“From Frozen Conflicts to Unrecognized Republics:
The de facto States in the Emergent Region of the Post-Soviet States of the South Caucasus”

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Abstract

The end of the Cold War in 1989, followed by the collapse of the Soviet Union in 1991, led to birth of a number of new countries. These historic changes amounted to political tectonic shifts of global scale. In the aftermath of these drastic transformations, the newly independent republics, in the periphery of the former Soviet Union, in particular, faced new challenges, both systemic and organic. The euphoria generated among millions from the Balkans to the vast expanses of Central Asia was soon marred with striking rise of resurgent ethnic nationalism and mobilization worldwide. Perhaps nowhere the threat of a number of ethnonational conflicts has been as serious as those in the South Caucasus in the periphery of the former Soviet Union.

The intent of this study is to present an argument that the ethnonational conflicts within an ethnically defined territory will under certain political conditions evolve into statehood. The three cases selected for this study, Abkhazia, Nagorno-Karabakh, and South Ossetia in Georgia and Azerbaijan, in existence for over a decade, have been transformed into “frozen” conflicts. The conflict management and resolution, plagues mainly by the ever-changing dynamics of an emerging new sub-region of the South Caucasus, inadvertently contributed to the strengthening and solidification of the de facto states of Abkhazia, Nagorno-Karabakh and South Ossetia. Drastic changes on the ground have forged a new identity and recast a new brand of nationalism and national identity. These developments and advances, it is argued in this study that are undeniable realities and irreversible processes, which if successful might serve as models for other similar ethnonational and ethno-territorial cases in other parts of the world with unforeseeable consequences.
To my aunts Zarik and late Nvart Ghazarians. Without their selfless devotion, dedication, support, and endless love my academic accomplishments would not have been possible.
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Introduction

On September 10, 1989, against the wishes of the East German government, Hungary opened its western border allowing thousands of East German citizens to leave the country. This move marked the beginning of the end of the Cold War, a tense period in the history of Europe. A torrent of political upheavals and developments followed suit. Almost “overnight” and with no bloodshed, like domino pieces, the communist regimes in Eastern Europe collapsed one after another. These events, to the surprise of many in the West, within a short two-year period, were followed with the disintegration of the Soviet Union. These dramatic events transformed the geopolitical matrix of the world, heralding the dawn of a new era in international relations.

These historic changes amounted to political tectonic shifts of global scale. The geopolitical matrix of the world changed forever, heralding the dawn of a new era in international relations. New regions began to emerge, changing the geopolitical map of the world, the Eurasia, in particular. The Soviet Union, one of the two superpowers disintegrated into its constituent member Union republics. Other state break ups such as Yugoslavia and Czechoslovakia followed shortly after, while others, such as Germany converged and formed one union. New independent states joined the world community of nations.¹ An intense state- and nation-building period commenced. Dominant ideologies and identities gave way to the new ones. In the midst of these developments, however, old enmities suppressed for decades resurfaced. The euphoria generated among millions

from the Balkans to the vast expanses of Central Asia was soon marred with the striking rise of resurgent ethnic nationalism and mobilization worldwide.

The disintegration of the Soviet Union was perhaps the most dramatic political development of the twentieth century as was its birth only three quarters of a century ago. Its collapse resulted in the birth of new regions such as the Baltics, Central Asia, and the Caucasus. Each of these regions, including a number of former Soviet Union republics found themselves in an uncharted territory, geopolitically, geostrategically, and geoeconomically. New realignments and readjustments to face the new realities became indispensable. New institutions were established in these regions to confront a host of external interests and influences poised to exploit the new opportunities and resources. A new socio-political entity, the Commonwealth of Independent States (CIS), a loose association of independent states, excluding the Baltics, emerged on the landscape of the former Soviet Union.

In the midst of these drastic transformations, the newly independent republics of the former Soviet Union found themselves faced with new challenges, both systemic and organic. Some regions and countries more than others confronted a plethora of ethnic movements and conflicts, which stifled their state-building processes and progress. Although domestic in

\footnote{The Commonwealth of Independent States (CIS) was created in December 1991. In the adopted Declaration the participants of the Commonwealth declared their interaction on the basis of sovereign equality. The members of the CIS include: Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine. From the outset, the three Baltic republics (Estonia, Latvia, Lithuania) expressed their wish not to join the CIS. In September 1993 the majority of the CIS States signed an Agreement on the creation of Economic Union to form common economic space grounded on free movement of goods, services, labor force, capital; to elaborate coordinated monetary, tax, price, customs, external economic policy; to bring together methods of regulating economic activity and create favorable conditions for the development of direct production relations. In the following years the CIS member countries also established a number of coordinating institutions, such as the Council of the Heads of States, Inter-Parliamentary Assembly, Council of foreign Ministers, Council of Commanders-in-Chief of Frontier Troops, Council of Collective Security, Interstate Banking, and so forth.}
nature, the ethnonational conflicts as the developments of the past two decades indicate, proved to be ripe with regional and international repercussions. Old feuds and unresolved disputes recast in new forms of nationalisms, resurfaced after decades of dormancy. As the Yugoslav experience showed, ethnonational and territorial conflicts proved to be potent forces capable of developing into major political and military conflicts the tremors of which were felt beyond the borders of their metropolitan states. The Soviet landscape, once a multilingual, multiethnic and multiracial conglomerate of quarter of a billion people, now checkered by the boundaries of several independent states, over a decade since its demise, remains as volatile as ever. The threats of ideologically and religiously based ethnic movements continue to be a serious threat to the stability and security of the Russian Federation and to its southern periphery regions of Central Asia and the Caucasus.

Perhaps nowhere the threat of a number of ethnonational conflicts has been as serious as those in the Caucasus. Located on the southwestern periphery of the former Soviet Union, it is “one of the world’s ethnically most complex regions” and today one of the most turbulent of the former Soviet Union. Home to ancient civilizations, located on the crossroads of rival powers and international trade routes, rich energy resources, the Caucasus, almost instantaneously attracted the attention of the world and regional powers. Located between the Black Sea and the Caspian Sea,

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3 The term Caucasus, a Latinized form of the ancient Greek “Kaukasos”, the roots of which can be traced to Old Iranian “kap kah” meaning “Big Mountain”, here refers to the general areas of the Caucasus, also referred to as South Caucasus and Transcaucasia, and the North Caucasus, combined, that is the areas and countries on the north and south side of the Great Mountains of Caucasus proper. Geographically, it embraces the territory located between the Black and Caspian Seas, a wide isthmus divided by the Great Caucasus Mountain Range. The south Caucasus includes the three independent republics of Armenian, Azerbaijan, and Georgia, whereas the North Caucasus is consisted of a number of autonomous republics and regions, which constitute parts of and are under the jurisdiction of the Russian Federation.

the Caucasus was destined to emerge as one of the most complex and geopolitically significant regions of the world. These evolving realities made the task of state- and nation-building of the three republics of Armenia, Azerbaijan, and Georgia extremely complicated and arduous.

With the control and restraining mechanisms gone, the nationalistic legacies suppressed for decades in the Caucasus erupted into violent ethnic clashes. As early as in the dying days of the Soviet Union, in a couple of short years, few ethnic disputes turned into violent military conflicts between several ethnic enclaves and their respective titular state. These ethnic conflicts, now over a decade-old, imploded in the territories of their titular states as well as the southern tier of the Russian Federation, making the Caucasus one of the hotbeds of ethnonational conflicts with explosive potentials. The implications and consequences of such conflicts are enormous for global stability and international relations both in theory and practice.

Of the several conflicts in the Caucasus, three in the South Caucasus, Abkhazia and South Ossetia in the territory of Georgia and Nagorno-Karabakh in Azerbaijan have emerged as one of the most complicated on the territory of the Former Soviet Union. These conflicts have stifled the state-building processes in their respective states with the potential to bring their titular republics to the verge of collapse and disintegration. They have caused major political turmoil, threatening the stability of their titular state, neighboring countries, and the region. Armenia, the third republic in the region, though free of any ethnonational conflicts of its own has also paid a heavy price for its indirect involvement in the Nagorno-Karabakh conflict. The proximity of the three conflicts and their location in a very tight globally significant region has made them one of the most difficult and intractable conflicts to resolve.

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5 In addition to the three, the Transdniester conflict has also been raging in the territory of the Republic of Moldova, posing similar threats to its metropolitan state and neighborhood.
Complicating the picture further has been the declarations of independence by the leadership of the three conflict regions. Emerging as de facto states, i.e., unrecognized socio-political entities, all three have expressed their intention to secede from their titular states. The separatist tendencies in addition to decades-old grievances and political transformations in progress throughout the entire Eurasia have contributed to the regional and global dimension and complexity of these conflicts.

Various attempts have been made to resolve these conflicts in the Caucasus from the earliest days of their eruption into full-blown military confrontations. Individuals of international stature, regional governments and organizations, international bodies and institutions have provided their resources human and material for the resolution of these conflicts. Today, sixteen years since the first clashes and over a decade since the first conflict resolution attempts to resolve the three ethnonational conflicts, bilateral, multilateral and international, have proven fruitless. The ceasefire agreements, in place since early 1990s, have led all three conflicts to a “frozen” state. A state of “no war no peace” between the de facto states in question and their metropolitan states has prevailed. The presence of these de facto states, born out of unresolved conflicts, have posed a number of legal and political issues for the global community, challenging several tenets of international law, the existing international order, norms, and doctrines. The three conflicts not only are not even close to be resolved, on the contrary they have become more complicated and in a state of stagnation.

On the academic front, the study of ethnic conflicts has also raised a number of questions and issues both conceptual and methodological. The prevalence of ethnic conflicts in recent decades has gravitated more interest and attention to ethnic studies. The growing number of various ethnic studies programs in several academic institutions worldwide is a strong indication of the
acknowledging lack of sufficient knowledge in the field and the need to expand understanding and expertise in the field. Better understanding of the intricacies of every case in particular, and complicated nature of the phenomenon as a whole in general can only lead to harnessing explosive situations and restoration of stability to societies in various corners of the world. One important component in this process pertains to various aspects and mechanisms of mediation and conflict resolution efforts associated with various conflicts. The quality and resourcefulness of the individuals and/or institutions engaged in any mediation process can mean the difference between peace and war.

This study focuses on both the nature of each of the three conflicts selected and the mediation and conflict management mechanisms. With the obstacles and the inaccessibility to sources, once hindering academic research in the Soviet Union removed, new opportunities for research have become possible. However, one also has to confess that this vast and uncharted territory of over one hundred ethnic groups, reemerging from close to eight decades of totalitarian communism has confronted the researchers with a number of unfamiliar aspects of the phenomenon which deserve closer scrutiny. An in-depth understanding of various aspects of the three conflicts selected for this study can shed light on other conflicts in the Caucasus and beyond. Furthermore, this study will also help shed light on the birth and development of the de facto states due to the shortcomings of negotiation mechanisms and process as of today.

I. The Study: Concepts, Hypothesis and Methodology

A. Purpose

The main objective of this study is to explain why and how the three ethnonational conflicts of Abkhazia, Nagorno-Karabakh and South Ossetia evolved into de facto states, and their
significance in the international affairs. The nature, functions and future prospects of the *de facto* states will be discussed in the context of emergent new geopolitical, geostrategic, and geo-economic conditions of the Caucasus. Thus, this study traces the origins of the three conflicts of Abkhazia, Nagorno-Karabakh, and South Ossetia, and their evolution into *de facto* states from the last days of the Soviet Union. Next, I will discuss their impact on their respective titular states in the context of the newly emergent region of the South Caucasus and of international relations.

The mediation efforts of the regional powers and international organization (e.g. UN, OSCE, CIS, EU) in resolving the three conflicts have played a crucial role in the solidification of the three *de facto* states. A significant portion of this study will be devoted to a survey and analysis of the mediation efforts and their role in the *de facto* states. With sixteen years of independence behind them, the three entities as self-declared, quasi-independent *de facto* states, though unrecognized, are political realities in the regional and world affairs, and thus a subject of the international law. Their considerable impact on their titular states, neighboring countries, the region, and global relations at large has posed a number of challenges to the international relations. A broader appreciation of the dynamics of the three *de facto* states is essential for the future of the three small states of the South Caucasus, i.e. Armenia, Azerbaijan, and Georgia, and similar cases in other regions, such as the Balkans, as well as the world community at large.

Second, this study will analyze the impact of the three entities in shaping the future geopolitical and geostrategic structure of the newly emerging region of the South Caucasus. Located on the “civilizational” faultlines, crossroads of major regional powers, the Russian Federation, Iran, and Turkey as well as bridging the Black Sea and the Caspian Sea, on the North-South and West-East axis linking the Middle East to Eurasia and Europe to Central Asia, the South
Caucasus within the context of the “new” Caucasus the fate of these conflicts is of major global strategic significance. Developing on the post-Soviet landscape, the status and stability of the Caucasus, considering major energy resources and the geopolitical and geoeconomic significance of the region, is crucial for the evolution of the “new world order” already in progress. It is emerging as a new region with specific characteristics connected to the rich natural deposits of gas and oil. Depending on the final outcome of the mediation efforts in progress, the Caucasus may emerge potentially as home to more states than the three identified above, a reality, which may culminate in the disintegration of certain states or redrawing of boundaries.6

The geographical location of the region, on the periphery of the enlarged Europe and the contours of the “Greater” Middle East, also adds to the significance of the region. Furthermore, economically, the Caucasus is a junction for rich energy resources of the Caspian Sea and Central Asia, thus adding to the region’s importance and complexity. And finally, geopolitically and geostrategically, the South Caucasus is shaping into a new emergent region with perhaps utmost significance considering all the historic developments evolving in the region of the Middle East. The Caucasus, as was the case about two centuries ago, may turn into a “new” buffer zone among rivaling regional powers attempting to expand their zones of influence or an area of greater regional confrontation and conflict. And finally, one also has to factor in the crisis in Iraq, under the uncertain future of which all these developments are taking shape.

B. Scope of the Problem and Its Significance

A cursory review of major world almanacs and political atlases will reveal a picture more complicated than commonly known. Looking at the world through the prism of the United

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Nations, one comes to believe that the international community is composed of about 200 states.\footnote{The last country officially added to the UN roster is Montenegro, which subsequent to its referendum held on 21 May 2006, declared independence on June 3rd of the same year, and was accepted on 28 June 2006 as a United Nations Member State by General Assembly resolution A/RES/60/264. In addition to the above, the Holy See, the Vatican city is also recognized by the UN as a non-member state and has a permanent observer status. For more on various categories and their status, see \url{http://www.un.org/Overview/growth.htm}. Accessed January 25, 2007.} However, in reality, on a daily basis, we constantly learn about territories and entities, which exist \textit{de facto}, but because of their status and non-recognition by the world institutions and organizations, primarily the UN, remain in the “shadows” of the international relations. The number and kinds of these entities, generally referred to as unrecognized states or geo-political entities, is relatively large. They range from partially recognized (The Turkish Republic of Northern Cyprus, The Republic of China) to unrecognized (Abkhazia, South Ossetia, Nagorno-Karabakh, Transdniestria (Pridnestrovie), Somaliland) geo-political entities claiming sovereignty with \textit{de facto} control over their territory (Puntland, Somalia, Southwestern Somalia), partially recognized states largely under military control (The State of Palestine, Western Sahara), internationally administered territories (Kosovo in Federal Republic of Yugoslavia), and historic recognized or partially recognized states with \textit{de facto} control over a certain swath of land\footnote{The number of such entities is extensive and present in almost all five continents: Europe (20), Asia (7), Africa (11), Americas (8), Oceania (3). Some of these entities exist to this day and are either fully or partially recognized by their metropolitan states, other as the title of the category suggests are historic and incorporated, annexed or absorbed through various interactions, such as, treaties, conquests, thus non-existent and non-entities today.}, historic recognized or partially recognized governments with \textit{de facto} control over their territory (Islamic Emirate of Afghanistan, People’s Republic of Kampuchea), and finally a large number of dependent territories (37) ruled under the auspices of various countries including Australia, the United Kingdom, the United States, France and New Zealand, Denmark, and the Kingdom of the Netherlands. Some of these entities are more prone to conflict than others with potential to cause regional and even international confrontations.
The de facto states or authorities as some scholars prefer to refer to them belong to the second of the categories mentioned above, “an unrecognized geo-political entity claiming sovereignty with de facto control over a territory and population,” which because of the nature of its evolution and birth are also referred to as separatist or “decentralization” movements.

The study of de facto states is significant in several ways.

First and foremost it is intended that the results of this study will be of interest to scholars and students specializing in international relations in general, and of ethnic conflicts and conflict resolution in particular. The findings of this research should be of particular interest to:

a) Academic circles focusing on area studies, the Soviet and post-Soviet society/era, more specifically the former Union Republics;

b) Its successive independent member Republics of the Commonwealth of Independent States; and

c) The newly emerging region of the South Caucasus.

Furthermore, examining the results and patterns emerging from this study, may provide suggestions for the resolution of some of the ongoing conflicts, and perhaps identify potentially explosive situations in the future.

Second, concerning regional studies, relatively little work has been done in the field of ethnic relations in the Soviet Union, although Soviet ethnologists have produced a “fairly coherent” theory of ethnic group development, all within the context and ideological parameters of Marxist doctrines. In the [former] Soviet Union no worthwhile research has been done in the field of ethnic relations, with the exception of some studies of Asian countries, particularly India, Indonesia, and Malaysia. In this study the evolution of the three ethnic conflicts of Abkhazia,
Nagorno-Karabakh, and South Ossetia will contribute to the better understanding of the evolving post-Soviet landscape, in the context of evolving emergent the “new” South Caucasus.

Third, scholarly studies on *de facto* states are still in their early stages.\(^9\) Relatively, very little work has been produced on the origins, nature and importance of such entities in general. Almost no studies have been conducted on the role of the mediation in general and international mediation and conflict resolution regimes, in particular, in relation to their impact on solidifying the foundations of the *de facto* states. This study will make an effort to identify emerging patterns and perhaps models for such entities in relation to their titular states as an unofficial and unrecognized member of the family of the nation-states in the context of their impact on international relations.

Fourth, since conflict resolution and mediation efforts have been instrumental in the evolution of these conflicts, and some may argue perhaps responsible for charting the course of the three conflicts to statehood, this study intends to identify problem areas in negotiations, which may have contributed to their prolongation and, in some cases, their stagnation or stalemate.

Fifth, as there are other entities similar to the three conflicts selected for this study throughout the Russian Federation, such as the Chechnya, in particular, and others in the Northern Caucasus,\(^10\) home to several autonomous republics, and elsewhere in the world, the

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\(^10\) The Northern Caucasus comprised of the several autonomous republics and regions, including Chechnya, Dag[h]estan, Ingushetia, Kabardino-Balkaria, and Adygya, bordering Georgia and Azerbaijan.
findings of this study can shed light on their evolution and the possibility of their mobilization patterns\textsuperscript{11} and ultimately secession from the Russian Federation.

Sixth, on the theoretical ground, this study will address the public international law issues pertaining to all three conflicts in this stage of their development. The main focus here will be on the principle of right to self-determination, secession and recognition of states theories. The compatibility or incompatibility of the above principles and relevant theories will be examined in relation to the conflicts selected for this study.

C. Choice of the de facto States

Four factors played a role in my selection of the three de facto states in this study.

1. Impact on the Titular States: The three de facto states have a direct impact on their titular, and indirect impact on their neighboring (e.g., Nagorno-Karabakh and Armenia) states and the region as new entities in international relations, both in theory and practice.

Evolved through major ethnonational conflicts, the unrecognized republics of Abkhazia and South Ossetia in Georgia and Nagorno-Karabakh in Azerbaijan, (two autonomous regions and one autonomous republic), are the direct “successors” to their Soviet era entities. Having erupted in an emergent region of major geopolitical, geostrategic and geo-economic significance, on the periphery of the former Soviet Union, and within the boundaries of the newly established CIS member states, the behavior and role of all three de facto states cannot be disregarded or

\textsuperscript{11} The North Caucasus remains one of Russia’s most volatile regions. A mix of issues, such a territorial disputes, failed regional policies, USSR legacy, structural and systemic as well as national and regional leadership factors remain unresolved. The events of Beslan, North Ossetia (September 1, 2004), and Nalchik, Kabardino-Balkaria (October 14, 2005) are indications of turbulences ahead. For indepth survey of the above issues and the region see Fiona Hill, “‘Russia’s Tinderbox’: Conflict in the North Caucasus and its Implications for the Future of the Russian Federation,” Strengthening Democratic Institutions Project. (Cambridge, MA: Harvard University, JFK School of Government, Project, September, 1995).
discounted. All three have complicated the domestic life of their respective titular republics (Azerbaijan, Georgia) and are hindering their state-building processes and development. They put significant strain on the budget and policies of their respective metropolitan states, even arguably posing threat to their stability and territorial integrity. Thus, understanding the forces at play in shaping the domestic politics and state-building processes of the post-Soviet republics in transition is crucial.

2. **Subjects of International Law:** All three *de facto* states, despite international pressures, economic hardships, demographic displacements, huge losses in human life and devastation caused by war, have made considerable accomplishments. All three have managed to bring order and stability to the territories under their control. All three have adopted laws, established legal system and built state institutions and apparatuses, e.g., branches of government, budgets, and conducted elections.

3. **Emergent Regions:** The third set of factors considered, pertain to the region. The South Caucasus, where all three *de facto* states are located, is one of the three emergent regions of the post-Soviet landscape. Perhaps the most complex of the emergent regions, ethnically, racially, culturally, and linguistically, the South Caucasus is imbued with bitter historic legacies. Restrained for eight seven decades under the Soviet rule, the region has re-emerged with greater potentials for turmoil and conflict under new circumstances. The eventual outcome of these conflicts promises to have a precedent setting impact for international relations in general and groups in pursuit of their self-determination rights.

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12 The other two regions are Central Asia and the Baltics. The importance of the latter, although not part of the CIS, has not diminished. However, sharing relative ethnic and historical homogeneity, the Baltics enjoys more stability and harmony than Central Asia and the Caucasus, in general, and the South Caucasus, in particular.
4. **The Soviet Legacy**: All three *de facto* states have evolved from the administrative units established in the earliest days of the formation of the Soviet Union. Territories historically and ethno-demographically recognized as belonging to certain groups were either carved up or relinquished to neighboring countries, i.e., union republics out of political considerations. The Nagorno-Karabakh is one such example, and the Crimea in Ukraine another. These divisions established the foundations of the ethno-territorial basis for the future relations in the Soviet Union. Some of these decisions, as history demonstrates, came to haunt the Union in the late 1980s. One cannot conduct any study of the three *de facto* states selected for this study without taking into consideration the historical experience and political legacy of the three regions under Soviet communism.

**D. Research Questions Asked**

The establishment of the three *de facto* states did not take place in a vacuum nor were they just the outcome of the disintegration and collapse of an empire and/or a regime. Therefore, a narrative of the factors and developments from the disintegration of the Soviet Union to the eruption of the conflicts has to be established followed by the chain of events leading to the involvement of various entities attempting to help resolve the raging post-Soviet conflicts. A number of questions directed, divided into three categories, are presented below.

**1. History and Ethnic Conflicts**: These questions pertain to core developments in the region.

*a.* What were the causes behind the eruption of ethnic conflicts in the South Caucasus in relation to other post-Soviet republics?
b. Why the three entities selected for this study (Abkhazia, Nagorno-Karabakh, and South Ossetia) in this particular region (South Caucasus) erupted into violent ethnic conflicts, while other former union republics remained immune to such conflicts?

c. Unlike several cases of conflicts worldwide, which have remained confined to their titular state boundaries, why the three ethnoterritorial conflict regions selected for this study chose to secede from their respective titular republics?

2. Conflict Resolution and Mediation Efforts: As the nature and form of the third-party negotiators have played and continue to play an important role in the resolution of the three conflicts to this day, this set of questions should help identify answers to:

a. What conflict resolution approaches have been adopted for the three conflicts?

b. Why the three conflicts selected for this study, after over a decade and various approaches, remain unresolved?

c. Have the conflict resolution methods adopted been responsible for the “freezing” of the conflicts and the birth and strengthening of the foundations of the three de facto states?

3. De Facto States and International Community: Although similar in appearance, the three de facto states are endowed with their own specific characters. A set of questions raised below pertains to the nature of the de facto states.

a. Unlike several active ethnic conflicts within and outside the boundaries of the former Soviet Union, why the three cases selected for this study took the path to statehood, declared independence and strive for secession?
b. What factors, domestic or foreign have contributed to their sustenance and over a
decade-long survival?

c. Are there other sources of power that benefit from the emergence of such republics?
   If yes, which ones are they and why?

d. What is the role of the world community and/or regional powers in sustaining or
   resolving these conflicts?

e. What is the impact of these de facto states on the international relations,
   economically, politically, if any?

f. On a theoretical level, what would be the impact of such entities on legal
   international norms and principles such as territorial integrity and the right to self-
determination, state recognition, and secession, should they eventually receive de
jure recognition?

E. Hypothesis

This study puts forward the following hypothesis: Ethnonational conflicts within an
ethnically defined territory will under certain political conditions evolve into statehood should
the conflict resolution and mediation efforts prove to be unproductive.

The outcome of the failed efforts in resolving the conflicts established entities will lead
to the establishment and consolidation of de facto state structures which overtime will gain de
jure recognition by the world community.

The de facto states then become an element in the international law, and if these latent
states are located in geostrategic regions, they can become factors in international politics.

Thus, the dissertation argues that the quasi-independent de facto states on the territory
of the former Soviet Union are the outcome of four factors:
a) The historical and structural legacy of the Soviet Union;
b) Systemic factors prevailing in the post-Soviet independent republics;
c) Nationalistic policies of their titular states in transition; and
d) The failed third-party negotiations and conflict resolution efforts.

I will further argue that in light of the factual changes on the ground and the region, the status gained over the past two decades has had a powerful momentum because the *de facto* states have forged a new national identity and recast a new brand of nationalism and national ideology. Subsequently, efforts to “de-freeze,” the conflicts will prove to be ineffective as the established unrecognized *de facto* states have had a considerable period of time to solidify their institutional structures and will over time gain juridical, *de jure* recognition by the international community. Consequently, the governments of the states of the South Caucasus, facing the three conflicts/*de facto* states within their own territory, are left with three fateful choices:

a. Grant independence to the *de facto* states;
b. Adoption of compromising measures to satisfy the ethnic concerns; and the loss of their own internal natural legitimacy; and/or
c. Face decapitation or worse disintegration.

**F. Study Design and Methodology**

The method used in this study will be comparative and analytical. The evolution and present status of the three *de facto* states, Abkhazia, South Ossetia, and Nagorno-Karabakh will be analyzed on two levels: historical and contextual.
1. **Historical:** The purpose of this approach is to identify and distinguish case-specific as well as common factors in the evolution of the selected groups. All three cases compared, although ethnogenetically diverse, share a common regional history, since the time of the penetration of Russia in the Caucasus in the late eighteenth and early nineteenth centuries, and subsequently under the Communist rule in the twentieth century: a new ideology and social system built on the remnants of the preceding regime. Here, special attention will be paid to the systemic and non-systemic components of each group’s experience especially in the post-Soviet period, more specifically under the nationalities policies implemented in the region. The evolution of each case will be broken down into the five distinct periods presented below.

1. Ethnogenesis to the Bolshevik Revolution
2. Bolshevik Revolution: Formative Period 1917-1922
4. Post-Soviet period: From eruption of ethnic conflicts to the declarations of independence.
5. From declarations of independence of the *de facto* states to present.

2. **Contextual:** Each conflict will be studied within the three concentric geopolitical and geostrategic contexts:

   a. **Independently:** Within the context of their respective and immediate republics of Georgia, Azerbaijan, Armenia*; 
   
   b. **Immediate Region:** Immediate neighbors and regional powers (Turkey, Iran, Russia) within the context of emerging new region of the Black Sea/Caspian Sea;

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* Armenia indirectly engaged in the conflict between Azerbaijan and Nagorno-Karabakh, is negotiating on behalf of the latter. Over a decade-old conflict has had serious impact on the development of Armenia, socially, economically, and politically, and therefore, cannot be disregarded.
c. The “Greater” Region and Globally: The Middle East and Europe, and its significance for regional and global security and stability.

At the present, reality on the ground owes a great deal to the decade-long third-party intervention in the mediation, negotiation and conflict resolutions efforts of each case. It is imperative to also discuss the efforts made in resolving each conflict individually. The overall impact of various approaches on all three cases will be examined, thereafter. In the case of the former, an analysis of the mediation efforts in each case is imperative since they have played a crucial role in the evolution and present status of each case. These efforts will also be analyzed in three phases, which I would refer to them as a) pre-“frozen” phase, b) “frozen,” and c) post-“frozen” stages of negotiations. This breakdown will help identify the shifts and changes in techniques and strategies, which affected the resolution or their leading of each case to present deadlocked-stagnant situation. In regard to the latter, all three, individually and collectively will be briefly compared to other relatively similar cases such as the Kosovo, Chechnya, and the Turkish Republic of Northern Cyprus (TRNC).

G. Subjects and Criteria of Sources

A study of this nature combines the use of primary sources, i.e., interviews, on site observations, and collection of fresh data when possible. Fortunately, the abundant resources of the university libraries in the Boston region have given me the opportunity to integrate an extraordinarily wide range of materials on the Caucasus region.\(^{13}\) A large body of literature has

\(^{13}\) Of the three entities selected for this study only Nagorno Karabakh has representatives offices in Moscow, Paris, and Washington, D.C., countries co-chairing the negotiation efforts of the conflict through the OSCE Minsk group, whereas Abkhazia and South Ossetia, to the best of my knowledge do not have such bureaus representing their interests. Therefore, I made conscious decision not to contact the
emerged since the eruption of the conflicts in the territory of the Soviet Union in late 1980s. They cover a wide variety of topics addressing different aspects of the conflicts. Predominant majority of the works cover historical, ethnographic, political, etc., followed by the conflict mediation and resolution efforts, and finally, relatively a smaller number of studies deal with the nature, role and impact of de facto states on the their titular states, region, and the global affairs. To the best of my knowledge very little effort has been made to study the connection of the three elements of the equation (conflict-mediation efforts-de facto state), tracing the transformation of the conflicts into de facto states and the role of mediation efforts in their establishment and solidification. I hope that some of the findings of this research will provide some insight into the unexplored areas and encourage other researchers to engage in further studies in this increasingly important topic in international relations.

1. Subjects

The three de facto states of Abkhazia, Nagorno-Karabakh, and South Ossetia, located in the general area of the South Caucasus with their titular and the three republics of Armenia, Azerbaijan, and Georgia.

2. Sources

a. Primary Sources

Despite the obstacle hindering the access to firsthand data, considering the sensitivity of certain materials, pertaining the conflict negotiations, I am well aware of the significance and indispensability of the primary data materials for this research. Among the types of sources I have planned to look into are:

Nagorno Karabakh Republic’s representative to conduct interviews for the sake of keeping balance and objectivity in the study.
**i. Statistical Sourcebooks:** For the purposes of this study I have examined the 1959, 1970, 1979, and in particular the 1989 censuses of the Soviet Union. I am also aware that the selected republics of this study also conducted their own censuses, such as Armenia in 2000, and Georgia in 2005. However, I made a conscious decision not to consult these two sources: in the case of the former for lack of access to their complete results, and in the case of the second out of concern for their accuracy and reliability.

**ii. Political Statements:** Specifically speeches and declarations made by i) governmental officials, ii) leaders of the three *de facto* republics, iii) personalities, i.e., spiritual leaders, popular figures, individuals representing international bodies and institutions associated with the negotiation efforts, etc.

**iii. By-law and Constitutions:** The titular republics, the *de facto* republics, major political and cultural organizations of respective ethnic groups active on the scene and/or in the political process will be taken into consideration as deemed relevant.

**iv. Documents:** Select number of documents produced by international organizations, e.g., UN, OSCE, EU, CIS, GUAM.

**b. Secondary Materials**

Close to twenty years of individual conflict’s life since the collapse of the Soviet Union, over fifteen years of constituted their *de facto* state-building efforts has produced a large body of literature on the history and evolution of each conflict. Predominant majority of the literature available focus on two general areas: the roots and evolution of ethnic conflicts in the Soviet Union and conflict resolution. The literature on the origins and evolution of *de facto*
states is limited to some pioneering works in general. A handful of book length studies, dedicated to specific de facto state have been released. Majority of the works presented in the symposia and conferences address various aspects of each conflict, de facto states and conflict resolution mechanisms.

Predominant majority of this literature, second to their languages (Armenian, Georgian, Azerbaijani), is in Russian, followed by English and French. Thanks to the post-Soviet openness of the academic space, communication between the scholars from the region with their counterparts in the West, and evolving collapse of linguistic barriers. The sources to be used for this study are selected based on their relevance, reliability and validity of data and nature information they contain. The use of these sources will provide background information relating to the topic of this study. Particular caution will be exercised to avoid biased and distorted materials issued by various groups, organizations, and even respective governmental agencies.

Any study of this nature will be incomprehensive and inconclusive without the consideration and use of sources in the original language of their ethnic groups, i.e., Georgian, Armenian, Abkhazian, Ossetian, and Azerbaijani. Special effort will be made to consult the original language source materials with the help of colleagues available and willing to assist, since the knowledge and mastery of over five major ethnic languages, spoken by the groups selected in this study, is infeasible and impractical.

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The following is a category of sources to be consulted for this research:

**i. Monographs**

In the past decade, following the disintegration of the Soviet Union bookstores, libraries, and academic research centers have been flooded with variety of titles addressing diverse aspects of these historic developments. Some have only commercial value, and lack serious academic merit, while others are political in content and significance. The selection of sources for this study will be based on authors’ credentials as a competent and reliable academic, training and background in his/her respective discipline especially, and sources and types of materials consulted relevant to the topic of this research.

**ii. Periodicals, Journals and Report**

A large number of academic journals and periodicals, in English addressing general issues within the parameters of the ethnic conflicts, conflict resolution, and post-Soviet experience in general and specific regions in particular, have proliferated in the past decade. In addition, English versions of a number of Russian academic journals have also become available, thus making accessibility to original source materials issued from the region, possible.

**iii. Papers and Studies**

In this category I have in mind the use of research papers presented in conferences and symposia, addressing various aspects of the topic of this research. Some of these materials are of great significance since they introduce first rate and fresh studies and findings and can be extremely useful in exposing new and innovative ideas for this study.
iv. Daily Press and Electronic Data

The pace of development and unfolding events makes use of reports sent by wire services (Reuters, UPI, RFE/RL, etc.) online electronic databases and e-mail absolutely indispensable. Therefore, throughout the course of this research systematic follow-up of the media sources will be developed to stay abreast of ever changing situations and new developments. I will use with caution reports issued by local and republican governmental and private wire services. In light of expansion and availability of such services one should consult them for testing the accuracy, content, and objectivity of the reported phenomenon. However, among the many sources available the following will be considered for their accuracy, validity, and reliability.

3. Structure of the Study

To set the stage for this research, immediately below, Chapter II will engage with the operationalization of the definitions of the concepts (*de facto* state, emergent region, “frozen” conflict) selected for this study.

Chapter III will provide a brief survey of the inter-ethnic conflicts with a focus on their characteristics in the Cold War and post-Cold War eras. The main focus of this section will be dedicated to the conceptual and ideological context as well as the nationalities policies of the Soviet Union under which the present conflicts evolved over a seven decades of the Communist rule. Of the universal concepts the right to self-determination (external and internal), autonomy, minority rights, and secession which received a different interpretation both conceptually and juridically in the Soviet Union will be analyzed, followed by a discussion of the root causes of
ethnic movement in the Soviet Union with a focus on the Caucasus in general and the South Caucasus in particular.

Chapter IV will provide a relatively in depth analysis of the three conflicts of Abkhazia, South Ossetia, and Nagorno-Karabakh from the earliest days of their inception to the eruption of the violent phase of ethnonational conflicts during the last days of the Soviet Union. This analysis will be based on the late 1980s developments in the Soviet Union based considering the historical context of each ethnic group’s experience before the advent of the communist rule in the Caucasus and during the Soviet years with a focus on the extra-Union republic and republic policies.

Chapter V will address the international legal and national (i.e. Soviet Union) aspects of the three conflicts with an emphasis on the constitutional provisions and articles of the two republics of Georgia and Azerbaijan as well as the concepts of autonomoy and peoples right to self-determination. This chapter will also provide an analysis of the three conflicts from the perspective of the international legal principles, institutions, and treaties, which have shaped and provided the legal context for the adversaries of each conflict.

Chapter VI will provide a review of literature addressing several areas relevant to the three cases selected for this research. The areas and concepts covered include ethnic groups and peoples right to self-determination, secessionism under the international law, third-party mediation and conflict resolution efforts followed by the issues pertaining to the recognition of state in general, and separatist movements in particular, respectively.
Chapter VII, the most extensive chapter of this study, will provide an in-depth analysis of the conflict mediation efforts made for the resolution of each of the three conflicts. Despite the growing optimism to bring resolution to the three conflicts in 2006, of the three, the Nagorno-Karabakh conflict because of its complexity and multitude of conflict management mechanism adopted is devoted a more extensive discussion in comparison to that of Abkhazia and South Ossetia. Throughout the chapter the role and involvement of the three main international bodies, the UN, OSCE/CSCE, and EU have been discussed in more detail. In addition to these, because of its potential role both for close to a decade (1997 to present), and potentially the future, the role and impact of the GUAM is also discussed.

The focus of Chapter VIII will be on the involvement of various institutions, such as the European Union (EU), the United Nations (UN), Commonwealth of Independent States (CIS), Organization for Security and Cooperation in Europe (OSCE) as well as the newly formed organization, GUAM (Georgia-Ukraine-Azerbaijan-Moldova) Organization for Democracy and Economic Development, in the conflict resolution efforts.

Chapter IX will provide a survey of various conflict mediation and resolution approaches adopted for each conflict. The evolution of the measures adopted for each conflict are traced from the earliest stages of the involvement of various institutions and personalities to the present.

Chapter X provides a summary of the findings and conclusion. It is divided into three sections: ethnonational conflicts in the post-Soviet periphery, third party conflict management and negotiations, and de facto states. A bibliography of resources and materials consulted for this study divided into two sections, books and articles follows the chapter.
II. Analytical Definitions and Operationalization of the Terms and Concepts

For the purposes of this study, the following will be considered as definitions for the four main terms and concepts used in the hypothesis: frozen conflicts, *de facto* state, emergent regions, and third party mediation.

**A. “Frozen” Conflicts:** This metaphoric term has been introduced in the past decade or so in reference to conflicts, which have constantly exhausted various means, approaches and formulas to achieve some kind of resolution and settlement through various mediation efforts. Having reached stalemate, that is, after the eruption of conflict and confrontation have agreed to a ceasefire, a temporary truce, thus ushering an uncertain period of “no war no peace”. The reasons for various conflicts to remain “frozen” are several. They may remain unresolved because of the lack of interest, will or courage on the part of parties to take the extra step toward painful compromises, also because of their separatist nature, subject to local and regional developments in their geopolitical environment. Other factors include incapacity, partiality and/or incompetency of the third parties involved in the negotiation process.

All “frozen” conflicts are also of secessionist and ethnonational in nature, such as Somaliland, TRNC, Eritrea, Transdniestrian Moldovan Republic (henceforth TMR), and the three selected for this study. All are of intense ethno-national and inter-national in nature, i.e., they receive some kind of support from a third-party upon eruption of the conflict, such as North Ossetia supporting the South Ossetia, and Armenia supporting the self-proclaimed Republic of Nagorno-Karabakh, and Turkey supporting and even officially recognizing the TRNC. This
support usually, depending on the resources of the parties to the conflict, continues even after the secession of the hostilities, i.e. the military phase of the conflict in more official and institutional ways.

Another factor, which distinguishes “frozen” conflicts from other forms of conflicts, is their elevation to a higher and more complicated plateau that is of a *de facto* state. All “frozen” conflicts have been, including those selected for this study, just celebrated the fifteenth anniversary of their independence as *de facto* states. Despite the uncertainties surrounding the future of the entities, their status and the final outcome of the negotiations, all “frozen” conflicts have managed to establish all the apparatuses enjoyed by any *de jure* state in the world community. An intense state- and nation-building process has been in progress for over a decade. Each functions as a virtual state with their respective institutions, branches of government, and constitution. They have revived or forged new cultural symbols. This reality of existing governments has not only brought structure and organization to their respective societies it has also initiated a process of nation-building. New narratives have revived historical legacies and legends. Ancient and often denigrated heroes and historical events have been rehabilitated, legitimizing their existence and shaped new “national” identities. These factors, if they have not already, with the passage of time, will prove perhaps to be the most difficult obstacles to the resolution of the “frozen” conflicts as new generations have emerged with a completely different perception of the realities and worldviews.

The “frozen” conflicts also share some common characteristics with protracted conflicts. The line separating the “frozen” and protracted conflicts often becomes blurry. While all frozen conflicts might be protracted, not all protracted conflicts are “frozen”. The “frozen” conflicts
might go through periods of uncertainty, marked with sporadic episodes of escalating hope and despair are marked with occasional eruption of violence, skirmishes on the lines separating the adversaries.

Another term often used interchangeably for “frozen” conflicts is “intractible.”\textsuperscript{15} Although not exactly the same, the latter refers to the types of conflicts that inspite of the ongoing negotiations are “stubborn or difficult but not impossible to manage.”\textsuperscript{16} Some intractable conflicts, e.g., Arab-Israeli conflict, remain unresolved for a long time despite several attempts to resolve them, while others continue to “burn” because of the lack of interest or will on the side of the adversaries, the intermediaries or both. In other words, the conflicts and negotiation efforts have entered a “static” phase, and do not show any sign of progress.

The passage of time plays an important role in the lifecycle of the “frozen” conflicts, making their resolution even more complicated. In the case of the conflicts selected for this study over a decade, status quo also begins to dictate several terms of its own. Some of these factors include: the disposition of the leaders, the entrenchment and hardening of positions, emergence of new political elites; encouraging developments on their side and their deeper personal association with their cause and commitment to the ideals and goals, which outweighs the need for negotiation and concessions. Also, the changing dynamics of the region, global developments as well as developments in the cases beyond their geopolitical environment, and yet similar in nature, play a crucial role in the behavior of the negotiating parties. This factor in the case of cases selected for this study plays an important role, because of the geostrategic location of the

\textsuperscript{16} Ibid., pp. 7-8.
region and the conflicts, in particular. Furthermore, the relative similarity of the cases makes them to pay special attention to and be cognizant of the developments in other cases, such as Kosovo, Chechnya, Transdniester, and Turkish Republic of Northern Cyprus (TRNC), which may have their positive or adverse effect on their fate.

The “frozen” state of the conflicts does not come about by itself. Several factors contribute to the process. First, “freezing” is achieved through an outside interference, a third-party mediator, regional power, an NGO or supranational organization, such as the UN or OSCE, which bring about the secession of hostilities. The act and process of “freezing” of the conflict are political and military in nature. All three conflicts selected for this study, perhaps would have evolved, had it not been for the mediation of the third parties. All efforts, since early 1990s, to bring about some progress, have failed in the case of all three conflicts. To use yet another metaphor all three conflicts have been in “deep freeze” for over a decade. Having said this, the threat of eruption (“melt-down”) of these kinds of conflicts is very real and ripe with unforeseeable consequences. Small incidents, skirmishes on the separating lines, sporadic shootouts can serve as precipitating factors for the escalation of the conflicts. The threat of escalation of violence, in a very short time, can bring about a major conflict of global proportions considering the geostrategic location of the conflicts and geo-economic factors (i.e., oil) at stake.

