resolved for 15 years, has expressed that they are pleased with the meetings taking place between Armenia-Azerbaijan leaders and believes that the withdrawal of Armenian troops from the occupied territories will be beneficial to everyone in the region. The part of Mammadyarov’s speech related to the Nagorno-Karabakh conflict is as follows:

*“The Armenia-Azerbaijan Nagorno-Karabakh conflict still remains a major source of instability and impediment to the economic development and integration of the entire region of the South Caucasus into the European and Euro-Atlantic architecture. As a result of this conflict almost 20% of the territory of Azerbaijan has been still occupied by Armenia, around 1 million ethnically cleansed Azerbaijani population has become internally displaced and refugees, thousands of Azerbaijani historical-cultural heritage items on the occupied territories devastated and looted.*

*This year was remarkable in terms of the intensiveness of the meetings between the Presidents of the both sides, and the detailed and in-depth discussions of the most important yet unresolved issues. I should admit that there are the positivedynamics through the latest talks and both sides together with the Minsk Group Co-chairs agreed to intensify negotiations. Azerbaijan maintains a position of constructiveness and stands for peaceful and cooperative coexistence of Armenian and Azerbaijani communities of Nagorno-Karabakh region of Azerbaijan. This will create basis for*

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38 MC.DEL/59/09; “Address by H.E Ahmet Davutoğlu Minister of Foreign Affairs of Republic of Turkey”, The OSCE Ministerial Council Meeting, Athens, 2 December 2010.

*normalization of relations between Armenia and Azerbaijan. Providing self-governance for Nagorno-Karabakh within Azerbaijan will be a just and durable solution, as well as it can dramatically reduce tensions and challenges for peace and stability in the region.*

*We in Azerbaijan strongly believe that withdrawal of Armenian troops in a fixed time framework from the occupied territories of Azerbaijan will open a tremendous opportunity for the region, providing different environment of predictability, development and benefit for everyone and for the entire region. This is the core of the issue.”<sup>39</sup>*

On the other hand, Armenian Foreign Minister Edward Nalbandyan has not only addressed the Nagorno-Karabakh conflict, but has brought Azerbaijan’s increasing armament to the agenda and has underlined the process of Turkey-Armenia protocols with the following statement:

*“The passing year marked serious round of discussions on the future of arms control arrangements in the OSCE area. We value in particular the efforts to strengthen arms control measures, including through the initiative on the Vienna document 1999.*

*In this context, the pattern of non-compliance of one State, Azerbaijan, to the core arms control regime, particularly by substantially exceeding maximum levels of holdings in at least two categories of armaments set by the Treaty on Conventional Armed Forces in Europe, combined with the war rhetoric, raises concerns about that country’s real intentions. Azerbaijan violates one of the basic principles of the OSCE – the principle of non-use or threat of use of force.*

*Today, I am pleased to state that we have made a significant step forward with the Turkish side, by signing the Protocols on the establishment of diplomatic relations and on the development of bilateral relations, on 10 October in Zurich. The next important step that the parties have committed to make is the ratification of the Protocols. We hope that this important step will be made and Armenia and Turkey will start implementation of the agreements reached. Unreasonable delays and preconditions in this process, including attempts to link this and Nagorno-Karabakh processes may harm the both.*

*In accordance with the same values, Armenia continues its active*

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<sup>39</sup> MC.DEL/63/09/Rev.1; “Address by H.E. Mr. Elmar Mammadyarov, Minister of Foreign Affairs of the Republic of Azerbaijan, at the 17th meeting of the OSCE Ministerial Council”, Athens, 2 December 2010.

*involvement in the efforts to resolve the Nagorno-Karabakh conflict. During this year the Presidents of Armenia and Azerbaijan have had six meetings within the OSCE Minsk Group process, which remains the solid framework for negotiations. Although the negotiating parties have made some progress in the discussion of the Madrid document, there are still issues that need to be addressed. Armenia is committed to a peaceful solution of the conflict, based on the norms and principles of international law, particularly the principles of non use or threat of use of force, self determination and territorial integrity, which were reflected yesterday in the Joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair countries, Armenia and Azerbaijan.*

*We are convinced that in order to create an opportunity for the progress in the peaceful settlement of the Nagorno-Karabakh conflict, the parties should commit to refrain from the steps that could hamper the peace process, including the attempts, which have been made here in the speech of the Azerbaijani minister, to misinterpret the essence of the conflict and of the ongoing negotiations.”<sup>40</sup>*

As can be seen, 2009 has witnessed comprehensive diplomatic activities regarding the Karabakh conflict. Failing to obtain a final conclusion has created unrest, especially in Azerbaijan, because Azerbaijan believes that Armenia is following a policy of stalling and has repeated many times that they will not allow for this to happen. Moreover, Azerbaijan has criticized the Minsk Group from time to time and has emphasized that the works conducted have not been sufficient. However, it should not be overlooked that Azerbaijan does not have the luxury to stay outside the Minsk process towards the resolution of the conflict.

