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"Referendum As A Gesture Of A Good Will": Peace And War Scenarios For Karabakh

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Our Conference is being held under conditions of active pursuit of ways for creating sustainable homogeneous global, first and foremost, European security environment by stakeholders. World experts consider adhering to the security principle, according to which no one should seek greater security at the expense of others, as an essential basis for new international security architecture.

Today's forum draws analytical community's attention to possibility of taking such an approach to the assessment of security features of our potentially explosive region – the South Caucasus<sup>1</sup>. From our viewpoint, it is, first of all, a matter of learning sober lessons from the tragic outcome of the last year's war in Georgia<sup>2</sup> and a possible recurrence of the former metropolitan countries' attempt to resolve the regional conflicts by means of resuming war this time in Karabakh.

As you remember, development of military-political and military techniques to unfreeze regional conflicts has been one of the main topics at many centers for strategic studies in the course of last years<sup>3</sup>. As a matter of fact, if we call things by their proper names, there are grounds for stating the failure to use these unfreezing techniques in the Caucasus. Colonial wars have been disguised as operations by the former metropolitan countries' armed forces to restore their territorial integrity oppressing the de facto self-determined peoples' will.

Azerbaijan is going to employ the same "unfreezing" model to resolve the Karabakh conflict. There occur unlimited increase of military force and revanchist rhetoric, and preparation for a "just" war to "restore the territorial integrity" by Baku authorities. This is being implemented in the diplomatic guise of actions for the international community to justify the impending a new systemic, first of all humanitarian catastrophe of regional scale.

The recent Munich Conference on Security Policy, G-20 London Summit and 60th Anniversary NATO Summit in Strasbourg have considerably renovated the views on outlines of European and on regional sections of global security architecture being built under conditions of global systemic financial-economic crisis<sup>4</sup>. Lately, the development of optimal regional security architecture in the South Caucasus have been enhanced by Turkey's initiative for Caucasus stability and cooperation<sup>5</sup> and by regional cooperation consultations within the framework of the European Union's Eastern Partnership<sup>6</sup>. These initiatives are targeted at augmenting the potential of international support to stability in the South Caucasus, launched by UN, OSCE with its Minsk Group, CSTO with the help of creating Collective Operative Reaction Forces<sup>7</sup>, NATO through the Partnership for Peace program, EU with its European Neighborhood Policy integration program<sup>8</sup>, forums of the Organization of the Black Sea Economic Cooperation. The political-diplomatic efforts by such regional players as Russia, the USA, France, Turkey and Iran are also aimed at it.

The OSCE Minsk Group Co-Chairs assume the three fundamental principles of the UN Charter, namely "non-use of force, territorial integrity and peoples' free self-determination"<sup>9</sup>, as basic tenets for the Karabakh conflict settlement and resolution, which appears to be an encouraging factor for non-resumption of war in Karabakh. The continuous dialogue between the Armenian and Azerbaijani heads of states, interspersed with counseling by the OSCE Minsk Group Co-Chairs, has undoubtedly positive influence on the peacekeeping process in the South Caucasus. The Maindorf Declaration on the Karabakh settlement should be considered an important impetus for maintaining the process of the Karabakh conflict peaceful settlement. This declaration was signed in November 2008 on the initiative of the Russian President by the Presidents of Armenia, Azerbaijan and Russia<sup>10</sup>.

The relatively new world country leaders from among the key actors in our region, namely Russian President Dmitry Medvedev, US President Barack Obama, French President Nicolas Sarkozy and German Chancellor Angela Merkel, along with heads of other states have been included in pursuit of decisions on establishing homogeneous security environment in the field of strategic interests of the Russian Federation, the USA, EU, NATO and CSTO. This promotes the dialogue in favour of non-resumption of war in the South Caucasus. Like all the international community, our region attaches great importance to the forthcoming dialogue of the new US Administration with Iran – an important member of the political-security “orchestra” in the region, which is on the threshold of Presidential elections, as well as with a number of other key states of the Middle Eastern and South Asian region<sup>11</sup>.

The initiative of the Armenian President for starting Armenian-Turkish dialogue on opportunities of establishing intergovernmental relations between the Republic of Armenia and the Republic of Turkey without preconditions has significantly contributed to maintaining equilibrium in the political-security environment of the region. In this stage establishing diplomatic relations between the Republic of Armenia and the Republic of Turkey could become pragmatic and perspective contribution to peace in the Caucasus<sup>12</sup>.

Under these conditions the guarantee for stability and security in our region is a problem requiring professional interpretation at international forums like this, and drawing up political-security proposals for national and international decision-making centers.

Security in the Southeast Caucasus first of all is determined by the guarantees of non-resumption of colonial war by the former metropolitan country – Azerbaijan against the Nagorno-Karabakh Republic<sup>13</sup>, which hasn't been recognized by the international community but has gained *de facto* as well as *de jure* self-determination. The Nagorno-Karabakh Republic was born as a result of the Karabakh conflict identified as an international and national-liberation conflict in compliance with the Protocol I Additional to the Geneva Conventions<sup>14</sup>.