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17 The concept of “frozen conflicts” is already an accepted and recognized term in the conflict resolution and mediation jargon. In the context of the OSCE it first appeared in Paragraph 3 of the Summary Conclusions to a 1998 Reinforced Meeting of the Permanent Council on regional issues (CIO.GAL/75/98 of 2 November 1998). In 1999, Ambassador John M. Evans, the Head of the OSCE Mission to Moldova, at present the U.S. Ambassador to Armenia, used the concept in his speech to the Permanent Council (PC.FR/17/99 of 21 June 1999).
Perhaps one of the main reasons for some conflicts to remain “frozen” is the influence of what John Stedman referred to as “spoilers,” whom he defines as “individuals” (or groups) for whom negotiations provide opportunities to advance their agenda(s), feel more secure than they would be if the conflict were to be resolved. The concept can include a host of actors who can undermine the negotiations process, and therefore, prolong and even derail the path to the resolution of the conflict. In regard to the intra-state ethnic conflicts, the term refers to a host of actors, state, and non-states alike. Expanding on the concept of the “spoilers” one can identify two kinds, internal and external, with the potential to prolong and drag the conflict into a “deep freeze”. The former can include weak states and leaders, radical factions, opposition parties, militant groups imbued with [ultra]-nationalistic zeal, groups with connections to the outside sources, such as the diasporas, regional institutions and powers, non-state and trans-state actors. The most notable among the external “spoilers” could be the third-party negotiators themselves, who on the basis of their interests may exert undue pressures, de-rail, stall or even block any advances in the processes. Various manifestations of this latter have been evident in the resolution efforts of the three cases selected for this study, which will be discussed further in this study.

However, despite the characteristics discussed above, it has to be noted that the term “frozen” conflict can be considered a misnomer, a misleading metaphor. These conflicts may appear “frozen” on the surface, but they are as alive and dynamic both internally and externally.

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As pointed out by David Bakradze (Member of Parliament Georgia) “conflicts themselves are not “frozen” – they are alive, they develop with different intensity and bring numerous negative effects.”\textsuperscript{19} Various aspects of these conflicts will be discussed below in the section on \textit{de facto} states.

A key factor shaping the character of the “frozen” conflicts is their geopolitical location. The Majority of these kinds of protracted conflicts have erupted in volatile environments, such as emerging regions in their formative stages, which either completely lack supportive institutional, regional security mechanisms or house ineffective ones.\textsuperscript{20} The emergent regions in the periphery of the Former Soviet Union, the South Caucasus, in this case, epitomize this reality.

Three of the conflicts selected for this study (Nagorno-Karabakh, South Ossetia, and Abkhazia), and a fourth conflict in Moldova (Transdniester), all on the territory of the former Soviet Union, are at a “frozen” stage. Military demarcation lines separate the secessionist groups from their respective metropolitan states, i.e. Georgia, and Azerbaijan. Various entities have been involved in an effort to bring resolution and settlement of the conflicts from the earliest days of the conflict to no avail. However, in light of the stakes involved for the parties, neighboring countries and the energy-rich evolving region of the South Caucasus, conflict resolution efforts to “de-freeze” the conflict are still in progress.

In summary, “frozen” conflicts unlike other conflicts are extremely complicated. By their nature, they are mostly ethnonational and secessionist in nature. With roots in territorial

\textsuperscript{20} Chester Crocker et al, \textit{Taming Intractible Conflicts}, 9.
jurisdiction of one state, they expand to gain inter-national, regional, and potentially global character. Furthermore, located in geopolitically, geostrategically and geoconomically significant and evolving regions, in the absence of supporting regional institutional mechanisms to contribute to their resolution, they can evolve into quasi-state like entities, thus making the re-incorporation into the structure of their titular states improbable.

B. The State and De facto States: Ever since the Peace of Westphalia in 1684 states have occupied the center stage in the world politics and shaped international relations and affairs. In the course of the past three centuries, the boundaries of states have been drawn, redrawn, and drawn again. Under the exigencies of history, states were created, expanded, partitioned, annexed, and colonized.

The history of human societies can also be viewed as the history of the rise and fall of the states. A cursory glance at the processes of the birth and evolution of states indicates that they have usually evolved through conflicts, i.e. warfare, revolutions, etc. This de facto existence has been followed by the second factor that is their legitimization through various modes of recognition. Thus, the two empirical and juridical dimensions define the character and existence of every state. Two major twentieth century theoreticians emphasize the importance of the empirical aspect of a state. According to Max Weber, a state is the entity which can “successfully uphold . . . a claim to the monopoly of the legitimate use of force in the enforcement of its

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order.” whereas for Charles Tilly, focusing more on the birth of nation-states, defines the state machinery as “relatively centralized, differentiated organizations the officials of which more or less successfully claim control over the chief concentrated means of violence within a population inhabiting a large, contiguous territory.” Neither of the above definitions, although valid and important fail to address some of the forms of the state we have seen emerge in the post-Cold War period, in particular. Carl Rosberg and Robert Jackson argue that “[i]f some external or internal organization can effectively challenge a national government and carve out an area of monopolistic control for itself, it thereby acquires the essential characteristics of statehood.” These empirical approaches to the birth of states come into conflict with the juridical aspects of the statehood, which constitutes an important element in the recognition of states today.

In the twentieth century alone, we witnessed the collapse of several empires (British, French, Austro-Hungarian, Ottoman, Dutch, and German). The disintegration of these supranational entities led to an unprecedented pace of the state creation and state-nation-building processes. As of the year 2005, the United Nations membership has reached 192, compared to 51 at the time of its inception in 1945. The origins and birth of close to 150 states since the establishment of the UN, varies significantly, ranging from de-colonization movements of the post World War II to national liberation movements and the collapse and disintegration of empires in the Third World. The outcome of this proliferation of states has not necessarily been

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24 Depending on what criteria one adopts to define a state this figure may go as high as 266. This number in addition to the 192 UN member states (internationally recognized, including the Vatican City) includes unrecognized independent states (9 unrecognized by the UN, inhabited dependent territories (37), as well as areas of special sovereignty, such as overseas territories, unincorporated territories, UN protectorate, and special entities recognized by international treaty or agreement (Åland in Finland).
successful. Many of these states failed and continue to fail to this day in fulfilling their mandate within the parameters of the accepted definitions of statehood. Thus, a number of scholars, among them Robert Jackson, Jeffrey Herbst, Charles Tilly, and William Reno have come up with new concepts, such as “quasi” states, “collapsed” states, “pseudo-states,” “transitional”, “incomplete” and “shadow” states, and most recently “state-within-a-state” to define these new entities. Some of these terms have been used interchangeably by various scholars to refer to de facto states or as some have preferred also de facto regimes. Regardless of their names, they refer to entities, which exercise varying degrees of stability, control, and security. The Majority of them have evolved geographically, in the “geopolitical black holes” and on the “shatterbelts” of civilizations.

29 Some scholars have also offered the terms such as “transitional,” “incomplete,” “quasi-states,” or “pseudo-states” referring to such socio-political entities as Nagorno-Karabakh, Transdniestria, Abkhazia, South Ossetia and Chechnya. See, Vladimir Kolossov and John O’Loughlin, “Pseudo-states as harbingers of a new Geopolitics: The example of the Trans-Dniester Moldovan Republic (TMR),” a report completed for the Program on Political and economic Change of the Institute of Behavioral Science at the University of Colorado in September 1997.
31 Some sources when discussing de facto entities prefer the terms “regime” or “authority” to avoid the use of the term state. See Sevante Cornell, The Nagorno-Karabakh Conflict, Report no. 46 Department of East European Studies, Uppsala University, 1999).
32 The concept was first introduced by Saul B. Cohen, “A new map of global geopolitical equilibrium,” Political Geography Quarterly 1 (1982): 223-42. He defined “shatterbelt” in the 1980s as sub-Saharan Africa, the Middle East and Southeast Asia. Considering the realities of the present world, and conflict zones in particular, in this case the periphery of the former Soviet Union, one finds striking similarities with the elements of his definition, such as cultural complexity, uncertain political control. However, in one of his recent works, “The geopolitics of the evolving world system: From conflict to accommodation,” in A Road Map to War: Territorial Dimensions of International Conflict, Paul F. Diehl, ed. (Nashville, TN: Vanderbilt University Press, 1999), 134-56. Cohen argues that the “shatterbelts” are
The in-depth study of *de facto* states, their origins, and evolution is beyond the scope of this study. Here, for the purposes of this study, I will only focus on the cases selected, all of which have evolved from ethnonational conflicts to *de facto* states with specific characteristics.

The first mention and reference to *de facto* states dates back to 1968 and is credited to the German scholar Jochen A. Frowein. A contribution of the German international law scholarship, it appears as the “*de facto* regime” instead of “state” and covers a broader range of concepts and attributes. It refers to and covers “entities, which exercise effective authority over some territory no matter whether they are engaged in warfare with the sovereign or subsisting in times of peace.” They all are run and controlled by a political regime a consolidated “quasi-government”, and institutions, which exercise effective political authority over a territory that the “parent” (also, “littoral,” “mother,” “central,” “metropolitan”) state has lost authority, *entirely*. All have been able to maintain their effective control because they have enjoyed the trust of their subjects and given the mandate by them. By virtue of the above factors, *de facto* regimes are elevated to the level of a *de facto* statehood. Such entities have developed international legal personality, thus become subject to and deserve treatment under international law. Another definitional aspect of the concept is the motive, which gave birth to the *de facto* regimes.

34 The examples of de factor authorities in existence at present include, Republic of Taiwan, Turkish Republic of Northern Cyprus (TRNC), the “Republic of Somaliland”, South Sudan, Abkhazia, and South Ossetia in Georgia, Nagorno-Karabakh in Azerbaijan, and Transdniester in Moldova.
36 The titular states may lose control of a certain portion of their territory for variety of reason, revolt, opposition and/or collapse of state structure due to civil war, etc. All of these causes though significant, are irrelevant to the subject of the rule of *de facto* regimes.
Neither of the cases selected for this study did ever manifest any intention of taking over their titular state. Rather, they aspire for independence and secession. Thus, some are also often referred to as “separatist” movements. This latter, brings into the picture the issue of de jure recognition by the international community, which none of the cases selected for this study have been able to attain, yet.

There is a wide spectrum of “quasi-states.” Some have received little or no international recognition, whereas others, mostly in Africa and other parts of the Third World have been in existence as functioning and recognized socio-political entities. Some researchers have distinguished between the “quasi-” and “pseudo-” states. The former refers to a number of “non-institutionalized” entities, run by local chiefs, warlords, field commanders, big landowners/ and/or drug clans. Some examples include the Gorno-Badakhshan and Garm region in Tajikistan, Western Sahara, southern Sudan, and southern Angola. The second category includes “institutionalized” full-fledged and internationally recognized members of the world community and bodies, such as the United Nations, which have failed to secure economic and political standards for their citizens, which are the hallmark of states with “positive sovereignty.”

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38 John MacMillan and Andrew Linklater, Boundaries in Question: New Directions in International Relations. (London: Pinter Publishers, 1995), 250. It provides an interesting fact sheet on the status of such states which shows that between 1945-1990, 14 states, chronically were unable to exercise full sovereignty on their territory; civil wars were raging, sporadically, in 41 countries during the same period; and the territories of 15 states were occupied by some foreign power. In 1990s, 27 states were not in full control of their respective territories, and for the year 1996 alone, 27 civil wars were continuing in 24 countries. For a detail analysis see SIPRI Yearbook 1997: Armaments, Disarmaments and International Security. (Oxford: Oxford University Press, 1997).
The cases selected for this study fit in neither category. They are in control of an administratively distinct territory, with a relatively predominant homogeneous ethnic population. All three have come a long way in establishing state institutions and apparatus, i.e., government, constitution, legal system, military, and function more or less like any “independent” internationally recognized republics. According to one typology, they are identified as “institutionalized” pseudo-states. However, they all are lacking one major thing, de jure recognition by the world community of nations and related international entities. Thus, because of their status, they are barred from becoming members of international bodies and organizations such as the United Nations. The examples of such entities include, TMR, Serb republic of Bosnia (Respublika Serbska), Kosovo, Somaliland, TRNC, Abkhazia, Nagorno-Karabakh, and South Ossetia. V. Kolossov and J. O’Loughlin in their analysis of the origin and types of various quasi-states also categorize them according to a) their self-identification of an area with a specific nationality (Northern Cyprus, Palestinian Autonomous Areas); b) the splintering of an empire or large multi-national state (Chechnya [Ichkeria], Abkhazia); c) areas of conflict with no permanent control as a result of a civil war and/or a foreign military intervention (Bosnia, Afghanistan); and d) pirate states based on criminal-terrorist activities (Somaliland, “the Golden Triangle, the areas under the control of the Medellin cartel in Columbia). The cases selected for this study fit in a combination of the first two categories (nationality, disintegration of empires) introduced above. Two important aspects perhaps overlooked by the above scholars are the historical and territorial dimensions of the de facto states, both of which have played an important role in the genesis of all ethnonational conflicts on the post-Soviet landscape.

40 Ibid., 5-6.
For this study, I have adopted the definition provided by Scott Pegg, which reads:

A *de facto* state exists where there is an organized political leadership, which has risen to power through some degree of indigenous capacity; receives popular support; and has achieved sufficient capacity to provide governmental services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time. The *de facto* state views itself as capable of entering into relations with other states and it seeks full constitutional independence and widespread international recognition as a sovereign state.\(^41\)

This definition almost entirely applies to the three “unrecognized” republics of Abkhazia, Nagorno-Karabakh, and South Ossetia in the South Caucasus. All three fulfill the conditions and criteria specified by Scott Pegg in his groundbreaking study. Some of the other examples of *de facto* states include the Turkish Republic of Northern Cyprus, and the Republic of China (Taiwan). Both, with varying degrees, fit within the parameters of the above definition.

The *de facto* states do not emerge in “power vacuum, unrecognized polities, control by a local strongman, state-less situations.”\(^42\) Second, *de facto* states differ from “other groups and situations such as terrorists, riots, sporadic violence, or random banditry”\(^43\) as they have organized leadership, which provides governmental services to a given population in a specific and defined territory with the “ultimate aim of securing sovereignty.”\(^44\) The third, according to Pegg, is the “perseverance or length-of-time”\(^45\) criterion. The time frame and its parameters differ from one case to another. Naturally, the longer a *de facto* state persists, the stronger, deeper, and entrenched its institutions become. The fourth and fifth criteria refer to the goals.

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\(^{42}\) Ibid., 28.
\(^{43}\) Ibid.
\(^{44}\) Ibid., 29.
\(^{45}\) The range of time period varies. The three *de facto* state selected for this study have been in existence for over a decade, also TRNC (since 15 November 1983); Democratic Republic of East Timor for 20 years (28 November 1975).
The *de facto* states are goal-oriented entities and pursue specific kinds of objectives, which distinguish them from other groups. The ultimate goal of all *de facto* states is secession and “constitutional independence” from their titular states. Inherent in the concept of secession is the territorial dimension of the *de facto* entities. Almost all ethnonational movements have territorial claims. All the *de facto* states, certainly those selected for this study are “claiming a right to a particular piece of land, and one must necessarily inquire into why it is entitled to that particular piece of land, as opposed to some other piece of land – or to no land at all” on which they have established their “new state.” Criteria six through nine focuses on the mode of relationships, which *de facto* states develop with the rest of the international community, thus distinguishing them from other types of states, such the “puppet states.” Peaceful secessionist movements, non-sovereign or “questionable/disputed-sovereign” entities, and “prematurely organizing colonial liberation movements”. And the last, tenth criteria addresses the question of the

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46 Allen Buchanan identifies two kinds of secessions, internal and external. The former refers to domestic and local separation of two or more constitutional entities, such as secession of a township from a district and joining to another, whereas the second refers to complete severance of ties with the parent, metropolitan state. See his work *Secession: Morality of Political Divorces from Fort Sumner to Lithuania and Quebec* (Boulder, Colorado: Westview Press, 1991); and also “Self-determination and the Right to Secede,” *Journal of International Affairs* 45, (1992): 347-65.


48 Ibid., 188.


legitimacy of *de facto* states and assessing its prospects for acceptance and recognition by the international community, which Pegg refers to it as the “democratic accountability” criterion.

Furthermore, though not exactly, their characteristics correspond with the stipulations of the Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States according to which: The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states. Of the above four points, the *de facto* states selected for this study unable able to some extent to fulfill the last criterion, since they are considered illegitimate, and unrecognized, and thus cannot join and/or be accepted by the international community and its institutions.

**C. Newly Emergent Regions:** One of the direct outcomes of the disintegration of the Soviet Union has been the reemergence and recognition of the three regions of the [South] Caucasus, Central Asia, and the Baltics, in an entirely new era (i.e., post-Cold War, globalization) under new global configurations. These changes are equivalent to political tectonic shifts, which have changed the geopolitical and geostrategic landscape of the Eurasian continent. The spaces, which once were divided between a huge conglomerate of nations, the

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55 Of the three regions, the Caucasus is the only one thus far to have evolved into North and South sub-regions. Furthermore, recent developments in the regions point to the potential emergence of “supra-regions” which may evolve with the development of “mega-regional” structures and initiatives, such the Black Sea Economic Cooperation (BSEC) Business Council, and Common Neighborhood initiative. See Jeremy Bransten, “World: Conference Aims to Send Democracy East,” RFE/RL, Thursday, May 4, 2006. http://www2.rferl.org/featuresarticle/2006/05/569971CB-4595-4344-B8B9-7E40BF39DDFC.html. Accessed May 5, 2006.
Soviet Union, under a centralized and ideologically dominated government became the domains and neighborhoods of several nation-states. Thus, regions, regionalism, and sub-regionalism and supra-regionalism\(^5^6\) have emerged as major defining factors in the international politics and system, in general, and the post-Soviet states, in particular. The repercussions of these developments are several with major regional and international security and stability issues superceding all.

Regions are difficult concepts to define. Unlike the fixed, specifically defined territories or even bodies of water, regions are “fluid” pieces of territories. They are defined and identified by various factors, such as cultural, linguistic, historical, and political. A territory considered a region, such as the South Caucasus is today, may not qualify as such at a different period in history. The Eastern Europe, once a cluster of socialist countries with relatively uniform foreign and domestic policies under the indirect control of the Soviet Union, where the interests of the free and communist worlds clashed during the Cold War (1945-1989), is no longer evolving as such since the collapse of the Soviet Union. The joining of individual country in the region to European institutions, such as NATO and EU, will shape and drastically change the future character of the region in general and individual country, in particular. In other part of the Eurasian continent, the post-Soviet Central Asia is regaining its traditional cultural and religious character as a cluster of five predominantly Islamic independent states of Turkic heritage. Central Asia is shaping into a new region of specific character and qualities, under changing geopolitical and geostrategic developments in its neighborhood, such the emergence of India and

China as global powers, its vast energy resources and demands for it in the West, and political/military developments on its borders in Afghanistan and Pakistan, in particular. Thus, the birth and demise of the regions are subject to international political changes. Therefore, to define a region, according to Charles King, one should not pose the question as to “what” is a region rather as to “when” a region is one.57

A number of factors over time forge the regions with certain characters and help it shape an identity in a broad sense. One perspective identifies two types of forces, internal and external, which contribute to this process. The former pertains to all the forces, economic, political, social, cultural, and military, which bring some level of integration to the constituent states of a given region. In this process, the newly emerging political elites shaping the affairs of their respective states play a crucial role in the evolution of characteristics of a region. Thus, one can also conclude that regions may also be considered as “imagined” collective of communities.58

The external, on the other hand, refers to the actions and reactions of the neighboring and regional powers, which exert some influence on the region as a whole and individual state, in particular. The distinction between the external and internal can also translate into the insider and outsider. In the opinion of this researcher, there is yet a third force, that is the extra-regional forces, beyond the immediate external forces, such as globalization, which may potentially play even more crucial role in the formation and destiny of a region. In the case of the Caspian Sea, for example, the existence of major hydrocarbon resources and its significance for the global

economy brings in forces into play, often beyond the direct control of the constituent states of the region. However, one can rank one of the forces in terms of their superiority, but rather one has to look into the complex interplay of all three to get a clearer understanding of the whole picture.

In the case of this study, forces at work forging the South Caucasus as a region are predominantly external. The global energy demands and geopolitical interests of the regional and global powers are the major components shaping the region. However, internally a number of factors, primarily the unresolved “frozen” conflicts, ethno-religious diversities compounded by historical legacies, are hindering the evolving of the South Caucasus into a unified region with common goals and interests. Geography and history have set the destiny of the peoples in the South Caucasus, and the geopolitics will compel the three states of the region to find common grounds since their interests cross each other on many areas.

**Theories and Concepts:** The literature on regionalism has notably grown in the past decade giving rise to various theoretical views, resulting in the development of various schools of thought. As general categories one can divide them to macro level (regional and global) and micro-level (state) theories. Systemic theorists\(^\text{59}\) and political economists\(^\text{60}\) see the evolution of regions as an outcome of the disintegration or consolidation of certain major powers in response to the processes of globalization. Another school of thought, the neoliberal institutionalists and

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constructivists emphasize on the importance of a common foreign policy goal or shared identities to enhance the development of common, regional level institutions.  

Yet another set of schools of thought, neorealism and neoliberalism also have contributed to the understanding of the role and place of the regions, such as, the Caspian Sea in a globalized world. The neorealism argues that the behavior of a state is governed by a multiplicity of factors and the pattern of distribution of power among them, i.e. hegemony, bipolarity, and multipolarity, while neoliberalism argues on the complex level of interdependence, which exists among nations of a given region, and the rising role of the supranational associations, organizations, and multinational corporations. In the case of the former group of theories, considering the present state of affairs in the region, the behavior of the state may disrupt the equilibrium of the region, whereas in the case of the second, the emphasis is more on the positive and conducive role of the major institutions and heightened level of communication may contribute to the integration of the region and cooperation among its three countries.

Pertaining the South Caucasus, the arguments of the first group of theorists introduced above may answer many questions facing the states of the region. However, the second group’s, in light of the relatively recent turbulent history, cultural diversities of the nationalities living in the region will prove extremely difficult and highly unlikely to realize. Furthermore, also absent

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in the region are solid institutions, which could bring all three states under one umbrella, and a common course.

The last group of theories deals with state-level,\(^{64}\) i.e., internal issues, such as the emerging regimes, elites, opposition groups, and domestic powers. Although internal in nature, the influence of these “domestic” forces is confined to the external politics. The behavior of the states will reflect on the policies adopted on the internal matters, which in turn will manifest themselves through the formulation of the foreign policies of their respective states, their behavior in the region, and on the international scene.

Since all perceptions are subjective products of one’s mind, it is natural that there will be divergent and even diametrically opposing visions of a region’s present reality and its future.\(^{65}\) The regions are forged by common needs and challenges, domestic and foreign. In the case of the South Caucasus and the three countries, Armenia, Azerbaijan, and Georgia, some of these factors include:

a. the vacuum created by the almost overnight disappearance of the Communist ideology, political-administrative and economic structures, and policies, leaving behind a legacy of systemic failures;

b. intra-state ethnonational conflicts (Abkhazia, South Ossetia, Nagorno-Karabakh);

c. internal political opposition and rivalry between the remnants of the communist regime and the emerging new elites;


\(^{65}\) See Ole Waever, “Three Competing Europes: German, French, and Russian,” *International Affairs* 66, no. 3 (July 1990): 477-93.
d. “painful” transition period, the ramifications of which are almost about the same in all of them; and last but not the least; and
e. the growing interest of the neighboring states in this “transit” geostrategic and geo-economic region where the interest of the West and East as well as the North and South converge because of potential high-energy deposits.

Charles King identifies three main themes in regard to the importance of the regions, which he argues apply to the Black Sea, and arguably can also apply to the Caspian Sea in considerably different context. They are:

First, the impact the evolving regions have on the cultures and identities of the people of the member countries as they begin to come into contact with each other in a broader context;

Second, the way “outsiders” come to conceive a particular territorial zone or region with all its elements, political, economic, military, intellectual, etc; and

Third, issues pertaining to the conscious efforts to develop a “sense of belonging to a broad community, based on territorial proximity, common domestic policies, or cooperative foreign policy.”

Concerning the topic of this study in the context of regionalism, it is a host of challenges that both the Black and Caspian Seas have inherited as the legacy of the Soviet past and Communism. On a state level, almost every development in the political and economic life of the littoral and neighboring countries will have an indirect impact on the developments in both seas. The Armenian-Azeri conflict over Nagorno-Karabakh has resulted in the blockade of the former

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by Turkey and Azerbaijan. This situation has put Armenia in an extremely challenging situation since 1992. It has also had devastating effect both for the Armenian and Azerbaijani people whose lives have been disrupted due to all kinds of restrictions and economic hardship. In the case of Georgia, the two ethnic conflicts of Abkhazia and South Ossetia have brought the government of Georgia to the verge of ineffectiveness. All three “frozen” conflicts turned de facto states unrecognized and yet functionally independent, have stifled the transition processes of their respective countries from Soviet system to democracies. All of these can only directly affect the development of both maritime regimes (Black Sea and Caspian Sea) and the South Caucasus, in particular.

Two vast, historically and economically important bodies of water, the Black Sea and the Caspian Sea can be considered as the two “poles” which play a fateful role in the character and identity of the South Caucasus region. Bodies of water, unlike continental domains, can act as “bridges” connecting territories and peoples. The Black Sea and the Caspian Sea are shaping the character and chart the course of the Caucasus, as it is evolving into a special region within the Eurasian landmass stretching from the Adriatic to the western borders of Central Asia. From a broader perspective, the character and destiny of the Caucasus can also be viewed as a region enveloped by the two major bodies of water the Black Sea and the Caspian Sea. Changing geopolitical forces in Eurasia and member littoral states of both seas require new arrangements, institutions, and structures to safeguard the security and stability of a large number of states,

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predominantly within the domain and zone of influence of the Soviet Union only fifteen years ago.

1. The Black Sea Region: About eighteen years ago, the Black Sea was the domain of influence and shared borders with two countries, Turkey, a NATO member and the Soviet Union, the second only superpower to the United States. Today with the collapse and disintegration of the Soviet Union, the number of the littoral countries of the Black Sea has increased to six and includes: Bulgaria, Romania, the former Soviet republics of Ukraine, Russia, Georgia, and Turkey. Thus, instead of two, the Black Sea has become a zone of influence of multiple and often conflicting foreign policies, emanating from the national security and interests of each state. However, as the discussion below will show, the sphere of the influence of the Black Sea extends beyond the border of its immediate littoral neighbors.

The commonality of certain concerns has brought the above countries to the creation of the Black Sea Economic Cooperation (BSEC) in 1992. Two charter documents, “Summit Declaration on Black Sea Economic Cooperation” and the “Bosphorus Statement” set the principles and the course of the BSEC’s agenda and activities. The main objectives of the BSEC is first, “... to foster their economic, technological and social progress, and to encourage free enterprise”. The second goal, is “... to ensure that the Black Sea becomes a sea of peace,

70 The idea of the Black Sea Economic Cooperation was conceived in January 1990, and it is attributed to the Turkish diplomat Şükrü Elekdag, which was endorsed by the Turkish President Turgut Ozal. See F. Sen, “Black Sea Economic Cooperation: A Supplement to the EC?,” Aussenpolitik 44, no. 3 (1993): 281. For more on the evolution, achievements, as well as the challenges facing the BSEC see Gerasimos Konidaris, “The Black Sea Economic Cooperation Scheme,” in Subregionalism and World Order, eds., Glenn Hook and Ian Kearns (London: McMillan Press, Ltd., 1999), 41-61.
stability and prosperity, striving to promote friendly and good-neighborly relations." And finally, the third objective focused on economic cooperation, geared toward the establishment of a Europe-style economic area, as well as the achievement of a higher degree of integration of the Participating States into the world economy in which the BSEC has a major role to play to "facilitate the processes and structures of European integration." 

The BSEC at present with 11 members (littoral Black Sea States, Caucasus, and the Balkans), encompassing a territory of around 20 million square kilometers and a population of nearly 330 million people, became a reality for a number of reasons, including sharing of a "true" Black Sea identity, gravitation toward Europe and/or Euro-Atlantic institutions, and unifying economic interests, energy in particular. The discussion and analysis of the foreign policies, economic in particular, and posturing of the six littoral Black Sea countries is beyond the scope of this research as they will remain unattainable in the absence of regional security and stability issues concerning almost all of its constituent members.

Three categories of conflicts pose threats to the viability and development of the Black Sea region and its institutions. The first includes the long-standing political conflicts between and among the BSEC member countries prior to the formation of the organization, such the unresolved conflict between Greece and Turkey, on the Aegean Sea islands. Second, intra-state conflicts and disputes, such as Chechnya, and as recently as last year, the Cyprus question.

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72 Ibid., Article 8, p. 4.
73 Ibid., Article 5, p. 3.
75 Member countries include: from the former Soviet Union (Armenia, Azerbaijan, Georgia, Moldova, Ukraine, and the Russian Federation), Romania, Bulgaria, Albania, Greece, and Turkey.
Among these varieties of the conflicts the Nagorno-Karabakh and Abkhazia disputes have posed the most recent serious challenges to the regionalism of the Black Sea area.\textsuperscript{77} Located on the eastern shores of the Black Sea, Abkhazia within the territory of Georgia also shares a border with the Russia Federation to the north. The Russian involvement in the conflict has further complicated the character of the conflict. The Nagorno-Karabakh conflict is perhaps affecting the region most seriously, because although a separatist movement inside Azerbaijan, it has involved Armenia from the first days of its eruption, thus turning it into an inter-national confrontation including the interests of Russia, Iran and Turkey, three major regional powers. Internally, it has fractured the economies and societies of both states (Armenia and Azerbaijan), and hindered developmental processes of the region as a whole, significantly.

The impact of these conflicts on the security and related issues of the region, in the post-September 11 environment, in particular, has gained even more significance, especially in light of the vacuum created by the disappearance of the Cold War era bi-polar institutions, power relations, and the absence of any solid and emerging multi-polar regime. The strengthening of the regional institutions can have positive impact on the monitoring of the developments in the region and their control through cooperative measures and ventures.\textsuperscript{78}


2. The Caspian Sea Region: The second major defining component of the South Caucasus is the Caspian Sea, the world’s largest inland sea. Like the Black Sea, the Caspian Sea is also defined as a region of its own surrounded by five riparian states of Azerbaijan, Iran, Turkmenistan, Kazakhstan and Russia, and the adjacent countries of the Caucasus and Central Asia. As in the case of the Black Sea, the Caspian Sea’s communities have been impacted by two major factors, the collapse of the Soviet Union and globalization. Whereas the accessibility and transportation routes connecting the Caucasus and the Middle East to Europe are major defining factors for the Black Sea, the major oil and gas deposits in the Caspian Sea arena link the riparian countries both on regional and global planes. Thus, because of this important source energy, the Caspian region has become a focal point of the globalization processes, political, economic, and cultural, and changing geopolitical landscape of the region. The oil factor is a major determinant in defining and shaping the nature of “the Caspian Region”. In a broader geopolitical spectrum, it implies a “geopolitics determined by peculiarities of geology, [that is] major natural resources,” thus defining the region by oil and gas, and trade routes.

Lastly, one cannot discuss the Caspian region without considering the role of multiple ethnonational irredentist claims, ethnonationalist movements, and civilizational conflicts,

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79 The Caspian is in reality a lake, an inland body of water. It is called a sea because of its huge size (approximately 371,00 sq. km)
eloquently analyzed in the work of Samuel Huntington. In light of the above factors and dimensions shaping the role of the Caspian Sea in the region, a four level analytical tool has been proposed from micro- to macro-level the core of which are the conflicts under the study in this dissertation.

3. The South Caucasus: The lands to the south of the Caucasus Mountains in the Russian language literature has been referred to as *Kavkaz* (Caucaasia) or *Zakavkaz’e* (Transcaucasia). The region, covering an area of 78,000 square miles, referred to, as a “spiritual frontier” has been a “meeting place of great civilizations, of which it still bears the imprint, and a locus of imperial rivalries.” Over the centuries four civilizations (Iranian, Turkic, Roman, in modern times Western) brought the clash of two ancient Islamic and Christian faiths. Home to over fifty ethnic groups, the South Caucasus is one of the most heterogeneous and

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84 For more on this model see the schematic diagram presented in R. Hrair Dekmejian and Hovann H. Simonian, *Troubled Waters . . .*, 9.
85 The term “South Caucasus” (*Juzhnyi Kavkaz* in Russian) is more widely used today replacing the term (*Zakavkaz’e*) “Transcaucasia” or “Transcaucasia”, meaning “the area beyond the Caucasus Mountain Range” as it has political connotations. It refers specifically to the region occupied by the three independent states of Armenia, Azerbaijan, and Georgia. The term also points to the existence of another region the “North Caucasus,” (*Predkavkazje* in Russian or “Circaucasia”), that is, Hither Caucasus, comprised of a several autonomous republics and regions, at present part of the Russian Federation. For more on the terminological discourse on the Caucasus see Thomas V. Gamkrelidze, “Post-Communist Democratic Changes and Geopolitics in South Caucasus,” *International Research Center for East-West Relations* (1998): 40-42.
86 The name “Transcaucasus,” though more commonly used in modern times has negative connotations due to the Russian expansionist policies of the 16th-18th centuries, thus unsuited for this study. C. Toumanoff, Ibid.
complicated regions of the world. Centuries of relentless migrations, population transfers and transplantations have resulted complex mix of ethnic groups and identities.

Two of the world’s oldest civilizations (Armenia, Georgia) in the South Caucasus were incorporated into the territory of the Tsarist Russia, and Soviet Union, respectively. It was not until late eighteenth century when the first Russian troops entered the territory (1801) marking the beginning of the expansionistic policies of the Russia in the Caucasus. In short three decades, the conquest of the Caucasus was complete with the signing of the Treaty of Turkmenchai between Russia and Persia in 1828. The entire region began to take shape through the policies and the visions set by the Russian tsars.

Any study of the South Caucasus, should take into consideration the developments in North Caucasus, because of its ethnic, historical and cultural links. In this study, however, the North Caucasus and its ethnonational issues are excluded, as its socio-political entities are not, at least directly, relevant to the cases studied here. The two regions of North and South Caucasus have evolved separately, and distinctively. While the autonomous republics and oblasts in the North constituted territorial-administrative units within the Russian Federation, those in the South evolved distinctively: first as one unit, the Transcaucasian SFSR (1922–1936), which was dissolved into its three constituent components, that is the three Union republics of the Soviet Union: the Armenian SSR, Azerbaijan SSR, and Georgian SSR.

The present realities of the South Caucasus are the outcomes of two historical developments in the twentieth century, which left their mark on their respective societies: the World War I and the Bolshevik Revolution. The three republics discussed in this study,
administrative entities under the Russian rule, having barely survived the World War I, emerged as independent republics in 1918. However, all three lasted for two years only to be incorporated in the Soviet Union emerging on the ruins of the Tsarist Russia. It is home to several ethnic, religious, linguistic and cultural groupings separated by the boundaries of the three republics of Armenia, Azerbaijan, and Georgia. The Soviet Union inherited not only a major geopolitically and geostrategically crucial landmass, but also the bitter legacies of several ethnic groups, along with their unresolved disputes, cultural, territorial, and political.

The post-Soviet South Caucasus is gradually evolving as a region. The main contributing and compelling factors are external, a combination of geopolitical, geo-economic, and geostrategic forces. And yet, internal forces in the region stifle its regionalization process. They are a combination of intra- (Georgia) and inter-state (Armenia-Azerbaijan) and tri-lateral (Georgia-Armenia-Azerbaijan) factors. The conflicting and contrasting interests of each member of the triad will continue to slow down its evolution into becoming a region with its identifying characteristics. Another possibility, which can and has recently begun to emerge, is the culmination of coherent interests and policies between the dyad (Azerbaijan-Georgia) in the region, leading to further isolation of Armenia by leaving it outside the regional projects. Thus, as long as the South Caucasus continues to suffer from internal issues and discordant foreign policy objectives, its evolution as a region will remain unrealistic and uncertain.
III. Ethnonational Conflicts on the World Stage

Ethnic conflicts in the past two decades have occupied an important place both in academic discourse and political sphere. Some scholars argue that in many ways the “‘explosion’ of ethnopolitical conflicts since the end of the Cold War is, in fact, a continuation of a trend that began as early as the 1960.”\(^\text{90}\) The post-Cold War conflicts have manifested themselves in terms of their intensity and political salience. Analyzing 233 communal groups, Ted Gurr in his study titled *Minorities at Risk* \(^\text{91}\) confirmed this trend. His findings indicate that the number of ethnic strife, rebellions and protests worldwide grew fourfold from 1950-1955 to the last five years of the Cold War 1985-1989.\(^\text{92}\) Furthermore, his findings also show that the conflicts were equally perceptible in the first, second, and third worlds, though varying in nature and their intensity. Gurr’s follow up studies however, in the post-Cold War period, have revealed that the number of ethnonational conflicts throughout the world is in decline.

Regardless of their unique natures, and motives, ethnic conflicts share some common characteristics. Most ethnic conflicts occur within the context of multiethnic societies. As Esman correctly observed:

> The fundamental reality is that of ethnic pluralism within the boundaries of the great majority of political systems in the contemporary world. From this fundamental reality emerge the central problem – relationships and


terms of coexistence, coercive or consensual – that are shaped and maintained
by these ethnic communities and the rules and practices enforced by the political
authorities that govern these states. \(^93\)

Multiethnic states in history, the last two centuries in particular, are the outcome of
major transformation on the international stage: conquests and annexations; colonization in the
twentieth century, massive population movements and transfers as a consequence of the two
World Wars. As a result of the above developments on the international scene, numerous groups,
mostly ethnic by nature, have been forced to share alien cultures in strange lands and face
cultural, ethnic, and national crises. The Soviet experience was one of the best examples. It was
home to 146 to 188 different nationalities and ethnic groups, speaking anywhere from 104 to 200
distinguishable languages divided between its main 15 union republics and 15 and 16
autonomous republics and autonomous oblasts (regions), \(^94\) respectively. \(^95\)

The resiliency of ethnic nationalism during the 1960s and 1970 led to the birth of
numerous ethnically based independent states. Some of the major causes behind the proliferation
of these movements ranged from discontent with the colonial rules, identity crisis, insecurity and
outright oppression and exploitation. Stein Rokkan identifies three factors – territorial

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\(^{94}\) The Soviet administrative hierarchy had two inherent contradictory principles: geography and
nationality. The administrative subdivisions of a republic, oblast (roughly equivalent to a province), and
raion (districts) were based primarily on geography. The two largest republics, such as the Russian and
Ukrainian republics, were divided into oblasts, whereas the smaller republics (the Latvian, Lithuanian,
Estonian, Armenian, and Moldavian republics) did not have an oblast administration between the republic
and the district levels. In addition, six large, thinly populated regions in the Russian Republic have been
designated by the term krai. A krai could contain an autonomous oblast or an autonomous okrug
inhabited by a national minority. About 300 large cities and approximately 3,000 rural and urban districts
(raiony) made up the next lowest government level. In turn, the large cities were divided into urban
districts, or gorodskie raiony. Approximately 40,000 village centers made up the rural districts. The
Russian Federation and some of the other republics also contained administrative subdivisions with
boundaries drawn according to nationality or language. The three kinds of such subdivisions included
tywenty autonomous republics, eight autonomous oblasts, and ten autonomous okruga.

\(^{95}\) Lee Schwartz, “Regional Population Redistribution and National Homelands in the USSR,” in Henry
concentration, social isolation, and economic isolation of ethnic groups in the course of the
process of modernization responsible for the rise of ethno-national sentiments and political
fragmentation, in developing countries in particular.\textsuperscript{96}

The fascination and need for a better understanding of this phenomenon has led to the
proliferation of a large body of literature on ethnic mobilization movements. Of the several
theories, the internal colonial approach developed by Michael Hechter, deriving mostly from the
Marxist social theories developed by Lenin and Gramsci fits best to the realities of the nationalist
movements in the Soviet Union. At the core of Hechter’s argument is the concept of
exploitation, which characterizes the relationship between members of the dominant and
subordinate groups, in particular those in the periphery. “Exploitation” Hechter argues “results
in particularistic allocation of valued roles and resources to the dominant ethnic groups,” thus
leading to political mobilization of the subordinate groups in the periphery.

Recent generation of scholars, however, paid more attention to the importance of the
distinction between the ethnic politics and nationalist politics. James Kellas, for instance, pointed
out that “nationalism focuses on ‘national self-determination,’ or home rule in a national
territory,” whereas, “ethnic politics in contrast is largely concerned with the protection of the
rights for members of the group within the existing state, with no claim for a territorial
‘homeland’.”\textsuperscript{97}

\textsuperscript{97} James G. Kellas, \textit{The Politics of Nationalism and Ethnicity} (New York, NY: St. Martin’s Press, 1991),
6.
Developing on the same line, Gurr argued that *nonstate communal groups*,
referring to people who share language, ethnicity, region or residence, and the history, but who do not constitute the nation or states, manifest nationalist feelings under two main circumstances: intergroup differentials and discrimination and demographic and ecological stress. Out of 233 communal groups identified and categorized in Gurr’s study mentioned above between 1945 and 1990, more than two third were national groups of which 81 were ethnonationalist. It is in these groups among which Gurr found demands for political autonomy. Gurr suggested, “the common denominator of almost all autonomy demands is the historical fact or belief that the group once governed its own affairs.”

As pertaining to separatism, however, his findings indicate that “there is no global or regional correlation between the severity of either kind of discrimination and the intensity of separatist sentiments.” Gurr concludes by saying: “The global evidence suggests that two different kinds of dynamics drive the political grievances of contemporary minorities. Political and economic disadvantages motivate communal groups to demand greater access to the political system and greater economic opportunities whereas a history of political autonomy leads groups to attempt secession.”

Thus, solid group history and status enhance the group’s self-perception and legitimizes their demands. Strong group identity and cohesion provides the ground for group mobilization, in particular, in an environment where the repressive measures and control by the dominant group fuel the cause of minorities leading to rebellion or uprising. Other scholars such as

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98 Gurr uses the term non-state communal
100 Ibid., 59.
Heraclides, Horowitz, Premdas, and Duchacek offer their analysis supplementing Gurr’s findings by focusing on various aspects of the minority’s position on the socio-economic ladder, culture and identity.

In his seminal work on ethnic conflicts, Ted Robert Gurr indicates that by mid-1990s the number of ethnic groups using violent means fell from 115 to 95. More importantly, as Gurr states the balance between the escalation and de-escalation records in these conflicts of the 59 armed ethnic conflicts in progress during 1999, 23 were de-escalating, 29 had no short-term trend. Furthermore, a general survey of the ethnic confrontations worldwide from 1993 to 2000, in particular those of self-determination has been reduced to half. During 1990s, 16 separatist wars were settled by negotiated peace agreements, and 10 other were halted by a ceasefire agreement and on-going negotiations. According to Gurr and his calculations as of 2000 there were only 18 separatist wars raging in various corners of the world, which include the three cases selected for this study. All these figures are the indications of the fact the number of violent ethnics are in decline. This encouraging reality can be attributed to a number of factors, such as changing international realities, fresh and strengthened legal institutions for protecting minority rights, innovative mechanisms in addressing the demands of various groups and mechanisms in conflict management and resolution.