### **Developments in 2010**

Just as 2009, 2010 has also been a year where important meetings have taken place on the Nagorno-Karabakh issue; however, the resolution of the conflict has not been obtained.

In January, Prime Minister Erdoğan has conducted a visit to Russia during which bilateral relations have been saved and the Karabakh conflict has been discussed. Erdoğan, in a speech delivered at Moscow State University, has emphasized the vital importance of ending the occupation of Azeri territories and finding a permanent solution to the Azerbaijan-Armenia conflict. Expressing the Minsk

<sup>40</sup> MC.DEL/72/09; “Statement by Minister of Foreign Affairs of Armenia H.E. Mr. Edward Nalbandian at the 17th meeting of the OSCE Ministerial Council Athens”, 2 December, 2009.



Group's responsibility for the Karabakh conflict, the Prime Minister has said that the Minsk Group established to settle this conflict has been deficient, because this question has not been able to be resolved for 20 years. On the Other hand, Prime Minister Erdoğan has emphasized the necessity for Russia to be more active for that question.<sup>41</sup>

It can be seen that Prime Minister Erdoğan has openly criticized the Minsk Group and has expressed that they have not been able to reach a solution on the Karabakh conflict until now. At the same time, by implicitly expressing that Russia also has great responsibility, has sent a message to that country. At a time when Turkish-Russian relations have gained momentum, this criticism of Erdoğan towards Russia displays Turkey's sensitiveness towards the Karabakh conflict.

During the Erdoğan visit to Russia on 12 January 2010, the Armenian Constitutional Court took a decision concerning the protocols signed between Turkey and Armenia and practically drifted apart the protocols from their purpose, making them almost void. There is no direct reference to the Karabakh conflict in the decision of the Court. However, the stipulation saying that the provisions in the protocols are of an exclusively bilateral interstate nature and cannot concern the relations with any third party concerns Karabakh and means that the protocols can in no way be related to the Karabakh conflict. On the other hand, the part of the Second Protocol stating "cooperating for enhancing regional stability and security and the parties reiterating their commitment to the peaceful settlement of regional and international disputes and conflicts on the basis of the norms and principles of international law" are indirectly related to Karabakh. However, the Constitutional Court has not touched upon this point at all.<sup>42</sup>

Another development in January is the meeting between Sarkisian and Aliev in Moscow on January 25. However, no concrete result has been obtained from this meeting either. In a statement delivered after the meeting, Russian Foreign Minister Sergey Lavrov has expressed that the parties who have held talks since 2 November 2008 for a permanent resolution within the framework of the Madrid Principles determined by the Minsk Group in 2007, have not been able to agree upon a document which could constitute a road map. Lavrov has also stated that the most important result obtained from this meeting is the parties accepting an introduction to be drafted for the proposed agreement, which will be prepared based on the renewed Madrid principles. In this introduction, the two parties could indicate what they will accept and what they will reject; Lavrov has underlined that even listing the conflicting points item by item is a success at this point.<sup>43</sup>

41 "Erdoğan, Medvedev ve Putin ile görüşti" (Erdoğan Met With Medvedev and Putin), CNN Turk, 13 January 2010.

42 Ömer Engin Lütem, "The Protocols: A Return to the Beginning", Center for Eurasian Studies, 21 January 2010.