The following factors require special attention while evaluating the threat of war resumption in Karabakh. These factors influence the neutrality of decisions made by international force centers maintaining stability and security in the South Caucasus:

- promotion of political and propagandistic products on the Karabakh conflict's falsified identification in the international community by the Azerbaijani authorities: distortion of the conflict's national-liberation character, its political-legal and historical basis, and the fact of legality of establishment of the Nagorno-Karabakh Republic, concealment of Azerbaijanis' boycott by order of Baku when the Armenian community of Nagorno-Karabakh in December 1991 made an appeal to the Azerbaijani electorate to participate in the referendum on identification of the territory status of Shahumyan region inhabited by Armenians and the Nagorno-Karabakh Autonomous Oblast, AzR SSR, previously dissolved by the Azerbaijani authorities despite the USSR legislation<sup>15</sup>;
- inactivity of competent international organizations regarding the intensive militarization of Azerbaijan with a manifold excess of CFE Treaty ceilings, which is targeted at unleashing a new war in Karabakh<sup>16</sup>, despite the tragic aftermaths of the war in Georgia;
- Azerbaijan's public expansionism with regard to the territory of the Republic of Armenia with falsification of the fact that the Turkic ancestors of Azerbaijanis came from the Central Asia and declaring the indigenous Armenians as newcomers in their homeland, and the monuments of the Armenian millennia-old cultural heritage – as proto-Azerbaijani<sup>17</sup>;
- Azerbaijani authorities' pseudoscientific claims on a genocide actually nonexistent in the history of the Caucasus, allegedly committed by Armenians and Russians against Azerbaijanis, consolidation of this falsification by the Azerbaijani President's Decree on proclaiming the day of “genocide” as National Mourning Day;
- cultivation of an enemy image represented by Armenian nation among Azerbaijani population by Baku authorities actively manipulating the fabricated genocidal act against Azerbaijani and Meskhetian Turks resided in Khojaly settlement. According to the then Azerbaijani President A. Mutalibov, this was actually committed by the armed units of Azerbaijani opposition as a means of power seizure<sup>18</sup>;

- Baku authorities' manipulation of the political resource of the international community in geopolitical bargaining over the Karabakh conflict resolution in favour of Azerbaijan using the projects of providing Europe with hydrocarbons through alternative transit routes;
- deterioration in antidemocratic essence of the Aliyev's hereditary regime in Azerbaijan. Establishment of the political-legal system of Azerbaijani government as an antidemocratic sultanate style "petro-state" unconformable with the level of real democracy exercised in the Nagorno-Karabakh Republic.

Summing up the assessment of war resumption chances in the South Caucasus there are reasons to assert that the Azerbaijani authorities use pseudo-democratic phraseology and camouflage planned preparation for new armed aggression against the Nagorno-Karabakh Republic through their participation in the dialogue with the Armenian President. Thus, there exists a real threat of undermining stability and security in the South Caucasus, which demands the international community's special attention.

Formally not declining the counseling within the framework of OSCE Minsk Group Co-Chairs Aliyev's regime in fact continues imposing on its people and the international community the perverted interpretation of the Karabakh conflict's national-liberation essence, as well as the legal and political fact of legitimacy of establishment of the Nagorno-Karabakh Republic<sup>19</sup>. Azerbaijan exploits the fact that the Republic of Armenia missed the opportunity of having the UN to accept the exclusive fact of formation of the legitimate powers of the Nagorno-Karabakh Republic by holding a referendum in contrast to all other regional conflicts in the former USSR territory ("belated" Abkhazia, South Ossetia and Transdnistria)<sup>20</sup>. Aliyev's regime tries to deny the facts of legitimacy of the Nagorno-Karabakh Republic, the aggression of Azerbaijan against the Nagorno-Karabakh Republic and the legality of its self-defense on the basis of falsified identity of the Karabakh conflict. Not recognizing the legitimacy of the Nagorno-Karabakh Republic Baku denies the fact that since December 1991, as a result of the legitimate referendum, the Republic of Azerbaijan doesn't contain the territory of the Nagorno-Karabakh Republic<sup>21</sup>.

Baku authorities use the resources of their hydrocarbonic attractiveness to impose on the international community the paradigm of "overcoming territorial dispute" between Azerbaijan and Armenia instead of the paradigm of "free self-determination" of Nagorno-Karabakh by means of direct democracy in compliance with the norms of international law and standards of world practice. Baku imperatively requires limited, internal self-determination of Nagorno-Karabakh solely as a subject of the Republic of Azerbaijan<sup>22</sup>. The world practice is being ignored where peaceful self-determination of Eritrea, East Timor, Montenegro and Kosovo took place through referenda held not among the population of metropolitan Ethiopia, Indonesia and Yugoslavia but the self-determined Eritreans, East Timoreans, Montenegrin and Kosovars.