105 Ibid., 53.
106 Ibid.
107 Ibid., 54.
Ethnic conflicts also referred to as “disputes,” “rebellions,” and “protests,” on the Soviet landscape, according to Gurr, reached their peak in 1992. Almost all of the ethnic conflicts fought on the territory of the Soviet Union manifest two common features. First, like all the post-World War II international conflicts, they are all *intra-state*\(^\text{108}\) in nature. Second, all with the exception of the conflict in Chechnya, which was fought on the territory of the Russian Federation,\(^\text{109}\) erupted in the *periphery union republics*, the South Caucasus and Central Asia. Although all have military, political, and economic dimensions in varying degrees, the presence of ethnic, national and territorial dimension is a constant in all of them, in this case Nagorno-Karabakh, Abkhazia, and South Ossetia. And finally, all entered a “frozen”\(^\text{110}\) state by mid-1990s, which Barnett Rubin attributes it to the ‘stabilization of the post-Soviet space,’ and identifies three factors accountable for the situation: state-building, Russian influence, and processes of internationalization.\(^\text{111}\)

*A. Pre- and Post-Cold War Europe and Soviet Union:* A group of scholars in a retrospective look at the developments of the past two decades in Eastern Europe and the Soviet Union, in particular, have identified a number of other factors responsible for the eruption of ethnic conflicts. Among them, three factors, *ancient hatred, fallout of international system,* and the *security dilemma*, seem to explain best the ongoing ethnic conflicts on the periphery.

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republics of the former Soviet Union, and Eastern and Central Europe. With the tight and oppressive control from the top down disappeared, decades-long suppressed feelings and sentiments got the opportunity to express themselves. In the absence of authority, weak or absence of control in their titular states, ethnic groups manifested their demands openly with various levels of intensity.

The disappearance of the bipolar system and its replacement with a temporary period of uncertainty and chaos also contributed to the situation. In a situation of emerging or imminent anarchy, the first things that will be of concern naturally to groups were their safety and security from measures threatening their physical existence, preservation of their identity and culture. The groups and their elites soon realized that the key to sustain and strengthen their security is power. One important factor to guarantee the security once in power has and continues to be the control of resources. Thus, ensued competition to safeguard their resources and their lives moves the relations between groups to a new plateau, that is, competition with rival groups. What transpired in the former Yugoslavia among the Serbs, Croats, Slovenes, Kosovars, Macedonians, and Bosnian Muslims, in Europe, and Afghanistan and some of the Central Asian republics, such as Tajikistan and Uzbekistan, are among some of the strong cases explaining the group hatred factor sparked by fear of further isolation, discriminatory measures for the control of resources both economic and political.

Using the realist concept of security dilemma Stephen Saideman\textsuperscript{114} provides some solid argument for the causes behind the ethnic conflicts. The collapse of Soviet empire resulted in the independence of fifteen republics. Almost all the republics emerged as weak politically and economically. Some, like Georgia were on the verge of collapse and disintegration. Saideman introduces a new concept \textit{halfway house state} that is those, which fall between the \textit{ideal states} and \textit{collapsed states}. The former refers to those with no ethnic conflict because of the state’s monopoly of the use of force, and the latter where the authority was inadequate, crumbling or nonexistent. Under such conditions, Saideman suggests that competition for power to guarantee the security of a given group would form the core of the security dilemma confronting ethnic groups located in halfway house states.

Another specific feature of the post-Cold War conflicts is their character. Most of the conflicts of this period, as mentioned above, are predominantly intra-state vs. inter-state. In addition, we have seen the emergence and activation of new actors, e.g., non-state, trans-state, sub-state on international scene. Some of the cases mentioned above have been involved in major regional or domestic conflicts. These new actors in some cases have proven to be more organized and prepared to challenge the authority and even sovereignty of their metropolitan states.

Some of these changes are symptomatic of major socio-political tremors, i.e., collapse of empires and discreditation of ideologies and regimes, predominantly communism, which changed international relations and its milieu. These changes also shattered certain beliefs and identities and replaced them with new ones as new boundaries took shape; nations and states

began to emerge on the international stage. One of the best assessments of the scene is that of Ernesto Laclau who argues that:

> The multiplication of new – and not so new – identities as a result of the collapse of the places from which the universal subject spoke – explosion of national identities in Eastern Europe and in the territories of the former USSR, struggles of immigrant groups in Western Europe, new forms of multicultural protest and self-assertion in the U.S., to which we have to add the gamut of forms of contestation associated with the new social movements.¹¹⁵

Perhaps nowhere other than the Soviet Union, a conglomerate of multiple identities and groupings, the above elements came to manifest themselves to their fullest potential. It is not accidental that most of the serious ethnic conflicts have erupted either on the landscape of the Soviet Union, its periphery states such as Azerbaijan and Georgia in the Caucasus or those once under its ideological umbrella in Eastern Europe.

**B. The Nationalities from Independence to Soviet Colonialism:** One can only grasp the realities and the dynamics of the present-day post-Soviet republics and their issues, ethnonational conflicts, in particular, with an in-depth knowledge and understanding of their evolution: the Soviet experience, and beyond, i.e., Imperial Russia. The Russian factor has been a dominant reality in the evolution of ethnic groups, nationalities under its jurisdiction and the neighboring communities, the Caucasus, in particular. The residue of that experience continues to manifest its presence with no less strength and dynamism.

The three titular states of Armenia, Azerbaijan, and Georgia directly involved and impacted by the emergence of the three *de facto* states selected for this study, share a common

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historical experience overshadowed and manipulated by the presence and domination of Russia in the Caucasus. The First World War and its aftermath led to the creation of the Transcaucasian Federation, which lasted only three short weeks (22 April - 26 May 1918). It dissolved into the three independent republics of Armenia, Azerbaijan, and Georgia, all of which lasted for roughly two years, only to be taken over by their indigenous Bolshevik forces with the support and blessing of the Russian Bolsheviks, and eventually to be incorporated in the Union of Soviet Socialist Republics (USSR).

Thus, the three emerging young nation-states with unfinished state-, nation-building processes entered the Union with their individual ethnic, economic, and political “baggage”. They fell under the rule of an alien ideology, imposed from the above to forge a new identity and world ethos. What followed thereafter added to the complexity of the situation and compounded it with new and alien concepts and policies. This plagued all the constituent republics, including those in the South Caucasus. The root cause of most of the present-day ethnonational and territorial conflicts can be attributed to developments which took place in the formative days of the Soviet Union, shaped by two predominant factors: concepts and ideology, and the Soviet nationalities policies under the unyielding control of a dictatorial leadership.

1. Concepts and Ideology: In the Soviet context, the concepts such as nation, ethnicity, and ethnic group received a whole new treatment than they did in the West. Considering the clear break between the non-Marxist and Marxist worldviews and theories, the human groupings were defined in the context of historical evolution and phases they advanced from one stage in history, such as feudalism to another, i.e. capitalism. Thus, for example, an ethnic group
of people that share a similar language and culture, which refers to a community of people that share a similar language and culture, such as Eskimos of Canada, and Native American Indians, in the Soviet lexicon occupy one of the lowest echelons in the socio-evolutionary ladder. The definitional ambiguities become more compounded with the introduction of the terms *natsiia* (nation) and *narodnost* (nationality). The former refers to “an historical community of people that comes into existence with the formation of a common territory, common economic ties, a literary language, a general character, and certain cultural features that constitute its identifying traits.” Therefore, in the Soviet thought, nation is the highest stage in the evolutionary process as a socio-historical phenomenon subsequent to the fragmentation of the feudal period.

2. The Soviet Nationalities Policies

a. Formative Years: Lenin, the architect of the Soviet nationalities policy, subsequent to the establishment of the Soviet rule had a different vision of the future Union a lot limited geographically than what it came to be in the next decades. However, once in power, the Bolsheviks did not lose a minute to claim and legitimize their rule beyond the territories inhabited by non-Russian nationalities. Aside from resorting to Marxist-Leninist ideology, and,

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116 Along the same line there yet two more categories in the Soviet lexicon, further down in the evolutionary ladder, *etnograficheskaia gruppa* (ethnographic group) referring to a segment of people, and *etnicheskaia obshchnost* and *etnos* (ethnic community), referring to groupings such as a tribe, a nationality, or a nation.


118 In 1919 the U.S. President Woodrow Wilson sent William C. Bullitt for an informal meeting with Lenin for purely “informational” purposes to learn about his intention in regard to the withdrawal of his troops. In this meeting, Bullitt learned by surprise that Lenin was ready to retract from all the periphery regions and territories, e.g., the Baltics, Transcaucasia, Finland, Belorussia, and even western parts of the Ukraine. For more on Bullitt’s meeting with Lenin and his report to President Wilson see Arno J. Mayer, *Politics of Peacemaking: Containment and Revolution at Versailles, 1918-1919* (New York, NY: Knopf, 1967); also, *Wilson vs. Lenin: Political Origins of the New Diplomacy, 1917-1918* (Cleveland: World Pub. Co., 1959).
increasingly, the Stalinist ideological principles came to prove Moscow’s revolutionary right to sovereignty over non-Russian peoples.

On October 25, 1917, the second All-Russian Congress of Soviets of Workers’ and Soldiers’ Deputies, authorized by Lenin himself, called for guaranteeing autonomy to all nations under the Bolshevik rule. Shortly after, on November 2 of the same year, the “Declaration of Rights of the Peoples of Russia,” offered a full range of options to the non-Russian nationalities (including the right to self-determination, secession) with the intention of luring them to join or remain under the aegis of the “Soviet” that is, ethnic-neutral, non-“Russian” rule. A close review of this document indicates that Lenin and his comrades were aware of the possible “anti-Russianism,” “anti-Bolshevism,” and interethnic conflicts and localized non-Russian nationalism(s), which were to arise, inevitably.

Thus, the main purpose of the Soviet nationalities policy was the fusing (slianie) of all nationalities, regardless of their origins under a union (edinstvo). Nationalism(s), a product of bourgeois conditions were destined to fade away leading to a “denationalized” society under socialism. Cognizant of the separatist and nationalistic tendencies of the periphery nationalities in particular, to smoothen the process of “merging” (sblizhenie) of multitude of nationalities, came the idea of a “union of separate republics” which would play a double role: mitigate the fear of Russian domination, and neutralize interethnic antagonisms and bring about a friendship of nationalities (druzhba narodov). Each republic and sub-republic entity would be allowed to manifest itself

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culturally, and yet enjoy all the fruits of the Soviet Union under the ethnically neutral, “super-republic institution,”120 that is the Communist Party.

b. Post-Lenin Period to Gorbachev: It took only a decade for the above utopian visions to disappear. With Lenin gone121 and Stalin in power, the course of events changed dramatically. An open campaign of Russification through severe measures by way of Sovietization and “denationalization” was unleashed throughout the Union. Some of these policies in contrast to proposed relative equal development (rastsvet) manifested themselves in the form of blatant economic disparities. With the Russification policies, penetrating every aspect of life in the union “national” republics (republiki) and autonomous republics (aftonom respubliki), regions (oblasts), and districts (okrug) led to intensified the already existing anti-Russian sentiments and deepened the sense of alienation from Moscow.

As the events began to unfold after the introduction of glasnost and perestroika by Gorbachev in 1985, the failure of all of the above principles and policies surfaced with vengeance. It became evident that the Soviet social “engineering” had failed. The evolution of Homo Sovieticus did not complete its course. It thus remained half soviet and has non-soviet bearing residues of the nationalistic past of its respective ethnic people. Nationalistic tendencies, in the periphery Union republics, such as the Transcaucuses, erupted violently in the form of ethnonational conflicts. Ethnoterritorialism emerged as one of the contentious issues hindering the state- and nation-building process of newly independent republic. Furthermore, most of the Union republics reverted into various degrees of nationalistic tendencies by adopting policies, which

120 Ibid., 5.
121 Most of the credit for the formulation of the nationalities policies should go to Stalin, because during the most crucial and fateful days Lenin was severely ill and bed-ridden.
fueled interethnic antagonisms and conflicts. With the liberation from the soviet rule and the
independences in the late 1980s came conflicting identities and visions on the top of systemic
devastation of economies, which further exacerbated the situation. Naturally, multiethnic and
heterogeneous republics like Georgia suffered more than those of homogenous one, such as
Armenia.

Among a number of factors, two, the demographics and territory, played a common and yet
major role in the formation of ethnic identities and relations in various regions of the Soviet Union,
the Caucasus, in particular. The central authorities manipulated the demographic structure of
several Union republics from Moscow. Mass transplantations of various ethnic groups, e.g.,
Meskhetian Turks, Chechens, Kurds, Greeks, and Germans were implemented out of political
considerations, domestic and foreign. Decisions made for setting boundaries between and among
the Union republics, and within (e.g., Nagorno-Karabakh, Crimea) laid the ground for the future
boundary disputes and possible territorial transfers and swaps.

Another factor, territory or more precisely territorial transfers, as the post-soviet
developments attest, proved to have fateful consequences. The transfer of the territories with
distinct ethnic population and identities, such as the three autonomous regions and republics to
historically rival countries, manipulating their de jure status of certain region, are among many
examples within the hierarchy of the Soviet governmental-administrative system. Of the three
entities in question within the boundaries of Azerbaijan and Georgia, Nagorno-Karabakh was
granted an Autonomous Oblast (region) status, severed from the Armenian SSR and placed under
the Azerbaijan SSR jurisdiction. Abkhazia SSR enjoyed the status of an autonomous republic, while
South Ossetia had the status of an Autonomous Oblast. Both were subjugated to the Georgian rule under the Georgian SSR.

Equal treatment of ethnic groups and minorities in host communities, although highly desired, remains an illusion in many multi-ethnic societies. The Soviet Union was no exception. The relationship between the dominant and subordinate groups, i.e. the Russian and the non-Russian nationalities of the former Soviet Union was always one of “big brothers” and the “younger brothers,” that is, between the imperial power and its colonies. This situation in the case of the Soviet Union is referred to “internal colonialism” rather than classical colonialism.

Perhaps the approach most relevant to the Soviet experience is that of R. A. Schermerhorn who offered interesting insights in the relationship between the “center” and periphery nations within the Soviet Union. He identifies two distinct forces “centripetal” and “centrifugal” tendencies. The former exhibited by the “center” is intended to bring assimilation and incorporation of subordinate groups. This process in turn creates opposite forces and reaction among the subordinate groups, which strive for segregation and further subjugation and isolation.

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122 The third sub-state structure in the territory of Georgia is Adjaria or the Adjaria Soviet Socialist republic [Autonomous vs. Union].
As history has stood witness, many attempts over the seven decade-long history of the Soviet Union such as the equalization and standardization policies of the “center” directed toward the “sub-nations” of the Union backfired, and culminated in exact the opposite results. The mode of incorporation and subordination of an hierarchy of nations by the dominant “core” i.e. the Russian Federation; the failure of social mobilization, that is, “modernization” policies in eradicating national self-consciousness of nationalities, and finally, the genesis of nationalism and nationalist movements as a result of the dialectical relationship between the center and periphery culminated in unanticipated outcome. As argued by Michael Hechter, the internal colonialism left an inverse affect on annexed nations and their sub-entities. The exploitative relationships between the “core” and the periphery, the nature of annexation vs. voluntary incorporation\(^{126}\) for to form a union of “equals”, led to the strengthening of national and ethnic self-consciousness and development of nationalism.\(^{127}\)

3. The Rights to Self-Determination and Secession under the Soviet Rule: Like many revolutions, the Bolshevik Revolution in Russia also painted a rosy picture for the future to win the hearts and minds of the masses. A review of official statements made by the founders of the Soviet Union, such as Lenin, and Stalin after him, in regard to the right of nations, and peoples, reveals conflicting views and positions, theoretical inconsistencies and distortions. One can attribute these conceptual problems and theoretical confusions only to one thing, the long-term

\(^{126}\) As an analysis of the sociological theories of nationalities questions and relations in the Soviet Union is beyond the scope of this research, for more details see R. Rockett, *Ethnic Nationalities in the Soviet Union in Sociological Perspective on a Historical Problem* (New York: Praeger, 1979).

objectives of the Soviet revolution. Here I will only refer to the two main concepts, self-determination and secession, which are relevant to the topic of this research.

One of the earliest documents issued by the Soviet government (15 November 1917), titled “Declaration of the Rights of the Peoples of Russia,” included the following statement:

. . . The Council of People’s Commissars has decided to use as the basis of its activity on the question of nationalities in Russia the following principles: (1) the equality and sovereignty of the people of Russia; (2) the right of the people of Russia to self-determination, even secession, and the formation of an independent state; (3) the abolition of all national and national-religious privileges and restrictions; (4) the free development of the national minorities and ethnographic groups living in Russia.  

Only two months later, on (13 January 1918) in another document the “Declaration of the Rights of the Workers and Exploited Peoples,” the Soviet regime “clarified” some of the statements made in the former, such as the “right of peoples to self-determination and the formation of an independent state.” It stated that “the Soviet Russian Republic is founded on the basis of the free alliance of the peoples of the Union as a federation of Soviet national republics.” Thus, with the stroke of a pen, “dictatorship of proletariat” replaced the “free will” of nations.  

Thus, with the coming to power of the proletariat, and the help of two core institutions of the Soviet power, the then Russian Communist Party and the Red Army, the Soviet colonial machine expanded its dominance from the Transcaucasus to the furthest corners of Turkestan.

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129 G. Safarov, *Natsionalny vopros i proletariat* (The Nationality Problem and the Proletariat) (Petrograd, 1922), 147, quoted in Panas Fedenko, Ibid.
130 The Soviet Commissariat for Turkestan was formed on 19 November 1917, which sealed the fate of the region known today as Central Asia, including the five present republics of Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, and Turkmenistan. For more on the experience of the region during the early
While preaching independence for the oppressed nations of the world under colonialism, the Soviets, as evident from the official documents, statements of the founder of the movement Lenin had no intention of granting independence to their own “oppressed” subject nation and nationalities. Having crushed various rebellions in a period of two years (1920-1921) and uprisings in places such as Ukraine, Georgia, Armenia, and Northern Caucasus, the Soviets “liberated oppressed nations” from the “tyranny of bourgeoisie,” and consolidated their hold on a tapestry of nations, sub-nations, and ethnic minorities under their rule.

As a consequence of this change of position and views, secession, an indication of the free will of nations to choose and determine their destiny, was ruled out completely. It became subject to legal and constitutional provisions and stipulations subject to the approval of the “center”. In a letter to the prominent Armenian communist figure, Stepan Shahumian, Lenin wrote: “Secession is by no means our plan. We do not preach secession at all. In general, we are against secession.”

Thus, in a short period, two concepts pivotal to the issues studied in this research, “secession” and the right to “self-determination” began to receive negative connotation, disfavorable analysis and interpretation. Anything “national” began to be viewed as “divisive” and “harmful” to the cause of “international brotherhood of workers” the “proletarian dictatorship”.

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The implementation of the nationalities policies in the “interest of socialism” over the years planted the seeds of dissent amongst the titular nationalities of the Union republics. For the realization of the “proletarian” ideals these policies went through three distinct stages as time progressed. The 1920s, characterized by the policy of korenizatsiia (indigenization or nativization); 1930s: anti-korenizatsiia, that is the reversal of the policy since the Soviet institutions had already established it power; and the post-World War II period when the emphasis was put on more ideological and doctrinal aspects coupled with russification policies. This latter initiated a number of policies by which the Russification policies began to penetrate into various aspects of life in the Union republics which resulted in sharp reactions in some, including Georgia and Armenia.

4. Ethnic Movements and Conflicts, and the Disintegration of the USSR: Factors leading to the collapse and disintegration of empires and civilizations (e.g., Byzantine, Roman, Greek, Ottoman, Persian, Russian, British) into their constituent parts throughout history has been diverse and complex. In the case of the Soviet Union, they were the very forces of nationalism, once strategically exploited and then disregarded as impotent and transitory or even irrelevant matter that brought the communist superpower crumbling down in 1991. Ironically it was the collaboration of odd partners, i.e., the Russian, Ukrainian, Armenian, and the Baltic nationalism, which brought the Union to its knees. As it disintegrated into its fifteen constituent pieces, some were and still continue to be concerned about its further disintegration into more pieces, a phenomenon dubbed as matrioshka\textsuperscript{133} nationalism. The concern is that downward spiral

\textsuperscript{133} Matrioshka is a unique example of the Russian handicraft, the nicely painted wooden dolls that contain constantly smaller dolls within it.
and further disintegration of the present entities into smaller units may not be far from reality. The present developments in the Caucasus provide clear indication in this regard.

As the euphoria associated with the collapse of the USSR subsided, the “false” hopes of a more peaceful world were replaced with deeper tensions caused by the uncertainties of a “new world order”. We witnessed the surge and mushrooming of new conflicts. These “new” conflicts are also referred to as “post-Clausewitzean”\(^\text{134}\) reached their pick in 1992. One source identifies 30 major armed conflicts\(^\text{135}\) in 1995 waged in 25 locations. This number is less than those fought in 1989, which were 36 conflicts in 32 locations.\(^\text{136}\) And as far as the participants and the perpetrators of these conflicts are concerned the same source identifies a total of 232 different parties or groupings of parties were involved, of which 68 were states, and the rest 164 non-governmental and non-state actors.\(^\text{137}\)

The central feature of post-Cold War conflicts is their ethnic nature. Commonly referred to as “ethnopolitical,” these conflicts involve parties who hold “irreconcilable vision of


\(^{135}\) Major armed conflicts are defined as one with combat-related casualties at least 1000 during the entire conflict).


\(^{137}\) Ibid., p. 345.
such issues as the identity, borders and citizenship of the state”. The causes behind the rise of ethnopolitical conflicts for this period are diverse. They range from widening ecological, demographic, and material discrepancies to large population movements caused by environmental stress, scarcity and depletion of resources. All of these developments in turn lead to the creation of “marginal groups”. In addition to the above factors, as supported by the data provided in Ted Gurr’s study, political transitions appear to be the immediate cause of ethnopolitical conflict. Some of the main conflicts of the recent two decades, supporting Gurr’s analysis are those in Croatia, Bosnia, Rwanda, and Azerbaijan.

Perhaps another more important point which Gurr’s data supports is that of the invalidation of Samuel Huntington’s thesis of “clash of civilizations”. The evidence provided by Gurr in his study indicate clearly that the cause of the majority of ethnic conflicts are rooted in growing rifts introduced above and not civilizational or cultural faultlines, whereas, Huntington on the contrary argued that “conflicts between groups in different civilizations will be more frequent, more sustained, and more violent than conflicts between groups in the same civilizations”. Certainly Gurr’s data proves otherwise.

To appreciate the root causes of ethnonational conflicts in the former Soviet Union, one has to identify the factors and mechanisms, which held the Union together prior to its collapse. As the above introduced ideological factors and the policies in place under the Soviet regime highlighted, several ethnonational, and regional tensions were kept under check, and thus

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remained dormant for decades. Suppression, as Ian Lustick\footnote{Ian Lustick, “Stability in Deeply Divided Societies,” \textit{World Politics} 31, no. 3 (1979): 325-44.} demonstrates in his study helped, control and regulate ethnic conflicts in multicultural and multiracial societies. The quasi-federal institutional arrangements, manipulations of nationalisms, the right of union republics, in theory to secede, all combined, first created an illusory image of the Soviet Union as a multinational model country on the outside, and a secure and stable society, internally. As events began to unravel in the late 1980s under perestroika and glasnost, many of the decades old suppressed sentiments surfaced in vengeance.

5. Ethnic Conflicts in the Caucasus: On the eve of the disintegration and subsequent dismemberment of the Soviet Union, many envisioned apocalyptic images. Fortunately, those dire predictions did not come true. The Russian Federation, the largest of the “new” republics remained intact, and mainly immune to major ethnic movements.\footnote{Of the Russian Federation’s 20 autonomous republics and oblasts only the Tatar SSR (i.e. Tatarstan) experienced ethnic renaissance placed claims before the Russian authorities, which were addressed and successively resolved. For details on the ethnonationalism in post-Soviet Tatarstan, see Roza N. Musina, “Contemporary Ethnosocial and Ethnopolitical Processes in Tatarstan,” in \textit{Ethnic Conflict in the Post-Soviet World: Case Studies and Analysis} eds. Leokadia Drobizheva, Rose Gottemoeller, Cahterine McArdle Kelleher, and Lee Walker (London/New York: M. E. Sharpe, 1996), 195-208. The second, drastically more violent developments took place in Chechnya, which located on the southern periphery of the Federation, having declared independence, have manifested secessionist tendencies.} However, the picture in other parts of the Union was completely different. The conflicts, which erupted on the territory of the former Soviet Union, can also be divided in terms of their nature. A group of (8 cases), mostly intra-state in nature having to do with ethnic rights, resolved nonviolently: ethnic democracy (Estonia/Slavic Minority, Latvia/Slavic Minority); constitutional autonomy (Moldova/Gagauzia, Georgia/Ajaria. Ukraine/Crimea); treaty autonomy (Russia/Tatarstan), whereas several others in addition to the
three selected for this study, such as Modova/Transdnistria, Russia/Chechnya, North Ossetia/Ingushetia, Tajikistan, Uzbekistan/Ferghana Valley erupted into violence. The Caucasus (North and South) occupied a special place among the rest of the inter-ethnic tensions. The conflicts erupted on the territory of the South Caucasus proved to be lasting longer, deeper in term of their political nature and consequences for their respective titular states and the region, and the bloodiest with the highest numbers in human displacements and fatalities.

**a. North Caucasus:** As early as 1989, encouraged and excited by the promises of perestroika and glasnost efforts were made toward the creation of the Confederation of Mountain Peoples in the North Caucasus. The first Assembly of Mountain Peoples of the Caucasus was held in Sukhumi, the capital of Abkhazia in 1989 with the aim of promoting “people’s will through elected bodies and to promote the ethnic groups’ national distinctions.” The assembly also resolved to submit a request to upgrade the status of the constituent entities to the level of union republics.

In light of its explosive nature, one source refers to the North Caucasus as “Russia’s tinderbox.” Composed of seven mountainous republics of Dagestan, Chechnya, Ingushetia, North Ossetia, Kabardino-Cherkessia, and Adygeia, and the two Russian regions, Krasnodar and Stavropol, the region is the land bridge between the Russian Federation to the South Caucasian

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143 OSCE established an “Assistance Group” in Chechnya in 1995, based in Grozny. OSCE was ‘present’ at the Khasavyurt truce talks. After being evacuated to Moscow in 1998, the OSCE Assistance Group reopened if office in Grozny in June 2001.

144 The North Caucasus region is 355,100 square kilometers, almost equal in size to Germany, and accounts for approximately 2% of the total territory of the Russian Federation. According to the last 1989 Soviet Census, population of the region without Rostov Oblast was 13,183,860. The combined population of the above-mentioned seven republics is 5,305,590.

republics of Georgia, Armenia, and Azerbaijan as well as the Caspian and Black Seas. Thus, it is the crossroads where the North and South, East and West meet each other. It is the meeting point of Europe and the Middle East on to the Far East through Central Asia.

A combination of factors, dense ethno-demographics, economic decline dating back to the last decades of the Soviet rule, and consequently employment and labor problems have provided a fertile ground for ethnonational conflicts. The intensification of the Chechen conflict in recent decade the rise and expansion of the Islamic fundamentalist movements and sentiments added yet another dimension to the complexity of the region’s picture.

With the Soviet regime’s control mechanisms weakened opportunities arose to address and settle old disputes. The region experienced ethnic tensions as early as 1992 when North Ossetia and Ingushetia clashed, marking the first inter-ethnic conflict of the region. The spillover effects of any conflict on the South Caucasus, which may yet to erupt will be direct and immediate with dire consequences for the South Caucasus region in general, and the three republics of Armenia, Georgia, and Azerbaijan, in particular with tremors which may be felt beyond the region in Turkey and Iran.

147 The memory of the Beslan tragedy and the clashes with the Islamic insurgent in Nalchik, are signs of the expansion and intensification of the conflicts in the region.
b. South Caucasus: According to one scholar, in light of the complexity of the ethnic mosaic the region, argues that the “Caucasus almost seems to have been made for war.”

Although, the region is at present plagued with only three main ethnonational conflicts, one cannot rule of the outbreaks of other conflicts should the three countries of the region, Azerbaijan and Georgia in particular, fail to provide fair and just conditions for their constituent ethnic groups to live and prosper within their borders with out fear of assimilation.

Unlike the North Caucasus where efforts were initiated toward unifying various groupings of the region, the South Caucasus experienced different kinds of ethnonational conflicts most of them separatist in nature. The failure of the Communist regime to create a “supranational Soviet identity” proved to be futile. On the contrary it nurtured the seeds of ethnic nationalism among the three ethnic main groups, the Armenians, Georgians, and Azerbaijanis. Furthermore, the efforts of these three groups in their turn to assimilate various ethnic groupings under their jurisdiction failed to produce the desired outcomes. Thus, whether under sub-administrative entities such autonomous republics or regions, such as Nagorno-Karabakh, Abkhazia, South Ossetia, and Ajaria, or scattered throughout their republics, such as the Lazes and Talyshes in Azerbaijan, Armenians of Javakheti in Georgia, they continued to maintain and promote their ethnic identity, traditions, and heritage in subtle ways.

The Caucasus is arguably one of the most fascinating and at the same time most complicated patchworks of ethnic, racial, linguistic, and cultural groupings and people. To understand the present realities and dynamics of the three ethnic conflicts of Abkhazia, Nagorno-Karabakh, and South Ossetia, one has to look beyond the immediate boundaries of each conflict area and their respective republics. Any keen observer and scholar of the Caucasian affairs cannot fail but to take into consideration the broader ethnographic picture and context of the region, i.e. the South Caucasus (Armenia, Azerbaijan, Georgia) as well as the North Caucasus,\textsuperscript{150} in chronological and historical perspectives.

\textsuperscript{150} Northern Caucasus, part of the Russia Federation includes the Adygeya Republic, Chechnya, the Dagestan Republic, Ingushetia, Kabardino-Balkaria, the Karachaevo-Cherkessia, North Ossetia-Alania, Krasnodar Territory, Stavropol Territory, and parts of Kalmykia and the Rostov region. The first six
The origins of all three conflicts selected for this study can be traced to the formative days of the Soviet Union. Upon the establishment of the Soviet rule in the region, perhaps nothing played a more important role in the socio-political and economic developments in the Caucasus than the Soviet nationalities policies. This complex and manipulative range of policies can be considered the cornerstone on which the future relations between and among the predominant and subordinate groups were shaped. The Soviet regime inherited from its predecessor, the Russian Empire a vast conglomerate of multinational, multiracial, and multicultural entities. To control, administer as well as expand and implement its ideological doctrines, the Bolshevik regime made every effort and at every cost to unify all its member constituent nations and sub-nationality groupings. The nationalities policy, contrary to their intended purposes, laid the groundwork on which the future relations among nationalities took form, evolved, and engrained some of the values and nationalistic aspirations, which came to surface in the late 1980s.


The experience of the peoples of the Soviet Union in general, and the entities selected for this study during the Soviet era, in particular, can be divided, chronologically, into five periods:

a. the formative years of the Soviet rule;
b. the establishment of the Bolshevik rule and the Union to the death of Stalin (5 March 1953) and early years of the Cold War;
c. the Cold War period, from 1953-1987;
d. the short-lived era of glasnost and perestroika from 1985 to the collapse of the Soviet Union in 1991; and,
e. the post-Soviet period, the era of the newly independent states (NIS) and formation of the Commonwealth of Independent States (CIS).

The first period was perhaps the most crucial of five, because it set foundations of the administrative divisions and entities of the Soviet Union. This was also a period when the nationalities policies were also promulgated and implemented and the Bolshevik rule imposed on the three republics (Armenia, Azerbaijan, Georgia) as they were incorporated into the Soviet Union. The administrative status of the three regions selected for this study was also determined under the jurisdiction of their respective Union republics.

The second and third periods were mostly dominated by the Cold War and bi-polar (East-West) politics. However, the regions in question did not sit idle. Whenever possible, they made certain efforts to have their voices heard in the Kremlin in regard to their historical grievances. The history and evolution of the three regions in the Soviet era, in and of themselves can constitute a topic of separate study, which is beyond the scope of this study, and thus will not be addressed. Brief remarks, in regard to individual case will be made below in their respective sections.
The fourth period was the period marked with mobilization and activism in the Union republics the tremors of which shook Moscow to its core as well as the regions in their backyards and adjacent territories. The post-Soviet era will focus directly on the evolution of each case and the precipitating events, movements, legal and political developments, which over time contributed to the evolution of the present-day conflicts beginning from late 1980s and early 1990s.

On June 12, 1990 the First Congress of People’s Deputies of the RSFSR adopted a declaration on the sovereignty of the Russian Federation. The declaration contained a provision geared toward the expansion of the rights of the autonomous territories (republics, regions, districts). The Union republics followed suit. In the meantime, in an effort to curb and prevent separatism of republics, Moscow adopted a number of legislative acts, including the USSR law “On the division of power between the USSR and federation members.” The above-mentioned declaration led to the eventual demise of the Soviet Union and brought about the birth of a loose confederation of the Commonwealth of Independent States (CIS).

A. Conflicts in the Post-Soviet Landscape: A General Overview

In December 1991, the Soviet Union had for all practical purposes become history. Emerging from the remnants of the disintegrated empire, the newly independent states (NIS) of the former Soviet Union (FSU), after a relatively easy and bloodless birth, entered a painful transition period. Having joined the world community of independent states, the conflicts fought within their borders and in the territory of their neighboring countries, once an internal Soviet matter became the subject of international norms. All the conflicts without exception, in addition to the internal peace and order of their respective countries, began threatening the regional, and in the case of some, international peace and security. Thus, unable to resolve their conflicts themselves, their respective authorities either invited or were offered the “good offices” of a
whole host of international bodies and organizations (e.g. EU, CSCE/OSCE, UN, NATO, PACE) to serve as mediators in assisting them find resolutions to the conflicts raging in their region.

None of the conflicts fought on the territory of the Soviet Union have been localized in nature. Unlike, conflicts rooted in discriminatory practices, linguistic, economic, social, and political by the ruling elites of sovereign states, all the ethnic conflicts erupted in the Union republics have been ethnonational, ethnoterritorial, and thus separatist in nature.

Separatism introduces a serious dimension to the nature of the conflict. All separatist movements are pregnant with the idea of the change of borders, imposing territorial concessions on “mother” states. The reality of separatist movements can set dangerous precedent and serve as a model for other conflicts in progress (e.g. Kosovo) or those looming on the horizon (Northern Kurdistan), a phenomenon defined by Horowitz as ‘reciprocal secessionism.’

Viewed from a broader angle, in light of the newly emerging global order, one can also argue that the ethnic conflicts and the intervention of the external parties may serve as ‘meeting point’ of the international rivalries for geopolitical or geostrategic gains or perhaps most overtly manifested energy resources. The buzzword used to justify all the interventionist approaches is democratization, and yet, one can also argue that some of the changes or the status quo of some of the conflicts may prove to be beneficial to some of the external parties, regional or international. Thus, an external actor, i.e., third-party mediator, arguably can hardly be completely neutral in its efforts.


153 David Carment and Patrick James, “Ethnic Conflict at the International Level . . .”, p. 3.
Another dimension complicating the nature of these conflicts is the connections which some of the groups involved establish with their Diasporas and the transnational organizations. Diasporas, in recent decades, have emerged as a powerful force making major contributions to the struggle of their ethnic kin or co-religionists such as the Indians and Pakistanis in the case of Kashmir, Irish in Northern Ireland, Albanians in Kosovo, and Armenians and Azeris in the case of the Nagorno-Karabakh conflict.

In summary, the culmination of several factors, the Soviet legacy, emergence of new regions, transitional nature of all the Union republics and their inherited systemic problems have forged conflicts of specific nature. All of the former Soviet republics, perhaps with the exception of the Baltic States, fifteen years after declaring independence, are yet to free themselves from the vestiges of the Soviet legacy. A combination of interdependence, economic and security dependency, and historical factors continue to hinder their ‘healthy’ development. The evolutionary progression of these states from a painful transitional phase to democracies is further stifled, in the case of some, by ethnic conflicts waging on their territory.

**B. The South Caucasian Republics:** The Russian empire’s southward expansion was complete in 1829 with the signing of the Treaty of Turkmenchai, which was signed between Russia and Persia (Iran). The Araxes River constituted the natural boundary between Russia and Iran, which stands to this day. The process of the incorporation of the South Caucasus (Transcaucasia), as a distinct region, began to take shape with its incorporation into the Tsarist Russian Empire in the nineteenth century. In the subsequent years, series of military campaigns between Russia and Turkey also demarcated the western boundaries of the Caucasus, which also remained almost

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154 Ibid., p. 254.
unchanged until the collapse of the Soviet Union in 1991. The border between Iran and Turkey also underwent a minor change, when the exchange of swaps of land between the two countries, granted Turkey direct access to the Nakhichevan Autonomous Republic in the territory of the Soviet Union. Between the Treaty of Berlin (1878) and the collapse of the Soviet Union (1991), the South Caucasus as a region experienced two major political tremors, the World War I (1914-1918) and the 1917 Bolshevik Revolution, which shaped the destiny of the region and its peoples for decades that followed.

A Transcaucasian Federation, established on 22 April 1918, incorporated all three nations of Georgia, Armenia, and Abkhazia. Barely lasting for three weeks, the Federation disintegrated into its three constituent components. Three republics of Armenia, Georgia, Azerbaijan emerged only to last for no longer than two full years (1918-1920). With some variance, all three, under the pressure of domestic and foreign Bolshevik activities and pressure were taken over by communist regimes, and incorporated in the newly formed Union of Soviet Socialist Republics (USSR) in 1922.

The three entities in this study were developed as distinct units within the administrative hierarchy of the Soviet Union. Abkhazia was granted the status of an autonomous republic (aftonom respubliki), whereas the South Ossetia and Nagorno-Karabakh were given the status of an autonomous region (oblast). While Abkhazia and South Ossetia were never a subject of dispute between Georgia and any other republic, such as the Russian Federation, Nagorno-Karabakh from the outset was “an apple of discord,” subject of dispute between Armenia and Azerbaijan, since the first days of their inception. Only time and evolution of events, domestic and foreign over decades, culminated in the eruption of the conflicts in the late 1980s. These developments came to

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prove that seventy years of oppressive Soviet regime, despite its successive periods of purges (1933, 1937) were unable to extinguish the national consciousness of its subject ethnic nationalities.

C. The Origins and Evolution of the Conflicts in the South Caucasus

The complexities of the post-Soviet conflicts have engaged several scholars from various disciplines. For the purposes of this study, I have chosen to focus on three aspects of the three conflicts. In the next three chapters, first, I will trace the historical evolution of each conflict form their pre-Soviet origins to the Soviet and post-Soviet developments after the collapse of the Soviet Union.

Second, I will discuss the international legal aspects of each conflict in relation to the principles of peoples right to self-determination and secession.

Third, I will present, in chronological order, various conflict management and negotiation methods adopted to resolve each conflict from their outbreak as an internal conflict within the territory of the Soviet Union to one as de facto states on the landscape of the post-Soviet independent republics of Armenia, Azerbaijan, and Georgia.

General Characteristics: Before a discussion and analysis of each conflict, a general review of their similarities and dissimilarities of the three conflicts in their region and other parts of the world is warranted. The two of the three conflicts in this study, Abkhazia and South Ossetia, erupted in the territory of Georgia, and the third, Nagorno-Karabakh, in Azerbaijan. The first two conflicts are entirely internal in nature as both regions are within the territory of Georgia. However, as it stands today, one can argue that because of the indirect involvement of the Russian Federation, the conflict has been gaining international character. The Nagorno-

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156 The chronological data in this section is gleaned from variety of sources.
Karabakh conflict, although erupted within the territory of Azerbaijan, involves Armenia, Azerbaijan’s neighbor to the west, thus making it regional and international in nature.

All three ethnoterritorial entities have sought secession from their respective titular countries. This tendency has to be attributed to the concentration of ethnic minorities in a given autonomous administrative (territorial) entity, which has helped over the years raise the level of ethnic consciousness and strengthened their ethnic identity. The Soviet Union, home to over hundred distinct ethnic groupings, remained relatively calm and stable. The secessionist tendencies on its territory only manifested themselves in enclaves with distinct administrative unit and status. The other example is Chechnya in the territory of the Russian Federation. Both Azerbaijan and Georgia have other administrative divisions within their respective territories with concentration of ethnic groups. These include, in the case of Georgia, Ajaria, Javakheti (Armenians), Marneuli (Azeris), and the Lezgins and Talysh in Azerbaijan. Almost all have manifested some indication of discontent with their respective governments, and as long as a number of socio-economic, political, and even cultural issues have not been resolved the potential of them erupting into full-blown conflicts will remain real. In contrast, Armenia is void of any republic or autonomous level administrative sub-units. It has very small non-Armenian communities of Russian, Greek, and Kurds, thus making it the most homogenous republic in the entire CIS.

The three conflicts also differ in terms of their evolution. The conflicts in the territory of Georgia erupted after the collapse of the Soviet Union and at a time when Georgia had already declared independence and was a sovereign state. The Nagorno-Karabakh conflict broke out

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before the collapse and disintegration of the Soviet Union, and bridged into the post-Soviet landscape. All three conflicts raged in the republics of Georgia and Azerbaijan when neither were a member of the CIS.

And finally, academics and experts disagree on the nature of the conflicts. Although all three conflicts appear to be ethnic in nature, some view them as political conflicts. For example, some experts view the Abkhazian conflict as a political one and not ethnic, since the secessionist forces are multiethnic where the Abkhaz happen to be in a minority, whereas, on the contrary, the Nagorno-Karabakh and South Ossetian conflicts are driven by homogenous ethnonational forces. All three conflicts, regardless of their ethnic group makeup, because of their secessionist tendencies can also be qualified as ethnoterritorial in nature.

The narrative of each conflict presented in the context of each republic below is divided into three periods: Pre-Soviet, Soviet, and post-Soviet. The latter phase of each conflict is in turn presented in two distinct phases: pre-ceasefire, and post- or “frozen” periods. The narrative of each conflict is followed by a survey of the meditation efforts in each case.

D. Historical Context and Evolution

1. Ethnic Conflicts in Georgia: Although one cannot deny the role of historical developments and evolution of policies over the Soviet period in the Georgian conflicts, the origins of the modern phase of the conflicts in Georgia can be traced back to the Georgian declaration of independence in 1989, and the nationalistic policies of its first post-Soviet government under Zviad Gamsakhurdia. Like other periphery Union republics of the Soviet Union, Georgia also witnessed
proliferation of nationalistic organizations and parties. Georgia, the most heterogeneous state in the South Caucasus came to the brink of virtual disintegration as three of its main autonomous regions Abkhazia, South Ossetia and Adjaria raised the flags of separatism.