43 Sergey Lavrov, "Karabakh Problem to be solved soon"; [ruvr.ru/slavrov%20/2010/01/25/](http://ruvr.ru/slavrov%20/2010/01/25/)

During a visit to the United Kingdom in February, Armenian President Sarkisian has delivered a speech at Chatham House entitled “Values in the Southern Caucasus and Security”. In his speech, Sarkisian has made the following explanations regarding the Karabakh conflict:

*“The problem has many sensitive and delicate aspects. I urge everyone to exercise utmost caution when making public statements on the problem of Mountainous Karabakh, to take into account all the dimensions, possible consequences, and the perceptions of the sides, and always to rely on the positions of the organizations that are familiar with the details of the problem and specialize in its peaceful resolution: in this case, it would be the OSCE. The problem can only be resolved in the context of the international law principles of the self-determination of nations, territorial integrity, and the non-use of force. All the stakeholders now realize this truth. Whenever one refers to the Mountainous Karabakh conflict, the notion of territorial integrity should not be emphatically underlined, especially that even if that notion is perceived to be the only one applying in the case of the Mountainous Karabakh conflict, it would not lead to its application in the form envisioned by Azerbaijan.*

*We are confident that the normalization of Armenia-Turkey relations can become the greatest input of the recent decades in achieving peace and stability in the South Caucasus. With this vision, we have agreed to move forward without any preconditions, not making our relations contingent upon Turkey’s recognition of the Armenian Genocide. However, if, as many suspect, it is proven that Turkey’s goal is to protract, rather than to normalize relations, we will have to discontinue the process.*

*I would not claim that the process has so far been easy. It is common knowledge that Turkey repeatedly attempted to voice preconditions related to the resolution of the Mountainous Karabakh issue. It is, however, obvious that attempts to link these two processes will undermine both the normalization of Armenia-Turkey relations and the talks around the Karabakh issue. I, however, believe that the rapid normalization of Armenia-Turkey relations can set an example of a proactive problem-solving attitude that will positively stimulate and set an example the resolution of the Karabakh conflict.”<sup>44</sup>*

Some points of Sarkisian’s statements is worth mentioning. Firstly, Sarkisian has expressed that the Karabakh conflict could only be resolved in conformity with

<sup>44</sup> “Serzh Sarkisian Speech at the Chatham House”, Armeno Live Journal, 11 February 2010.; <http://armeno.livejournal.com/18494.html>

international law and using military power would not be beneficial. However, the Karabakh conflict has emerged as a result of Armenia using military power. Secondly, Sarkisian has asserted that Turkey has attempted to protract this conflict. This is directly contradictory to Turkey's policy of "zero problems" with its neighbors. Another interesting point is the diverging views between Turkey and Armenia towards the settlement of the Karabakh conflict. While Turkey argues that the steps taken towards the settlement of the Karabakh conflict will accelerate and positively influence the Turkey-Armenia rapprochement, Armenia emphasizes on the contrary that the progress in Turkey-Armenia relations will positively affect the Karabakh conflict. In short, while Turkey expects a positive step from Armenia regarding the Karabakh conflict, on the opposite, Armenia expects a positive step from Turkey regarding bilateral relations.

April of 2010 has also witnessed intense developments towards the Karabakh conflict. On April 20, the US State Department Spokesman Mark Toner, in response to the accusations of some Azeri officials alleging that the US is favoring Armenia, has said that the US remains neutral on the issue of Nagorno-Karabakh and there is no discord on this issue with Azerbaijan. Regarding the criticisms, Toner has made the following statement:

*"There is no cooling in the Azerbaijani-U.S. relations, As co-chair of the OSCE Minsk Group, the United States for a long period has made every effort to rapidly resolve the protracted conflict together with Azerbaijan and Armenia. The United States does not recognize the independence of Nagorno-Karabakh. We are not at anyone's side, we support the Minsk Group and the peaceful settlement of the conflict. We stand for the normalization of the Turkish-Armenian relations, which corresponds to the interests of the region. At the same time, we highly support the Minsk process. We would like to achieve a peaceful settlement of the Nagorno-Karabakh conflict, and to work with both Azerbaijan and Armenia."*<sup>45</sup>

On April 22, Armenia has declared that they have suspended the ratification process of the protocols. In a statement, the parties forming the Government has expressed, among others, that Prime Minister Erdoğan linking the ratification of the protocols to the Karabakh conflict is unacceptable.<sup>46</sup>

On April 25, Patriarch of the Russian Orthodox Church Kirill, Mufti of Azerbaijan Allahşükür Paşazade, and the Catholicos of all Armenians Garegin II have come

45 "U.S. is neutral over Nagorno-Karabakh conflict and supports OSCE Minsk Group's efforts", Today.az, 21 April 2010.; <http://www.today.az/news/politics/66506.html>

46 Ömer Engin Lütem, "Armenia Suspends the Ratification of the Protocols", Center for Eurasian Studies, 23 April 2010.