In connection with this the pursuit of legitimate ways and tools for the Karabakh conflict compromise resolution becomes of strategic caliber and a basis for ensuring stability and security in the South Caucasus. At the same time, the Karabakh conflict compromise resolution conforms to the above-mentioned three fundamental principles of international law reflected in the UN Charter and applied by the OSCE Minsk Group. This will require a constitutional referendum not to introduce into the Azerbaijani Constitution recurrent elements aimed at consolidating the antidemocracy of the sultanate style power<sup>23</sup> but to make the Article 11 of the Azerbaijani Constitution fully conform to the free self-determination principles of the UN Charter and the International Covenants on human rights and fundamental freedoms<sup>24</sup>.

We believe that the conflict resolution under the circumstances is possible if the factors threatening peace in the Caucasus are excluded in the next stages of the Karabakh conflict settlement. Disclosing the essence of the war resumption threat imposed by Azerbaijan presupposes a more minute examination of some tendencies observed in the course of the last six years in the consultation process under the aegis of the OSCE Minsk Group Co-Chairs. Over these years a formula of compromise has been included in the consultations agenda for the Karabakh conflict settlement, which was offered by the Armenian side on western experts' advice. This assumes consent of the concerned parties to hold a second referendum among the population of the former Nagorno-Karabakh Autonomous Oblast, despite the fact of the legitimate referendum held in Nagorno-Karabakh on December 10, 1991.

The supporters of holding a second referendum as a token of goodwill wanted to give the Azerbaijani authorities a "face-saving" chance in front of their electors. The idea was to ease the discontent of Azerbaijanis poisoned with the revanchism of the anti-Armenian governmental propaganda. The supporters expected the independent status of Nagorno-Karabakh to be confirmed in case a referendum

fully complying with the norms and procedure requirements of international law and world practice was held.

However, Baku turned the “face-saving” suggestion of the Minsk Group Chairmanship into a cynical trick to undermine confidence in the legitimacy of the referendum of 1991 and the legality of Karabakh’s independent statehood. President I. Aliyev tries to substitute the Nagorno-Karabakh populations’ right of self-determination and the fact of their legitimate expression of popular will with his statements about impossibility of granting independence to Nagorno-Karabakh<sup>25</sup>. Moreover, under the pretext of self-defense President I. Aliyev periodically makes statements threatening to resume war for Karabakh, which is a second armed aggression against the legitimate Nagorno-Karabakh Republic<sup>26</sup>.

Besides, the currently discussed proposals concern the return of refugees and temporary migrants to Karabakh and taking territories out of the Nagorno-Karabakh Republic’s security zone in the first stage of the conflict resolution. These proposals are fraught with a threat to resume interethnic tension, undermine stability in Karabakh and provoke a new colonial war. Holding a second referendum under these conditions becomes a problem not only in the perspective of 10-15 years but also the chances of holding it may be in doubt at all.

Thus, the threat of the Karabakh war resumption by Azerbaijan is real. Two scenarios of unleashing war appear feasible in the foreseeable future:

- the first scenario is more preferable for Baku’s self-justification before the world community: it is built on the fabrication that in case Azerbaijani refugees and temporary migrants return to Karabakh, the Azerbaijani Armed Forces will defend them from skirmishes with the Armenian locals. The matter concerns the Azerbaijani plans on rapid return of refugees before holding a second referendum to arouse Armenian-Azerbaijani old inter-community enmity conditioned by the unsolved problem of the Nagorno-Karabakh status;
- the second scenario is less desirable for Baku: it is connected with the difficulty for Azerbaijan to bear out its right to ostensible self-defense in front of the world community, whereas the Armenian side complies with the 1994 Ceasefire Agreement between the Republic of Armenia, the Republic of Azerbaijan and the Nagorno-Karabakh Republic and participates in consultations on the Karabakh conflict peaceful settlement under the aegis of the OSCE Minsk Group<sup>27</sup>.

In conclusion we’ll try to answer the question how to maintain stability and ensure security in the South Caucasus when the Azerbaijan’s demonstrative preparation for a new colonial aggression against the Nagorno-Karabakh Republic inherently repeats the scenario of unleashing the last year’s war in South Ossetia.

The proposal on holding a second referendum in the initial stage, and not after the explosive return of refugees and territories, seems more pragmatic in terms of regional security interests and the current tendencies. Besides, it should be held in the places of Armenian and Azerbaijani communities’ current habitation and under the UN and OSCE control and forceful guarantees. At the same time, taking into account the specific character of the Karabakh conflict, it is expedient to consider the experience of the UN and OSCE missions in Kosovo<sup>28</sup>. The main feature of the Karabakh conflict is the fact of 18-year-old unbroken activity of democratically elected government of the Nagorno-Karabakh Republic. It productively meets commitments in national and international security interests, stipulated by the Constitution and Legislation of the Nagorno-Karabakh Republic, and observes the ceasefire regime without international peacekeeping forces in the conflict zone. Under these conditions the return of the Karabakh side to the negotiation process on complete resolution of the conflict becomes a political-security imperative.

The given approach to armed conflicts resolution by peaceful tools corresponding to the international-legal principles of non-use of force, the right to free self-determination and territorial integrity may also become a viable alternative to a new war in South Ossetia and Abkhazia. I believe that further professional development of the suggested approach to armed conflicts resolution in our region will assist the relevant national and international centers in making efficient decisions to eliminate new wars and craft productive regional security architecture in the South Caucasus.

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