It is the conviction of many researchers that the Georgian national movement returned to the very “paradigm of national state system that had evolved after the collapse of the Russian empire”\(^{159}\). The platform and program of some of these organizations created an explosive environment which arguably contributed to the radicalization and forced various minorities such as the Abkhaz, Ossets, Adjars, and to a lesser degree, the Armenians in the Javakheti district to mobilize their resources. For example, Merab Kostava Society declared: “The all-Georgian Merab Kostava Society finds the settlement of Georgian families in houses purchased from non-Georgians in regions with an acute demographic situation to be one of the most practical ways of speedily amending the demographic situation.”\(^{160}\) Another organization, the Party of Georgian State and National Unity, a “pro-democracy” party even suggested restricting the number of children “non-native” families were allowed to have to two.\(^{161}\) At the time of the disintegration of the Soviet

\(^{158}\) An estimated 300,000 Azeris live in Georgia, 250,000 of them in a compact settlement of Marneuli region; 200,000 Azeris inhabited Armenia before the eruption of the Nagorno-Karabakh conflict, about 100,000 of them near the Lake Sevan area. Outside the South Caucasus, 150,000 Azeris are currently living in Daghestan. The Armenian population of Georgia is estimated at approximately 500,000 Armenians, about 400,000 concentrated in the districts of Javakheti, Akhalkalake and Akhaltskhe. See Jeyhun Mollazade, “The Legal Aspects of the Karabakh Conflict,” *Azerbaijan International Magazine* 1, no. 1 (Winter 1993).


\(^{161}\) Ibid.
Union, Georgia was the most multi-ethnic country of the South Caucasus. The Georgians constituted 69% of the total population, followed by Armenians 9% and Russians 7 percent.\textsuperscript{162}

\textit{a. South Ossetia}

\textit{i. Soviet Period:} Revolutionary activities spread in the present-day South Ossetia as early as 1903, directed by S. Kirov from Vladikavkaz in neighboring North Ossetia. In accordance with the treaty of friendship (7 May 1920) between Russia and Georgia, South Ossetia was recognized as part of Georgia.\textsuperscript{163} However, the South Ossetian interpretation of the terms of the treaty is completely different, and thus, rejecting the arrangement on June 1920 South Ossetia declared independence as a Soviet Republic.\textsuperscript{164} This move prompted a swift reaction by the Georgian government, which resulted in large number of casualties.\textsuperscript{165} It continued to remain a part of the Georgian Menshevik (Social Democrats) Republic, until with the break up of the Russian empire in 1918, formed a part of the Terek Soviet Republic. In late March 1920, Vladikavkaz fell to the Red Army, and on November 17, 1920 northern Ossetia was included in the newly formed Mountain ASSR as the Ossetian Okrug (district).

On July 7, 1924 Ossetia was reorganized as the North Ossetian Autonomous Oblast (NOAO) and on December 5, 1936, as the North Ossetian Autonomous Soviet Socialist Republic (NOASSR). The South Ossetian Autonomous Oblast (SOAO) was organized within the Georgian Soviet Socialist Republic on April 20, 1922. In 1936, the status of North Ossetia was upgraded to

\textsuperscript{162} The figures according to the 1989 Soviet census reported in Anna Matveeva, \textit{The South Caucasus: Nationalism, conflict and Minorities} (London: Minority Rights Group International, 2002), 9.
\textsuperscript{163} Avandil Menteshashvili, \textit{Some National and Ethnic Problems in Georgia (1918-1922)} (Tbilisi, 1992), 6.
\textsuperscript{165} According to some sources 5000 Ossetians were killed and 13,000 subsequently died of hunger and epidemics. See Zelim Skurbaty, “A Letter to an Editor,” unpublished paper (Malmo, Sweden, 1991), 2. Quoted in “The Georgian-South Ossetian Conflict,” by Nikola Svetkovski (Ph.D. diss., Aalborg University, 1992), Chapter 4.2.
Autonomous Republic and enlarged at the expense of the Chechen-Ingush SSR and Stavropol 
kray,\(^{166}\) during Stalin's dictatorship. These imposed arrangements as was the case with Nagorno-
Karabakh did not sit well with the Ossetians. Viewed as denial of their right to self-determination, 
these bitter feelings erupted seven decades later.

From the Georgian perspective, South Ossetia has historically been part of Georgia. 
However, the Ossets claiming to be descendents of Alanians and Scythians from Persia who 
migrated to the Caucasus have put forth a different perspective of their conflict. Speaking a 
language belonging to the Indo-European family of languages, distantly related to Farsi (Persian), 
they claim to be living in their present homeland for over millennia and as an ethnic entity they are 
at least “as ancient as the Georgians”.\(^{167}\) In modern times, the Ossetians (North and South) argue 
that they expressed their will to join the Russian empire in 1774. This view contradicts with those 
of the Georgians who consider the Ossets as “guests” in their country.\(^ {168}\)

**ii. Post-Soviet Period:** The South Ossetian conflict was the first to erupt in the territory of 
the Republic of Georgia. A popular protest in the region of South Ossetian Autonomous Oblast 
(SOAO) in early 1988, followed by a letter of support for the Abkhazian campaign\(^ {169}\) against the 
opening of a Georgian branch of Tbilisi University, led to the first clashes in the region between the 
Georgians and Ossetians. In November 1988, a law strengthening the position of Georgian

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\(^{166}\) *Krai* or *kray* with no proper equivalent in English refers to regions located along the periphery of economic and geographic districts. The closest in meaning is “(part of) country, territory, province or even region. There existed 88 such entities under the Soviet regime.


\(^{168}\) For a comprehensive study of the origins and history of the South Ossetians, see N. Svetkovsky, “The Georgian-South Ossetia Conflict,” Danish Association for Research on the Caucasus (accessed May 14, 2006); available from [http://www.caucasus.dk/publication5.htm](http://www.caucasus.dk/publication5.htm).

language\textsuperscript{170} was introduced for their country. This policy decision which was even reconfirmed and strengthened\textsuperscript{171} was one of several measures which served as precipitating factor setting the stage, referred to some as the “war of laws”\textsuperscript{172} for more activism and mobilization to follow. These nascent movements were led by Ademon Nykhaz (Popular Shrine), the South Ossetian Popular Front, one of the numerous ethnonational movements which mushroomed through the Soviet landscape in the late 1980s, in their respective territorial entities. Ademon Nykhaz in addition to raising the banner of South Ossetian nationalism, expressed solidarity with the Abkhazian nationalists.

These events reached a new height during the demonstrations on the anniversary of Georgian independence (26 May 1918). To make things worse, the nationalist government of Zviad Gamsakhurndia came up with the Georgian language program, covering various aspects of life as part of the Georgian nation-building process.\textsuperscript{173} The language program was followed by the election law, which adopted by the Georgian Supreme Soviet, barred regional parties from participating in the elections. The last straw was the language law, which resulted in some clashes and the march of 15,000 Georgians to Tskhinvali (23 November 1989)\textsuperscript{174} that sparked the modern phase of the Georgia-South Ossetia conflict. In 1989, the South Ossetians formed over two-thirds of the SOAO’s population, roughly 65,000 (66.61%) out of the total population of 164,000 Ossets living

\textsuperscript{174}Human Rights watch, “Bloodshed in the Caucasus,” 7.
in Georgia.\textsuperscript{175} The remaining 100,000\textsuperscript{176} Ossetians lived scattered in other districts of Georgia. The Georgians constituted almost 30\% of the population\textsuperscript{177} of Ossetia and the remaining (4\%) were made up of Russians, Armenians, and Jews.\textsuperscript{178} Tskhinvali, the administrative center of by now the \textit{de facto} state of South Ossetia had a predominantly Ossetians population of about 74\% Ossetians, 16\% Georgians and 9\% other minorities.\textsuperscript{179}

As events began to unravel, in short four months, on November 10, 1989, the South Ossetian regional Soviet, to safeguard some of its rights, expressed its wish to change the status of the territory from Autonomous Region (oblast) to Autonomous Republic within Georgia. In response, the Georgian Supreme Soviet rejected and annulled the decision. Shortly after within the next two weeks, confrontations erupted in Tskhinvali, the capital of the region.

Before the year’s end (1989) SOAO declared itself to be part of the Russian Soviet Federated Socialist Republic (RSFSR), and initiated a referendum on the subject. Shortly after, it declared itself sovereign in August 1990. The petition to Moscow asking for the unification of North and South Ossetia, in part read: “It seems to us politically and economically absurd that within the Framework of a democratic state the small Ossetian people should be divided into two administrative units; and we demand that the Question of the unification of North and South Ossetia be examined at the CPSU Central Committee Plenum on nationality questions”.\textsuperscript{180} In the midst of armed clashes between the Georgian and South Ossetian armed units, the Georgian government like

\begin{flushleft}
\textsuperscript{176} Ibid.
\textsuperscript{178} N. Kvetkovski, “The Georgian-South Ossetian Conflict,” Chapter 4.1.
\textsuperscript{179} Ibid.
\end{flushleft}
Azerbaijan in the case of Nagorno-Karabakh,\textsuperscript{181} dissolved the autonomy\textsuperscript{182} of South Ossetia and immediately declared the state of emergency throughout the region.

September 20, 1990, marked the beginning of a new era in the history of South Ossetia. After seven decades of Soviet rule under the jurisdiction of the Georgian SSR, the Autonomous Oblast declared independence as the South Ossetian Democratic Soviet Republic, and appealed to Moscow for recognition. For the next two years South Ossetia turned into a theater of war between the Georgian forces and South Ossetians having the Russian MVD (Ministry of Internal Affairs) troops on their side.

The behavior and policies of nationalist president of Georgia Zviad Gamsakhurdia, arguably, played a detrimental role on the evolution and intensification of the South Ossetian conflict which led to its present irreversible state.\textsuperscript{183} Despite the efforts of Edward Shevardnadze, the successor to Gamsakhurdia to mitigate the situation with his conciliatory moves, the South Ossetian conflict intensified drawing in some regional elements, i.e. Russia, North Ossetia and even Confederation of Mountain People (CMP) of the Caucasus\textsuperscript{184} with the potential to

\begin{footnotesize}
\begin{enumerate}
\item On November 23, 1991 the Supreme Soviet Azerbaijan adopted a resolution on the “Abolition of the Nagorno Karabakh Autonomous Oblast”, thus dissolving the entire region of the Autonomous Nagorno-Karabakh Oblast. This decision by Azerbaijan was in clear violation of its own law, enacted on June 16, 1987, which regulated the relations between Soviet Azerbaijan and Nagorno Karabakh, and prohibited any infringement of the latter's borders without its explicit consent.
\item After declaring state of emergency in the region, it was called the “Tskhinvali and Java regions” See Elizabeth Fuller, “Georgian Parliament Votes to Abolish Ossetian Autonomy,” \textit{RFE/RL Report on the USSR} (21 December 1990): 8.
\item The CMP is the successor to Confederation of Mountain Nations (CMN) formed in 1989. The CMP became an official organization in the spring of 1990, after a meeting of the representatives of the people of the north Caucasus in Nalchik, the capital of Kabardino-Balkaria. It was charged with “promoting autonomy for the chain of tiny mountain republics along Russia’s southern border.” The “executive” body
\end{enumerate}
\end{footnotesize}
transform the South Ossetian-Georgian crisis into a regional one. Ethnic Ossets in North and South Ossetia alike began to call for the reunification of their territory both territories under the jurisdiction of the Russian Federation. The entering of the North Ossetians in the picture on the side of their kin in South Ossetia marked the internationalization of the conflict. However, unlike the Nagorno-Karabakh conflict, North Ossetia though enjoying the tacit support of Russia did not have the independence, resources or geographical advantages,\(^{185}\) which Armenia has and provided to the Armenians of Nagorno-Karabakh.

A mutually agreed upon ceasefire with the Russian mediation was reached\(^{186}\) on 22 June 1992 with no prospects of any solutions on the horizon. Shortly after, on 14 July 1992, the peacekeeping operations consisting of a Joint Control Commission (JCC, a quadrilateral body consisted of Georgian, Russian, North and South Ossetian representatives) was established and joint Georgian-South Ossetian military patrols began. While the military operations were to rage for two more years in Nagorno-Karabakh, the Georgia-South Ossetia conflict was “frozen” after a year of turmoil and violent confrontations, leaving some 1,000 dead, 100 missing, massive infrastructural damages, material losses, and the IDP and refugees.\(^{187}\) As in the case of Nagorno-

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\(^{185}\) The only point connecting North and South Ossetia is the Roki tunnel, whereas Armenia has established a land contact with Nagorno-Karabakh through the Lachin, dubbed as the “humanitarian corridor”.

\(^{186}\) The ceasefire document known as the Sochi agreement was signed by the Georgian and Russian leaders, however, not by the North or South Ossetian leaders who were present at the meeting, because of their dissatisfaction with the provisions of the text. The ceasefire entered fully in force on 28 June 1992.

Karabakh conflict, South Ossetia also has suffered major population displacement and refugee problems. The Georgian-South-Ossetian clashes resulted in massive population movements: emigration of an estimated 40,000 and 100,000 refugees from South Ossetia and Georgia proper fled to North Ossetia. And another 71,114 South Ossetians within Georgia proper have been displaced, in general, and an estimated 2,000 are missing.

It has been fifteen years (1992-2007) since the signing of the Sochi Agreement. The Agreement marked the beginning of a new phase in the Georgia-South Ossetia conflict. The first three years of the conflict (1992-1995) the conflict was in “deep freeze,” with almost no contact between south Ossetia and Georgia. Thus, no practical steps were taken toward negotiations and meanwhile a new quasi-state entity began to take shape in South Ossetia. The first breakthrough came in May 1996 with the signing of a “Memorandum on measures for providing security and joint confidence” by which all side renounced the use of force in favor of dialogue and meeting to address the urgent needs of the people and negotiation among interested parties which followed shortly after. A number of international bodies and agencies under the auspices of the UN, such as the UNDP, ICRC, UNHCR, and MSF and international donors engaged to address the pressing humanitarian situations and needs of the people on both sides of the border (South Ossetia/Georgia).

188 These figures are provided by the UNHCR. For more details of the refugee figures see Julian Birch, “Ossetia –Land of Uncertain Frontiers and Manipulative Elites,” Central Asian Survey 18 no. 4 (1999): 501-34.
189 “Georgia-South Ossetia: Refugee Return the Path to Peace,” International Crisis Group: Policy Briefing, Europe Briefing No. 38 (Tbilisi/Brussels, 19 April 2005): 17. According to the same source an estimated 1,165 Ossetians lived in Abkhazia Autonomous republic, and 97,658 lived in major cities throughout Georgia, such as Tbilisi, (33,318), Gori (8,222), Rustavi (5,613), mainly concentrated in the regions of Shida Kartli (13,383), Tbilisi (10,268), Kakheti (6,109) and Mtkheta-Mtianeti (3,977).
190 This figure represents combined number of missing people in both Abkhazian and south Ossetian conflicts. See Daisy Sindelar, “Caucasus: ‘Frozen Conflicts’ still Freezing Issue of Missing People,” RFE/RL Friday (accessed 16 April 2006); available from http://www.rferl.org/featurearticleprint/2006/04/e8b8c73f-18a5-4ef.
191 Daniel Cousens, Preparations for Rehabilitation Actions in south Ossetia and the Georgian-Osstian Conflict Zone (Internal EU document, 1997), 7.
Ever since the signing of the Sochi Agreement a de facto state has been in control of the former SOAO. The JCC in cooperation with OSCE has been in place to promote dialogue and bring about a lasting resolution and settlement to the conflict. Operating fully as a sovereign de facto state, South Ossetia has held elections, formed government with all its apparatuses and institutions, budget, army, etc. After coming to power, subsequent to the “Rose Revolution,” the newly elected president of Georgian Mikhail Saakashvili, following his highly symbolic inauguration oath at the grave of David IV\textsuperscript{192} in January 2004, stated that “Georgia’s territorial integrity is the goal of my life.”\textsuperscript{193} This vision is in complete contrast with that of the de facto South Ossetian authorities, who since their declaration of independence entertained the idea of possible “re-integration,”\textsuperscript{194} though temporarily, have championed two goals: full independence and international recognition, or integration into the Russian Federation\textsuperscript{195} through unification with North Ossetia and formation of a “United Ossetia”.\textsuperscript{196} They base their demands on their right to self-determination as a people drawing comparison between their situation and the Germans, Koreans, and even Albanians, indirectly referring to the situation in Kosovo.

The conflict negotiations under the JCC framework have not produced any positive results. None of the decisions adopted in 2004 have not been implemented. The situation arguably has

\textsuperscript{192} King David IV of the Bagrationi dynasty, the ruler of Georgia from 1089-1125, is known in the annals of the Georgian history as King David the Builder (Agmashenebeli) as the first unifier of the country. See Levan Z. Urushadze, \textit{The Bagrationi Royal Dynasty of Georgia} (accessed 13 June 2005); available from http://www.iaphs.org/articles/urushadze.html.
\textsuperscript{194} The first president of de facto South Ossetian states, Lyudwig Chibirov, seemed to have come to an understanding with the Georgian president E. Shevardnadze on this issue.
\textsuperscript{195} These two goals constitute the agenda item of South Ossetia’s second president, Edward Kokoity (elected December 2001), see “Parliament of South Ossetia Appeals to the Duma of Russian Federation to Incorporate the republic into Russia,” \textit{NEWSru.com} (accessed 21 September 2005); available from http://newsru.com/arch/world/07/jun2004/h04etsya.html.
worsened ever since. New round of talks in August 2006 failed to produce any documents. In 2007 the South Ossetian conflict entered a new stage, which is ripe with unanticipated consequences and developments, that is, the rise of Grigory Sanakoev\textsuperscript{197} a pro-Georgian presidential candidate. Supported by the “Salvation Union of Ossetia,” established by Ossetian who served in the previous Tskhinvali administration of former \textit{de facto} president of South Ossetia, Ludwig Chibirov, based in Georgia proper, the movement adds a new dimension to the conflict. This development, the first of its kind among the three South Caucasian conflicts and in its early stages of evolution, will remain to be seen what kind of impact it would have on the evolution of the South Ossetian-Georgian conflict in the coming months.

All three \textit{de facto} states have held their presidential elections\textsuperscript{198} where there have been opposition candidates. However, this is the first case where the opposition candidate is taking a position in favor of and supported by the titular state. While it has the blessing of the Georgian government, it is viewed by the leaders of the \textit{de facto} South Ossetian state and Russia as a measure aimed at cracking the united front of the South Ossetian people.

In light of the above-mentioned developments, and more recent frequent outbreaks of skirmishes, including the violation of Georgia’s airspace by allegedly Russian fighter jets and rocket attacks on some South Ossetian villages\textsuperscript{199} indicate gradual deterioration of the situation in

\textsuperscript{197} Grigory Sanakoev is not a new face in the South Ossetian politics. In addition to his participation in the 1991-1992 fights on the South Ossetian side, he held the position of minister of defense in South Ossetia (1996) followed by the post of vice prime minister in 1998, and in 2001 a prime minister, a position which he held until 2001.

\textsuperscript{198} This is the third presidential election in South Ossetia since 1992, Ludwig Chibirov (1996), Edward Kokoity (2001 – present).

South Ossetia in the months to come. The outbreak of military confrontations will certainly disrupt
the negotiation mechanisms in place and further postpone the prospects for its resolution in the near
future.

b. Abkhazia

i. Pre-Soviet Period: After the dissolution of the Russian empire in 1917, Abkhazia in May
of the same year entered the Union of United Mountain People of the Caucasus. Few months later
in November 1917, an Abkhazian assembly, called Abkhazskij Narodnyj Sovet [People’s Council of
Abkhazia] (ANS), that is, the “Abkhazian People’s Council” (APC) was formed in Sukhum[i].
This preceded the National’nyj Sovet Gruzii (NSG) or ‘National Council of Georgia’. The
‘Declaration’ of the Abkhazian People’s Council issued in November 1917 reads:

In the troubled times we are experiencing, when much is being
destroyed to its foundations and much is being created anew, when
radical change is affecting the conditions and state of life throughout
Russia, and, thus, Abkhazia, each people must keenly ensure that its
rights and interests are not subjected to any encroachment and are not
forgotten in the rebuilding of Russia on new principles. The Abkhazian
people is convinced that its brethren, the mountain people of the North
Caucasus and Dagestan, will support it in those circumstances when it is
called upon to defend its rights. One of the main future problems for
the Abkhazian National council will be to work for the self-determination
of the Abkhazian people.201

Ten days later, on November 9, 1917, the chairman of ANS during a speech at the opening
session of the National Council of Georgia congratulated the Georgian people on behalf of the

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200 Between the years 1917-1921, three completely different ANS’s functioned in Abkhazia. The first
existed from November 8, 1917 to April 1918; the second from May-June 1917 to October 10, 1918; and
the third from March 18, 1919 to March 1921.
Abkhazian People’s Council, and the Abkhazian people a “constituent part of the Union of United Mountain People, for taking “its first steps along the path to national self-determination . . . the Abkhazians, having entered a union with their northern brethren, are convinced that . . . together with the noble Georgian people in a general Union of all the peoples of the Caucasus. And in this future union the Abkhazian people envisages itself as a member with equal rights of the Union of United Mountain Peoples.”

In February 9, 1918, the ANS and NSG signed an agreement in which Georgia gave recognition to “a single indivisible Abkhazia.” A couple of months later two larger socio-political entities appeared on the map of the Caucasus: “The Mountain Republic” and the Transcaucasian Democratic Federal Republic with Abkhazia as one of the constituent members of the former. The latter, barely established, was disbanded leading to the declarations of independence of three new republics Georgia (May 26, 1918), Armenia (May 28, 1918), and Azerbaijan (May 29, 1918). The Act of the Georgian independence declared and signed on the above date, thus, did not include Abkhazia within its jurisdiction.

In the midst of evolving chaotic situation in the region, the Georgian forces occupied Abkhazia mid-June 1918, and declared it as a “general gubernia”. In response to the ANS protests, the third ANS composed of pro-Georgian deputies passed the so-called “Act on the Autonomy of Abkhazia” (March 18-20, 1919). The Georgian Constitution ratified on February 21, 1919, despite the Abkhazian boycott and in violation of the Georgian-Abkhazian Act of March 20, 1919. The

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202 Ibid.
203 Ibid., p. 91.
204 The “Mountain republic” was composed of Dagestan, Checheno-Ingushetia, Ossetia, Karacahy-Balkaria, Abkhazia, Kabardia, and Adyghea.
clauses 107 and 108 of the Georgian Constitution under “statute concerning the autonomy” legally sanctioned an autonomous status for Abkhazia.

These developments coupled with those in Abkhazia had an adverse impact on the Armenian, Greek, Russian as well as a significant portion of the Kartvelian (Georgian) peoples of the region. This demographic picture manifested itself decades later in the most recent outburst of the Abkhazian conflict, which represented all of the minorities living in Abkhazia. The English traveler, Carl Eric Bechhofer (Roberts), vividly describes the mood and atmosphere of events evolving in the region in his classic work *In Denikin’s Russia and the Caucasus* as follows:

> The Free and Independent Social-Democratic State of Georgia will always remain in my memory as a classic example of an imperialist ‘small nation’. both in territory-snatching outside and bureaucratic tyranny inside, its chauvinism was beyond all bounds.

On the eve of the establishment of Communist rule in the Caucasus, the Bolsheviks allowed Abkhazia the freedom of political choice. This reflected in the declaration (March 31, 1921) of independent Abkhazian SSR, i.e., independent of both Soviet Russia and Soviet Georgia. That situation lasted for only about nine months, when in December of the same year, under pressure from Stalin, Abkhazia was obliged to conclude with Georgia a “special union-treaty”. Establishing in essence two Republics with the same status in a federative relationship with each other.
ii. Soviet Period: The “treaty” of alliance left a number of issues vague, among them the delegation of responsibilities between the two entities. In 1922 both republics entered the Transcaucasian Socialist Federal Soviet Republic (TSFSR). In 1925 Constitution of Abkhazia promulgated sanctioned its status as a union republic with treaty ties to Georgia, in light of an earlier reference to Abkhazia as an autonomous republic in the 1924 USSR Constitution. This situation persisted until in 1931 Abkhazia’s status was reduced to an Autonomous Soviet Socialist Republic within the Georgian SSR. Abkhazia enjoyed a short period of privileges of a sovereign and independent state between 1922 and 1936. With the adoption of the 1936 USSR Constitution, Georgia regained its control over Abkhazia within its territory and jurisdiction.

The Stalinist purges did not spare the Abkhazians. In the course of two decades of 1933–53, the other nationalities of the Soviet Union, in addition to universal repression and discrimination, Abkhazia experienced its share of “Georgianization” and Russification. The Abkhaz representation in local administrative entities was restricted. The use of their language prohibited and even banned. The Abkhaz intellectuals and politicians were repressed and exiled. The demographic gap created was compensated with large numbers of non-Abkhaz nationalities from western Georgia and Russia. This period is referred to by Abkhaz as the “Georgianization of Abkhazia,” which included measures such as distorting the Abkhaz toponyms, orthographical changes of the language, and switching from Abkhazian to Georgian in the schools.

Most of these measures were either mitigated or reversed, immediately after the death of Stalin (1953-1978). As in the case of Nagorno-Karabakh, the Abkhaz leadership also resorted to letter writing and petition campaigns. Twice, in 1956 and 1967, the Abkhaz intellectuals filed a petition with Moscow to Abkhazia to upgrade the status of the region to their post-1931
independent republic. In 1978 the sense of continued oppression compelled 130 Abkhaz intellectuals to again petition Moscow to permit Abkhazia to secede from Georgia. Having been ignored, the Abkhaz appealed to secede from Georgia and join the Russian Federation. The request was rejected but a number of concessions were made, including increased representation in the local administration and the establishment of an Abkhaz university, teaching of Abkhazian history, culture, and literature, and a television station in the autonomous republic.

The rejections and mounting problems led to the deepening of the sense and atmosphere of insecurity among the Abkhaz elites. Chief among the premeditated and gradual change manifested itself in the demographic picture of their republic. Abkhazia has always been heterogeneous. The general population of Abkhazia between 1922 and 1989 grew from 174,126 to 525,061. The Abkhazians have always been a minority in their ancestral homeland, however, not because of low birth rate or emigration, but the “Georgianization” policies over a period of about 70 years. The Abkhaz population from 1922 to 1989 has declined from 83,794 (48.1%) to 93,267 (17.8%) out of 525,061, whereas the number of the Georgians for the same period gained a significance increase from 32,039 (18.4%) in 1922/1923 to 239,872 (45.7%) in 1989 followed by the Russians which almost tripled from 10,273 (5.9%) to 74,914 (14.3%).

### iii. Post-Soviet Period:

On the final days of the Soviet Union in the summer of 1989 (July-August) in Abkhazia came clashes over the planned establishment of a branch of Tbilisi

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209 The data presented here is gleaned form the Soviet All-Union Censuses, reported in Daniel Müller, “Demography: Ethno-Demographic History, 1896-1989,” in George Hewitt, *The Abkhazians*, 231-37. Under the Soviet rule a total of 6 decennial censuses with the exception of the period between 1939-1959 were conducted in the USSR, 1926, 1939, 1959, 1970, 1979, 1989. The census figures provided for the year 1922/23 presented here are taken from the All-Georgian Census. In this census, a group known as Samurzaq’oans, Georgianized Abkhazians, estimated around 30,000 were listed as Abkhazians, however, later as Georgians in all the above mentioned subsequent censuses.

210 Ibid.
State University in Sukhumi, which resulted in the deaths of some protesters. This followed by the introduction of a language law which included the provision that Georgian is to be the sole language spoken. This move by the Supreme Soviet of the Georgian SSR created widespread tension, among all non-Georgian ethnic minorities in the country, including the Abkhaz, who feared for their cultural survival, and viewed these measures as threat to their ethnic and historical identity.

In reaction to the growing tensions, two years before the Georgian independence, in June 1988, 60 Abkhaz intellectuals wrote “the Abkhaz Letter” to Mikhail Gorbachev asking for the creation of an Abkhaz Soviet Socialist Republic (AbSSR). About a year later, the newly formed Abkhaz Popular Forum (APF) “Aidgylara” [Unification]\(^{211}\) appealed at the village of Lykhny to Gorbachev demanding union republic status for Abkhazia and presented him with a petition signed by 30,000 people\(^{212}\). Georgian government’s countermeasures result in demonstrations (Tbilisi, April 9, 1989) and further clashes (Sukhumi, July 15-18, 1989).

Finally, as recently as 1990, “sectional parties”, including those of Abkhazia, Ossets, and other minorities, were excluded from the Georgian Supreme Soviet elections. This move was the last straw, and triggered a reaction by the Abkhaz delegates who declared Abkhaz sovereignty in August 1990, independent of Georgia unilaterally, while the latter simultaneously nullified all the treaties signed in 1921. As in the case of South Ossetia the accession of Georgian ultra-nationalist Zviad Gamsakhurdia to power in October 1990, engulfed Abkhazia

\(^{212}\) The signatories represented a broad range of the region’s population base. It included all the party and government leaders of the AbSSR, also five thousand Armenians, Greeks, Russians and even Georgians. The appeal was published in all local papers on 24 March, stating their position on the causes of the conflict. See Bruno Coppieters, ed. Contested Borders in the Caucasus (Chapter I) (Brussels: VUBPRESS, 1996).
into a theater of clashes and military operations between various Georgian paramilitary and Abkhazian resistance groups, concluding in the victory of the Abkhaz forces and expulsion of all Georgian units form the territory of Abkhazia. While Russia maintained “neutrality” in the conflict the Confederation of Mountain Peoples (CMP), comprising Muslims from several Russian Federal republics, contributed a force of 3000 armed volunteers in support of Abkhazia. This move by the CMP meant indirect involvement and tacit support of Russia for the Abkhaz people. The military operations, massive destructions and population displacements lasted until May 14, 1993 when a ceasefire was declared between the two adversaries with the Russian mediation, although sporadic violations and clashes erupted in the followed months.

What is interesting in the case of Abkhazia is that the above concerns were not limited to the Abkhazian ethnic group, rather it was shared by all other ethnic groups living in Abkhazia, such as the Armenian, Greek, and Russian communities of Abkhazia. Demographically, Abkhazia has always been heterogeneous, where in fact the Abkhazians have been a minority. The overall population of Abkhazia between 1922/1923 and 1989 grew from 174,126 to 525,061. Whereas in 1922 the Abkhazians constituted over 48.1% of the population (83,794) by 1989 it was 17.8% (93,267) compared to the Georgians 45.7% (239,871, Armenians at 14.6% (76,541), Russians 14.3% (74,914), and Greeks 2.8% (14,664).

The number of Abkhaz population from 1922 to 1989 has grown from 83,794 (48.1%) to 93,267 (17.8%), whereas the number of the Georgian for the same period, due to the “Georginization” policies over a period of about 70 years has grew from 32,039 (18.4%) to 239,872

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213 The autonomous republics included the Kabardino-Balkaria, Chechnya, Ingushetia, Deghestan, and Adygea.
215 The data presented is gleaned from the 1989 Soviet Census tables.
(45.7%) in 1989. The same applies to the Armenian and Russian minorities in Abkhazia whose numbers have grown significantly, whereas the size of the Greek population has declined from 12.8% (1922) to 22.8 (1989).\textsuperscript{216} Thus, multiethnic nature of the Abkhaz independence movement added more strength to the movement as well as distinguishes itself as more of a political-territorial movement rather than just an ethnonational conflict. Presence and operation of a number of organizations, such as the Sukhumi Society of Internationalists, the predominantly Russian the Slavic House, an umbrella for the cultural organizations of ethnic Poles, Ukrainians, Bulgarians, etc., the Association of Cossacks of Abkhazia, and the Krunk (Crane) Armenian Cultural and Charitable Society speak to the above reality.\textsuperscript{217}

Another unique dimension of the Abkhaz conflict, which complicates its character, is its relation and collaboration with the peoples of North Caucasus, who were not immune to the growing tensions to the south. On August 25-26, 1989, the First Congress of Peoples of the Caucasus was held in Sukhumi. The participants included representatives of informal groups representing various groupings, such as the Abkhaz, Abaz, Adygei, Ingush, Kabardin, Cherkess (Circassian), and Chechens. The Congress adopted a decision to create Assembly of Mountain Peoples of the Caucasus (AMPC).\textsuperscript{218} In May 1990 a mass meeting of the AMPC followed demands

\textsuperscript{216} The data presented here is gleaned form the Soviet All-Union Censuses, reported in Daniel Müller, “Demography . . . .,” in George Hewitt, ed. The Abkhazians, 231-37.

\textsuperscript{217} Some of the other organization involved in the Abkhaz liberation movement 'Aidgylara' include: the Congress of Russian Associations, the People's Party of Abkhazia, the War- and Labor-Veterans' Council, the Association of War-invalids in Abkhazia, the Mothers' Movement of Abkhazia, and the Communist Party of Abkhazia.

\textsuperscript{218} Later to be renamed the Confederation of Mountain Peoples of the Caucasus, the First Congress of the Peoples of the Caucasus was attended by delegates of public organizations and activist groups from the Adygeyan autonomous district, the Karachayevo-Cherkessian autonomous district, the Kabardino-Balkarian autonomous republic, the Chechen-Ingush autonomous republic and Abkhazia. The Assembly
exit of Abkhazia from Georgia. As in the case of the Nagorno-Karabakh, the above decision was followed by the decision of the Presidium of the Supreme Soviet of AbSSR to adopt “Declaration on the state sovereignty of the Abkhaz SSR” on August 25, 1990.

The first ceasefire agreement signed on July 27, 1993 both mediated and guaranteed by the Russian government, which holds to this day, restored calm to the region. Broken on a couple of occasions, relative peace was restored to the region upon the involvement of the UN mission (UNOMIG) and OSCE, and effort, which continues to this day. By September of 1993 an estimated 200,000 Georgians fled Abkhazia. Another report issued by UN in 1994 estimates a total of 240,000 IDPs to have been scattered throughout Georgia as a result of the Abkhaz conflict. Of the above figures, an estimated 40,000 ethnic Georgians, under arrangements made through peace negotiations returned to Abkhazia (Gali region), only to flee again as fighting broke out again between the Abkhaz and Georgian paramilitaries.

While Georgia was engulfed in civil war, Abkhazia moved ahead and adopted a new Constitution based on its 1925 Constitution (26 November 1994). Within five years, it held a

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219 This number appears to be exaggerated and widely disputed. See N. Walker, “No War, no Peace in the Caucasus: Secessionist Conflicts in Chechnya, Abkhazia and Nagorno-Karabakh,” (Cambridge, MA: SDIP, Harvard University, JFK School of Government, 1998).


referendum\textsuperscript{222} on both independence and its Constitution\textsuperscript{223} (3 October 1999), which was ratified without any complications. The significance of the historical roots of the Abkhaz people is reflected in the “Act of State Independence of the Republic of Abkhazia,” as it reads the “Abkhazian statehood stretches over 12 centuries of history. For centuries the people of Abkhazia have had to struggle to preserve their independence.”\textsuperscript{224}

\textbf{2. Ethnic Conflicts in Azerbaijan:} The Republic of Azerbaijan is a heterogeneous country. According to the Soviet 1989 census, ethnic Azeris constituted 82.7\% of the republic’s population, followed by the Russians (5.6\%) and Armenians (5.6\%).\textsuperscript{225} In addition to the above minority groups, living in Azerbaijan are several ethnic groupings and ethnoreligious and linguistic communities, such as the Lezgins, Talshes, Dagestanis, Avars, Tatars, and Jewish, followed by a number of ethno-classes, such as the Dergins, Laks, Udins, and Tats. Of these groups the most prominent, the Lezgins, constituting the largest (est. 170,000)\textsuperscript{226} live in the north on the border of Azerbaijan and Dagestan, and the Talsh in the south. Both groups have expressed their discontent with the policies of the government of Azerbaijan and manifested interest in gaining more autonomy over the past decade, during the early post-independence years, in particular. Their efforts have proved to be fruitless, although displeasure with the

\textsuperscript{222} This referendum is considered invalid by international observers since the predominantly Georgian refugees from Abkhazia were not able to participate in the process.

\textsuperscript{223} He Abkhaz Constitution was amended as recently as August 1, 2002, to allow the citizens of the de facto Abkhaz Republic to obtain dual citizenship.


policies of the central government in Baku remains. The Nagorno-Karabakh Autonomous Oblast (NKAO) was the only district in the country, which erupted into a full-blown conflict for a number of reasons: heavy concentration of ethnic Armenian population (over 87% according to the USSR 1989 census), strong sense of ethnic identity, existence of political-administrative structures, defined territory, and one hundred years of historical conflict which had remained unresolved and “swept under the rug” by the Soviet authorities.

**Nagorno-Karabakh**

i. **Soviet Period:** The roots of the Karabakh conflict are embedded deep in the formative days of the Soviet Union, if not beyond. Some may argue that the origins of the Nagorno-Karabakh conflict can be traced to the eighteenth century Armenian liberation movements in the South Caucasus, when the region, a “buffer zone,” a meeting point of the three Russian, Turkish and Persian empires had turned into a theatre of war. As the three independent republics of the present-day South Caucasus, Armenia, Azerbaijan, and Georgia began to succumb to the Bolshevik rule in the early twentieth century, a number of issues, among them the status of certain minorities and territories, such as the Nagorno-Karabakh were hastily “resolved”. All three above-mentioned republics lost their independence having barely celebrated the second year of their independence.

The Nagorno-Karabakh and the present-day Nakhijevan Autonomous Republic, officially recognized as part of the then Republic of Armenia, were transferred to the Azerbaijan SSR, “overnight” under the provisions of the “Treaty of Brotherhood and Friendship” signed by Communist Party of the Soviet Union and republican Turkey. Concerned with the threat, which

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227 Nagorno-Karabakh Autonomous Oblast, a region within the former Azerbaijan SSR, is located in the South Caucasus, about 270 kilometers (about 170 mi.) west of the Azerbaijani capital Baku.

228 The first republic to declare independence in the South Caucasus was Georgia (May 26, 1918), followed by Armenia on May 28, 1918, and Azerbaijan on May 29, 1918. Soviet rule was established in all three republics, Armenia on December 2, 1920; Georgia, on March 31, 1921; and Azerbaijan on April 28, 1921.
united nationalities may pose to the Union, Lenin’s successor, Stalin employed the rule of policy of
divide and rule\textsuperscript{229} to its fullest, and separated Armenia from Karabakh, and Azerbaijan form
Nakhijevan. These decisions should be viewed in the context of Soviet Russia and Kemalist Turkey
relations, shaped by two historic documents: March 1921 Friendship Treaty of Moscow) followed
by the Treaty of Kars of October 2, 1921. While the stipulations of the first treaty “acceded to the
Turkish insistence on having a link with an Azerbaijani territory [Nakhichevan],”\textsuperscript{230} the latter
signed between Turkey on the one hand and Georgia, Azerbaijan, and Armenia on the other,
reconfirmed the stipulations of the former. With these two treaties, “Soviet Russia sacrificed the
Armenian question to cement the Turkish alliance.”\textsuperscript{231} Soon after the establishment of the Soviet
Union in 1922, Nakhichevan\textsuperscript{232} received the status of an Autonomous Soviet Republic within the
territory of the Azerbaijan SSR, followed by the Nagorno-Karabakh in March 1923 shortly after.
The transfer of both territories took place against the will of its indigenous people. Various efforts,
political and military were suppressed by the Soviet and local authorities, who as history would
show, planted the seeds of future disputes.

Between 1923-1988, the Armenians of the Nagorno-Karabakh region as well as their ethnic
kin in Armenia made several attempts to reverse the above-mentioned decision and reunify
Nagorno-Karabakh with Armenia. Few years after the annexation of the region with Azerbaijan, a
partisan movement began operations, and concurrently made demands to the Communist Party

\textsuperscript{229} See Audrey L. Altstadt, “Nagorno-Karabagh . . . ,” Ibid.
\textsuperscript{230} T. Swietochowski, \textit{Russia and Azerbaijan: A Borderland in Transition} (New York: Columbia
University Press, 1995), 106.
\textsuperscript{231} Richard Hovhannisian, “Caucasian Armenia between Imperial and Soviet Bloc: The Interlude of
National Independence,” in \textit{Transcaucasia, Nationalism and Social Change: Essays in the History of
Armenia, Azerbaijan, and Georgia}, ed. Ronald G. Suny (Ann Arbor: University of Michigan Press,
\textsuperscript{232} On the Nakhichevan dispute, see Audrey Altstadt, \textit{The Azerbaijani Turks: Power and Identity under
leadership in Armenia asking for reunification. The next official appeal was made in 1954, followed by May 19, 1963, when Kolkhoz farmers and workers from Nagorno-Karabakh as well as Armenians from the neighboring districts addressed the Ministers of the USSR and “Secretary of the Communist Party of the Soviet Union,” Nikita Khrushchev with a large petition in which they expressed that they were “completely discouraged by the growing difficulties in our living conditions,” and asked for protection and approval of the region’s annexation to Armenia.

A third petition, dated September 19, 1967, also signed by tens and thousands of the Armenian inhabitants of the region, spoke of blatant violations of their rights as individuals, biased judgments in legal disputes, inadequate share of infrastructural and other capital investment from authorities in Baku233 and even oppressive measures in Nagorno-Karabakh where armed forces had been deployed. The above petitions fell on deaf ears and were not given due consideration. Two decades later, the disintegration of the Soviet empire, provided the opportunity, only this time the people of the region resolved to take their fate in their hands, after exhausting a number of procedural and legal measures sanctioned by the USSR constitution.

**ii. Late-Soviet Period:** The contemporary phase of the Karabakh conflict began with a simple vote234 and adoption of a resolution taken at a session of the Supreme Soviet of Nagorno-Karabakh Autonomous Oblast [NKAO] on February 20, 1988. Speaking on behalf of the population of the region, the deputies of the oblasts Soviet officially adopted a resolution

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234 The 140 representatives of the NKAO Supreme Soviet was comprised of 30 Azeris and 110 Armenian deputies. The result of the voting was 110:17 with 13 abstentions.
demanding the transfer of authority over the region from Azerbaijan to Armenia. The motives behind that move were manifold. The main purpose was to make the wrongs of the past right, that is, the almost overnight reversal of a decision by the Caucasian Bureau of the Bolshevik Party awarding both Nagorno-Karabakh and Nakhichevan two regions within the jurisdiction of the Armenian SSR to Azerbaijan SSR. The population of the region viewed these factors as deliberate and discriminatory measures aimed at gradual erosion of the Armenian presence, demographically. One of the arguments used for this rationale has been the fate of the Armenian community of Nakhichevan which in a period of about fifty years was gradually dwindled to a point that today there is not a single Armenian left in that once autonomous republic.

The above historic resolution resulted in minor and isolated clashes until they erupted in growing anti-Armenian acts and culminated in the pogroms in Sumgait (February 27-29, 1988), a major industrial center on the Caspian coast. The response of the Central Committee of the Communist Party of Soviet Unions (CPSU) was quick (February 23, 1988) and negative arguing that “an examination of the national territorial structure would not be in the interests of the working population of the Azerbaijani SSR and Armenian SSR”. The Supreme Soviet of the USSR made this decision official on March 23, 1988, rejecting any change in the status of the Nagorno-Karabakh.

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Prior to the date of the above NKAO Supreme Soviet session, meetings were held in all administrative districts of Nagorno Karabakh on February 12/13, 1988, and resolutions passed which demanded to call an emergency session of the Supreme Soviet of the NKAO concerning the fate of Karabakh.