together in a summit in Baku. The religious leaders, who want the enhancing of peace and stability in the region, have signed a joint declaration related to the Karabakh conflict. Following the summit, Patriarch Kirill has expressed that the summit has taken place at the right time and as the right step and that the religious leaders lack political or state power, but have the opportunity show how similar the values and ideals of believers are to each other. Kirill has expressed that they hope this step will allow the tension in the region to ease, reconciliation to develop and leaders who bear political responsibility for the settlement of problems in disputes to be supported.<sup>47</sup>

Catholicos Garegin II has expressed that the Nagorno-Karabakh conflict must also be settled through peaceful means, has emphasized at this point that their greatest task as religious leaders is to support the presidents in continuing the process and finding a solution to the conflicts.<sup>48</sup>

In April, some discussions have taken place regarding the composition of the Minsk Group. Ali Ahmedov, the Vice-Chairmen of the New Azerbaijan Party has expressed that time has come for change in the Minsk Group's structure. Accusing some countries for not acting justly during the Karabakh process, Ahmedov has stated that for the Minsk Group to mature and be completed, Turkey could be the most crucial member.<sup>49</sup>

Moreover, Azerbaijan President İlham Aliev's chief assistant for public policy Ali Hasanov has also stated that during the Minsk Group's meetings, the issue of Turkey's membership has occupied a place in the agenda. By expressing that the status of the OSCE Minsk Group could change, has put forth that it might be possible for France as a co-chair, to represent the EU.

The first response to the proposal of Azeri authorities has come from Russia. Russian Foreign Ministry Spokesman Andrey Nesterenko who has stated that no formal proposal on Turkey becoming co-chair has been conveyed to Russia. He has emphasized that in any case, in order to be able to discuss such an issue, the consent of at least all conflicting parties is necessary. Nesterenko has also gone on further to state that the suspension of the ratification process of the protocols which foresees the normalization of Turkey-Armenia relations has created question marks regarding this issue.<sup>50</sup>

47 "Rusya, Azerbaycan ve Ermenistan Dini Liderlerinden Ortak Yukarı Karabağ Açıklaması" (Joint Declaration on Karabakh by Religious Leaders of Russia, Azerbaijan and Armenia), Cihan News Agency, 26 April 2010.

48 "Rusya, Azerbaycan ve Ermenistan Dini Liderlerinden Ortak Yukarı Karabağ Açıklaması" (Joint Declaration on Karabakh by Religious Leaders of Russia, Azerbaijan and Armenia), Cihan News Agency, 26 April 2010.

49 "Nurettin Atmaca, "Türkiye Minsk Grubu'nun Eş Başkanı Olsun" (Turkey Should Become Co-chair Country of the Minsk Group), Doğan News Agency, 20 April 2010.

50 "Moskova'ya Göre Türkiye'nin AGIT Minsk Grubu Eş Başkanlığı Zor" (According to Moscow Turkey's co-chairmanship for the OSCE Minsk Group is Difficult), Haberrus, 30 April 2010.

With a diplomatic language, Russia has expressed that they are against Turkey's prospective co-chairmanship. Here, it is not difficult to understand Russia's opposition. Taking into account Azerbaijan-Turkey relations and the existing regional competition between Turkey and Russia (despite the developing bilateral relations in the recent years), Russia not wanting to see Turkey at an active position within the Minsk Group in the Karabakh conflict is necessary for their own strategy. Russia aims to keep the possible developments in the Karabakh conflict within their own control. Therefore, it also conducts meetings outside the Minsk Group at every possible opportunity with Azeri or Armenian leaders.

Two days after Russia's statement, Azerbaijani Foreign Ministry's Spokesman Elhan Polukhov has expressed that it is not possible for Turkey to become Co-chair of the Minsk Group which conducts negotiations between Azerbaijan and Armenia for the settlement of the Nagorno-Karabakh conflict through peaceful means. The reaction of Russia causing Azerbaijan to take a step back in a short period of time is also quite meaningful.

However, it is noteworthy to underline a point within this process. It is quite clear that Azerbaijan is not very satisfied with the stance of the OSCE Minsk Group co-chairs displayed in the meetings conducted up till now. Azeri authorities have accused the co-chairs many times for not being neutral. Certainly, this view of Azerbaijan will negatively affect the function of the Minsk Group in the settlement of the Karabakh conflict. Therefore, it is crucial for the countries represented by co-chairs to take into consideration Azerbaijan's views and to continue their mission in a way as neutral as possible. The opposite can not only cause Azerbaijan to be withdrawn from the process, but there is also a slight chance that the fighting taking place from time to time in the region could increase.