Both regions were confirmed earlier by a resolution adopted by the Caucasian Bureau of the Bolshevik Party on July 4, 1921 as integral part of the Armenian SSR. That decision was overturned overnight on July 5, less than twenty-four hours of the Armenian “unity”, Moscow declared Karabakh as part of Azerbaijan with regional autonomy. For the details of the Proceedings of the Committee on the Caucasus, see Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York: New York University Press, 2003), 129-30, where he also provides an explanation for the reversal of the decision.
Despite the above disappointing reactions for the Nagorno Karabakh Armenians from Moscow, mass movement underway both in Armenia and Karabakh marched ahead taking the conflict to a higher plateau, complicating the picture further. On June 1988, the Supreme Soviet of the Armenian SSR voted unanimously for the annexation of Nagorno Karabagh, which was negatively reciprocated by the Supreme Soviet of the Azerbaijani SSR. The latter in its turn, unanimously rejected the release of Nagorno-Karabakh from the State Federation of the Republic. Its decision was confirmed by the Supreme Soviet of the USSR citing Article 78 of the Union’s Constitution, which stated that the territory of a Union Republic could not be changed against its will. However, the Supreme Soviet of NKAO reconfirmed and reinforced its February 20, 1988 resolution on June 21, 1988, and furthermore, condemned the Supreme Soviet of the Azerbaijani SSR for rejecting its reunification with Armenia, and asked that the NKAO be put under the Special Administration of the Ministerial Council of the USSR.

The establishment of the Special Administration under, Arkady N. Volsky, a counselor to Gorbachev and the steps he took to bring things under control further outraged the Azeris. In reaction to these developments, a number of political movements mushroomed throughout Azerbaijan, among them, Birlik (“Unity”), Dirchelish (“Resurrection”), and the Milly Qutulush (“National Salvation Organization”). Of all these movements grew the Popular Front of Azerbaijan [APF] (Azerbeycan Xalq Cebhesi), a coalition of over a dozen different political movements, which later turned into a party and became one of the main political forces into a “spearhead of clear-cut nationalism with a serene vision of independent Azerbaijan’s future.”

237 Participating in this session was Suleyman Tatiliev, Azerbaijani President of the Parliament of the AzSSR.
Next came yet another bold and extreme decision. Barely a month passed, on July 12, 1988, the Supreme Soviet of the KNAO voted for the “Secession from the Socialist Soviet Republic of Azerbaijan”\(^{239}\) renaming Nagorno-Karabakh as the “Artsakhian\(^{240}\) Autonomous Territory in the Armenian Federation”.

In mid-June 1988 the Supreme Soviet of Azerbaijan concurred. Two days later, in contrast, the Supreme Soviet of Armenia voted to accept Nagorno-Karabakh’s request for accession to Armenia. In mid-July Nagorno-Karabakh Soviet voted to secede from Azerbaijan. Renewed clashes led to further escalation of the conflict ushering it to a full-blown military confrontations between the two rival populations, concluding in en masse exodus of populations from both republics. In the 1988-1990 period (about 250,000 ethnic Azerbaijanis from Armenia and Nagorno-Karabakh; and about 300,000 ethnic Armenians from Azerbaijan crossed each others border.\(^{241}\) As the situation worsened and intensified, the APF took the leadership in Azerbaijan, and “remained predicated on anti-Armenian sentiments and intense interest in the Karabakh crisis.”\(^{242}\)

Across the border in Armenia, the support for their ethnic kin had been building up for months. The Supreme Patriarch of All-Armenians expressed his moral support for the “just rights” of the nation. In support of the people of Nagorno Karabakh a “Karabakh Committee”


\(^{240}\) Artsakh is the historic name of the region in Armenian, one of the 15 provinces of the historic Greater Armenia.


was formed in Yerevan. A similar committee, speaking for the rights of the people of Nagorno-Karabakh called “Krunk” (Crane) was also formed in Stepanakert, the capital of the enclave.

As the events began to turn violent and clashes between the Armenians and Azeris intensified, a natural calamity of huge magnitude hit Armenia. On December 8, 1988, Armenia was struck by a devastating earthquake, which destroyed over half of Leninakan (former Alexandropol, presently, Gumri) with a population of 200,000 the second largest city of Armenia. Among its victims many refugees families from Nagorno-Karabakh who had fled to safety in Armenia.

In view of further deterioration of the situation, the USSR Soviet imposed direct control of Nagorno-Karabakh in January 1989. Efforts by the Russians to settle the conflict failed, and in light of the resistance by the Armenians of the disputed region led to the ending of the direct rule in November 1989. Two major nascent movements, the Armenian National Movement (ANM) and the Popular Front of Azerbaijan (APF) emerged to capture the political scene in both republic in furtherance and galvanization of the causes of their people.

The efforts by Moscow to impose control on the region and subdue both sides also failed. Neither the presence of the 17,000 Soviet troops in Nagorno-Karabakh nor their efforts in suppressing demonstration in Baku, which resulted in large number of Azeri deaths, bore fruit. Meanwhile both sides engaged in more organized military offensive and defensive measures, which resulted in heavy casualties. Over twenty-four Armenian villages on the periphery of Nagorno-Karabakh were stripped of their population. An estimated 10,000 ethnic Armenians were deported from their homes. More than 150 civilians243 were killed and hundreds more

detained. A systematic violation of human rights during the “Operation Ring” (Kaltso) was documented and widely reported by the various media outlets.

One year later, on the anniversary of the historic February 20 resolution, the Supreme Soviet of the KNAO reconfirmed its decision by deciding yet again to unite with Armenia. This time the Presidium of the Supreme Soviet of the USSR reacted by first introducing the regime of a special administration in the NKAO, and perhaps more importantly, withdraws the territory from the jurisdiction of the AzSSR. Second to the above historic decision, the measure adopted by Moscow sealed the fate of the region and the course of its future developments. Thus, the NKAO first got the status of a “suspended” territory, until the dissolving of the Special Administration on November 23, 1989. Meanwhile interethnic violence continued and entered a new phase as both sides began an economic war against each other. This included a number of measure to blockade each others territories from accessing to the outside world, by cutting access to food, flow of gasoline, and construction materials, medicine, etc., which resulted in sharp escalation of the conflict throughout 1989 and beyond.

Stateless, in a political vacuum, on August 11, 1989, a “Congress of the Authorized Representatives of the Population of the Autonomous Territory of Nagorno-Karabakh: was convened, and declared the region an “independent Union Territory”. The Congress elected a

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244 Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh (New York: Helsinki Watch, 1994), 4. The Azeri mercenary and governmental troops also faced resistance in some locales. One such case was that of Getashen (Chaikend) an ancient and large village entirely populated by Armenians became subject to indiscriminate fire from the Azeri forces, eventually succumbing to overwhelming forces, and was denuded of its Armenian population.

245 It refers to the systematic depopulation and cleansing operation in the spring (April) of 1991 by the joint Azeri and military forces of the 23rd Division of the Soviet 4th Army stationed in Azerbaijan joined in conjunction with Azerbaijani Ministry of Interior (OMON, or “black beret” forces) against the Armenians living in the Autonomous Region of Nagorno Karabakh and in the Shaumyan district to the north, 24 villages, Getashen and Martunashen, in particular. For more details see http://www.nkrusa.org/nk_conflict/ethnic_cleansing_campaigns.shtml#ring. (accessed 7 May 2006).
“National Council” consisted of 78 members, which in turn elected a 17-member Presidium, which in effect assumed the responsibility of a state government. By January 1990 situation both in Nagorno-Karabakh and Azerbaijan proper was completely out of control. Riots in Baku resulted in mass exodus of the Armenian population. Although Soviet troops did not intervene to stop the riots, on January 13, 1990, Moscow declared martial law in Baku. Clashes with the protesters in Baku resulted in the death of 122 and wounded hundreds more.246 As the situation began to deteriorate further, on January 15, 1990 the USSR Supreme Soviet declared a state of emergency in NKAO.

iii. Post-Soviet Period: In the midst of these developments, historic events were also unfolding in Moscow. The Soviet Union, after a relatively bloodless coup in August of 1991, was officially declared non-existent and joined the annals of history. The sudden vacuum created by the disappearance of the “center” (i.e., Moscow) led to more intensified military operations on the territory of Nagorno-Karabakh.247 On September 2, 1991, preceding the disintegration of the Soviet Union on December 10, 1991, the Republic of Nagorno-Karabakh was proclaimed.

The period 1991-1994 proved to the bloodiest phase of the conflict and the most crucial for the future developments in the region. In the course of a number of military operations,

246 This figure is disputed. Some sources estimate the number of fatalities at 138, others at 180 and more. The number of those buried at Martyr’s Lane (Shahidlar Hiyabany), located on a hill in the south of Baku overlooking the Caspian Sea, is 138. This site was first dedicated to those killed by the Red Army during what came to be known as “Black January” [January 19-20, 1990]. Later it was reserved as a special cemetery for those killed in the Nagorno-Karabakh battles. An estimated 15,000 people are buried in the cemetery. A similar site, located in the outskirts of Yerevan, Erablur (Tri-Hill) cemetery is also dedicated to the Armenians martyred in the Nagorno-Karabakh conflict. See Human Rights Watch, Conflict in the Soviet Union: Black January in Azerbaijan (New York, 1991), 21.

247 One of the effects of this historic development on the situation in the Nagorno Karabakh was the pull out of the Soviet Interior Ministry Forces, thus removing any residual restraints.
Armenian forces of Karabakh with the support of their ethnic kin from Armenia managed to push out all Azeri forces from the territory of Nagorno-Karabakh, liberate the historic fortress town of Shushi [Shusha] (May 9, 1992), take the control of the Lachin Autonomous Oblast [Red Kurdistan] (June 1992),\(^{248}\) thus directly connect by land with Armenia. Dubbed as the “humanitarian corridor” for facilitating the transport of supplies and medicine to the people Nagorno-Karabakh, in 1990, Lachin constituted a small and less discussed dimension of the Karabakh conflict. Populated overwhelmingly by the Kurds,\(^{249}\) the region demanded the restoration of autonomy\(^{250}\) once known as “Red Kurdistan” that existed from 1923 to 1929.\(^{251}\)

For the next two years (1992-1994), Armenian forces took over the Kelbajar a region in northwestern Azerbaijan located between Nagorno-Karabakh and Armenia, followed by a third Karabakh operation, southward toward the settlements of Fizuli, Qubatli, Jebrail, and Zangelan only to halt in April 1993, thus reaching the banks of the Arax River on the Iranian border. In the north Martakert and Agdam to the east of Nagorno-Karabakh also fell to the Armenian forces on

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\(^{248}\) Actual takeover of the region took place on 18 May 1992, when the military units subordinate to the Azerbaijani Popular front and Kurdish insurgents, the Azerbaijanis were constrained to abandon the district and its surrounding settlements. See ITAR-TASS, 17 May 1992; PostFactum and Radio Erevan, 18 May 1992.

\(^{249}\) The Kurdish population of the Soviet Union according to the 1989 Soviet census was 152,952, two-thirds of which lived in the Transcaucasus: 56,028 in Armenia, 33,327 in Georgia, and 12,221 in Azerbaijan. See Uwe Halbach, “The Soviet Union and the Kurds,” Bundesinstitut für ostwissenschaftliche und internationale Studien (13 May 1992). The Kurdish population of the areas between Nagorno-Karabakh and Armenia (Kelbajar, Lachin, Kubatli) according to Western journalists covering the fighting in 1992 was estimated to be about 70,000, majority of them Kurds. Agence France Press (AFP), 19 May 1992.


\(^{251}\) Also known as Kurdistana Sor (Red Kurdistan), Lachin was a region within Azerbaijan from 1923 to 1929. Covering an area of about 5,200 sq. km, it consisted of about 25 villages with Lachin as its main town. This region was dismantled, and later on, many Kurds from Azerbaijan were deported to Krasnodar (Russia). In 1989, 20,000 (out of 40,000) returned to Azerbaijan. The old Kurdistana Sor area has been disputed in the Armenian-Azeri war for Nagorno Karabakh and it is mostly under Armenian control now, is renamed Berdzor.
July 23, 1993. In a period of less than a year, and a number of mediation efforts on May 16, 1994, a ceasefire agreement, which stands to this day, mediated by Russia, was signed between Azerbaijan, Armenia and Nagorno-Karabakh.

At the time of the signing of the ceasefire agreement Azerbaijan had lost over 17 percent of its territory, including the Nagorno-Karabakh, all were depopulated of its Azeri inhabitants. The Nagorno-Karabakh Republic in addition to the territory of the autonomous region was in control of seven additional Azerbaijani districts. The human and material loss of the conflict has been devastating for both sides. Military operations is estimated to have cost the three republics heavy losses of about 25,000-30,000 deaths, about 1,250,000-1,500,000 internally displaced persons (IDP), 350,000 to 400,000 refugees in Armenia; 600,000-650,000 IDP and 200,000 refugees in Azerbaijan, and 15,000 IDPs in Nagorno-Karabakh, in addition an estimated 3,750 cases of missing persons as reported by the ICRC (International Committee of Red Cross).

In September 2006, the de facto Nagorno-Karabakh Republic (NKR) celebrated the 15th anniversary of its independence. Though unrecognized, the NKR has developed into a fully

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252 The reference made to the captured territories includes the Nagorno-Karabakh proper. The de facto Nagorno-Karabakh Republic (KNR) authorities disagree with such estimates arguing that territory under the jurisdiction of the de facto NKR should not be included in those figures. However, the most recent estimates, issued in a report by the CIA puts the size of the “seized” territory at about 16%, “based on cartographic data”. See “CIA Latest Report Says 16% Azerbaijani Lands ‘Seized’,” PanArmenian.Network (accessed 7 April 2006); available from http://www.panarmenian.net/news/eng/?nid=17294.(accessed June 24, 2006).

253 These districts include, Aghdam, Fizuli, Djabrail, Zangelan, Gubadly, Lachin, and Kelbajar.

254 Ibid., p. 19.


functional socio-political entity, a state with all its attributes and apparatuses, e.g., army, ministries, government, judiciary, and so forth. It has conducted presidential, provincial, and municipal elections. On the external front, it has established offices, “quasi-legations” in three major capitals (Moscow, Paris, Washington, D.C.) and one in neighboring Armenia. It has been engaged in international relations and political contacts with various international organizations, NGOs and indirectly with certain governments through a host of humanitarian and economic programs.\textsuperscript{257}

As the above brief survey shows the Nagorno-Karabakh conflict is an ethnonational conflict with ethnoterritorial dimension. Aspiring for independence under the principle of the right to self-determination, it has drawn Armenia into the conflict. Unlike Abkhazia and South Ossetia, it also qualifies as a separatist movement with irredentist overtones and inter-state in nature. The conflict has managed to stay away from religious colorings and fanaticism raging in the general area of the Greater Middle East.

A complicated mix of conflict management and negotiation efforts was launched from the early days of the conflict, when the region was still part of the Soviet Union. In 1992 with the joining of Armenia and Azerbaijan to the CSCE among other post-Soviet countries, the resolution of the conflict was moved to a totally new plateau. The Nagorno-Karabakh conflict entered the international realm affecting not only the “inner circle” countries of Iran, Turkey and Russia, but also impacting the “outer circle” of countries in and around the Black Sea region and the Caspian Sea basin as well as the EU and US. The mediation efforts geared toward resolving the conflict, one of the most complicated in the recent memory is discussed below in more detail.

\textsuperscript{257} For a profile of the state see the resource material in the supplements following the bibliography in this study.
3. An Appraisal: The three conflicts discussed above share a number of similarities, and yet each also has its own specific character evolved under the Soviet rule, and since the eruption of the conflicts in the post-Soviet period. Located in a newly evolving sub-region of South Caucasus, they have had their indirect impact on the South Caucasian troika of republics, the “inner circle” of immediate neighbors and been influenced in return by their policies and positions.

a. Objective Factors: The origins of the three conflicts, as introduced above, are rooted in the formative days of the Soviet Union, although some deeper in the pre-Soviet period. The administrative structure and vertical hierarchy of nationalities system and policies devised in the Soviet Union played a fateful role in the evolution of minority groups. It shaped their collective identity and cohesiveness in compact territorial districts. Over time, ethnoterritorial arrangements shaped and concurrently exacerbated the relations with their titular state governments. Designations as autonomous republics or regions combined with quasi-state-like structures contributed significantly to the consolidation of elites, power structures and “pseudo-state” structures and bureaucracies which proved helpful on the eve of the eruption of the conflicts.

Constitutional provisions both on the federal, Union republic, and autonomous republic/oblast levels over the years “froze” simmering de facto disputes into de jure realities between the subordinate groups and their dominant republican authorities. Thus, legal framework restrained individual ethnonational entity and further deepened the rift between a given ethnic group and its titular state. The Union republics enjoyed relative freedom under the constitutional provisions in administering and managing the affairs of the autonomous republics,
regions, and districts, such as budgetary provisions, allocations, developmental programs, etc. This set up resulted in various forms of deprivations in social, economic and political levels.

Disregard for sporadic legal petitions and appeals over decades to address the grievances and demands, in the cases of Abkhazia and Nagorno-Karabakh in particular, resulted in the loss of confidence in Soviet authorities and the system. Half-measures and unfulfilled promises overtime internalized the group frustrations, which once given the opportunity under perestroika and glasnost erupted from within with fury. These developments as will be seen later complicated the negotiation processes and resolutions efforts as the trust between the conflict regions and their titular states, i.e. Azerbaijan and Georgia was shattered.

Of the three conflicts, the Nagorno-Karabakh erupted under the Soviet rule. The Abkhaz and South Ossetian conflicts shook Georgia, which had just declared independence and seceded from the Soviet Union. All three conflicts, unresolved spilt over to the post-Soviet era. All three conflicts evolved on the landscape of politically and economically weak and newly independent states in transition from command to free market economy. Thus, all three grasped the occasion to consolidate their resources, gain control of power and undermine the central governmental rule. With three\textsuperscript{258} of its autonomous entities aspiring for secession, Georgia came to the brink of disintegration. Azerbaijan was engulfed in major military operations, which culminated in its losing of portion of its territory. Armenia had to deal with two major catastrophes on two fronts, the 1988 earthquake on the domestic front, and the support of its ethnic kin in Nagorno-Karabakh on the external front. The three post-Soviet republics were reeling through a heavy burden of the Soviet legacy. In the absence of any social, political and

\textsuperscript{258} During its early post-independence days up until recently, Georgia, in addition to South Ossetia, Abkhazia, also had Ajaria on its plate of ethnic conflicts.
economic safety nets, all three independent republics had to navigate through the painful transition period and simultaneously address crucial issues threatening their integrity and existence as independent and sovereign states. Limited or non-existent resources of the titular states to address the ethnic turmoil on their territories, their inherent weaknesses, compounded with misguided nationalistic agendas provided the impetus for the ethnonational entities to consolidate their resources and declare themselves sovereign and independent *de facto* states. As the South Caucasus as a sub-region was evolving, it took some time until Europe and the West in general grasped the crucial nature of the developments in the area. Europe became involved in the region for two main reasons, energy resources and overall security of expanding European Union.

**b. Subjective Factors:** All three autonomous entities experienced about seventy years of Soviet rule under the jurisdiction, legal and bureaucratic establishments of their respective titular states. In addition to some of the major systemic factors discussed above, the treatment of each of the three ethnonational groups by the authorities, in this case, of Georgia and Azerbaijan, contributed to the gradual radicalization of each group.

Second, the period of sixty-five years as an autonomous Soviet region under the Azeri rule. With the release of more primary source materials since the collapse of the Soviet Union, it becomes evident that over the years, the “Azerbaijani authorities deliberately severed the ties between the oblast and Armenia and pursued a policy of ‘cultural de-Armenianization’ in the
region, of planned Azeri settlement, squeezing the Armenian population out of the NKAO and neglecting its economic needs.\textsuperscript{259}

A number of factors distinguish the conflict in Abkhazia from those of South Ossetia and Nagorno-Karabakh. The evidence, arguments, and aspirations of the Abkhaz people, point in the direction of more a “political” rather than a purely “ethnic” conflict.\textsuperscript{260} The inclusion of activists from various ethnic groups in the leadership of the \textit{de facto} Abkhaz state apparatuses speak to the multiethnic nature of the Abkhaz cause. The conflict is also seen as the clash of two Georgian and Abkhaz “national projects”.\textsuperscript{261}

Although ethnogenetically very different from each, the concerns of all three appear to be shared, emanating from their common historical legacies. Insecurity, fear of annihilation, threat to national and ethnic identity, perceived and potential forced assimilation, discrimination and biases in the policies and drafted laws of their respective central governments, played a major role in the birth and evolution of all three conflicts. The collapse of the Soviet regime granted all three, while others remained dormant (e.g. Adjaria, Javakheti in Georgia; Talysh and Laz in Azerbaijan) for these sentiments suppressed for over seven decades to erupt.

The fluid situation created by the state- and nation-building processes underway in Azerbaijan, Georgia, and Armenia, in the midst of evolving new geopolitical entities (the Black and Caspian Seas) and sub-regionalism, i.e. South Caucasus, contributed to forces in all three separatist entities. One of the sources which all three conflicts turned \textit{de facto} states use to

\textsuperscript{261} Ibid. 10-14.
justify their claims to independence and statehood are the provisions of various international legal documents and principles.

The political causes of each conflict from Soviet to post-Soviet periods were presented above. Here, an analysis of the legal argument of each conflict in the context of the legal doctrines and documents introduced in the section on literature review will help shed light on yet another dimension of the topic under study here, before we turn to the analysis of the conflict mediation efforts in each case.
V. International Legal Dimensions of the South Caucasian Conflicts

Parties to the conflicts in this study do not share a common view as to how should the conflicts be resolved. Besides the tactical, strategic, and political consideration in the process of negotiations the parties to the conflicts to justify their positions and arguments, which further complicate the picture, also factor in a host of international legal factors. In the literature review section a brief survey of the conceptual and legal arguments on the right to self-determination, secession, and autonomy in the context of relevant international conventions are introduced. In this section an analysis of the arguments presented by the parties to the conflicts in the context of two different legal perspectives, public international law, and the Soviet constitutional law pertaining mainly to the status of the conflict regions are discussed. Several other aspects of the conflicts, though significant, which may also fall in the domain of the international law, such as the status of the refugees, i.e., IDP (Internally Displaced Persons), reparations, occupied territories, security guarantees, peacekeeping forces, etc. although play a significant role, are excluded from the discussion below.

A. Nagorno-Karabakh: The incorporation and therefore jurisdiction and sovereignty of Azerbaijan over Nagorno-Karabakh on legal grounds are disputed by the Armenian side. The Caucasus between 1917, the year of the outbreak of the Bolshevik Revolution and 1922, the year of the consolidation of the Soviet rule and establishment of the Soviet Union, was a confusing place replete with turmoil and transformation. The World War I barely finished, three independent republics of Armenia, Azerbaijan and Georgia emerged in 1918 only to succumb to the Bolshevik domination and rule within a period of two years, and finally annexed to the newly formed Union of Soviet Socialist Republics. The Treaty of Sévres (August 1920) obliged the
Central Powers to pay reparations for the damages caused by the War, and also set the boundaries for the newly independent countries such as Armenia and Kurdistan, although they never became a reality.

The government of Azerbaijan views the Nagorno-Karabakh as a separatist and irredentist movement supported by neighboring Armenia. While for Azerbaijan the roots of the conflict are traced back only to February 20, 1988 decision of the Supreme Soviet of the NKAO, for the Armenians of the region and neighboring Armenia, the roots of the conflict and its legal basis are older and deeper, traced back to the early days of the formation of the Soviet Union. These two significantly diverse viewpoints provide ground for very different international legal arguments.

The establishment of an international institution, the League of Nations, the pre-cursor to the United Nations, with a broad mandate was also approved. Among many issues on its agenda, it also addressed a number of inter-national conflicts, such as the “disputed territories,” Nagorno-Karabakh and Nakhichevan among them. Because of its quick demise as an international institution, and the solidification of the Soviet rule on the annexed territories, the League of Nations was unable to bring a just and lasting resolution to the conflict.

By the decision of the Caucasian Bureau of the Soviet Russian Communist Party (Kavbureau) as mentioned above were transferred to Azerbaijan. This was a move taken by political party (Communist Part of Soviet Russia) with no authority and jurisdiction on the affairs of two independent states. This issue of the Communist Party of the Soviet Russia’s making decisions for entities beyond its legal jurisdiction lies at the heart of the problem. It is viewed as
illegal and the root cause of several issues pertaining the history of First Republic of Armenia (1918-1920). As the then foreign minister of the Nagorno-Karabagh Republic, Naira Melkoumian mentioned it during one of her appearances: “We regard the illegal decision taken by the Kavbureau in 1921 to include Nagorno-Karabakh into the Azerbaijani SSR as freezing the Nagorno-Karabakh problem.”

It took seven decades for the conflict to “de-freeze” again as the occasion provided itself on the eve of the collapse of the Soviet Union.

As the section on the development of each conflict presented above indicated, as the autonomous region of Nagorno-Karabakh, although part of the Azerbaijan SSR, until the collapse of the Soviet Union, adopted a resolution with resounding majority to secede and reunify with the Armenian SSR (20 February 1988). This move took place in full compliance of the provisions set in the Soviet Constitution, respecting all the stipulations delineated therein, such as a public referendum. However, as the transfer of any territory between and among the Union republics should have had the consent of both and receive the approval of Moscow (Articles 73 and 78 of the USSR Constitution), Nagorno-Karabakh remained within the territory of Azerbaijan as it disagreed with the NKAO decision. However, the historical transformations between 1988 and 1991, including the disintegration of the Soviet Union in September 1991 changed everything.

A number of major legal twists began to unfold when Nagorno-Karabakh declared independence on 2 September 1991, almost six weeks before the adoption of the Constitutional Act on Azerbaijan’s state independence on October 18, 1991. These two major developments

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263 The Supreme Soviet of the NKAO was composed of 140 representatives, 30 Azerbaijanis and 110 Armenians. The result of the vote to formally request the Supreme Soviet of Azerbaijan and Armenia to annex the autonomous region of NKAO to Armenia was 110:17 and 13 abstentions.
took place with the USSR law “On the Order of Solving Issues Connected with the Quitting of a Union Republic from the USSR” adopted on April 3, 1990 in the background. Article 3 of this law reads:

“In a Union republic that includes autonomous republics, autonomous regions and autonomous areas, a referendum is held separately for each autonomy. The people of autonomous republics and autonomous formations reserve the right to an independent decision as to whether they stay in the USSR or in quitting the Union republic . . .”

Therefore, both Nagorno-Karabakh and Azerbaijan, like other former Soviet entities, exercised their right to self-determination under the provisions of the above Act. Chronologically, the Nagorno-Karabakh Republic’s decision to secede from the Soviet Union preceded to that of Azerbaijan’s Declaration of Independence. Therefore, under the circumstances at that time, there were “two independent states in the territory of the former Azerbaijan Soviet Republic.”

This point and positions emanating from it constitute one of the main issues during the negotiations between the conflicting parties.

The Nagorno-Karabakh authorities consider themselves on the same level as their Azeri counterparts as “both . . . seceded from it [USSR] simultaneously on the juridical basis,” and, thus, demand to be included and be involved in direct face-to-face negotiation as parties to the conflict. Here is has to be noted that although the Republic of Armenia has recognized and promoted the de facto independence of the Nagorno-Karabakh Republic, it yet continues to

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264 Moscow, ITAR-TASS, in English, 0634 gmt, 17 April 1996. Also, FBIS-SOV-96-075, 18 April 1996.
265 Statement made by Arkday Ghukasyan, the then Foreign Minister of Nagorno-Karabakh. Noyan Tapan News Agency, Yerevan, in English, 1718 gmt, (4 March 1996), also FBIS-SOV-96-045, 7 March 1996.
266 Over the past decade, the two republics of Armenia and Nagorno-Karabakh have expanded mutual ties in numerous grounds and levels. Some may even argue that the two republics have been de facto incorporated. See, statements made by the then Internal Affairs Minister Vano Siradeghian in this regard on 28 June 1994. FBIS-SOV-96-147, 31 July 1996.
refrain from its *de jure* recognition. Any official move in that direction would be an explosive measure, tantamount to and will be considered as a declaration of war against Azerbaijan.


With the inclusion of such a clause in its Declaration of Independence, the [Third] Republic of Azerbaijan, technically and in principle, rejects its Soviet “history and heritage”. In effect, “it automatically gives up [not only] Nagorno-Karabakh [ Autonomous Oblast] as part of Soviet Azerbaijan only during the period of the USSR’s existence.”

Yet another legal dimension of the problem is the argument made by the international legal authorities in Armenia, that is, the question of the territorial jurisdiction and even sovereignty of the First Republics of Armenia and Azerbaijan. The two republics prior to their Sovietization had applied to join the League of Nations. While the First Armenian Republic was recognized, Azerbaijan was not because of its “undetermined borders and aggressive policies”. Thus, Azerbaijan remained a recognized entity under international law, though for short while, whereas Armenia was accepted a member of the League.

Today, eight decades later, when the fate of the Nagorno-Karabakh is debated in the international fora, it appears that the issue of the territorial integrity of Azerbaijan continues to remain questionable for Armenia and haunt the relations between the two republics. The refusal of the former Armenian President, Levon Ter Petrosian to sign a political declaration at the
OSCE Lisbon Summit (December 1996), subsequent to his meeting at Luxemburg to sign an “Accord on Partnership and Cooperation” between the South Caucasian States and EU with his Azeri and Georgian counterparts, Haidar Aliyev and Edward Shevardnadze, respectively, was a clear indication that Armenia appears to be unwilling to recognize the territorial integrity of Azerbaijan.

**Autonomy and Self-Determination:** From the outset of the conflict, the government of Azerbaijan has considered the Nagorno-Karabakh conflict an internal matter, aggravated by external forces of the neighboring Armenia in violation of the international norms. Azerbaijan has been inclined for accommodate various formulas which would grant Nagorno-Karabakh “maximum” level of autonomy with the right to self-determine many aspects of it life. However, the nature and format of both the autonomy and the self-determination have not been elucidated clearly, at least publicly. The flat rejection of the Nagorno-Karabakh authorities of any formula speak to the unacceptability of the terms offered in private negotiations. In addition to the lack of sufficient guarantees for the security and skepticism of the Nagorno-Karabakh authorities of the Azeris lies a deeper distrust. The notion of autonomy in the Soviet system, in light of the experience of several ethnonational minorities under the jurisdiction of union republics, is considered discredited and “devalued.” The post-Soviet experience of the three conflicts selected in this study, further accentuated the distrust as they realized that their central governments can neither keep their agreement nor there are any guarantees that they will abide

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267 FBIS-SOV-96-085, 2 May 1996.
268 The idea of territorial exchanges in attempt to resolve the Nagorno-Karabakh conflict is not new. Turkey’s ambition to expand its influence in the region by establishing a contiguous ground access to Azerbaijan dates back to the days of the Pan-Turanistic ambitions nurtured by the Young Turks in early 1900s.
by it or implement its provisions in accordance with the *pacta sunt servanda*\textsuperscript{270} principle of the international law.

Among the measures offered, “cultural autonomy”\textsuperscript{271} was the first, which was rejected outright. As early as in 1995, the talk of “political autonomy”\textsuperscript{272} was circulated among the negotiators. The first formula offered the minimum freedom to the people of Nagorno-Karabakh and did not address any of their main concerns, among them their freedoms and security. The latter proposition raised a number of new issues, most important among the status of relations between Nagorno-Karabakh and Armenia, and the outside world for that matter. It also complicated the picture as other issues such as land swaps between the conflicting parties, i.e. Armenia and Azerbaijan were put on the negotiation tables under pressures from Turkey.\textsuperscript{273} However, this offer was also turned down as it had a major string attached, that is, “Armenia’s recognition of our [Azerbaijan’s] sovereignty over the region [of Nagorno-Karabakh]. Yet in another attempt the insinuations of granting Nagorno-Karabakh “autonomous republic level” status as such entities enjoyed during the Soviet period, were made. Similar offers made by the Georgian government have also been rejected b both Abkhazia and South Ossetia.

\textsuperscript{270} *pacta sunt servanda* - the doctrine that agreements must be observed (that is: honored, obeyed).
\textsuperscript{271} See the statements made by Former Azerbaijani President, late Abulfaz Elchibey. *FBIS-SOV-97-302*, 31 October 1997; *FBIS-SOV-97-364*, 1 January 1998.
\textsuperscript{272} See the views of both Azeri and Turkish authorities on this issue in *FBIS-WEU-95-238*, 14 December 1995.
\textsuperscript{273} Contrary perhaps to the public belief, outside the “actively influential parties” such as Turkey, outside the “core parties”, Armenia and Azerbaijan, despite their ethnic affinity with the Azeris have exerted pressure on their ethnic kin when the issue of “political autonomy” as well as horizontal status between Armenia, Nagorno-Karabakh, and Nakhichevan vis-à-vis Azerbaijan has come up. See the statements made by the Turkish President Suleyman Demirel during his visit to Baku in *FBIS-WEU-95-238*, 14 December 1995; Also Boris Yeltsin on the status of the Nagorno-Karabakh Republic, *FBIS-SOV-95-232*, 11 December 1995, and *FBIS-SOV-96-020*, 31 January 1996.
What is perhaps of even more concern to the parties is the “level” of the “political autonomy” offered. The former president of Azerbaijan spoke of the “high status of autonomy” promising freedom of travel, entering into some level of financial, economic, and cultural relations with the outside world, except “two things . . . an army . . . and foreign policy services”. However, none of these were substantiated. Furthermore, these discussions and statements opened the door for evaluations of various forms of autonomies in practice in the world, among them Bosnia, Åland Islands, union of Switzerland and Lichtenstein or Andorra, Tatarstan, even Northern Ireland. Most of these considerations, naturally, culminated in the issue of the status of the two entities and the state of relations between Nagorno-Karabakh and Azerbaijan. As the present status of the negotiations indicates none of the above formulas have taken the parties beyond theoretical discourses. One of the most recent formulas introduced was that of the creation of a “Common State” which stipulated on the creation of two socio-political entities, Nagorno-Karabakh and Azerbaijan on horizontally “equal” standing. This innovative concept was rejected by the latter.


275 The Åland Islands model was among the first models considered for the conflict. The parties to the conflict even met on the Islands on December 21-22, 1993 in a seminar. The meeting was organized by the initiative of the Russian Ministry of Foreign Affairs, CIS Inter-parliamentary Assembly, and Aland Institute of Peace. See statements made by Rasul Guliyev during a meeting with a delegation of the Russian Federation Council and the CIS Inter-Parliamentary Assembly in Baku, FBIS-SOV-95-088, 9 May 1995.

276 The models introduced to the Armenian side in Italy (22-25 July 1998) were viewed favorably. For more details and statements made see Moscow, Interfax, English version, 0937 gmt, 27 July 1998 reported in FBIS-SOV-98-208, 28 July 1998.

277 See the interview with Rasul Guliyev for the Moscow newspaper Novoye Vremya of July 1996, as quoted in FBIS-SOV-96-208-S, 29 October 1996.

In discussing various aspects of the right to self-determination above, two types of internal and external have been considered by Azerbaijan, but always rejected by the Nagorno-Karabakh. Ever since the secession of the military operations in 1994, Azerbaijan has been adamant in its refusal to accept the de facto independent existence of Nagorno-Karabakh. This position was clearly stated by the Azerbaijan President, Heydar Aliyev on 30 July 1997 as he said: “we will not allow a second Armenian state to be created on the territory of Azerbaijan nor will the world community, the global society, allow this. However, we are prepared to grant Nagorno-Karabakh, within Azerbaijan, the very highest powers and the very highest status.”

The present Constitution of the Republic of Azerbaijan, adopted in a referendum on 12 November 1995 and amended on 24 August 2002, does not lend any sense of security to the people of Nagorno-Karabakh nor does it help build trust with its leadership. The Article 7(1) of the Constitution declared Azerbaijan as a “unitary republic” (Article 7:1). There is no mention of Nagorno-Karabakh anywhere in that 158 Article Constitution. However, an entire section (Section VIII, Articles 134-141) is devoted to the Nakhichevan Autonomous Republic, the status of which is kept in tact as an “inalienable part of the Republic of Azerbaijan.” The government of Azerbaijan has made pledges on several occasions that upon the signing of the final

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“Political Agreement” on the conflict, it will amend the Constitution by introducing a special clause on Nagorno-Karabakh.

One last issue, which still remains ambiguous, is the future and final status of Nagorno-Karabakh. Is the region going to remain an independent state that is presuming theoretically if Azerbaijan comes to accept its secession a reality or is it going to unite with Armenia, which was the initial aspiration of the people of the region at the dawn of the movement? The statements made by various Armenian leaders have referred to both options as possibilities. Yet, regardless of the model, it is all contingent upon the final outcome of the negotiations, resolution of the conflict and the final status of the Nagorno-Karabakh, after which it will be left to the latter and its people to make the decision either for full independence or reunification with Armenia.

In summary, the Nagorno-Karabakh conflict overlaps several public international legal domains. The complexities of the case naturally reflect on the negotiations process, making any tangible progress in that arena an arduous task. Issues of state sovereignty, secessionism, autonomy, and self-determination of the people, not to speak of the regional geopolitical issues all have come to a head as they involve the two states of Azerbaijan and Armenia and the de facto state of Nagorno-Karabakh in between. Neither of the other two cases, Abkhazia and South Ossetia have introduced issues of such complexity. However, both conflicts, after over a decade, are yet to be resolved.

284 See statements made by Robert Kocharian, the then Prime Minister of Armenia at the time as reported by Snark News Agency, 1235 gmt, 2 September 1996, FBIS-SOV-96-174, 9 September 1996; Moscow, Interfax in English, 1435 gmt, 15 May 1997 as reported in FBIS-SOV-97-135, 16 May 1997; Snark News Agency, in English, 1252 gmt, 13 May 1996 reported in FBIS-SOV-96-094, 16 May 1996.
B. Georgia: Its Constitution and the Georgian Conflicts: The Constitution of the Republic of Georgia confirmed by the Referendum of 31 March 1991 came into effect by the “Act of Restoration of the State Independence of Georgia” of 9 April 1991. Of the three autonomous entities on its territory there are very few references to Abkhazia and Ajaria, but only one to South Ossetia, and that as a “former” entity. Whereas the Constitution recognizes Abkhazia as the “Autonomous Soviet Socialist Republic of Abkhazia (Ch. I, Article 1.1), it leaves the status of the “Autonomous Republic of Ajaria” as to be “determined by the Constitutional Law of Georgia “On the Status of the Autonomous Republic of Ajaria” (Ch. I, Article 3.3). A special clause on Ajaria was added by the Constitutional Law of 20 April 2000. However, South Ossetia is never mentioned as it is considered “non-existent” as a legal-territorial entity in pursuant to the paragraphs 3 and 11 of Article 104 of the Constitution of the Republic of Georgia.

1. Abkhazia: Second to Nagorno-Karabakh, as its history indicates, Abkhazia had a complicated evolutionary process as an ethnonational entity. The nature of its union and incorporation into Georgia is reflected in the international legal principles impacting the resolution of the Abkhaz conflict. Similar to the Nagorno-Karabakh, Abkhazia also has undergone a number of status changes. Subsequent to the dissolution of the Russian Empire, Abkhazia entered the Union of United Mountain Peoples of the Caucasus (May 1917). At the time of the declaration of independence of the First Georgina Republic, Abkhazia, legally, was not part of Georgia. It was outside the territorial jurisdiction of Georgia, a constituent part of the

286 Ibid., 2.
287 Further references to the status and issues such as self-government and local autonomy are made in Articles 4.3, 55.1, 67.1. See Ibid.
“Mountain Republic”. What evolved in the period of a year, led to the gradual incorporation of Abkhazia and its reduction from an equal member of a union with Georgia (June 8, 1918) to a “general gubernia” led and governed by a “Special Commissar” and “Political Representative”. Thus, by the time the Soviet rule was fully established in Georgia, Abkhazia was reduced from an equal member of a union to an “autonomous” entity under the “Act on the Autonomy of Abkhazia” passed by the third ANS held in Sukhum(i) on March 18-20, 1919.

The coming to power of the Bolshevik regime in Georgia on March 4, 1921, was “welcomed by the peoples of Abkhazia as a deliverance from the repression and meddling of the Georgian Republic.” Abkhazia “liberated” was granted the status of independent Abkhazian SSR (March 31, 1921). This was followed by a “Special union-treaty” (February 1922) recognizing the equality of the status of the two republics as two independent entities with their respective constitutions delineating the various aspects and organs of each state.

The years between 1931 and 1935, the years of the first purge in the USSR, Abkhazia by the use of various measures and tactics was incorporated into the Georgia SSR. Its entire leadership and intelligentsia liquidated, state institutions dismantled, and reorganized. As in the case of the Nagorno-Karabakh, for the subsequent decades, Abkhazians made several appeals (1957, 1964, 1967, 1978, and 1989) to the Kremlin for the removal of Abkhazia from the state of

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288 “The Mountain Republic” also known as the North Caucasus Republic was established on May 11, 1918. It was composed of Dagestan, Checheno-Ingushetia, Ossetia (North and South, combined), Karachay-Balkaria, Kabardia, Adyghea, and Abkhazia.
289 Articles 107 and 108 of the Constitution of Georgia on the status of the region and its autonomy, respectively, never came to fruition.
290 As history stands witness this document did not carry any weight and remained just a “paper-document”. It was never ratified and neither of its provisions were implemented.
292 The constitutions of Abkhazian SSR and the Georgian SSR were adopted in 1925 and 1922, respectively.
Georgia. All of their efforts proved to be futile. Only the impending collapse of the Soviet Union granted the opportunity for the Abkhazians raise their issues this time with a newly independent Republic of Georgia. A potent mix of developments inside Abkhazia and ultra-nationalistic measures and policies adopted by the Georgian government led to the eruption of the conflict into a full-blown military confrontation.

2. South Ossetia: The Constitution of the Republic of Georgia refers to the “Former” Autonomous Region of South Ossetia only once (Chapter I, Article 1.1) in the entire body of its 106 Article document. The Autonomous Republic of Ajaria and issues pertaining to its status are addressed on several occasions in the text. The rationale explaining this conscious omission is the 11 December 1990 decision by the then Chair of the Supreme Council of the Republic of Georgia, later the first president of the Republic to abolish the autonomous region. The “Law of the Republic of Georgia on Abolition of the Autonomous Oblast of South Ossetia” declared null and void the Decree #2 of 20 April 1922 adopted by the Georgian Central Executive Committee and the Council of Peoples Commissars of Georgia on “Establishment of the Autonomous Oblast of South Ossetia” as well as the Georgian SSR law on “The Autonomous Oblast of South Ossetia”. Thus, under the provisions of the above document, the Autonomous Region of South Ossetia has been dismantled and it leaves to the “Commission on the Rule of Law and Protection of Legal Acts of the Supreme Council of the Republic of Georgia” to submit amendments to be considered in the Constitution, and determine the “administrative-territorial arrangements” for South Ossetia.

Unlike Nagorno-Karabakh, the history of evolution of South Ossetia as a distinct territorial entity is less complicated. For example it was never an “apple of discord” between
Georgia and its neighboring Russian Federation. Less concentrated ethnically, it has never viewed by the Georgian authorities on the same level as Abkhazia, and thus it has always been to have its place “in a single Georgia”. However, with the changes of the facts on the ground, and the evolution of the negotiation processes, talk of some form of “cultural autonomy” followed by yet further expansion of legal privileges, that is, “consent to the formation of an autonomous” entity in Tskhinvali (capital of South Ossetia) region” was introduced on 11 March 1996.

South Ossetia has traveled the path of independence, likewise. On December 11, 1990, the “Independent Soviet Socialist Republic” of South Ossetia declared itself subordinate not to Tbilisi but to Moscow, through unification with North Ossetia as a “historical necessity which can not be avoided.” This move triggered the above-discussed measure, which was swiftly carried out by the first “ultra-nationalist” president of independent Georgia, Zviad Gamsakhurdia, as discussed above.

For over a decade all three conflicts have been living in a state of no war no peace state.

All three entities with the interference of regional and major powers, such as Russia, and

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295 As it can be noted, the language of the document makes no reference to the region by the name of South Ossetia rather the name Tskhinvali is preferred. Former President Edward Shevardnadze of Georgia referred to the region as Samachablo that is the land of the Georgian Machablo dynasty.
296 From a statement made by Ludvig Chibirov, the chairman of the Supreme Council of South Ossetia, later the president of the self-proclaimed independent republic of South Ossetia, in which he talked about “step by step” process for the unification and independence of “two Ossetias”. This statement, in light of the evolving situation in the North Caucasus make one wonder whether developments in that region will also gradually lead to separatist aspirations among the North Caucasian autonomous regions and republics. See, Tbilisi, Iprinda, in Georgian, 1230 gmt, 31 October 1996, reported in FBIS-SOV-96-223-S, 13 November 1996.
international entities, such as CSCE/OSCE, and the United Nations, managed to agree on a ceasefire agreement (Nagorno-Karabakh, May 14, 1994; Abkhazia, July 27, 1993, South Ossetia, August 13, 1994). These efforts were crucial for all sides to each conflict, because they stopped the bloodshed and prevented the conflict from intensifying further, and perhaps spillover the borders and engulf other regional entities into their conflict.

VI. Review of Literature
The complex nature of the South Caucasus politics and the cases selected for this study require the consideration of literature available in several disciplines and fields. The three main fields include public international law, ethnonational conflicts, and conflict mediation and resolution. One cannot address the political identities of each of the three members purely from theoretical or legal perspectives. They have to be considered within their Soviet contexts: how that experience effected ideology, legacy, and determined policies as they to play a fundamental role in shaping the ethnonational identities, behavior of various groups. This in turn is closely related and impacted by the nationalities policies adopted by the Soviet authorities, manifestations of nationalism in the three republics, and the ethnogenesis of each conflict. As the mobilization of the groups confronts the superior authority of the state within whose boundaries they exist, the issue of the territorial integrity of the state enters the picture and usher the discussion deeper into the realm of international law. The latter complicates the issue furthermore as each entity by declaring itself ‘independent’ requires a review of the various aspects of that concept such as secession and recognition of states in the international context in general, in Soviet context, and the post-Soviet landscape, in particular. Since each conflict and subsequently the birth of the de facto states are linked by various conflict resolution approaches made in each case, a review of the third-party mediation and conflict resolution efforts is indispensable to provide a coherent picture. The review presented below is organized in a sequent ional order, that is, from the nature and origins of the conflicts to negotiation efforts leading to a ‘frozen’ state, followed by the various issues concerning the existence and [non]-recognition of the de facto states.

A. Peoples Right to Self-Determination and Ethnic Conflicts
Deeply rooted in modern history, the principle of the peoples right to self-determination is both noble and enigmatic. Its origins can be traced to the Enlightenment, manifested itself later in the French and American Revolutions at a time when the foundations for democratization began to solidify in Europe and the will of the people emerged as the guarantor of the legitimacy and stability of the state. Therefore, accordingly, if discontented, people, supposedly, should have the right to leave, secede and form an entity suitable to their goals and ideals. This meant that “the territorial element in a political unit lost its feudal predominance in favor of the personal element; people were not to be any more a mere appurtenance of the land.” Thus, it can be argued that the concept is inherently a threat to the legitimacy of the established order and may contain the seeds of the complete or partial disintegration or territorial decapitation of a given state. The origins of most of the modern European countries, such as Germany and Italy as well as the United States can be traced to the concept of the right to self-determination, which paved the way for the unification and emergence of the first two as centrally governed solid states, and liberation and independence in the case of the latter. Ironically, these historic cases evolved at a time in history when the concept of self-determination had not even been coined yet.

297 The opening phrases of the American Declaration of Independence of 1776 reads: “When in the course of the Human events it becomes necessary for one People to dissolve the Political Bands which have connected them with one another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and Nature’s God entitle them . . . ” is one of the earliest testimonies to the principle of self-determination. (accessed June 12, 2005); available from http://www.law.emory.edu/FEDERAL/independ/declar.html.

298 Major remarks of historical significance are seen in the statements of Giuseppe Mazzini whose efforts culminated in the liberation and unification of Italy under one banner.

The literature on the right to self-determination is abundant. Although none of the legal scholars in the field dismiss the concept because of its vagueness, question its validity, others have tried to limit it in light of its “state shattering” effect.

1. The Concept and its Components: The concept of the peoples right to self-determination in the recent decades has crossed the legal boundaries into the political realm. This development has complicated the matter. “Self-determination” has in the recent years become “a tool for attempts to revise historical developments that have extended not only over decades, but centuries”. It has been viewed as a legal mechanism to justify secessionist and irredentist movements. Some have even adopted a more radical view and characterized it as the “opium of the peoples”. Historical evidence of the past half a century indicates that the

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concept although a “coherent doctrine” under the international law has been suffering from
“incoherence of experience”. However, one has to search for sources of confusion and
controversy in the terms embedded within the phrase, that is, the two main words “peoples” and
“self” which constitute the foundations of the concept. There are a number of positions on the
definitions of both terms, and no consensus. Neither term is defined or clarified in the UN
Charter nor in the two Covenants, and subsequent major UN resolutions.

2. “Nations” and “Peoples”: At the heart of the concept of the right to self-
determination is the word “peoples”. Crawford argues, “from the perspective of international
law, the key feature of the phrase ‘right of people’ is not the term ‘rights’, but the term ‘peoples’
”. According to Schoenberg, another legal scholar, “the central and most challenging problem
of self-determination is the identification of the units, the ‘peoples’, entitled to its exercise,
particularly at a time when men and women are becoming more acutely aware of the groups
which they belong and more forcibly expressive about the needs and demands of their Attention:

There exist two broad categories of views on the right to self-determination: statist and
libertarian. The former basing its logic on a broad definition of the concept of the “peoples”
argues that “peoples” is to be understood in the sense of “all the peoples of a given territory . . .

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doctrine Versus the Incoherence of Experience,” in Wolfgang Danspeckgruber and Arthur Watts, eds.,
Self-Determination and Self-Administration: A Sourcebook (Boulder; London: Lynne Rienner Publishers,
1997), 47.
305 International Covenant on Economic, Social and Cultural Rights, International Covenant on Human
rights
Minorities as such do not have a right to self-determination.”\textsuperscript{307} Thus, self-determination ‘cannot be utilized as a legal tool for the dismantling of sovereign states . . . Self-determination does not provide groups . . . with the legal right to secede from existing independent States and create a new State.’\textsuperscript{308}

A number of scholars from various disciplines, political science, philosophy,\textsuperscript{309} and law, criticize the above view as obsolete and unjust. They argue that, in some circumstances, national groups or minorities should be able to exercise their right of self-determination, including the right of secession. In the words of McCorquodale:

\textit{[A] restriction on the definition of ‘peoples’ to include only all the inhabitants in a State would tend to legitimate an oppressive government operating within unjust State boundaries and create disruption and conflict in international community. This approach also upholds the perpetual power of a State at the expense of the rights of the inhabitants, which is contrary to the clear development of the right to self-determination and international law generally.}\textsuperscript{310}

In confirming the McCorquodale’s views another scholar, O. Oko argues:

\textit{[A] policy that emphasizes national sovereignty over self-determination will simply embolden despotic regimes and majority groups to engage in acts of oppression and human rights violations. Nations should be encouraged to redraw boundary lines whenever the current government fails to meet the aspiration of its people. To continue to ignore minority rights violates basic standards of decency and makes a mockery of human rights championed by the United Nations and the ‘super powers’}.\textsuperscript{311}

The concept of self-determination is not free from terminological controversies. The word “people” is often used synonymously with term “nation” another dimension of the concept, which also entails territorial elements. People is defined according to territorial entity, which they inhabit, irrespective of their identities and affiliations. “Peoples” according to Higgins, “means the entire people of a state or that ‘people’ means all the persons comprising distinctive groupings on the basis of race, ethnicity, and perhaps religion.”

The above concept and principles evolved in the Soviet Union in a different direction influenced by distinct ideological doctrines of Marxist-Leninism.

The absence of consensus among social scientists on the definition of the terms people and nation speaks of their complexity and related concepts, ever since they entered the lexicon of the academe and political discourse. “Nation” derived from the Latin nation, signifies birth: a social grouping based on real or imaginary ties of blood. In modern times the term “nation” has been applied to the population of a country regardless of the unity of their origin. The Webster New Dictionary defines nations as “a people connected by supposed ties of blood generally manifested by community of language, religion. And custom, and by a sense of common relation and interrelation; . . . Loosely, the body of inhabitants of a country united under a single independent government; state.”

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313 R. Higgins, Problems and Process . . . , 142.
3. **Self-Determination: “Internal” and “External”:** Several international law scholars have analyzed the concept from various perspectives and viewpoints. The two “internal” and “external” aspects of the principle of the peoples right to self-determination stand out as the two main types. The former refers to peoples right to “freely determine their political status and freely pursue their economic, social and cultural development”, \(^{315}\) that is to have own system of government and participate in the political process that govern its affairs. In the words of Antonio Cassese:

> Indeed there seems to be a tendency toward broadening the concept of internal self-determination in such a way as to cover, at least in some aspects minority groups. In this connection, one can find instances where UN bodies have dealt with minorities for which either in the past, or both in the past and at present, self-determination has been invoked and these UN bodies have approached the question in terms of granting full autonomy to the minority group – that is, from the viewpoint of internal self-determination. \(^{316}\)

In several ways internal self-determination overlaps with the idea and practice of autonomy. In light of the concept’s encouragement of people’s right to be consulted about their own affairs, elections, and even going as far as amendment of the sovereign state’s constitution to meet the needs of the self-governments, some scholars argue that “self-determination might be regarded as implicit in the idea of democracy for “every man’s right is recognized . . . consulted about the affairs of the political unit to which he belongs . . . when important constitutional changes in the State are under consideration” including the “right to vote in/vote out a government”. \(^{317}\) This version of the right to self-determination in the literature is recognized as the “democratic” school of thought. Various models of “internal” self-determination have been

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\(^{315}\) Article 1 of the Covenant on Economic Social and Cultural Rights.


entertained to resolve the three conflicts selected in this study. All have been refused by the de facto regimes for variety of reasons, some of which will be discussed below.

One of the most recent and innovative approaches to the idea of internal self-determination was introduced in 1991. The brainchild of Prince Hans Adam II of Lichtenstein, it was introduced at the UN General Assembly. The document, which came to be known as the Liechtenstein Draft Convention on Self-Determination Through Self-Administration is intended to establish “a new legal framework within which self-determination might be pursued”. Paragraphs (b), (c), (d) and (e) of the Preamble reaffirm and acknowledge the peoples right to self-determination in accordance with major documents surveyed above. The fourth (e) provision for example reflects the Paragraph 4 of the 5th Principle of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [UNGA Res. 2625 (XXV) (1970)], and the Covenant on Civil and Political Rights.

Paragraph (f) introduces and discusses the concept of self-administration and “communities within States” both of which are considered further in Article 1(a). The drafters of the Convention believe that by granting sufficient and adequate level of self-administration right,

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318 The document following a Preamble is divided into 5 sections and is composed of 23 articles: Preliminary Provisions (Article 1-3), Self-Administration (Articles 4-8); Institutional Provisions (Articles 9-14); settlement of differences (15-16); Final Clauses (Articles 17-23).
319 UN Doc.A/46/Pv.10. The concept was discussed at the Assembly’s (48th) Third Committee (UN Doc A/C.3/47/SR.5), also later on 25 October 1993 (UN Doc A/48/PV.36), XXXX 1994 (UN Doc A/48/PV). The Lichtenstein initiative further discussed and also in (UN Doc A/48/147) of 16 July 1993; the Summary Report of the Chair of a Meeting of experts convened in Schaan, Lichtenstein, and distributed as UN Doc a/48/147 Add. 1 of 29 September 1995, and also in two Conferences held at Princeton in 1995 (UN Doc A/50/492 of 2 October 1995.
a community “may no longer feel any compulsion to seek full independence,”\textsuperscript{321} therefore, “selfadministration is consistent with the territorial integrity of States and thus avoids the risks of conflict often associated with the fragmentation of States.”\textsuperscript{322} Despite, the promises of the Convention, and states acceptance of self-determination in principle, to this day no applicable rules and procedures have been agreed by the UN member countries toward its realization.

The “external” self-determination, the second main type of the principle belongs to the so-called “nationalist”\textsuperscript{323} school of thought. D. M. Walker defines “external” self-determination as, “the claim of a group of people having some degree of national consciousness to form their own state and govern themselves.”\textsuperscript{324} According to M. Pomerance, external self-determination is “the act by which a people determines its future international status and liberates itself from ‘alien’ rule.”\textsuperscript{325} This is a complicated version of the peoples right to self-determination which if fully succeeded a) will result in the potential fragmentation or decapitation of a state, and b) will introduce an entirely new dynamics to the relations of one state with another neighboring state as well as with its own subject peoples. Thus, “secessionist” dimension also enters the picture and make the situation even more complicated for both the metropolitan state and the adjacent state sharing a border with the secessionist entity, which may over time incorporate the separatist regime. The cases of Nagorno-Karabakh and Kosovo are two examples of “external” self-determination movements, where if concluded with the secession of the two region and province,

\textsuperscript{322} Paragraph (g) of the Preamble of the Draft Convention on Self-Determination Through Self-Administration.
respectively, the dynamics of the relations between Armenia and Azerbaijan, and Serbia and Albania, respectively, will change significantly.

General international law (treaty and custom) accepts the peoples right to self-determination (“external”) for a) colonial peoples as well as peoples under foreign occupation and subjugation.\textsuperscript{326}

In light of the transformation of the world realities in the twentieth century some scholars, having found the conventional “internal” and “external” terminology to define self-determination, have introduced more descriptive ones, which reflect the post-Cold War realities. In the words of Lee Buchheit:

The problem of a segment of a State wishing to dissociate itself from the unified country falls neatly into an interstice between internal and external self-determination. The seceding province obviously wishes to readjust its political status vis-à-vis the remaining State (which seems an aspect of internal self-determination); yet by proclaiming itself an independent entity it may apparently resist any attempt at forced reunification under the principle of external self-determination (the parent State having become an “outside party”).\textsuperscript{327}

In response to the new challenges, a group of scholars have introduced a typology of self-determination in which they identify five distinct types: anti-colonial which they distinct from the conventional colonial structures (e.g. Puerto Rico, New Caledonia, the Falkland Islands, Gibraltar); Sub-state self-determination (Tiber, Sikh community in Punjab, economic claims in

Siberia, Taiwan); Trans-State Self-determination (Nagorno-Karabakh, Romanians in Moldova, Kashmir, ethnic Russian in Crimea, Kurdistan); Self-determination of Dispersed People such as Indian National movement and Muslim movements; Indigenous Self-determination (those in Guatemala, Nicaragua, Native American, aborigines of Australia, Cree Indians of northern Quebec.

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**4. Developments in the Twentieth Century:** The twentieth century proved to be a turbulent period. The international community witnessed the disintegration of two historical empires, (Ottoman, Austro-Hungarian), and the rise of a new one, the Soviet Union. The colonial powers such as the British, Dutch, German, and French emerged to spread their imperial rule throughout vast territories. Two world wars and a number of major regional wars were fought bringing about unprecedented level of death and destruction of a global scale.

New world entities and conceptions of “quasi-world” governance such as the League of Nations and later the United Nations were established. The concept of peoples right to self-determination emerged to occupy a principal spot in the public international law literature. It gained a new significance and impetus as the boundaries of many countries in Europe, in particular, were drawn and redrawn. The concept occupied its prominent place among Woodrow Wilson’s now historical fourteen points, when in an address before the League to Enforce Peace [27 May 1916], he said: “We believe these fundamental things: first, that every people has a right

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to choose the sovereignty under which they shall live.” Later, appearing before the U.S. Senate he declared:

No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just power from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property.

Embedded in the heart of President Woodrow Wilson’s historic Fourteen Points was the principle of self-determination. He saw it as “an imperative principle of action, which statesmen will henceforth ignore at their peril.” The concept was neither mentioned in the text, nor any time during his speech when he introduced the above points, however, it became the cornerstone of post-World War I political settlements in Europe. The first experimentations with the legal aspect of self-determination were taken on by two committees of the League in regard to the question of Åland Islands. Both committees concluded that it was not a binding rule of international law. They even argued against the right to secede.

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329 U. S. Congressional Record, vol. 53, Part 9, 8854.
330 Ibid., vol. 54, Part 2, 1742.
332 President Wilson introduced his Fourteen Points to the Congress of the United States on 8 January 1918.
333 Åland Islands region of Finland, an archipelago of more than 6,500 islands and skerries with the island of Åland as its largest makes up 70 per cent of the Islands’ total land area and is home to 90 per cent of the 26,200 population which live on only 65 islands. Over 40% live in the only town, Mariehamn. After decades of conflict between Sweden and Finland claiming sovereignty over the Islands, the Islands question due to its international natures was referred to the newly formed League of Nations. In June 1921 the League’s Council presented a compromise decision, which offered something to each of the three parties to the conflict, Finland, Sweden and Åland. Finland was granted sovereignty over Åland, but was placed under an obligation to guarantee to the population of the Islands their Swedish culture, language, local customs and the system of self-government that Finland had offered Åland in 1920. The Autonomy Act has since been completely revised on two occasions, in 1951 and 1993. For more details on the history and evolution of the Åland Islands system consult (accessed March 9, 2005); available from http://www.aland.fi/alandinbrief/index.htm. Norman Judson Padelford, and K. Gösta A. Andersson. The Åland Islands Question.1939. The Åland’s autonomy model was among the first recommended for consideration in the Nagorno-Karabakh conflict.
334 See report of the International Committee of Jurists, 5; report of the Commission of Rapporteurs, 28.
About three decades later, the United Nations Charter solidified the significance of the principle of the peoples right to self-determination by just two brief references to it: Article 1(2) “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples;” and Article 55 “creation of conditions of stability and well-being . . . necessary for peaceful relations among nations based on respect for the principle of equal rights and self-determination of peoples . . . ” These provisions were subsequently developed and adopted is a series of resolutions and declarations of the General Assembly where all describe the right to self-determination as “the imperative right of peoples.” Later, the same concepts were adopted in the documents of other major regional organizations such as the CSCE/OSCE, which will be addressed below.

The UNGA resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, stated: “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and

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freely pursue their economic, social, and cultural development.” The above resolution unleashed swift processes of decolonization resulting in the liberation of millions from the yoke colonialism, ushering them into independence. However, having fulfilled its assigned mandate of decolonization, the right to self-determination as a “legal entitlement . . . has also embarked on stripping off its strict colonial confinement in order to assume a broader scope of application.”

Over the years the principle gained more recognition and as forming part of international law has been included in numerous international instruments. Furthermore, it has also been recognized by the International Court of Justice (ICJ).

Decades later, after the collapse of the communist regimes and the end of Cold War, these issues continue to be highly relevant as millions more strived toward the realization of their right to self-determination. At the beginning of 2003 there were 22 ongoing armed conflicts for

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339 Chapter XI and XII of the Charter of the United Nations.
self-determination, 51 groups using conventional political means to pursue self-determination, and 29 groups using militant strategies some short of armed violence.\textsuperscript{343}

One of the arguments in regard to the principle of right to self-determination is whether it is legally binding? Article 1(1) of the United Nations Human Rights Convention of December 16, 1966, as well as in the International Covenant on Civil and Political Rights on Economic, Social and Cultural Rights,\textsuperscript{344} read, respectively:

\begin{quote}
All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development. \textsuperscript{345}
\end{quote}

Articles 1(2) and 1(3) argue, respectively that:

\begin{quote}
All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.\textsuperscript{346}
\end{quote}

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.\textsuperscript{347}

The United Nations General Assembly on “Principle of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations” of October 24, 1970 (also referred to as Friendly Relations Declaration) reads:

\begin{quote}
\end{quote}


\textsuperscript{344} \textit{United Nations Treaty Series}, 999: 171, and 993:3.

\textsuperscript{345} 1973 II, pp. 1534/1570 f.

\textsuperscript{346} Ibid.

\textsuperscript{347} Ibid.
By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all people have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter. . . the establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people . . . Nothing in the foregoing paragraph shall be construed as authorizing or encouraging any action, which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color.\(^{348}\)

In the European context, as it pertains to the Conference for Security and Cooperation in Europe (CSCE),\(^{349}\) the Final Act from the Helsinki on August 1, 1975, confirmed “equal rights and self-determination of peoples” [Principle No. 8]. Perhaps more importantly, it clearly showed that the right to self-determination was not and should not be restricted only to the colonial territories of the Third World, which had just begun their quest for liberation and independence, but the principle extended also to Europe as it read:

> The participating State will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purpose and Principles of the charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.\(^{350}\)

By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.\(^{351}\)

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\(^{348}\) UN 1978, v. 4, p. 138 f. (Resolution No. 2626/XXV)

\(^{349}\) On 1 August 1975, with the process of détente gradually thawing and the height of the Cold War, the Heads of State or Government of 35 nations gathered in Helsinki to sign the Final Act of the Conference on Security and Co-operation in Europe (CSCE). This year marks the 30\(^{th}\) anniversary of the organization which having grown and evolved is now officially referred to as the Organization for Security and Cooperation in Europe (OSCE) with 53 members.

\(^{350}\) 1985, pp. 926 f.
The participating States reaffirm the universal significance of respect for
and effective exercise of equal rights and self-determination of peoples for
the development of friendly relations among themselves as among all States;
they also recall the importance of the elimination of any form of violation
of this principle.\textsuperscript{352}

The Friendly Relations Declaration of 1970 reaffirms the “binding” character of the
right of self-determination. The two Covenants on Human Rights of January 16, 1966, on
January 3 and March 23, 1976, attest to not only the binding nature of the principle of right to
self-determination, but also to it as a norm of universal international law. These developments
have led some scholars in the field to also grant to the right of self-determination the quality of
\textit{jus cogens} (“cogent international law”).

On February 7, 1995, the UN General Assembly again adopted a resolution regarding
the “Universal Realization of the Right of Peoples to Self-Determination”. In it the General
Assembly reaffirms “the importance, for the effective guarantee and observance of human rights,
of the universal realization of the rights of peoples to self-determination.”\textsuperscript{353} Furthermore, it
welcomes “the progressive exercise of the right to self-determination by peoples under colonial,
foreign or alien occupation and their emergence into sovereign statehood and independence.”\textsuperscript{354}

Few months later, in October 1995, the UN General Assembly adopted the Declaration
on the Occasion of the Fiftieth Anniversary of the United Nations (Fiftieth Anniversary
Declaration). By the Article 1, the UN declared that it would \textit{inter alia}:

Continue to reconfirm the right of self-determination of all peoples, taking

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{351} Ibid.
\item\textsuperscript{352} Ibid.
\item\textsuperscript{353} UN General Assembly resolution 49/148, Universal realization of the right of peoples to self-
\item\textsuperscript{354} Ibid.
\end{itemize}
\end{footnotesize}
into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognize the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.\textsuperscript{355}

Ever since then the right to self-determination has arguably evolved to the status of one of few “preemptory and non-derogable” norms of international law (\textit{jus cogens}).\textsuperscript{356} As recently as 1995 the International Court of Justice (ICJ) ruled that the right of peoples to self-determination was essential principle of contemporary international law and an \textit{erga omnes} obligation.

As the above brief survey indicates, the concept of the right to self-determination over the years has crossed its legal boundaries, entered the human rights domain, and consequently politicized. With colonization almost completely eradicated, it has outlived its usefulness, and shifted its focus to new cases and situations making its application controversial.\textsuperscript{357}

\section*{5. The Right to Self-Determination and the Soviet Experience:}

The founders of the Soviet Union adopted the concept of the right to self-determination in their doctrine and program; however, they had other motives in mind. On 8 November 1917, the day after


\textsuperscript{357} See Hurst Hannum, \textit{Autonomy, Sovereignty, and Self-Determination} . . . , 44.
assuming power Russia, the Bolshevik government expressed its support for national self-determination of the peoples, including the right of secession from Russia.358

Lenin and the Bolsheviks, in general, were aware of the deep discontent among the masses of various nations, and promoted the idea of self-determination to mobilize oppressed people under the yokes of colonial and imperial powers to rise in the interest of international proletariat movement. In a letter to Stepan Shahumian in 1913 Lenin wrote:

We are in favor of the right to secession and not in favor of everyone seceding . . . In general, we are opposed to secession. But we stand for the right to secede owing to reactionary, Great-Russian nationalism, which has so besmirched the idea of national coexistence that sometimes closer ties will be established after free secession! The right to self-determination is an exception to our general premise of centralization.359

Lenin also was aware of and recognized the stronghold of national identity and appreciated the power of tapping into national discontent as a central feature of their revolutionary plank, calling upon the oppressed colonized people to join with the workers in throwing off the yoke of imperialism and capitalism.360 Both Lenin and Stalin viewed the right to self-determination in the context of the “national question”361 which preoccupied the First World War and the Peace Conference. For both theoreticians, the principle was seen as a tool for furthering the class struggle. Therefore, secession, which was a “natural” first step to further the cause of self-determination of peoples, was a tool, tactic in their struggle against oppressor nations rather than a philosophical or ideological issue. In Lenin’s words:

359 Quoted by William M. Mandel, Soviet but Not Russia: The “Other” Peoples of the Soviet Union (Edmonton, Canada: University of Alberta Press, 1985), 53.
The right of nations to self-determination implies the right to independence in the political sense, the right to free political separation from the oppressor nation. Specifically, this demand for political democracy implies complete freedom to agitate for secession and for the decision on secession to be made by a referendum of the seceding nation. This demand, therefore, is not the equivalent of a demand for separation, fragmentation and formation of small states. It implies only a consistent expression of struggle against all national oppression.  

The 1922 Union Treaty and subsequent Soviet constitutions (1936, 1977) pledged each republic in the Union to respect the cultural rights of the minorities. They also upheld two principles, which decades later, have proven to be at the heart of ethnic conflicts, which erupted in the late 1980s. Article 70 of the USSR constitution declared the Union to be “an integral, federal, multinational state formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist republics,” and Article 72 granted each Union Republic the right to “freely to secede from the USSR.” And, yet, the Article 78, creates safeguards to hold the Union together by arguing, “the territory of a Union Republic may not be altered without its consent. The boundaries between Union Republics may be altered by mutual agreement of the Republics concerned, subject to ratification by the Union of Soviet Socialist Republics.” The inclusion of these concepts in the Soviet Union constitutions later came to haunt the system.

It is necessary here to also address the right of the “sub-republic” or sub-state entities of the Soviet Union. While Article 72 of the USSR Constitution of 1977 provides, at least in theory, that “each Union Republic shall retain the right to freely secede from the USSR,” the sub-republican” entities, i.e., autonomous republics and autonomous regions (oblasts) were not “sovereign” and according to Articles 82/6 were described as being “constituent part(s) of a

\[362\] Ibid., 138-39.
given union republic. Therefore, any desire for secession by a “sub-republic” entity and/or changes to its boundaries should have the consent of the union republic in question and ratification of the USSR. However, this “right” of the union republics was effectively removed with the adoption of the Law on Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR, on April 3, 1990. This law constitutes the foundation of the three de facto states alleged right to self-determination/secession, which reads:

In a Union republic that has within it autonomous republics, autonomous provinces and autonomous regions [oblasts], the referendum shall be held separately in each autonomous unit. The peoples of autonomous republics and autonomous formations shall retain the right to decide independently the question of staying in the USSR or in the seceding Union republic, as well as to raise the question of their own legal status. In a Union republic whose territory includes areas with concentrations of national groups that make up the majority of the population in a given locality the results of the voting in these localities shall be considered separately during the determination of the referendum result.363

Of all the fifteen Union republics of the USSR, only Armenia followed the procedures step-by-step in accordance to the provisions of the Law on Secession.364 As to the “sub-state” entities, in this such as those like selected for this study, as the events developed in the late 1988 and early 1989 and solidified their status in the following years. It would be difficult to speculate as to how Moscow would have reacted, had the center stayed intact and did not collapse. Some legal scholars analyzing the text of the document argue that the Law on Secession only applied to the Union Republics and not the sub-state entities.365

363 See Hurst Hannum, Documents on Autonomy and Minority Rights (Dordrecht, Martinus Nijhoff, 1993), 753-60.
364 One should also consider studying the Constitution of the Socialist Federal Republic of Yugoslavia of 1974 (as amended in 1987) almost identical with that of the USSR Constitution of 1977, though more complicated. For segments of the Yugoslav Constitution see, H. Hannum, Documents on Autonomy and Minority Rights, 753-76.
However, all three entities in this study went ahead and declared their desire to secede from their respective republics and the Union. Of the three only Nagorno-Karabakh applied the USSR Constitution, its articles and provisions to its situation and on September 2, 1991, issued the “Declaration Establishing the Nagorno-Karabakh Republic (NKR)”. Although unrecognized by any state, including those of by now independent republics of the Soviet Union, the NKR, neither Abkhazia nor South Ossetia made such declarations for secession. Another issue complicating this picture was the complete dissolution of the USSR. One of the options such entities had was to join the USSR, none of which did. It would have been interesting to see how the Russian Federation would have reacted if any of its twenty-two constituent republics or autonomous regions declared their wish to secede from the Federation, except Chechyna.

The developments of the late 1980s, which culminated in the collapse of the Soviet Union, showed that the founders of the Union had failed to appreciate the power of nationalism, which despite their efforts to dissolve in the interests of the proletariat, emerged and brought the eventual disintegration of the USSR.

a. “Nation” and “Peoples” in The Soviet Context: The above definition, in the Soviet context, in light of the ideological and doctrinal presumptions provided new and more

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367 Of the twenty-two sub-Union republic units in the Russian Federation 8 are Autonomous Republics (Karelian, Tatar, Chavush, Volga-German, Bashkir, Crimean, Dagestan, Buryat-Mongolian), and 14 Autonomous Oblasts (Komi, Kalmyk, Votyak, Mari, Adygey-Circassian, Ingush, Chechen, Kabardino-Balkar, North Ossetia, Karachay, Circassian, Khakass), and the Aga-Buryat and Ust-Orda Buryat are okrugs. For more on the demographics and national-territorial jurisdictions of these entities see, Lee Schwartz, “Regional Population Distribution and National Homelands in the USSR,” in Henry R. Huttenbach, ed. Soviet Nationality Policies: Ruling Ethnic Groups in the USSR (London: Mansell Publishing company, 1990), 121-61.
complicated terminological and conceptual challenges. The Soviet defined the above entities in
the context of historical evolution and phases they advance from one stage in history, such as
feudalism, to another, i.e., capitalism. Thus the human groupings were defined according to their
position, subordinate or dominant in the evolutionary process of history. In the Soviet context an
ethnic group (*ethnicheskaia gruppa*),\(^{368}\) refers to a community of people that have similar
languages and cultures, such as Eskimos in Canada, and Native American Indians. In the Soviet
lexicon this category occupies one of the lowest echelons on the socio-evolutionary ladder is
clearly distinguished from yet another entity, ethnographic group (*ethnograficheskaia gruppa*),
which refers to a segment of a people. Any ethnic group that manages to establish itself develop
historically overtime, is referred to as an ethnic community (*ethnicheskaia obshchnost* and *etnos*).
This includes “tribe, a nationality, or a nation.”

The definitional ambiguities become more evident with the introduction of the terms
nation (*natsiia*) and nationality (*narodnost*). The former, which has been subject of numerous
publications and inquiries both in the West\(^ {369} \) and also in the Soviet Union,\(^ {370} \) refers to “a
historical community of people that comes into existence with the formation of a common


Symmons-Symonolowicz, “The concept of Nationhood: Toward a Theoretical Clarification,” *Canadian

\(^{370}\) Stalin, “Marxism and National Question,” in *Marxism and the National and Colonial Questions* (New
York: International [1913] 1934); Grey Hodnett, “What’s In a Nation?” *Problems of Communism* 16, no.
obshchnostey i tendentsii ikh dinamiki,” *Sovetskaya Etnografiiya* 1 (1981): 10-23; L. Drobizheva,
“Natsional’nye samosoznaniye Russkikh v sovremennykh usloviakh: ideologiya I praktika,” *Sovetskaya
territory, common economic ties, a literary language, a general character, and certain cultural features that constitutes its identifying traits."\(^{371}\) In the Soviet form of thought, nation, therefore, is the highest stage in the evolutionary process as a socio-historical phenomenon subsequent to the fragmentation of the feudal period. Subordinate to nation is [ethnic] nationality, which is “a historically formed linguistic, territorial, economic, and cultural community of people that precedes the formation of a nation.”\(^{372}\) Thus, the three groups selected for this study in the context of the Soviet experience of nationalities, are nations as “an ethnic group that (1) shares one or more identifying characteristics, such as language, religion, racial background, culture and/or territory; and (2) is politically mobilized and/or amenable to such mobilization.”\(^{373}\)

**b. Secession and Separatism:** Not all ethnic conflicts strive to secede from their respective states. Most ethnic conflicts emerge because of differential and discriminatory treatment of a certain subordinate group, based on its certain characteristics, e.g., racial, religious, ethnicity, culture, receives from the dominant group. Very few, among them the three cases selected for this study, adopt a radical decision position and strive to secede. The decision to secede and strive for political independence which all three cases selected for this have already accomplished, at least de facto, make the picture of the conflict and attempt for their resolution significantly complicated, because it entails change in the boundaries, thus violating the existing territorial integrity of a given state and infringing on the sovereignty of any *de jure* state. The concept of secession is inherently intertwined with the concept of the peoples right to self-determination.\(^{374}\)

\(^{371}\) Ibid., p. 355.
\(^{372}\) Ibid., vol. 17, p. 367.
\(^{373}\) Louis L. Snyder, *Encyclopedia of Nationalism*, p. 1333.
Among the other elements discussed in relation to the ethics of secession is whether any secession will result in the emergence and flourishing of more democratic institutions. Two main currents of thought address the question of the legitimacy of unilateral declarations of secession, the choice approach, and the just cause theories. The former argues that any politically conscious group under certain circumstances secession is a free choice of a given group. The second group of theorists, prominently represented by Alan Buchanan, emphasize the “disruptive” nature of a given secessionist crisis which is pregnant with negative consequences for both the seceding group, but more so for the socio-political entity whose territorial boundaries are disrupted.

B. Secession

1. The Right to Secede: The break up of several states in the post-Cold War period, Yugoslavia and the Soviet Union, in particular prompted many scholars to revisit the principles, logic and morality of secession, a concept as old as the birth of states in history. Embedded at the heart of the principle of peoples right to self-determination, secessionist movements, if consummated, introduce changes to the existing boundaries of any given unitary state. The process brings about territorial changes to both the “rump” and secessionist states. As long as the international community continues to remain state-centric, the ramifications of any secessionist movement is and should be considered seriously as it inevitably results in the contraction in the territory of one country, changes in its boundaries, and perhaps more

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376 Jaroslav Tir, “Keeping the Peace after Secession,” Journal of Conflict Resolution 49, no. 5 (October 2005): 714. As the impact of secession is mutual, the author refers to both rump and secessionist states as states involved in secession (SIS).
importantly, considerable changes in the dynamics of relations between states, and the
dynamics in a given region of the world. Secession in essence, therefore, is a “political act
perpetrated against an existing state and ultimately reshapes . . . the existing international
order”. 377

The secessionist movements have been diverse in terms of their processes and
dynamics. Some have been peaceful (Czechoslovakia), while others violent (Eritrea,
Yugoslavia). Regardless of the motives and the path two states travel to resolve their disputes, in
the outcome the international community, in most cases, recognizes the legitimacy of movement,
thus accepting the establishment of new socio-political entities. Perhaps more important than the
move itself are its ramifications, which “almost invariably result in a diminution of the unified
State’s wealth, resources, and power, thereby lowering its economic stamina, defensive
capability, and potential international influence.” 378 All of the above developments will naturally
have long lasting impact on the peoples life subjected to the political transformations as they will
chart a new course and reshape their “destiny”.

Historically, one can trace the roots of the concept and right to secession in the works
of eminent legal jurists of the sixteen and seventeenth centuries, such as J. Althusius, J.
Rousseau, E. Vattel, J. Locke, S. Pufendorf, T. Hobbes, and H. Grotius, who discussed the
various aspects and dimensions of the concept within the context of natural law doctrine and its
individualistic nature. In general most of the above scholars were not in favor of breakup of
states under an absolute sovereign. However, most of them justify the right to secede under

377 James Hughes and Gwendolyn Sasse, “Comparing Regional and Ethnic Conflicts in Post-Soviet
Transition States,” in Ethnicity and Territory in the Former Soviet Union: Regions in Conflict by James
378 Lee C. Buchheit, Secession . . ., 27.
certain circumstance. Grotius, for example, argued, “the State has no right to cede any portion of its dominion without the subjects’ consent.”\textsuperscript{379} On the other hand, he argued that a segment of the State’s population couldn’t unilaterally secede from the State “unless it is evident that it cannot save itself in any other way.”\textsuperscript{380}

The evolution of the concept of secession in the twentieth century can be divided into two distinct periods, before 1945 and after. Most of the conceptual developments before the conclusion of the WWII date back to the definitive post-WWI period and the introduction of the principle of the peoples right to self-determination, the Wilsonian fourteen points, and relevant issues emanating from the breakup and dissolutions of major empires. The post-WWII period is shaped predominantly by the United Nations Charter and series of documents generated since then. A cursory review of the majority of the universal documents and the statements of the representatives of various states, indicate that the principle of the right to secede is defended or protested subjectively rather than objectively. However, there appears to be a tacit consensus that under certain circumstances secession is accepted if and when it receives the approval of growing circle of the international community.

The nature of the ethnonationalist conflict is more complicated, as in most cases it entails changes in the boundaries, thus violating the existing territorial integrity of their given state. It infringes on the sovereignty of any \textit{de jure} state. The concept of secession is inherently intertwined

\textsuperscript{379} H. Grotius, 2 De Jue Bellis Ac Pacis Libri Tres, (The law of war and peace). Translated with introduction by Francis W. Kelsy, with the collaboration of Arthur E. R. Boak et al. (Scott Indianapolis, Bobbs-Merrill: 1964), Chapter 6, par. 4. quoted in Lee C. Buchheit, \textit{Secession . . . .}, 50.

\textsuperscript{380} Ibid., chapter 6, par. 5
with the concept of the peoples right to self-determination. Also, when discussing the ethics of secession, one of the predominant arguments is whether any secession will result in the emergence and flourishing of more democratic institutions. Three main currents of thought address the question of the legitimacy of unilateral declarations of secession: nationalist theories, the choice approach, and the just cause theories.

The nationalist theories argue that under certain circumstances, secession is a free choice of any given politically conscious group. The choice approach group of theorists, prominently represented by Alan Buchanan, emphasize on the “disruptive” nature of a given secessionist crisis which is pregnant with anticipated negative consequences for both the seceding group, but more so for the socio-political entity whose territorial boundaries are disrupted.

The contemporary literature on the right to secession can be divided into two major camps. One group sees the outcome of secession “disastrous” and leading to more violence. Some of the concerns as identified by Lee Buchheit, include Balkanization, indefinite divisibility, impact on existing democratic systems, creation of infirm states, and “trapped” minorities, and “stranded” majorities. Another group views secession as a measure, which

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385 Lee C. Buchheit, Secession . . . , 28-30.
will bring more stability, and find it a moral right. The views of the two camps above have led to the development of two distinct views where a group of scholars argue that the secession should either always be allowed or never. In view of the above dichotomous position on secession, Kingsbury identifies five principal categories of recognition in international practice, i.e. mandate territories, distinct political-geographical entities subject to “carence de souverainete”, secession by mutual agreement, dissolution of “highest level” constituent units of a federal states (e.g., Yugoslavia, USSR), and formerly independent territories joining another states. The evidence of the past two decades, in particular, indicates that the reaction of the world community to secessionist movements has been inconsistent and ad hoc, in nature which is an indirect indication of special nature of a given ethnonationalist conflict, and the geopolitical conditions of the region in which they erupt. For example, in the case of Kosovo in the former Yugoslavia, it appears the both the European Union and the United States, appear to be more in favor of accepting the secession and eventual independence of Kosovo as an independent entity, whereas in the South Caucasus, all major regional and international powers are staunchly against any move which would violate the territorial integrity of Georgia and Azerbaijan. In both cases, the role played by the geopolitics of the region appears to predominate and control the decision factors than the ethnonational dimensions of the given conflicts.

2. Secession and the Soviet Union: Theory and Practice: In the section on the right to self-determination presented above, the views of the founders of the Soviet Union clearly are in support of the peoples right to self-determination. As the issue concerns the external form of self-determination, therefore, the right to secede, as the other side of the coin, is reflected in the theories and thesis elaborated by the Soviet theoreticians. In his *On the National Question and the Proletarian Internationalism*, Lenin wrote:

> If we want to grasp the meaning of self-determination of nations . . . we must inevitably reach the conclusion that the self-determination of nations means the political separation of these nations from alien national bodies, and the formation of an independent national state.\(^{390}\)

Further reading into the text of his writings indicate, that Lenin was not worried in supporting “freedom of secession”. He did not think that such freedom would necessarily lead to separatism.\(^{391}\) He saw the right to secede as a means of last resort.\(^{392}\) However, he believed that the freedom to secede would create more cohesiveness and bring numerous nationalities of the Union even closer to each as they benefited from the fruits of centralized economy. In his words:

> To defend this right [to secession] does in no way mean encouraging the formation of small states, but to the contrary, it leads to a freer . . . wider formation of larger states – a phenomenon more advantageous for the masses and more in accord with economic development.\(^{393}\)

In the meantime, he introduces also some restrictions, making it contingent upon the approval of the “party of the proletariat,” as he argued that “the right of nations freely to secede must not be confused with the advisability of secession by a given nation at a given moment.”\(^{394}\)

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\(^{391}\) Ibid., 41.


\(^{393}\) Ibid., 68.
rather such a decision has to be made with “regard to the interests of social development as a whole and the interests of the class struggle of the proletariat for socialism.”

After Lenin’s death in 1924, changes in the views of his successor, Joseph Stalin, although some differing views began to manifest themselves. The right to self-determination and secession continued to remain in the Soviet Union constitution, although on very impractical grounds should an ethnic group desired to leave the Union. The Constitution of the USSR provides in article 17, that “the right freely to secede from the U.S.S.R. is reserved to every Union Republic.”

However, unlike other constitutions (e.g. Burma, present day Myanmar), it does not provide a procedural blueprint to be followed by its entities (union republics, in specific) that wish to leave the Union.

No significant changes or amendments were made to the Soviet Union constitution pertaining to the right to self-determination and secession, until the early 1985 and the advent of the perestroika and glasnost. In 1989-90 Gorbachev, initiated a program for the “refederalization” of the USSR with the intention of rearranging the power-sharing relation between the “center” and the constituent units of Union. The outcome of the process was the April 26, 1990 “Law on the Division of Powers between the USSR and the Subjects of the Federation”. This law introduced a major change, that is, it removed the distinction between the

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395 Ibid.
396 The 1936 USSR Constitution stipulates as to which Union entities, republic or otherwise can apply to leave the Union, their location and the size of the population. Most of these stipulations were drafted by Lenin’s successor Josef Stalin in his Report on the Draft of the U.S.S.R. Constitution [1936].
union republic and autonomous republic as stipulated by the Soviet constitutions (1924, 1936, 1977), where the former is “sovereign” and could exercise its right to secede should it so desired, whereas the latter had to upgrade its status, before it applied for secession. It is this very law on the “Division of Powers” based on which Nagorno-Karabakh, for example, conducted a referendum and expressed its wish to secede from the Soviet Union.