Towards the end of April, Stefan Füle, the commissioner for Enlargement and Neighborhood Policy to the European Parliament Committee on Foreign Affairs has provided information to the members of the European Parliament after visiting Ukraine and the Southern Caucasus. In response to the criticisms that the initiatives of the EU is not efficient in the Karabakh conflict, he has stated that they have done their best for this conflict, that miracles should not be expected from them, and that over time their roles will become much more active and strong. It could be understood from Füle's statement that a lengthy process is still required to come close to the resolution of the Karabakh conflict.

In May, again some interesting developments have taken place. First of all, on May 11, Russian Defense Minister Anatoliy Serdyukov has made a visit to Azerbaijan. It has been declared that during the visit, military cooperation and the Nagorno-Karabakh conflict have been addressed, but a detailed explanation has not been

provided. On the other hand, in a statement given before the meeting, Azeri Defense Minister Abiyev has indicated that the works of the OSCE Minsk Group for the settlement of the Nagorno-Karabakh conflict are not efficient and have not given any results. Despite criticisms like these coming from Azeri authorities and targeting the Minsk Group from time to time, the possibility of the implementation of a new platform in a short period of time where the Karabakh conflict could be discussed is quite low.

Russian President Dmitry Medvedev has stated in his two days visit to Turkey, starting on May 12, that Karabakh is a complicated conflict, but is not the only conflict in the Caucasus and that steps taken towards the settlement of the conflict does not mean that an agreement has been reached on all issues. He has also emphasized that the problems must be dealt with by all conflicting sides and one must not be contented with the point reached.<sup>51</sup>

Perhaps the most significant development in May related to the Karabakh conflict is Resolution 2216 adopted in the General Assembly of the European Parliament for the implementation and preparation of the EU's Southern Caucasus strategy. The most important part of the Resolution is the following:

*“Fully supports the Minsk Group Co-chairs’ mediation, the Madrid Principles and the Moscow Declaration; condemns the idea of a military solution and calls on both sides to avoid militant rhetoric; furthermore calls on both sides to show more ambition in the peace talks and to abandon the tendency to prefer perpetuating the status quo created through military conquests in defiance of UN Security Council resolutions; calls on the international community likewise to show courage and political will to overcome the remaining sticking points which hinder an agreement;*

*Recalls that hundreds of thousands of persons who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their right to return; calls on all parties to unambiguously and unconditionally recognise this right and the need for its prompt realisation; calls on the Armenian and Azerbaijani authorities and leaders of relevant communities to demonstrate their commitment to the creation of peaceful inter-ethnic relations through practical preparations for the return of displaced persons and other means; considers that the situation of the IDPs should be dealt with according to international standards, having regard inter alia to the recent PACE Recommendation 1877(2009), ‘Europe’s forgotten people: protecting the human rights of long-term displaced persons’;*

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51 “Rusya’yla Gündem Karabağ” (Russia’s Agenda is Karabakh), Dünya Newspaper, 14 May 2010.

*Notes that interim status for Nagorno-Karabakh could imply interim legitimisation of the de facto authorities there; believes that inter alia in order to raise their credibility with a view to such a prospect, these authorities should rapidly abandon the positions that Nagorno-Karabakh includes all Armenian-occupied Azerbaijani lands and that displaced persons' right of return cannot even be discussed at the present stage; calls on the Government of Armenia to exercise its influence in this respect and on the Council and Commission to join this call;*

*Stresses that security for all is an indispensable element of any settlement; recognises the importance of robust peace-keeping arrangement.”<sup>52</sup>*

The resolution has emphasized that the European Parliament is pleased with the Nagorno-Karabakh negotiation process and the six meetings held in 2009 between the presidents of Armenia and Azerbaijan in conformity with the Moscow Declaration is a good example for this. During the meeting, Bulgarian MP Yevgeni Kirillov who prepared the draft text has stated that the Southern Caucasus is not only a frontier zone for the European Union and just as its economic and political importance for the EU, it is also strategically crucial. A point drawing attention in the Resolution is that the situation in Karabakh has been regarded as an Armenian occupation and the withdrawal of Armenian troops from Azeri territories and allowing migrants to return to their homes have been foreseen. While it has been emphasized that Karabakh and the normalization of Turkey-Armenia relations are separate processes, it has also been expressed that a progress developing in one of these processes will have a positive impact on the entire region.