3. **Uti Possidetis, Secession, Dissolution:** The principle of *uti possidetis* pertaining to the acquisition of private property in the Roman law has been transformed into the international law rules and principles, through the works of scholarly jurists, addressing the various modes of acquisition of territory in international law. It is used by international lawyers “to connote a method of determining the territorial changes that had occurred as a result of armed conflict.”

For centuries the outcomes of the wars determined the entitlement to a conquered territory. In the words of G. Schwarzenberger “effective control of a territory and power to defend it was the title deed”. Thus, the principle of *uti possidetis* constituted the “basis of

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*Uti possidetis, ita possidetis*, Latin terms, meaning as you possess, so you may possess, have their origins in the Roman law, which refers to the possession of a land by a possessor since the concept of titles to a property did not yet exist. It has turned into a formula adopted by the Praetor “Uti eas aedes, quibus de agitur, nec vi nec clam nec precario alter ab altero possidetis, quominus it a possidetis, vim fieri veto.” (As you possess the house in question, the one not having obtained it by force, clandestinely, or by permission from the other, I forbid force to be used to the end that you may not continue so to possess it.” translation in *The Collected Works of John Bassett Moore in Seven Volumes*, vol. III (New Haven, CT: Yale University Press, 1944), 329, quoted in *The Break-up of Yugoslavia and International Law* by Peter Radan (London and New York: Routledge, 2002), 69. J. B. Moore, “Memorandum on *Uti Possidetis*: Costa Rica-Panama Arbitration, 1911”, Ibid.

Case Concerning the Territorial Dispute (Lybian Arab Jamahiriya/Chad) [1994] ICJ Rep. 6, at 84 per Judge Ajibola. Quoted in Peter Radan, *The Break-up of Yugoslavia and the International Law*, 70.

every treaty of peace” 401 in the absence of specific provisions. The principle played an important role in the pre- and post-Westphalian periods, especially pertaining to the independence movements in Latin America. In the twentieth century, with the establishment of the U.N. the *uti possidetis* lost its utility as a principle justifying entitlement to the a territory, mainly because of Article 2(4) 402 of the U.N. Charter. However, in light of the post-World War II developments in Africa 403, i.e. decolonization processes, and to a lesser degree in Asia 404, the principle was “transformed into a general principle of international law in the context of post-decolonization border disputes”. 405

The disintegration of the two ethno-federal systems of Yugoslavia and Soviet Union has reintroduced the principle of *uti possidetis* to the legal argumentations pertaining to territories and boundaries of the seceding entities. The entertainment of the principle depends on whether the disintegration of the two entities mentioned above and the unilateral declarations of independences of their constituent parts are considered as two cases of “dissolutions” or “secessions” or perhaps a combination of both. Within the scope of the space allowed in this study, it will suffice to mention that the Badinter Arbitration Commission 406 set up to bring

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402 The Article 2(4) stipulates that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the Purposes of the United Nations.”

403 See for example *Case Concerning the Frontier Dispute (Burkina Faso and Mali) (the Frontier Dispute Case)*

404 See *The Indo-Pakistan Western Boundary (Rann of Kutch) Case (India-v-Pakistan).*

405 Peter Radan, *The Break-up of Yugoslavia . . . ,* 118.

406 Named after its chair, Dr. Robert Badinter, the Commission was set up to establish a common policy by the European Union member state’s recognition of the break-away republics and their borders. The Commission was formed on 3 September 1991 upon the declaration of the EC where the Chairman of the Conference on Yugoslavia was to “transmit to the Arbitration Commission the issues submitted for arbitration” see *Focus* (Special Issue) (Belgrade), 14 January 1992. For the complete text of the Opinions
eventual peace to Yugoslavia made several arguments which put the principle of *uti possidetis* back in use. As there are many similarities between the cases evolved in the two multi-ethnic conglomerates, and with the Yugoslav situation settled, it remains to be seen if and how the provisions of this ancient principle will be adopted for the cases under study here, if ever.

**C. Creation and Recognition of States:** The Westphalian declaration on the definition of membership in the international community, requires that states remain not merely as political instruments with wide range of capabilities, but also as entities with widest range of rights, duties, and legal capacity under the rule of international law. In 1778 Britain declared war on France for the latter’s recognition of the independence of the American colonies. Few decades later, France filed a protest with the government of Britain for its recognition of the independence of the former Spanish Latin American colonies.  

These two examples speak to the importance of the role of recognition in international law and relations. As long as the international relations will continue to be state-centric, the recognition or non-recognition of the states will continue to remain one of the core institutions of the international law.

Developments in the 20th century introduced a certain degree of predictability and consistency to the issue of the recognition of states. The 1933 Montevideo Convention (Article 1) “On the Rights and Duties of States” set specific conditions for the recognition of states. Ever since, numerous states have joined the community of nations based on the provisions of the above Convention. However, there have also been a number of exceptions and exceptional cases.
The developments and realities of the past two decades have challenged some of the accepted principles of the international legal order in regard to the recognition of states. The eruption of the first military clashes in the former Socialist Federal Republic of Yugoslavia (SFRY) and the failed coup in Moscow (August 1991) led to the birth of twenty states, five and fifteen, respectively, emerging from the remnants of the two federative conglomerates. The recognition of all twenty states was so swift, *ad hoc*, and arbitrary that an editorial in the *Washington Post* of 16 May 1992 stated the concerns in regard to the process and logic of recognition the best, that “no element of international policy has gone more skew in the break-up of Yugoslavia that recognition – whether, when, how, under what conditions – of the emerging parts.”\(^{408}\)

The issue of the recognition of states becomes even more complicated and delicate when subjects in questions are groups of *de facto* states, such as those on the landscape of the Soviet Union for well over a decade (Abkhazia, Nagorno-Karabakh, South Ossetia, Transdniester), and in the case of some, a couple of decades (Turkish Republic of Northern Cyprus, Swaziland, Taiwan) continue to persist and persevere. Though unrecognized, and functioning on the territory of their “metropolitan” states, having assumed a personality under the international law, have posed a number of theoretical, legal, and political challenges.

Understanding the issues pertaining to the dissolution of the latter, its process and evolution, in particular, should help shed light on the delicate and sensitive aspects of the recognition of the *de facto* states in this study. Should these *de facto* entities eventually manage to gain *de jure* recognition, they will be setting legal precedence with long lasting repercussions.

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for the institution of the recognition of states, and international law, in general. The focus of this section of literature, subsequent to an overview of the concept, will be only on the recognition and non-recognition of the secessionist movements, which have managed to establish *de facto* states.

1. The Fundamentals of the Institution: The origins of the concept of recognition can be traced to the Middle Ages, when *papal recognition*, i.e., blessing, was crucial for the acceptability and legitimacy of a rule and his dominion in the “family of Christian nations”. By definition, recognition is an act by which a State receives acceptance and confirms its status in the community of nations, although lack of it does not preclude a State legitimacy and sovereignty. However, recognition is indispensable for any State as it marks the genesis of a given state’s entering into international intercourse and affairs. In the words of James Lorimer, “Recognition” is “the basis of international law”.

The developments in the twentieth century pertaining to the legal theories of recognition led to the division of the international legal scholars into two distinct camps: the constitutive and declaratory. According to the former, a State comes into being as a subject of international law only through the recognition by other States; whereas the latter suffices with the existence of a State by itself as a fact. P.K. Menon, identifies a third and a fourth group. He

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411 Anzilotti, Bluntschli, Kelsen, Lauterpacht, Lawrence, Le Normand, Liszt, Oppenheim, Redslob, Triepel.

412 Baty, Brierly, Cobbett, Erich, Goebel, Halleck, Jaffe, Lorimer, Moore, Nys, Phillimore, Scelle, E. Vattel, Westlake, Williams.
identifies a group of scholars such as Alphonse Rivier, De Louter, Fauchille, Fiore, Hyde, and Twiss, who find a “distinction between the possession of international personality by a State and the exercise of international rights by that States”\(^{413}\). Menon describes the fourth group of the scholars’ formulation as *mi-constitutive, mi-declarative*, who try to find a middle ground and reconcile “positive rules of law and social necessity”. They argue that recognition can be considered as declaratory in regard to certain “minimum” rights of existence, but constitutive with regard to specific rights.\(^{414}\)

A general review of the history of the recognition of States clearly indicates that the measure is a political act rather than purely legal. The preeminent authority on international law, late Sir Hersch Lauterpacht [1897-1960], began his 1947 book on recognition of states as follows:

> According to what is probably still the predominant view in the literature of international law, recognition of states is not a matter governed by law but a question of policy. It is urged that recognition is the result of a decision taken not in the execution of a legal duty, but in pursuance of the exigencies of national interest.\(^{415}\)

The above statement explains why after over half a century since the publication of *Recognition in International Law*, the institution of recognition remains a debatable issue in the international law. If recognition is just a matter of policy what holds certain states refraining from recognizing certain newly independent states and yet recognize others almost instantly. Pertaining to the select cases in this study, in particular, such as Armenia, what holds her back from recognizing Nagorno-Karabakh as sovereign, independent state, a territory for which many


\(^{414}\) Ti-Chiang Chen, *The International Law of Recognition*. (London: Stevens & Sons, Ltd. 1951), 17. Others among the recent generation of legal scholars include, Cavaglieri, Fedozzi, Guggenheim, Kunz, Miceli, Romano, Salvioti and Verdross.

of her citizens volunteered to fight and died for, and a territory for which to this day Armenia continues to suffer politically and economically from its consequences as a result of her indirect involvement in its unilateral declaration of independence? Why is it that Russia or any major power for that matter does not recognize the independence of the breakaway republics of Abkhazia and South Ossetia from Georgia or Transdniester from Moldova? Why does Turkey remain the only country to recognize the independence of the Turkish Republic of Northern Cyprus (TRNC)? Why does no country support the independence struggle of Chechnya, whereas almost the entire world community, some major European powers in particular (e.g., Germany) almost overnight recognized all the former Soviet Union’s union republics, and the Yugoslav republics of Croatia, Slovenia, Serbia, Macedonia, and Bosnia-Herzegovina? And finally, why a thriving well established and prosperous Taiwan (Republic of China) after fifty years of independence remains mostly unrecognized and even continues to lose political ground in the world area? The answer to some of these questions appears to be plain and simple. However, a deeper look reveals intricacies, which shed light to complexities of the subject and the recognition as a policy and process.

Unlike many other aspects of the international law, where various principles guide the procedures and concepts, the rules of recognition are becoming “increasingly uncertain.” As long as there is no central, universal governmental system, states are the agents of the international law, and therefore, they can make the decision as to who can join the “family” of nations and who cannot. Furthermore, international law is a “horizontal” legal system where the states generate rules and laws and yet come to agree upon them collectively within certain

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principles and parameters. Here, a distinction has to be made between states and non-state entities of other “political communities.”

M. J. Peterson identifies four periods in the history of the evolution of the institution of recognition of which the last period covering the “short” post-Cold War period is relevant to this research, although one has to be cognizant and observant of the developments in the preceding periods. Paterson’s breakdown, though chronological, reflects the developments in the last century and the changing environments in the international community, which naturally have left their mark on the handling of the issues of state recognition.

Recognition, “retroactive to the actual date of the establishment of the state of the formation of the new government . . . is the acknowledgment of the admission of new states into the international community by political action of states that are already members,” takes place in three forms; a) when a new state is created; b) when a new form of government follows the establishment of a new political force in a country (e.g., republic succeeding a monarchy); and c) recognition of belligerency (e.g., recognition of the US by the Great Britain in 1861).

Recognitions can also be viewed as de facto, that is, when it involves a provisional acknowledgment that the government in power is exercising the function of sovereignty. This is not considered a full and definite recognition and can be revoked, whereas its higher form, the recognition accorded de jure has more weight and grants a whole host of duties and rights and

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417 The phrase political communities other than states refers to a host of entities which do not enjoy the status of a state, and yet do have presence and some weight in international community. These include: protectorates, colonies, exiles, opposition parties, etc.


419 The four periods include 1) nineteenth century, extending from 1815 through to the outbreak of World War I in August 1914; 2) Inter-war period WWI-WWII; 3) Cold War era; 4) post-Cold War period.

420 M. J. Peterson, Recognition of Governments, Ibid.
responsibilities to the recognized. Recognition is also used as a tool to exert pressure on the recognized state so does the withholding of the political recognition\textsuperscript{421} as an attempt to change the behavior and policies of the subject state, such as the case of the Communist government in China (1949) by the United States.

The need for recognition or non-recognition of a state becomes an issue where the transfer of power or change of government takes place through extra-legal rather than legal means. However, there are cases where the line between the two modes of transfer of power is blurred, such as in dictatorships. A second doctrine of the institution addresses the revocation of the recognition. While the nineteenth century scholars rejected the idea, a generation of interwar and the Cold War scholars viewed the revocation of the recognition of the states more favorably. Some believed that a \textit{de facto} ("temporary") recognition would be easier to revoke than the \textit{de jure} ("permanent") one. The revocation of recognition regardless of its kind takes place when the recognized government loses it power.

The third doctrine concerns the continuity of state. Under the international law, states possess complete legal personality, and governments are the instruments, obliged to carry out all the rights and obligations vested in a state. In the absence of the former, the governments “remain agents of states”. The doctrine of state continuity has three main consequences for a new government.

First, it is both bound and protected by international law as a consequence of the state’s continued existence.

Second, it must maintain the specific rights and obligations acquired from previous
governments unless it renounces a right or can invoke acceptable reasons for nonperformance of
an obligation.

Third, even as unrecognized government that actually rules all or most of the territory
of its state has certain competences that must be accepted even by those drawing distinction in
their relations between recognized and unrecognized governments.\textsuperscript{422} Thus, recognized or not,
de facto or de jure, states, once assuming all the attributes of a statehood, will be held
responsible for their actions and violations of international law.

The significance of recognition was narrowed in the interwar and Cold War period,\textsuperscript{423}
and the ability of a ‘general de facto government’, once ruling the whole state; to take actions
engaging state responsibility was clearly upheld.\textsuperscript{424} In the Cold War period, effective rule rather
than recognition became the basis of much international legal competence and foreign
acceptance of domestic competence.\textsuperscript{425}

Although the recognition of a new state is completely at the discretion of a given
state(s)/government(s), there is disagreement among certain international law scholars as
whether the act of recognition should be a “legal”\textsuperscript{426} or a “political” act. Some post-Cold War
approaches to the topic argue that the “recognition of the governments is becoming obsolete and

\textsuperscript{422} M. J. Peterson, Recognition of Governments, p. 21.
\textsuperscript{423} Ibid., p. 22.
\textsuperscript{424} Tinoco Claims Arbitration (Great Britain v. Costa Rica), 1923, UN Reports of International Arbitral
Awards, 1:370 (1948); George W. Hopkins’ Claim (USA v. Mexico), US-Mexico General Claims
Commission, 1926, quoted in Peterson, Recognition of Governments, p. 23.
\textsuperscript{425} Ibid.
\textsuperscript{426} Sir James Lorimer, The Institutes of Law of Nations (Edinburgh: William Blackwood and Sons, 1883):
104-05; and Johann K. Bluntschli, das moderne Völkerrecht der civilisierten Staaten [The Modern
International Law of the Civilized States], 3\textsuperscript{rd} ed. (Nordlingen: Verlag der C. H. Beck’schen
that duty to treat any effective regime ruling the whole state was emerging.”

Others are adopting a more radical approach and argue “failure to recognize a regime effectively ruling its state amounts to a violation of its rights.”

2. Types of Recognition: According to P. K. Menon, recognition is essentially a “matter of intention” which is expressed in different ways. The “intention” is qualified by the forms of recognition that states grant to the newly created states. The *Inter-American Convention on Rights and Duties of States, 1933*, requires that recognition of a State be expressed or tacit.

This kind of recognition is “definitive and conclusive,” and it formulates the relation between the recognizing States vis-à-vis the recognized State in several ways. A second group of scholars prefers an “implied recognition”, that is “any act that implies the intention of recognizing the new State/Government.” This mode of recognition requires the fulfillment of a number of acts, before the recognition. While the States, which are to be recognized, prefer the straightforward express/formal recognition, the recognizing States would prefer the implied recognition for its more cautious approach. The third is conditional recognition, which is granted upon the fulfillment of certain conditions.

W. E. Hall identifies two types of conditional recognition: a) attached with conditions precedent, and b) recognition attached with conditions *sub modo* (‘recognition accompanied by a mode’). “In the former case, recognition may be withdrawn on the ground of the non-fulfillment

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431 Ibid., 141-42.
432 Ibid., 143.
of the conditions; in the latter case, violation of the terms merely entitles the recognizing power to enforce them by means of a rupture of diplomatic relations or intervention."  

**De facto and de jure recognitions:** All three cases having declared independence over a decade ago are considered *de facto* States. Their kin states, Armenia in the case of Nagorno-Karabakh, North Ossetia in the case of South Ossetia, and Russia in the case of Abkhazia have been *de facto* recognized. However, what all three *de facto* states aspire for is *de jure* recognition by the world community as it will grant them legitimacy, and solidify their legal status and standing in the world community. According to Lauterpacht, *de facto* recognition is not a new concept. Its practice dates back to the last century and a half. Unlike other types of recognition, the parameters of the *de facto* recognition are not clear, thus a source of confusion. It appears to be the step preceding the *de jure* recognition, granted “temporarily” because the recognizing State does not have full confidence in the stability and survivability of the newly formed government.

In the views of the recognizing States “the new authority although actually independent and wielding effective power in the territory under its control, has not acquired sufficient stability as to show that it will be able to maintain its independence over a prolonged period and yet fulfils the requirement laid down by International Law for effective participation in the international community, though only provisionally and temporarily.”  

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government [State]”. The former is descriptive, and the latter, deals more with the character of the recognized entity, although the two forms are often used interchangeably.

The *de jure* recognition refers to the official and “complete” recognition of a new entity, “a measure of subjective approval of the coming into being of” a new socio-political entity, unlike the *de facto* recognition which is resembled to “a half-baked status with undefined relations with other States and subjects it to indignities and inconveniences with it may justly reset.”

Recognition *de jure* of a new Government, “results either from an express declaration or from a positive act indicating clearly the intention to grant this recognition. In the absence of such declaration or act recognition shall not be considered to have been acquired”.

Neither *de facto* nor *de jure* have types of recognitions fully addressed the complexities emanating from the secessionist movements and the cases of states emerging from the disintegration and dissolution of “states” with large internal social and religious complexity. As shown below, in light of the developments in the Balkans and the collapse of the Soviet Union, the act of recognition of States has taken a different route, posing more questions to the international legal authorities than answers.

### 3. The Post-Cold War Europe and Recognition of States:

On December 16, 1991, at a meeting held in Brussels, the European Council of Foreign Ministers issued a “Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union.”

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437. Article 12 of the Resolution adopted by the *Institut De Droit International* in 1936, quoted in Ibid.
laid the foundations for the recognition of the newly emerging states in the Eastern and Central Europe as well as the former Soviet Union. The principal paragraph of the document read:

The Community and its member States confirm their attachment to the principles of the Helsinki Final Act and the Charter of Paris, in particular the principle of self-determination. They affirm their readiness to recognize, subject to normal standards of international practice and the political realities in each case, those new States, which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to a peaceful process and to negotiations. \[439\]

Referring to the new members of its community, the document considers granting recognition to “new States” based on two major European documents, the Helsinki Final Act and the Charter of Paris considering “in particular the principle of self-determination”. Furthermore, the document by including the two phrases of “the political realities in each case” and “the historic changes in the region” introduced new dimensions of the concept of recognition, which have the potential to “transform recognition law”. \[440\] A second document also issued at the same meeting “Declaration on Yugoslavia” dealt particularly with the unique situation of the Federal Yugoslav Republic.

Both documents are considered unprecedented as pertaining to the recognition of states they set guidelines, requirements, “conditionality”, and even timetable. \[441\] Although these factors, formulated by the European Community set new standards and criteria for recognition, simultaneously “they make the issue of recognition more uncertain and unpredictable than

\[439\] Ibid.
\[441\] The document, for example required that any former Socialist Federal Yugoslav republic should apply, if so they desired to be recognized by the European community should submit their application the Arbitration Commission by 23 December 1991, whose decision will be issued by January 15, 1992.
In addition to the new groundwork, the European Community by its perhaps premature measures ushered into an unexplored domain with unpredictable consequences. The insertion of the term “conditionality” in the text pertaining to the recognition of the states is also troubling as it minimizes the universality of the principles agreed upon, and introduces new sets of components pleasing the EC member countries. Although the majority of the set preconditions are promoting positive developments, i.e., human rights, non-proliferation regimes, etc., some scholars find the approach as “value judgments” rendered by the EC community.

4. Secession and Recognition: All the cases selected for this study in addition to their ethnonational character have also to be qualified as ethnosecessionist and separatist movements. All have managed to secure the most attributes of a state and declared independence. Second to independence, de jure recognition is the ultimate goal of every ethnonationalist movement as it will guarantee them legitimacy and acceptance in the community of nations. Over the centuries, secession has been one of the ways, which has led to the establishment states. In the word of James Crawford, “until recently, secession was certainly the most conspicuous, as well as probably the most usual, method of the creation of new States . . . . In this century . . . However, attempts at secession, which may be defined as the creation of a State by the use or threat of force and without the consent of the former sovereign, have been frequent.” Regardless of the forms of secession that fact is that states, whether full-fledge or proto- and quasi-state entities, they exist and function within the world system, determine the destiny of millions and in some cases affect the regional and global politics, with or without recognition. The focus here is specifically on secessionist movements and recognition in this case of entities which at least from the perspective of the subject

unitary state, administratively “sub-units” and therefore, not entitled to recognition without their consent. Thus, below the issue of recognition is examined in the context of and limited to the secessionist movements, and the right to self-determination.

The international law literature identifies three types of recognition: recognition of the separatist states by the “metropolitan state” that is the previous sovereign state, recognition of statehood on the part of third States, and belligerent recognition.\(^{445}\) On the first form of recognition there exist conflicting views among the scholars in the field. While S. Pufendorf\(^ {446}\) argues on the necessity of the recognition as the affirmation of the statehood of the secessionist state by the sovereign state, E. Vattel\(^ {447}\) does not deem it necessary. Since recognition by the sovereign state historically has been hard to come by, the recognition by third States gains significance, and was “commonly regarded as constitutive”. The third form of recognition pertains to insurgencies or secessionist movements, where “a secessionary movement had achieved a certain degree of governmental and military organization, problems of responsibility, and the desire to remain neutral in the conflict, and also to maintain commercial relations, impelled a certain de facto recognition of the situation even while the conflict was continuing.”\(^ {448}\)

The recognition of the seceding entity depends on whether it qualifies as a State in which case:

\ldots A seceding territory could properly be recognized as a State if it governed its territory effectively and with sufficient stability, such that there was no real likelihood of the previous sovereign (whether because of the latter’s virtual relinquishment of the struggle or its defeat in the field) reasserting its position.\(^ {449}\)

\(^{445}\) Ibid., 248-55.
\(^{447}\) Frowein (1971), 65.
\(^{449}\) Ibid. 256.
In expanding on the above William Harcourt wrote:

When a sovereign State, from exhaustion or any other cause, has virtually and substantially abandoned the struggle for supremacy it has no right to complain if a foreign State treats the independence of its former subjects as de facto established; nor can it prolong its sovereignty by a mere paper assertion of right. When on the other hand, the contest is not absolutely or permanently decided, a recognition of the inchoate independence of the insurgent by a foreign State is a hostile act toward the sovereign State . . . \(^{450}\)

The complexity of the arguments is a reflection of the complicated circumstances in which many entities have found themselves. Jurists have distinguished between the recognition of secessionist movements within a sovereign state and those motivated by the self-determination rights, that is, when the aspiration of a group to secede is restrained by the metropolitan state. The international community, since 1945, has addressed numerous cases of secession, such as Indonesia, Democratic Republic of Vietnam, Algeria, Bangladesh, Guinea-Bissau to name a few, and granted recognition to most. Based on this huge body of evidence and cases, Crawford concludes that pertaining to recognition, as long as the people of a territory are granted a choice for self-determination, no particular problems should hinder their secessionist movement. However, if the sovereign State denies the right to self-determination to the territory in question, in this case the right to self-determination “operates in favor of the statehood of the seceding territory, providing that the seceding government can properly be regarded as representative of the people of the territory.”\(^{451}\)

**D. International Conflict Mediation and Resolution:** In 1957, on the publication of the first issue of *Journal of Conflict Resolution*, Kenneth E. Boulding wrote:


The reason which have led us to this enterprise may be summed up in two propositions. The first is that by far the most important practical problem facing the world today is that of international relations – more specifically the prevention of global war. The second is that if intellectual progress is to be made in this area, the study of international relations must be made an interdisciplinary enterprise, drawing its discourse from the entire social sciences and even further.\footnote{In Morris Janowitz, “Military elites and the study of war,” \textit{Journal of Conflict Resolution} 1, no. 1 (March 1957): 34-52.}

Ever since the above writing, one can argue that Boulding’s and his colleagues’ vision has been realized. In a period of about half a century the mediation and conflict resolution has evolved and established as a solid academic discipline. The large body of literature on various aspects of mediation and negotiation speaks to the utility and significance of the process in resolving a wide range of conflicts from local to national, and international. One historiographic survey identifies three distinct chronological periods in the evolution of the science: the foundational period 1950s-1960s; Constructions: 1970s-1980s; Reconstructions: the 1990s to the present.\footnote{Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse, \textit{Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts} (London: Polity Press, 1999), 39-64.}

Thematically, the voluminous literature on mediation can be divided into several distinct categories. While some are dedicated to specific cases studies,\footnote{I. William Zartman 1995, Chester Crocker, Hampston, and Aall 1999, Greenberg, Barton and McGuiness, 2000.} others have engaged in theoretical\footnote{Mitchell and Webb, 1988, Wehr and Lederach, 1999.} aspects of the process. A third category provides historical narratives, and yet another category of massive literature deals with various aspects of and kinds of mediations, such as legal aspects, industrial and international cases.\footnote{R. J. Fisher et al, 1997; I. William Zartman and Rasmussen, 1997, C. Mitchell 2000.} And finally, with the advance in the statistics, and
quantitative analysis, a group of conflict resolution scholars, although relatively small in comparison to the above categories, have engaged in systematic collection of data and analysis. The most extensive quantitative analysis of mediation is that of the work of Bercovitch and his associates throughout the 1990s, during which he assembled data on 295 conflicts between 1945 and 1995, and used state-of-the-art statistical methods to test a number of hypotheses about mediation.

Mediation, although not always successful, in the recent decades, has proven preferable to violent and military means to resolve inter-communal and inter-ethnic conflicts. In a study of 310 international conflicts between 1947-1974, Butterworth found that some form of mediation had been used in about 82% of the cases. In his 1983 study of international conflicts, K. Holsti found that mediation made a difference in 45% of 94 post-World War II disputes. As recently as 1996, Bercovitch and Houston identified 241 international conflicts from 1945-1990, of which 137 (57%) were mediated at least once. Another major undertaking is that of the International Crisis Behavior (hence, ICB) Project has been collecting and analyzing data since 1977. The ICB data

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457 Some of the initial efforts in quantifying the mediation efforts date back to 1960 See Richard Haas (1960) Some of the notable works in the recent decades include those of J. Bercovitch, J. T. Anagnoson, and D. L. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations,” Journal of Peace Research 28, no. 1 (1991): 7-17; Wickbolt, Bercovitch and Piramutha 1999. Some of these studies have been applied to the cases such as the Yugoslav, Lebanese, and Israeli-Palestinian conflicts.


461 J. Bercovitch, and A. Houston, Ibid.
now covers a period from 1918-2001, which includes 434 crises during this period involving 956 crisis actors, including the ethnic dimension of the conflicts.\textsuperscript{462}

1. \textit{“Third-Party” Mediation:} The “third party” also referred to as “facilitated negotiation” or “intermediary intervention” has been one of the most sought after approaches to the resolution of conflicts\textsuperscript{463} on the international arena, because they have produced results. Regardless of the nature and dimensions of the conflict, i.e., intrastate or interstate, the “third party” mediation has constituted one of the most intensely studied subjects in the conflict resolution field for the past four decades, both systematically and methodically.\textsuperscript{464} Bercovitch, Anagnoson and Wille define meditation as “a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state, or organization to settle their conflict or solve their differences without resorting to physical force or invoking the authority of the law”.\textsuperscript{465} Saack, Reihert, and Proffitt point out “even though third-party intervention in dispute resolution has become a popular option for solving differences, we know little about what exactly third parties do or should do.”\textsuperscript{466} Whether parties to the conflict be two (Palestinians-Israel) or more (former

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\textsuperscript{463} Like many terms in various disciplines, there is no consensus among the experts in the field on the term conflict resolution. One comes across the terms “resolution”, “settlement,” and “management” of conflicts in the literature, which are often used interchangeably.
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Yugoslavia), any third party mediator is an intervener whose conduct, biased or unbiased may lead to successful resolution, failure or stalemate.\footnote{Jacob Bercovitch, \textit{Social Conflicts and Third Parties, Strategies of Conflict Resolution} (Colorado: Westview Press, 1984), 13.}

The two main aspects of the mediation is/are the mediator(s) and the process. Some studies have identified a number of roles, such as an activist, advocate, enforcer, researcher and mediator, which a third party can assume when intervening in a conflict.\footnote{D. Sandole and I. Sandole-Staroste, \textit{Conflict Management and Problem-Solving} (New York: New York University Press, 1987), 25-28.} A number of studies also focused on the qualities and attributes of a mediator. The personality and characteristics of the mediator,\footnote{J. Bercovitch, \textit{Social Conflicts and Third Parties: Strategies of Conflict Resolution} (Boulder, Colorado: Westview Press, 1984), 110.} has been one of the major aspects studies over the past two decades. Others focused the attention on the attributes of the mediator such as “impartiality and independence”\footnote{Oran Young, \textit{The Intermediaries: Third Parties in International Crises} (Princeton, N.J.: The Center of International Studies, Princeton University Press, 1967), 81-83.} and “neutrality”\footnote{Mitchell, C. \textit{Peacemaking and the Consultant’s Role} (Westmund: Grower, 1981), 293; Pruitt and Rubin, 1986, 168.} the two crucial aspects in a mediation process. Some of the earlier studies were followed by more in depth aspects of the attributes, such as the mediator’s use of “power,”\footnote{James A. Wall, “Mediation,” \textit{Journal of Conflict Resolution}, 25, no. 1 (March 1981): 164.} the role as equalizer, the third-party’s “leverage,”\footnote{Saadia Touval and William I. Zartman, “Mediation in International Conflicts,” in \textit{Mediation Research}, eds. Kenneth Kessel, Dean G. Pruitt, and Associates (San Francisco: Jossey-Bass Publishers, 1989), 129-30.} other skills (listening, skilled negotiation, introducing creative solutions, identify area of compromise, so forth) followed by such attributes as patience, sincerity, friendliness, sensitivity; the capability to accept others, compassion and tactfulness, complemented with professionalism and personal expertise.\footnote{J. Bercovitch, \textit{Social Conflicts and Third Parties, Strategies of Conflict Resolution} (Boulder, Colorado: Westview Press, 1984), 53.} C. Mitchell, \textit{Peacemaking and the Consultant’s Role} (Westmead: Cowar, 1981), 120.
The approaches and strategies adopted by the intermediaries in any conflict is dependent on and shaped by two main factors, the milieu and the international system in which they operate, and their worldview and how they perceive the realities on the ground,\(^{475}\) which may vary drastically from what the contending parties see. The ICB based on the data collected for a period of 83 years identifies five “polar structures”: multipolarity (1918-39); World War II (1939-45); bipolarity (1945-62); polycentrism (1963-89); and unipolarity (1990-).\(^{476}\) The same source introduces a “systems” approach by focusing on the relation and impact of international conflicts on the international system (dominant system, mainly dominant, mainly subsystem, and subsystem)\(^ {477}\) by factoring in various independent variables such as geography, power relations, and ethnicity.

The behavior and motives of the mediators are crucial in the fate of the negotiations. They are also a reflection of their philosophies and vision. In this regard, Sandole proposes four paradigms: a) Political realism (Realpolitik), b) Political Idealism (Idealpolitik), c) Marxism, and d) “non-Marxist Radical Thought”. Dougherty and Pfaltzgraf\(^ {478}\) use a variety of “isms” to describe mainly minute differences of the above four paradigms. Of the four paradigms above the Realist and Utopian best fit to the realities of the cases studied in this study. The former draws its concepts and position from the Realist school of international relations theory, rooted in the Hobbesian thought on humanity, that is power in the international politics. The Realist paradigm bases its arguments on four assumptions that 1) nation-state in a “state-centric” system are two main factors


\(^{477}\) Ibid., 38-39.

on the world scene; 2) domestic and international affairs are two separate spheres; 3) international politics is driven by competition for power; and 4) as the world is shaped by a decentralized system of states, the inequality of capabilities, power, and sovereignty determine their behavior. World War II and the Cold War period following it proceed to be dominated by the realistic view of the international affairs, where diplomacy and the use of force and power are intertwined. This reality is reflected in the works of theoreticians and scholars, such as Hans Morgenthau, George Kennan, and W. W. Rostow who emphasized the role of national self-interest and the use of power to make gains in international arena.

All three cases selected for this study are experiencing some form of third-party intervention. Depending on the nature of a given case, different philosophies have been identified to be guiding the process of intervention and the behavior of the interveners. The most prevalent form of intervention has been dubbed as traditional, which refers to a paradigm that there will always be winners and losers. Concessions and compromises are keys to the end result, which is some kind of a mutually acceptable agreement, deal, pact, which will culminate in the resolution of the conflict. A frequently heard phrase in the media the “carrots and sticks” are also part of the picture which refers to a series of complicated sets of rewards and punishments which may encourage the parties to the conflict or influence their behavior, thus shape their decision. Dean Pruitt identifies seven strategies in the traditional interventions ranging from using shuttle diplomacy to control communications to accepting concessions on behalf of the parties to the conflict.

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In cases which have gained regional and/or international significance, such as the Arab-Israeli conflict, Northern Cyprus, and the cases of the *de facto* states selected in this study, the complexity of the cases as well as the interests beyond the conflicts of the neighboring countries and geopolitics of their respective regions, demand the involvement of either a supranational entity, such as the UN, OSCE, and/or bodies represented by governments. These entities may use various leverages at their disposal in trying to get to some kind of a mutually acceptable resolution. It is here where the skills of the negotiators enter the picture.

Regardless of whether they look at the entire process from a problem-solving approaches, whether in the form of third-party consultation, inter-active or collaborative, and analytical approach, only one thing can seal the positive outcome of the negotiation and intervention process, that is, when none of the parties emerge from the process as losers. In the case of the three conflicts, in the absence of any credible regional entity or institution, it appears that OSCE with an indirect involvement of the UN has assumed a predominant role.

The nature and role of the third party mediation and the intermediaries varies broadly, ranging from individuals (Emperor of Ethiopia and the US, 1945; Mitchell, Northern Ireland), to international organizations such as (International Committee of the Red Cross, World Council of Churches (WCC), Organization for Security and Cooperation in Europe (OSCE), United Nations (UN) to non-profit NGOs. The goal of all the third parties is to bring change(s) to the relationships

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between the opposing parties from dyadic to triadic system. The extent of change is dependent on two things, a) the stages of the conflict, b) the orientation of the third party.

All three “frozen” conflicts in the South Caucasus have resorted to the help of the third parties. The main entity involved in the three conflicts with varying degrees is the OSCE, which enjoys the trust and support of the UN. The mission, philosophy and mandate of the OSCE vary from to another. However, in addition to the OSCE, all three cases are also mediated by regional and extra-regional powers: Russia, primarily in the case of Abkhazia and South Ossetia, and Russian-France-United States under a specific arrangement within the parameter of the OSCE in the case of Nagorno-Karabakh. As to what extent these arrangements are conducive to the peaceful and lasting solution of the three conflicts will be addressed below.

**Track-2 Diplomacy:** the complexities of conflicts in the South Caucasus have necessitated the utilization of a multiple of tools and resources. In light of the stalemate in place due to the lack of progress made through the official channels (Track-1), a number of unofficial entities have made some efforts to help build confidence between the parties to the conflict. Known as Track-2 diplomacy, there efforts are meant to complement and not replace the Track-1 diplomacy. “Second–track diplomacy” a term coined by Joseph Montville, refers to unofficial, non-governmental effort made to “break the ice” and initiate a constructive dialogue between/among the parties. Advancing

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the research path opened by Montville, his colleagues John McDonald and Louise Diamond developed additional “tracks” in relation to problem-solving conflict resolution. Another version of track diplomacy, a mid-point between the Track-1 and Track-2 diplomacy is referred to the “Track One and a Half Diplomacy,” which refers to “high level unofficial interventions to tackle with the resolution of conflicts. The Track-2 diplomacy efforts have gained more popularity, as they have been able to identify and reveal the latent factors hindering the process of resolutions. Mostly utilized in the Second World conflicts, H. Kelman, that the Track-2 approaches “as academically based, unofficial, third-party approach,” they can be useful tools to address “underlying interests” and complement Track-1 efforts as part of the “problem-solving approach” and “treat the conflict not as a contest, but as a problem to be solved.” The reasons for the growing popularity (i.e. NGOs) and utility of the Track-2 or “multi-track” approach stems from two main things: the “need for public legitimization of political decisions,” and “the need to shift from “obtaining settlement to achieving a resolution” to the conflict. D. Sandole argues that Track-2 diplomacy not only is helpful, but even necessary. The adoption and promotion of such efforts within the context of the OSCE efforts is an indication and confirmation of usefulness of the Track-2 approaches in the

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492 Ibid., 5.
493 Ibid.
Second World (Yugoslavia, USSR), in particular. However, in light of the power structures, political elites, and historical legacy of defining the nature and processes of the three conflicts, it is highly unlikely that Track-2 diplomacy can bring about any major breakthroughs, although their positive contribution in addressing some secondary and tertiary conflict-related issues cannot be underestimated.

2. The Ripeness and Its Significance: The concept of ripeness introduced by William Zartman refers to “a necessary, but not sufficient condition for negotiations to begin. It is a perception with some relation to an objective fact; it is a subjective fact with some relation to an objective fact.” The parties to a conflict are often willing and capable to stall negotiations as long as they see time and developments on the ground to their advantage. However, there comes a point in time that even the parties with upper hand who enjoy certain advantages, such as military superiority, territorial gains, and political support, realize erosion in their position and situation, and thus, agree to come to the negotiation table. This perception of “erosion” can be caused by either internal or external developments or a combination of both. Ripeness also refers to a “stage of conflict in which all parties are ready to take their conflict seriously, and are willing to do whatever may be necessary to bring the conflict to a close.”

Thus, as a matter of conception, ripeness is a subjective rather than an objective evaluation of the condition, either by the parties, the negotiators or both which may lead to a successful resolution agreement.

The evidence available from several international conflicts indicates that ripeness is the key to many successful cases of negotiation. The right timing of tackling the conflict is the guarantor of

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every successful conflict resolution effort such as those in the Sinai (1974), Southwest Africa (1988), El Salvador (1988), Mozambique (1992), and many others. On the contrary, mistimed efforts, i.e., “unripe” conditions, again as evidence indicates, have led to a number of failures resulting in the collapse of talks and negotiations. Some of these examples include the failure of attempts to open negotiations between Eritrea and Ethiopia in the late 1980s, within Sudan for decades, and elsewhere. Objectively ripe moments, however, were not transformed into subjective perceptions or seized and carried through to successful ceasefire agreements in Karabagh in 1994, in Cyprus in 2002. A greater understanding of the indicators of ripeness can only lead to more frequent recognition among disputing parties, and more successfully seized negotiation opportunities.

There are several aspects to the concept of ripeness, which have to come to fruition for the negotiation process to be resumed or expedited. One, perhaps an important aspect, is that of the nature of the conflict. “Ripe conditions may be different for secessionist conflicts compared with replacement struggles, and both types of civil strife may, again, be different from conflicts between firmly established governments over territory.”

Second, is a phase in any conflict, which may bring about the “ripeness” when both parties realize they are deadlocked in a “mutually hurting stalemate.” This is one of the models of “ripeness” which may come about by itself or can be even induced by the intervener that is the third party negotiator and can be achieved not just by increasing the level of pain. And if it is impossible to ripen, if there are not objective elements to refer to then what a third party can do is to position themselves so that they are around when this stalemate occurs. Not all three conflicts selected for

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this study have reached the level of ripeness necessary to strike a deal. Of all three perhaps the Nagorno-Karabakh conflict has reached a point at which the situation of “no war no peace” is beginning to “hurt” both parties to the conflict. As long as the stalemate is not hurting both, no progress can be made, in other words it takes two to stalemate.

2. Models of Ripeness: The ripeness as a point in the course of a conflict negotiation materializes in various forms. It either evolves with the development of events within and outside of the parties or is brought about by the skilled negotiators. Four models of ripeness help understand variety of tools available, which have helped broker peace on several occasions. The first model is that of the “Mutually Hurting Stalemate” (MHS), also referred to as the “plateau” model, initially developed by I. William Zartman, and later expanded by Stephen J. Stedman and Richard N. Haass refers to a situation in which neither side can win, yet continuing the conflict will be very harmful to each (although not necessarily in equal degree nor for the same reasons).

Also contributing to “ripeness” is an impending, past, or recently avoided catastrophe. Mutual plateau must be “. . . perceived by both [parties] not as a momentary resting ground but . . . as a flat, unpleasant terrain stretching into the future providing no later possibilities for decisive

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The essence of this model is the sustained pain due to the losses, which becomes endurable, thus making the leaders to rethink their positions and come to the negotiation table. However, one can argue that there is also the “continuing cost of the absence of likely success” that may likewise affect the decision of the parties to a conflict. Mitchell identifies different types of stalemates (i.e., of desperation, attrition, and frustration), which may shape the behavior of the adversaries.

Imminent Mutual Catastrophe (IMC) or “precipice” model also developed by I. William Zartman seems to be more realistic when parties in conflict will consider conditions ripe for de-escalation and conflict resolution only when they face an imminent major catastrophe of some sort. Here, too, both parties have to be ready for de-escalation; because only one of the parties is hurting the other would have no reason or incentive to come to a negotiation table for a settlement. It can just sit back and watch its adversary weaken. Agreeing to a ceasefire and cessation of military operations in the case of all three conflicts in this study is a sign of mutually hurting position, which made the parties to come to the negotiation table to avoid IMC. One positive development in this situation according to Mitchell is the shift to a “conciliatory mentality” among the parties in contrast to a “winning mentality.”