This Resolution adopted by the European Parliament has caused dissatisfaction in Armenia. Foreign Minister Edward Nalbandyan has made the following statement regarding the Resolution: “The provisions of that report about the Karabakh conflict are in line neither with the Madrid Principles nor with the Moscow declaration. There is an apparent chaos of formulations”. Levon Zurabyan, Coordinator of the Armenian National Congress Party in the Opposition has evaluated the adoption of this document as a disgrace for Armenian diplomacy. According to Zurabyan, with this document, the European Union has for the first time adopted a resolution which entails the withdrawal of Armenian troops from the occupied Azeri territories. Chairman of the Armenian National Assembly Ovik Abramyan has written a letter to the President of the European Parliament Jerzy Buzek in which he has emphasized that four of the six articles in the document (6, 7, 8, 10) related to Nagorno-Karabakh are contradictory to the resolution process of the conflict through peaceful means, to the statements delivered by the OSCE and

52 Evgeni Kirillov, “EU Strategy for the South Caucasus (2009/2216(INI)) Committee on Foreign Affairs”, 21 May 2010.

the European Community in Athens in 2009, and to the European Parliament's 2008 resolution.

It is worth to mention that this Resolution is not binding in any way. However, this does not mean that the Resolution is unimportant. This Resolution has the capacity to increase the pressures over Armenia for the Karabakh conflict in the future. At an international platform, following the resolutions of the United Nations (resolution no. 822, 853, 874, 884), Azerbaijan has at least gained another advantage over Armenia.

In the recent years, the Organization of the Islamic Conference has also adopted some resolutions concerning the Karabakh conflict. On May 19, the OIC, in its meeting in Dushanbe, had adopted another resolution on this question which essentially emphasized that: Armenia is the aggressor in the 22-year Azerbaijani-Armenian conflict over the breakaway region of Nagorno-Karabakh".<sup>53</sup> Just as the European Parliament Resolution not being binding, the OIC Resolution is also not binding, but it will surely contribute to Armenia's isolation in the international area for the Karabakh issue.

Another development on the Karabakh conflict has been elections being held in Karabakh on May 23. Since 1993, this is the fifth elections held in this region. However, these elections are only recognized by Armenia; many countries had objected to them as they are not recognizing an independent Karabakh. With this election, Armenia aims to influence and mislead the world public opinion.

These elections have been highly criticized by Azerbaijan. In a statement of the Foreign Ministry of Azerbaijan regarding this issue, it has been emphasized that these elections has been an unsuccessful attempt to justify the occupation of Azeri territories, Armenia has not been able to gain the support of anyone except for its own community, and the elections will not create any results in the region other than negative ones. Moreover, it has been expressed in the statement that the only solution to the conflict is based on the recognition of the territorial integrity of Azerbaijan.<sup>54</sup>

In June, the Azeri and Armenian sides have once again met in Moscow. In the meetings hosted by Russia President Medvedev on June 17, no significant information has been given, apart from stating that the process for the Karabakh conflict conducted within the framework of the Madrid Principles has been addressed.

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53 "Organization of the Islamic Conference Takes Aim at Armenia", Eurasianet, 20 May 2010.

54 "Azerbaycan, Karabağ Seçimlerini Kınadı" (Azerbaijan condemned the Karabakh Elections), TRT, 24 May 2010.; "Azerbaijani NGO: Conducting "parliamentary elections" in Nagorno-Karabakh is Armenia's disrespect for International Law", Trend News, 25 May 2010.



Three days after these meetings, some small scale fights have taken place in Karabakh between Armenian and Azeri troops and four Armenian and one Azeri soldier have lost their lives. Lately, an increase in that kind of small skirmishes has been noticed in Karabakh. These clashes raise the question of whether the possibility to settle the conflict by using force in the future exists. Azeri officials and in particular President İlham Aliev, had stated many times that they could rescue the occupied Azeri territories by using force if necessary. Economic development taking place in Azerbaijan and in parallel to this, increase in national defense expenditures and Aliev declaring that Azerbaijan's defense expenditures should equal the whole to Armenia's budget have shown that as far as the armed forces are concerned, there will be a great difference to Azerbaijan's advantage in the future and therefore, the territories under Armenian occupation being rescued by using force seems possible. President Aliev has stated that a ceasefire exists between both countries, but the war has not yet ended. Legally, this is indeed the case.

Going into further details, President Aliev has stated that according to international financial institutions, Azerbaijan will earn 140 billion dollars in the next 20 years and taking advantage of this, will strengthen its army in order to take back their territories which have been occupied. Azerbaijan's defense expenditures which were 135 million dollars in 2003, has approximately seven folded and reached 1 billion dollars in 2007. According to Aliev, Azerbaijan's GNDP is expected to be 25-30 billion dollars. On the other hand, Armenia's is around 4-5 billion dollars. Against Azerbaijan's option to use force, Armenian officials have expressed that influenced by the military achievements in the beginning of the 90's, Armenia still maintains its military superiority and economic power does not necessarily mean military power.<sup>55</sup>

Which is important on that subject is the stance of the US and Russia. Apart from the consent of either of these countries, the possibility of a long-running conflict to start in the region is very low.

The last development taking place in June has been the joint statement issued by Presidents Obama, Medvedev and Sarkozy after the G-8 Summit taking place in Canada on 25 June 2010. The three leaders who are at the same time the Co-chairs of the Minsk Group have made public the following statement:

*Joint Statement On The Nagorno-Karabakh Conflict by Dmitry Medvedev, President Of The Russian Federation, Barack Obama, President Of The United States Of America, and Nicolas Sarkozy, President Of The French Republic*

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55 Ömer Engin Lütem, Facts and Comments, Ermeni Araştırmaları, No. 30, p. 45.

*Muskoka, 26 June 2010*

*We, the Presidents of the OSCE Minsk Group's Co-Chair countries, France, the Russian Federation, and the United States of America, reaffirm our commitment to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for the peaceful settlement of the Nagorno-Karabakh conflict.*

*We welcome as a significant step the recognition by both sides that a lasting settlement must be based upon the Helsinki Principles and the elements that we proposed in connection with our statement at the L'Aquila Summit of the Eight on July 10, 2009, relating to:*

*the return of the occupied territories surrounding Nagorno-Karabakh,*

*interim status for Nagorno-Karabakh guaranteeing security and self-governance,*

*a corridor linking Armenia to Nagorno-Karabakh;*

*final status of Nagorno-Karabakh to be determined in the future by a legally-binding expression of will,*

*the right of all internally-displaced persons and refugees to return, and*

*international security guarantees, including a peacekeeping operation.*

*Now the Presidents of Armenia and Azerbaijan need to take the next step and complete the work on the Basic Principles to enable the drafting of a peace agreement to begin. We instruct our Ministers and Co-Chairs to work intensively to assist the two sides to overcome their differences in preparation for a joint meeting in Almaty on the margins of OSCE Informal Ministerial.”<sup>56</sup>*

In this statement, the points which have already been known, such as evacuation of the surrounding areas of Karabakh, determining a temporary status for Karabakh, determining its permanent status with a referendum to take place at an unknown date in the future, and returning of individuals who were forced to abandon this region have been repeated. Therefore, its importance is rather limited.

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56 Emil Sanamyan, “Obama, Medvedev, Sarkozy want Karabakh Basic Principles”, Reporter.am., 26 June 2010.

## Conclusion

Taking into consideration the developments taking place from 2006 until today on the Karabakh conflict, the following conclusion could be drawn. The meetings held between Armenia and Azerbaijan on this matter has become organized by the Minsk Group and within the framework of the Madrid Principles accepted in 2007. In the subsequent four years, numerous meetings have taken place between the sides on different platforms, but not even a partial solution has been achieved. Expecting a solution in the short term will also be a highly optimistic approach, because Karabakh has become such a conflict that even if the parties reach an agreement on all issues, the implementation and obtaining desired results will require 5 to 10 years. Moreover, although the Karabakh conflict seems interesting for only Armenia and Azerbaijan, in practice the US and Russia stances will be the determining factor of the conflict. On the other hand Turkey linking the ratification of the protocols to the positive development of the Karabakh issue has also become an important component of the conflict.

Taking all these points into account it does not seem logical to expect that the Karabakh issue could be resolved in a short and even in a medium term.



## RECENT DOCUMENTS

**DOCUMENT 1: STATEMENT OF PRESIDENT BARACK OBAMA  
ON ARMENIAN REMEMBRANCE DAY**

**DOCUMENT 2: THE DECISION OF THE CONSTITUTIONAL  
COURT OF THE REPUBLIC OF ARMENIA**