The third model Entrapment Model (ENT) introduced by F. Edmead and Allen I. Teger appears to be the exact opposite of the HS model. While the HS is based on a rational behavior of the actors in response to an increasingly hurting situation, the ENT model argues that the “hurt,

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paradoxically, becomes a reason for continuing.” Thus, the behavior of the actor is irrational where “costs” are viewed as investment.” The greater the hurt, the more the need to continue toward “victory” in order to justify both the psychological and political sacrifices already made.\(^{505}\)

The fourth and last model, Enticing Opportunity model or “planets in conjunction” model developed by Christopher Mitchell\(^{506}\) and Chester Crocker\(^{507}\) appears to be more optimistic. It refers to the situation that a “ripe moment can occur when leaders see a much better alternative way of achieving their goals than ‘slogging on’ with the continuing and costly struggle.”\(^{509}\) Crocker offers a number of factors among them the “availability and increasing acceptability of some new sets of basic ideas, principles and concepts; the gradual blocking or disappearance of parties’ unilateral options; the existence of useful (perhaps even “indispensable”) channels.” All or some of the above factors can help facilitate communication among the opposing parties. Under these circumstances, Crocker believes that the third party negotiators can play a major role in creating the necessary atmosphere to expedite the process

\textit{a. Intra- vs. Inter- and “Extra-Party” Ripeness:} The evidence available on various conflicts has revealed two dimensions of the concept of ripeness: internal (intra-party) and external (inter-party), subject to entirely different forces. While inter-party ripeness depends on various measures and conditions, which the third party negotiators can create, the intra-party ripeness refers to conditions internal to the parties to a conflict, for the most part, independent of external factors

and pressures. Mitchell argues that “internal ripeness – a set of intra-party conditions that are conducive – or, at least, do not present major obstacles to – changing strategies in the external conflict” are important and should be taken into consideration. These may include, political rivalries, dissension among the ranks of the elites, internal strife, worsening economic conditions in the case of the countries, and even environmental catastrophes such as an earthquake or a tsunami. The latter, as unanticipated as they may be, have considerable potential of transforming the internal dynamics of a party to a conflict and negotiation process for the worse or the better. The case of the conflict in Aceh, Indonesia is one such example. They may bring the negotiations to the brink of capitulations or on the contrary harden their positions. In the case of the separatist conflicts, such as those selected for this study, the intra-party ripeness may delay or throw the negotiation processes off balance.

Having observed and followed the negotiation processes of all three conflicts, it appears that there is yet a third dimension to ripeness, which I would call “extra-party” ripeness. I define this aspect of the ripeness as a set or a combination of interests, often conflicting of either interveners or third parties, who may not want to see or be ready to accept any resolution of the conflict agreeable to the parties to the conflict. The best case in point is that of the Nagorno-Karabakh conflict the resolution of which despite the consent of both parties failed, since it went against the interests of the third interested parties, such as Russia, and Iran. Thus, a broader level of ripeness, that is those involved directly and indirectly, has to be present for the success of any conflict resolution process.

b. Timing, Ripeness and De-Escalation: One of the determining factors of ripeness is the timing. There is a right time to every negotiation process, which any skilled negotiating body should be capable of sensing and grasping it. Having said this, one should also add that the right timing would not come by itself. The same way that the negotiating bodies may misread some signals and miss the momentum, they should also be able to “create” the right time. This may come in different forms, such as coercion, incentives, pressures, rewards packages and so forth, which will make both sides to a conflict to reconsider their position and future prospects. No frozen conflict can remain “frozen” forever, because even if the parties remain adamant on their positions, the circumstances around them will change over time and force them to concede and consider compromises, including even painful ones, to cut their losses.

The literature on conflict mediation, negotiation and resolution is vast and multifaceted. Over the past two decades, in particular, the discipline has achieved major milestones. The survey of the literature indicates that the field of conflict resolution, too, has not remained immune to the processes of globalization. It faces new challenges, which it has to adjust by identifying and constructing more complex theories and models to face them. The involvement of international entities, such as regional organizations, supranational agencies, like the UN throughout the world in general, and the European continents (OSCE, EC) in particular, speak to the complexity of the problems and need for larger and resourceful entities. In the meantime, the experience of the past decade or so has also identified major shortcomings on the part of the regional and international entities in resolving some of the major conflicts in and around their neighborhood. This reality can be explained in two ways, lack of experience in handling major
multidimensional crises and new realities in areas (e.g. Caucasus, Central Asia) that are yet to be stabilized.
VII. Conflict Resolution and Mediation Efforts and the “Frozen” Conflicts in the South Caucasus

*General Observations:* The predominant majority of political conflicts on the international scene are addressed and resolved through various diplomatic measures and mechanisms. The three conflicts in this study, however, do not fall into that “general” category. Five factors make their resolution extremely complicated. First, the nature of the conflicts as all three is ethnoterritorial, separatist. All three are located in a geopolitically and geostrategically evolving sub-region, the South Caucasus in the broader context of the Black Sea and Caspian Sea regions, a new emergent region on the periphery of the Eurasian continent neighboring the Greater Middle East. Third, like colonialism in the African experience, they share a common historical legacy, the Soviet experience, which has outfitted them with relatively similar systemic characteristics and problems, and yet differences unique to each case. Fourth, the transitional period, which all three republics of the South Caucasus, like other union republics have undergone, and remold their new post-Soviet national identities in the course of their nation- and state-building processes. Fifth, as part of Europe, the resolution of all three conflicts is further complicated and influenced by two major developments: the eastward enlargement of NATO and expansion of the European Union. Lastly, the “frozen” state of the conflicts for the past decade, has contributed adversely for the prospects of the final and lasting resolution of the conflicts.

Considering the national and regional security concerns of the neighboring states, in addition to the political processes and international crisis in progress in the Middle East, i.e. Arab-Israeli conflict, the Gulf War, and the war in Iraq, one can appreciate the fact that none of the three conflicts could be resolved without active involvement of credible international actors.
The evolution of each conflict, in addition to its context, has played a major role in the effort toward their resolution. Of the three conflicts, the Nagorno-Karabakh conflict, as the above historical background indicates, erupted in the height of the Gorbachev’s short-lived policies of glasnost and perestroika, when the Soviet Union was still in existence. The two then Union republics of Armenia and Azerbaijan were both two constituent members of the Soviet Union. Thus, the genesis of the Nagorno-Karabakh conflict took place in the Soviet landscape, and was inherited by the two above-mentioned republics as they crossed the threshold of independence. Although an intrastate issue within the boundaries and jurisdiction of Azerbaijan, the involvement of neighboring Armenia qualified it as an international conflict.

The first signs of unrest in Abkhazia, South-Ossetia, and Ajaria, within the territory of Georgia, evolved a couple of months before the collapse of the Soviet Union as well. However, despite outside influences, they soon became an internal matter of the republic of Georgia, thus turning it into more of an intra-state conflict rather than an intra-state conflict like Nagorno-Karabakh.

Chronologically, the Nagorno-Karabakh conflict has been going on longer than the other conflicts in the South Caucasus. It is also the most complicated of the three, because of its nature and dimensions. Thus, as result, it has experienced one of the most complicated conflict resolution schemes of the recent times. It is the only one of the three that has experienced a variety of mediation efforts toward its resolution, prior to the involvement of the international bodies, CSCE/OSCE in particular.

511 The A[d]jar conflict, also a “frozen” conflict was evolving through the same path as the other three until after the “Rose Revolution” in Georgia and accession to power of Mikayel Saakashvili.
The two conflicts of Abkhazia and South Ossetia in Georgia, domestic in nature, initially, were first addressed by the Georgian authorities. Shortly after, they were followed by the Russian intermediations. It was only after the failure of such measures and alleged biases that the Georgian government sought the assistance of the UN and OSCE. As the latter stands as the dominant institution involved in the negotiations of all three directly and indirectly, here, it is warranted to examine the nature, mandate, and involvement of the OSCE in the world conflicts, European in general, and the South Caucasus, in particular, as its role has been fateful in shaping the course of all three conflicts to this day.

**International Mediation Efforts: OSCE:** The Organization for Security and Cooperation in Europe (OSCE), the successor to CSCE, the Conference on Security and Cooperation in Europe has emerged as the major institution on the negotiating scene of the three “frozen” conflicts in the South Caucasus. In order to understand its behavior, accomplishments, setbacks in the region, and to explore the prospects for the success of the Organization in resolving the selected conflicts, a brief survey of its mission and mandate which have served as its guiding principles is warranted as it has played a determining factor in its behavior and movement.

The origins of the OSCE can be traced back to 1954, when the Soviet Union proposed the convening of a “pan-European” security conference. Also known as the Helsinki Process/Summit, it laid the foundation of what later came to be known as the Conference on Security and Cooperation in Europe (CSCE), a multilateral, diplomatic forum to embrace

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512 The initiative included the United States and Canada from North America, the Soviet Union, and remaining European states, with the exception of Albania, and the Baltic States. Of this last two, the
several areas, including military-security issues, economic, environmental cooperation, human rights and humanitarian concerns. Initially composed of 35 charter members the CSCE grew to 51 member countries by March 1992, and 55 as of today. It took more than two decades (1954-1972) until unending series of negotiations bore fruit. The second phase of the Conference’s evolution (1972-1990) involved various kinds of procedural, organizational, and structural matters, i.e., follow up meetings, agenda items. Perhaps the most important feature of these procedural aspects of the Conferences has been that all decisions – procedural and substantive, major and minor – be taken by the consensus of all the participating states. In the case of CSCE “consensus is not a requirement that all decisions be reached unanimously, rather it is the ‘absence of any objections’.” The significance of this procedural measure, as we will

former originally declined to join, and the latter group of states could not independently join as they were part of the Soviet Union.

The dramatic increase in the membership of the Organization is directly related to the dissolution of the Soviet Union and Yugoslavia.


This principle met some problems. First, in the case of “Yugoslavia” (Serbia and Montenegro) in January 1992, when the Council of Ministers applied what is known as the “consensus-minus-one” procedures, because of Yugoslavia’s “clear, gross and uncorrected violations of the CSCE commitments” which resulted in the suspension by Council Senior Officers of “Yugoslavia” from participating in the decision making process. Shortly after, the CSO barred the “Yugoslav” representative from attending the Helsinki summit. This decision lasted until October 1992. A second occasion was that of the Warsaw Pact countries. All seven-member countries of the Pact prior to the Helsinki were represented by the Soviet Union. With the dissolution of the latter, the decision making process of the CSCE fell into disarray. With the dissolution of both structures, the Warsaw Pact and the Soviet Union, “no other viable unit for coordination replaced it”. To fill in the gap, new informal groups emerged to coordinate the matters in the interest of the common good of the Organization. The examples of such informal groups include, “Visegrad”, consisting of Hungary, Poland, Czechoslovakia or the “Pentagonale”, joining together one NATO country (Italy), two neutral countries (Austria and Yugoslavia), and two former Warsaw Pact countries (Hungary and Czechoslovakia), later to be known as “the Central European Initiative,” which included the newly independent Czech and Slovak Republics, Slovenia, Croatia, and Bosnia-Herzegovina but excluding Serbia and Montenegro.

see later, came to prove significant years later at the Lisbon Summit, in the case of Nagorno-Karabakh.

The historic developments of the late 1980s culminating in the ending of the Cold War, The communist regimes in Eastern Europe and Soviet Union, discredited and disappeared, compelled the OSCE to take major steps and adopt new principles and standards. Following the two meetings (Bonn, March 1990, Copenhagen, June 1990), the final document dubbed “the Charter of Paris for a New Europe” (November 1990) established the framework in which North Atlantic-Eurasian relations would be conducted for the foreseeable future. With the adoption of this Chapter, the CSCE ceased to be a “process” and became a full-fledged international organization. The Charter endowed the CSCE with a number of administrative and executive bodies. Among them: the Secretariat; the CSCE Council of Foreign Ministers (CFM); Committee of Senior Officials (CSO); the position of the CSCE Chair-in-Office, responsible for hosting the Ministerial meetings; the Office for Free Elections – subsequently renamed the Office for Democratic Institutions and Human Rights; and perhaps most importantly from the perspective of this study the “Conflict Prevention Center”. In 1992 (March 24-July 10) meeting of the CSCE in Helsinki and its subsequent “follow-up” meetings significant number of proposals (160) were presented and resolutions adopted. Among them a document entitled “The Challenges of Change” set the principle political goals of the organization. The final text of this document reflects the main theme of the meeting “managing change” with the post-Cold War developments and subsequent potential looming “instability” in mind.
One of the most important aspects of this document pertains to the relationship between the CSCE and the United Nations. It was agreed to declare the CSCE a “regional arrangement in accordance with Chapter III of the Charter of the United Nations.” The purpose of this provision was to improve coordination between the CSCE organs and cooperation with the UN itself as both organizations have grown to share the same concerns pertaining to the same conflicts within the CSCE community. An entirely pragmatic division of chores between the two entities, the OSCE and UN, the former either assumes the responsibility of dealing with the conflicts directly [Albania, Croatia (since 1999), FYROM (Former Yugoslav Republic of Macedonia since 1999), Estonia, Latvia, Moldova, Nagorno-Karabakh, Chechnya, Ukraine] with the blessing and support of the latter or functions parallel to or in conjunction with the latter [Bosnia-Herzegovina, Croatia up to 1999, Georgia (Abkhazia, in particular), Kosovo, Tajikistan].

On January 1, 1995, the old name of the “Conference for Security and Cooperation in Europe” was officially changed to OSCE. Two things are of note in this name change. First, despite the name change no significant changes were made in its charter and principles. And, second, it reflected the “desire of participating states to grant the OSCE a more prominent role in the security field within geographic area.” Freed from its Cold War setting of the “old” CSCE and East-West forum, the “new” OSCE has become a “cooperative body of 55 states, including all European states as well as Central Asia, Canada and USA.” On a broader dimension, the Organization also made an effort to establish a link with the UN Security

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520 As of today, the membership of the OSCE stands at 55.
Council,\textsuperscript{521} which enables the OSCE to refer (potential) conflicts to the UN in case its fails to come up with a solutions, as a recourse.

\textbf{1. OSCE and the “Frozen” Conflicts in the Former Soviet Union:} The OSCE became involved in the regional and ethnonational conflicts of the former Soviet Union by the invitation of their respective titular states and parties to the conflicts in early 1990s (Nagorno Karabakh, 1992; Moldova, 1993).\textsuperscript{522} In retrospect, this move was significant in a number of ways. First, it was the first time that any western entity was setting foot, politically, interfering and becoming involved in the conflicts on the territory of the former Soviet Union. The latter had to accept the mediation offer by the OSCE, reluctantly, because, barely a year after the collapse of the Union, its governmental apparatuses were incapable of effectively addressing the issues. Its mediation efforts on several occasions proved to be biased and proved to be fruitless. Thus, the failed attempts deepened the rift between the conflicting parties.

Second, with all ex-Soviet constituent Union republics now independent states and the centralized control weakened if not gone, Russia could not exert its will, fully, on their respective governments, although this did not bar it from exerting influence the affairs of the newly independent states as will be shown later.

Third, the involvement of the OSCE in the post-Soviet regional conflicts was a fateful move for the conflicts. In addition to harnessing some of the developments, it brought some

\textsuperscript{521} The concept introduced as the Kinkel-Koymans Proposal of “K+K –proposal” was rejected by the OSCE Council of Ministers in December 1994 due to an Armenian veto, however, thus, it continues to remain on the agenda as a pending item.

\textsuperscript{522} In the case of the Georgian conflicts, the United Nations observer missions were first deployed in Abkhazia in 1993 followed by those in South Ossetia shortly after.
organization and structure in the administration of some of the humanitarian aspects of the conflicts.

Fourth, it charted the future course of the conflict resolution efforts by introducing certain measures and proposals.

Fifth, the OSCE internationalized the post-Soviet conflicts, thus opening the door to external influences, i.e. state, immediate neighbors (Iran, Turkey) as well as other powers (Russia, France, U.S.) supranational bodies (Council of Europe, European Union, CIS) regional and international organizations (UN, OSCE). With one of the main objectives of the three South Caucasian republics to get closer and eventually become a member of the EU, and some of its institutions, such as the NATO, one can also argue that the OSCE has also “Europeanized” the conflicts.

Sixth, struggling to resolve the theoretical conflict between the two principles of the right to self-determination and the territorial integrity of states, the behavior of the OSCE has proven to be conflicting and inconsistent to say the least. Enter the internationally recognized right to secession you have a complicated mix, which the OSCE has hardly been able to balance. The international community’s response to [unilateral] secession has been mixed and inconsistent, where some have been accepted (Croatia, Bosnia, Slovenia from Yugoslavia; Czech Republic and Slovakia; Ukraine and Kazakhstan from USSR) and others challenged (Nagorno-Karabakh from Azerbaijan, Abkhazia and South Ossetia from Georgia, Transdniestria from Moldova).

This clash of principles, a manifestation of the complex characteristics of each conflict, has led to both the prolongation and intensification of the regional conflicts in the former Soviet
Union, in particular. They also have indirectly contributed to the solidification of the *de facto* state structures and institutions. This reality highlights yet another factor inherent in the OSCE. Up to its involvement in Yugoslavia and former Soviet Union conflicts, the OSCE within the parameters of its Charter and provisions has engaged in conflict sources of “sub-state”\(^{523}\) in nature engulfed in humanitarian crises and toll, deprivation of various kinds of civil liberties, abuse and suppression of human rights, and massive population displacements, and refugees movements.

The regional conflicts in the former Soviet Union have crossed the threshold of a mere “sub-state” conflict. They have compounded the picture by adding a) regional; b) international; c) ethnonational, and ethnoterritorial dimensions in the midst of the state-building processes of post-Soviet societies in transition, and d) evolving geopolitical, geo-economic, and geo-strategic equations in the South Caucasus, and finally e) measures toward gradual integration in the European institutions, i.e., EU. This is a “territory” which the OSCE was inexperienced and its mechanisms\(^{524}\) insufficient to handle.

Throughout the past thirty years, the efforts of CSCE and its successor OSCE has been geared toward “simply identifying and setting the norms which would govern relations between

\(^{523}\) The “sub-state” principles are outlines in the “Basket Three” of the CSCE Helsinki Final Act (1975), which includes the three areas of human contacts, information, culture and education. See Principle Seven of the final Act (1975); *Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief: Co-operation in Humanitarian and Other Fields*.

\(^{524}\) The main OSCE mechanisms are three: the High Commissioner for National Minorities (HCNM); the OSCE field mission, and ad hoc measures. In the case of the conflicts selected for this study, field mission are established and functioning in Armenia, Georgia, and Azerbaijan. An example of the third mechanism is the OSCE Minsk Group adopted to address the Nagorno Karabakh through managing negotiations between Armenia and Azerbaijan.
states and their citizens, as realized in the 1975 Helsinki Final Act and the political agreements emanating from it. The record of the past decade (1995-2005) indicates that the outcome of the meetings of the OSCE at the highest levels does not go beyond hearings, entertaining the “special rapporteurs”, exchange of views and political consultation and reviews. The concluding reports of the meetings remain as reports. They neither produce a “concluding document” nor binding resolutions.

2. OSCE and the South Caucasian “Frozen” Conflicts: In accordance to the provisions of the UN proposal Agenda for Peace issued in 1992, the OSCE plays three major operational functions in regard to conflicts: conflict prevention (“preventive diplomacy”), conflict resolution (“peace-making”), and post-conflict rehabilitation (“peace-building”). Missing from the above chain of operational functions is “peacekeeping”. The provisions of the Chapter III of the Helsinki Decisions (1992), allow the OSCE to engage in peacekeeping operations under certain circumstances, however, to this day no such operation though

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527 The document was originally prepared and presented by the UN Secretary General Boutros Boutros-Ghali, Boutros, entitled, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping which was adopted by the Summit Meeting of the Security Council on 31 January 1992.
529 Examples: Nagorno Karabakh ( Azerbaijan), South Ossetia and Abkhazia (Georgia), Transneistria (Moldova), Chechnya (Russian Federation).
530 Examples: Bosnia Herzegovina, Croatia, Albania, Kosovo (since 1999), and FYROM (since 2001).
considered (e.g., in the case of Nagorno-Karabakh) has never been carried out. Of these three, perhaps the first is the closest to the spirit and mandate of the OSCE. According to Max von der Stoel, “the OSCE’s destiny is conflict prevention, in the broadest sense of the expression”.

Victor-Yves Ghébali identifies two reasons for this argument. First, the OSCE’s “comparative advantage” in launching co-operative security approach, that is “security with” and “security against” any kind of real or unknown enemy. And, second, the Organization’s particular ability in developing rather than the “invention” of original tools aiming at conflict prevention – namely the High Commissioner on National Minorities (HCNM) and the Long-Term Missions (LTM), also known as Field Missions or Operational Missions. At present, the OSCE has established mission offices in all three republics of the South Caucasus, Armenia, Azerbaijan, and Georgia. They have been conducting various kinds of operations, among them monitoring, consultations, in Georgia, in particular.

Of the three OSCE mechanisms the field missions (Abkhazia, South Ossetia) and ad hoc (Armenia, Azerbaijan) measures have been adopted and implemented for the three “frozen” conflicts selected in this study. The former operates on renewable mandates, on the ground in the conflict zones within the boundaries of the affected states. They constitute the most “visible,”

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532 With the visit and inspection of the OSCE representatives of the frontline separating the Armenian and Azerbaijani troops, as recently as January 2006, reports of the possible deployment of a multinational OSCE Peacekeeping contingent in the conflict zone has been gaining more ground. See “Nagorno Karabakh Defense: Minister: Settlement Process under OSCE aegis is not Simulation,” http://www.regnum.ru/english/574979.thml. Accessed 19 January 2006. However, Arkady Ghukasyan, the President of the de facto state of Nagorno-Karabakh.


535 Ibid., 35.
and “intrusive” aspects of the OSCE. The second mechanism, as in the case of the OSCE Minsk Group to bring a closure to the Nagorno-Karabakh conflict, serves to bring parties to conflict together and help reach a negotiated settlement.

In regard to the “frozen” conflicts, the OSCE has been present and involved on various levels in all four “frozen” conflicts (Transdniestria, Nagorno-Karabakh, South Ossetia, Abkhazia) on the former Soviet landscape as early as 1992, trying to provide assistance in the resolution of the conflicts. It has offices in the capitals of all three “central” republics and provides variety of services and conducts a number of missions, related to the human, political, economic and environmental aspects of security and stability.

Despite its accomplishments on the European theater of the conflicts, i.e. the Balkans, in particular, the OSCE’s success in the case of the South Caucasian conflicts has been very limited. However, one should not discount the fact that the OSCE has played a notable role in preventing all the “frozen” conflicts from re-igniting and escalating into full-blown military confrontation. Tangible outcomes toward the solution of the conflicts are yet to be gained.

3. Factors Hindering the OSCE Efforts: In addition to some of the weaknesses of the OSCE discussed thus far, there are a number of other issues, which make its mandate in the South Caucasus even more difficult. One analyst of the European political scene and its security institutions refers to the management of the “frozen” conflicts to a “mission impossible”.  

Some of the issues identifies are as follows:

a. **External Developments:** As these three cases are not the only of their kind, developments in other conflicts of similar nature is under their constant watch. The authorities of the three *de facto* states as well as their titular states monitor the advances and setbacks in the negotiation of respective cases within and outside of their region. Such examples include the conflict in East Timor, and Kosovo, a predominantly Albanian-populated province of Former Yugoslavia, which strives for independence. One may even argue that the fate of the three conflicts in the South Caucasus is being decided thousands of miles away in Vienna where the talks on Kosovo are progressing.

b. **Nature of the Conflicts:** Unlike other conflicts, all three concern “compact ethnic minorities” as opposed to the “scattered” ones. According to the 1989 Soviet census, two of the three minorities constituted majority in their respective autonomous territories; Armenians represented 73.4% (137,200) in Nagorno-Karabakh; Ossetians 70% (70,000). The Abkhaz who initially constituted about 90% of the population of Abkhazia, their number at present does not exceed 17.8% of the total population of the entire proclaimed de facto state.\(^{537}\) Each one of the three consider itself as a “people” vs. “minority group,” thus entitled to determine their future within the parameters of the right to self-determination and seek either independence or re-unification (Nagorno-Karabakh with Armenian, South Ossetia with North Ossetia) with their ethnic kin. Here, too, one can draw parallels with the conflict in Kosovo.

c. **The Russian Factor:** Ever since the collapse of the USSR, the Russian Federation has made it clear by its statements and behavior that it is going to remain active in the affairs of

\[^{537}\text{In comparison with the Transdniestria the Russian-speakers constitutes 53\% of the population, that is, 415,000, according to the 1989 Russian census figures.}\]
the former Soviet Union republics, including the three South Caucasian republics were. Some of
the main reasons for this include concerns for security, economics, geostrategic, and the last but
not the least safety and rights of the Russian “diaspora” in the now independent republics
referred to as the “Near Abroad”. 538

Like any other regional power, it is natural for Russia to be concerned with the situation
and stability of the bordering states, and considering the historical experience with respective
republic offers to assist in resolving their conflicts. This predisposition is reflected in the new
constitution, military doctrine 539 and national security concept of the Russian Federation.
However, like OSCE, Russia, too, lacks experience; and second, its behavior has indicated that
there is more to be explained than meets the eye.

Since the collapse of the USSR, the Russian military 540 has participated in four
peacekeeping operations beyond it borders but within the boundaries of the CIS. These include
Tajikistan, Moldova, and the two conflicts in Georgia: Abkhazia and South Ossetia. Russia is to
be credited for brokering ceasefires in two cases, South Ossetia (1992) and Nagorno-Karabakh
(1994). Its peacekeeping forces are stationed in both South Ossetia and Abkhazia, but not in
Nagorno-Karabakh. In the meantime, Russia has been accused of lacking impartiality, the
cardinal rule for any mediator. It has “never hesitated to conduct separate negotiations . . .

538 The term “Near Abroad” was introduced in the early 1990s by the Yeltsin administration in reference
to the non-Russian republics of the Former Soviet Union, such as those in the South Caucasus and Central
Asia where there exist large concentrations of Russian communities.
539 The Russian Military doctrine first enunciated in November 1993 clearly states that the primary goal
of the Russian peacekeepers is to “advance the Russian state interests,” which is diametrically different
from that of the international peacekeeping contingents supplied by other countries on various parts of the
world.
540 The Russian military has been involved in some peacekeeping operation in the former Yugoslav
republic, in Sarajevo, in particular. For more on this aspect of the Russian peace-keeping operations see
duplicating or circumventing the peace-making efforts of the OSCE.”\textsuperscript{541} Below the role of the Russian peace-keeping/military\textsuperscript{542} efforts in the case of each conflict is discussed with a focus to identify some of the concerns introduced above without discussing mediation effort and processes in detail as they will be, extensively in their respective sections below.

In regard to the “frozen” conflicts, one source draws a negative picture of Moscow as a mediator in the region and describes it policy as one of “controlled instability” under which:

- It foments, then manages the conflicts; casts Russia in the dual role of party to and arbiter of the conflicts; frustrates their resolution (unless it be on terms ensuing Russia’s dominance over the whole of the affected country); perpetuates Russia’s military presence; capitalizes on the geopolitical and socioeconomic consequences of mass ethnic cleansing; fosters states weakness and chaotic conditions in the target countries; distracts these from the agenda of systemic reforms; and discourages Western interest in developing organic ties with Moldova, Georgia, Armenia and Azerbaijan.\textsuperscript{543}

The above assessment appears very negative and biased, and yet not totally far from the truth. They triggered reaction in the region in the past two years. The Russian mediation behavior will be analyzed in the context of a bigger picture. Like the three republics of the South Caucasus, who have been slowly but steadily developing pro-European policies, in an attempt to become integrated into the European regimes, Russia, too, has its agendas. Among them: rapprochement with the West, the U.S.-Russia relations, European Union, NATO, and the Euro-Atlantic interests, all of which are extremely complicated and remain uncertain, yet. On the top of all the above, one can not disregard the September 11 and the turbulence caused in the region

\textsuperscript{541} Victor-Yves Ghebali, “The Role of the OSCE . . . ,” 40.
of Greater Middle East by the U.S. invasion of Iraq and Afghanistan and their consequences, which have overshadowed all the above developments, and taken the three ethnonational conflicts in the South Caucasus into a “deeper freeze” over the past few years. Nonetheless, the role and impact of Russia on the affairs of the three republics and the conflicts is great and deserves more elaboration.

d. Geographical Proximity and Intra-Regional Nature of the Conflicts: Evolving more or less along the same path, the three conflicts share a number of similarities as de facto states. Unlike, many conflicts, the three selected for this study, are geographically located, first, within the boundaries three small states sharing common borders with each other. Tucked in a small region, geographically, they are located in a distance of about few hundred miles from their respective central governments’ capitals\(^{544}\) and each other.\(^{545}\) Historically, they share relatively similar legacies. All three, having experienced various kinds of oppression and abuse, are the products of the former Soviet political machine and its ethnonational and ethnoterritorial policies. After the eruption of the ethnic hostilities, and their declarations of independences by their titular states, they have developed along the same directions. They have set up governments, elections, budget, army, etc. The leaders of the three de facto states on set occasions, such as Independence Day have paid visits to each other, held meetings, exchanged views and assessed the developments in the region.

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\(^{544}\) The distance of Stepanakert from Baku and Yerevan is 207 (132 miles) and 196 kilometers (121 miles), respectively; Tskhinvali and Sukhumi from Tbilisi is 88 km (55 miles) and 342 km (213 miles), respectively.

\(^{545}\) The distance from Stepanakert to Sukhumi is 597 km (371 miles); Sukhumi to Tskhinvali 258 km (160 miles); and Tskhinvali to Stepanakert is 355 km (221 miles).
As it pertains to the conflict resolutions, all three *de facto* and titular states have accepted the mediation of the international supranational bodies, such as the OSCE and the U.N. to resolve their conflicts. Therefore, each entity closely follows the progress or setbacks recorded in the negotiation processes of the other as developments in the case of one may consequently impact the other. Any move or statements by regional powers, Russia in particular, which may have significant impact on these conflicts, does not escape the attention of the other.

**e. The Diaspora Factor:** The role played by the Diasporas in conflict perpetuation and conflict resolution is among the least studied topics in the field. Considered as the “third level of peacemaking” Diasporas have the potential of becoming a) a key element in a given negotiation process, b) cause for concern for the mediator, and c) a “key constituency” of concern for homeland leaders. Thus, as a result, in a broader context, the Diasporas, through their activities, depending on their resources demographic, political and economic, can constitute a significant factor to be taken into consideration for the adversaries, their host state government as well as potentially for other states as well.546 Yossi Shain in analyzing the interrelationships between the homeland and diasporas in the context of both identities and interests offers four propositions: role of identity and diasporas in international affairs, diasporas as “third level” players in the peace negotiations, and diasporic attitudes and activism toward peace negotiations.547

The role and influence of Diaspora structures and organizations in their homelands depends on a number of factors of which I will only refer to three as I see them related to the conflicts management and mediation processes. These are: a) quantity, that is the size of the

Diaspora, b) quality, that is the political power of the Diasporas in their host/adopted countries, and c) concentrated vs. diffused nature of the Diaspora communities, that is presence in one or two country vs. presence in a number of countries. All three factors identified above, depending how they utilize their resources and put them at the disposal of their ethnic kin engaged in the conflict, can have both positive and negative consequences in the course of the conflict.

f. The Energy Factor: The need for energy, the geographical location of the sources, fossil fuel in particular, ever since its discovery and exploitation in the early decades of the twentieth century, has played a major role in almost all aspects of human societies. With globalization in full swing since the ending of the Cold War, changing configuration of the international alliances, insatiable demand for energy resources in two huge economies (China and India), in particular, one cannot afford not to consider the impact of energy as a defining factor in all aspects of life in any given society.

Concerning the subject of this study, the ethno-national conflicts in the South Caucasus, the confluence of two major factors geography and the presence of huge deposits of oil and gas in the South Caucasus, in Azerbaijan in particular, play a major if not a defining role in the resolution of the three regional conflicts. Here not only the interests of Azerbaijan, endowed with vast deposits of fossil fuel, but also the business interests of oil corporations, which have made billions in investments, have to be taken into consideration. Thus, entities (OSCE) and countries (e.g., US, Russia, France) involved in the negotiation process are fully cognizant of the impact of such a determining factor on their mission.

The role of energy perhaps was fully factored in the conflict resolution efforts only after the completion and utilization of the Baku-Tbilisi-Ceyhan (BTC) pipeline. This major regional development changed the geostrategic and geoconomic landscape of the South Caucasus and beyond in many respects. The BTC not only is destined to change the economies of the region (i.e., Azerbaijan, Georgia, Turkey) but also provide energy security for Europe. Thus, the political and strategic position of Azerbaijan in this equation becomes even more crucial, first for being a major energy exporting country and second as a link between the Caucasus-Caspian Sea basin and huge energy deposits in Central Asia. Of the three unresolved conflicts, Nagorno-Karabakh in particular, located in the territory of Azerbaijan, constitutes the most important component of the geopolitical equation of the region with considerable adverse impact on Azerbaijan’s political and economic security.

The regional conflicts and energy-producing corporations are in a strange symbiotic relation. The huge revenues generated from the sale of the oil and gas guarantee Azerbaijan with unprecedented financial power. This in turn can translate into military might among other things, which can potentially be used to tip the balance of the military in the region. The eruption of hostilities in the region, on the other hand, can result in the disruption of the flow of energy resources, which can have negative impact on the economies in Europe, in particular. Thus, the institutions and powers engaged in the conflict management and negotiations can and should take into consideration the benefits. On the other hand, the consortia of twelve international oil producing companies and the multinational financing organizations, scores of export credit

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guarantee organizations and commercial banks, can only bring marginal contribution toward the resolution of the conflicts. They have a fine line to walk, because any measure construed in favor of the parties to the conflict, i.e., Armenia, Nagorno-Karabakh may jeopardize hard won contracts signed with Azerbaijan after years of long and arduous negotiations.

VI. The Evolving Geopolitics of the Region:

Other Institutional Mechanisms: The European Union
A. The EU and the South Caucasus Conflicts: Geographically, the remotest corner of Europe, it took the EU awhile to focus its attention to the South Caucasus.\textsuperscript{550} The reasons for this “indifference” vary. They range from organizational and structural issues to the conflict in the Balkans to NATO and the EU’s own eastward enlargement and expansion plans. Perhaps, as the above-mentioned developments and increasing security concerns brought the South Caucasus region closer to its boundaries, the EU realized the need to develop bilateral programs and projects to engage the countries of the region to safeguard its own political and economic, security and stability as an evolving and developing supranational socio-political entity.\textsuperscript{551} In addition, there perhaps can be no doubt that the presence of the de facto states of the region and the prevailing “no war no peace” situation played a major role in changing the EU’s behavior toward the region at the heart of which are the three unresolved conflicts.

A decade after the eruption of the conflicts in the South Caucasus, in February 2001,\textsuperscript{552} the EU officially expressed its interest in engaging the countries of the region, and become more active in its affairs. In addition to a number of areas, such as economic, political, cultural, and environmental, EU allocated a special place to the conflicts in the region, their prevention and

\textsuperscript{550} In the 1990s the EU did not remain completely passive toward the South Caucasus, in specific, and the former Soviet republics in general. In 1996, it signed the Partnership and Cooperation Agreement (PCA) with all three countries of the region (Armenia, Azerbaijan, Georgia). In 1999 it activated the program called Technical Assistance to the Commonwealth of Independent States (TACIS). The European Commission developed Country Specific Papers (CSP) for each country, a long-term program extending over a period of four years (2004-2006). For a more detail discussion of the evolution of the engagement process, see Dov Lynch, “The EU: Toward a Strategy,” in “The South Caucasus: A Challenge for the EU,” Challiot Papers no. 65, European Union Institute for security Studies, Paris, (December 2003): 171-96.


\textsuperscript{552} The EU decision was adopted at the Brussels, February 26-27, 2001, during the EU General Affairs Council.
resolution. The outcome of these measures was the European Neighborhood Policy (ENP), which the EU announced in early 2003. The objective of the ENP is to:

Share the benefits of the EU’s 2004 enlargement with neighboring Countries in strengthening stability, security and well being for all Concerned. It is designed to prevent the emergence of new dividing Lines between the enlarged EU and its neighbors and to offer them The chance to participate in various EU activities, through greater Political security, economic and cultural cooperation. \(^{553}\)

With the creation of the position of the EU Special Representative (EUSR) and the appointment of its first official, the EU Commission invited the three countries of the South Caucasus to consider developing their relations with the EU within the parameters of the ENP. This process led to a number of common and country-specific multilateral and bilateral programs between the EU and the three countries of the South Caucasus. Perhaps the most important among these were country-specific Action Plans, which developed in the context of the conflict. These documents constitute the foundation of bilateral relations between the EU and each republic. They also provide a blueprint for the countries of the region to chart their way toward a closer association and integration in the European institutions and possible future membership. Below the involvement of the EU in the South Caucasus in general and the conflict zones in particular are discussed first in the context of the Action Plans and the EUSRs’ efforts.

**B. The EU and the South Caucasian Republics:** The Action Plans are

“two-way” documents. They are mechanisms devised to benefit both the EU and the South Caucasus countries. They provide opportunities to expand and enhance the EU’s position and influence in the region. In the meantime, they can serve as a road map for the countries of the region to improve and upgrade their institutional practices and bring them up to a par with the European standards. In light of regional rivalries, naturally, growing influence of the EU in the region may clash with the interest of other powers, which likewise are jockeying for the control of that geostrategically crucial crossroad.

The Action Plans proposed the European Commission bases “custom-made” documents on the principle of “differentiation” to suit the conditions and needs of each country as well as the interests of the EU.554 Each country-specific Plan covers a wide range of areas, such as political, economic, humanitarian, juridical, etc. Although the response of all three countries to their individual Plan has been positive, their reactions to the details of the Plans have varied. Some sources express concern that the “plans risk becoming long-winded technical documents which do little to strengthen genuine political ties”.555 The behavior of the three countries of the region indicates that those items of the Action Plans, which address the conflicts of the region and explore ways to resolve them, have taken a back seat to their other provisions.556 For the purposes of this study, our main focus will be on these aspects of the Action Plans pertinent to

556 Of the four conflicts on the territories of the periphery republics of the former Soviet Union only Moldova has given a higher priority on the role of EU in searching and resolving the conflict in Transdniestria. See the proposed EU/Moldova Action Plan at http://europe.eu.int/comm/world/enp/pdf/action_plan/Proposed_Action_Plan_EU-Moldova.pdf (accessed March 5, 2006).
the conflict resolution efforts, and which are presented in the context of each republic followed by the role and direct involvement of EU in individual conflict.

1. The Action Plans and the Republics: The position of the three republics of Georgia, Armenia, and Azerbaijan in one word can be characterized as “over-ambitious” and demanding, balanced, and passive, respectively. Georgia links its own membership to EU directly to the peaceful resolution of the conflicts on its territory. In a document titled “Elements for Inclusion” Tbilisi clearly views the resolution of the conflicts and membership of EU as intertwined. Therefore, it expects deeper involvement of the EU, its political mechanisms and resources in the conflict zones. Viewing the role of Russia as counterproductive in resolving the Georgian conflicts, Tbilisi even insists that the “EU include the restoration of Georgia’s territorial integrity and the resolution of Georgia’s territorial integrity and the resolution of internal conflicts on the EU-Russia cooperation agenda”. It is doubtful that EU will damage the prospects of its evolving cooperation with Russia for Georgia. However, Georgia views some of the recent developments within the parameter of the OSCE summits as positive outcome of its firm stance.

Similarly, Armenia has also sought EU’s support and resources in addressing its conflict with Azerbaijan over Nagorno-Karabakh as well as Turkey. However, EU remains the least

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557 For the full text of the document see “Elements for Inclusion in an EU/Georgia ENP Action Plan”
558 ICG, Ibid., 10. Also see, Ahto Lobjakas, “Georgia Lobbies for EU Backing in Standoffs with Russia,” RFE/RL Caucasus Report, 9, no. 3 (27 January 2006).
559 Attesting to this growing rapprochement is the EU-Russia “Common Space of Cooperation in the Field of External Security” which covers a number of areas of cooperation, such as crisis management, as well as the settlement of regional conflicts. For the text and provisions of the “EU-Russia Roadmap on Common Space for External Security,” see http://www.kremlin.ru/eng/text/docs/88029.shtml.
560 See “Statement on Georgia” a document adopted unanimously at the OSCE Ministerial Council in Ljubljana in December 2005.
involved in either issue. Armenia’s requests are reflected in the “Framework proposal for its Action Plan” issued June 2005. Little gained in the above-mentioned areas, Armenia views EU as a crucial entity, which can contribute to its foreign policy based on “complementarity.”

Although, not as demanding as Georgia, Armenia has some expectations from the EU when it comes to regional issues. In its “Framework proposal for Action Plan” Armenia puts forth two main categories of issues. First, it asks EU to help enhance regional cooperation by exerting pressure on its neighbors to refrain from measures, which will further isolate Armenia.

Second, in regard to the Nagorno-Karabakh conflict, Armenia seeks EU’s support in a) “maintaining and strengthening the regime of ceasefire” and b) “to work toward exclusively peaceful conflict settlement taking into account the right of people of Nagorno-Karabakh to self-determination”.

Unlike Georgia and Armenia, surprisingly, Azerbaijan has not made the resolution of the Nagorno-Karabakh conflict a priority in its Action Plan components. Nor has it raised the issue of its territorial integrity. Perhaps this emanates from Azerbaijan’s disappointment for the EU’s certain statements and general position vis-à-vis the Nagorno-Karabakh conflict. In a broader context, Azerbaijan’s relations with its neighbors, Iran and Russia as well as the U.S. are

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564 The construction of the Baku-Ceyhun via Georgia completely bypassing Armenia and also the proposed construction of the Kars (Turkey)-Akhaltsikhe (Georgia) railroad will further push Armenia further in isolation and deepen its blockade, and thus prospects for future economic development.
565 Ibid.
566 Ibid.
on a different plateau, and thus do not require special maneuvers as required Georgia and Armenia.

In summary, EU has gradually begun to play a growing role in the South Caucasus. It effectiveness in various aspects of life in the three republics is notable. Some of the major areas highlighted in the Action Plans of the three countries include the strengthening of democratic institutions, human rights protections, and rule of law, including constitutional reforms, improving electoral mechanisms, and promoting civil society. To achieve the above objectives, EU sees an important role to be played by the NGOs and provided support and funding to some in all three countries. EU would like to see more regional cooperation, however, appears to underestimate the severity of the conflicts hindering the process. As long as the three conflicts turned de facto states of the region continue to remain unresolved, the democratization and advancement in other spheres in all three republics will continue to suffer and remain hostage to them.

2. The Action Plans and the Conflicts: As in the case of each republic, the involvement of the EU in each conflict has been uneven. While EU has been more active in and around Abkhazia and South Ossetia, its involvement in the Nagorno-Karabakh conflict has been negligible near non-existent. It has stayed away from any negotiation processes, and channeled its resources on humanitarian and rehabilitation aid. Although, it has to be acknowledged that the EU’s several worthwhile projects will have some positive impact and contribute to the negotiation efforts, indirectly.
In Abkhazia, EU appears to be the largest donor, thus far. Its efforts concentrate on reconstruction of the conflict zone, and neighboring areas. The economic rehabilitation program implemented is meant to “enhance stability and security through confidence-building measures aiming at the prevention and settlement of internal conflicts and actions in favor of affected populations”. Thus, EU prefers to remain disengaged from the conflict resolution efforts, and has adopted a “depoliticized” approach. As a relatively recent participant in various projects in the Abkhaz-Georgian conflict zone, it remains to be seen to what extent the EU’s position and activities will be conducive to improve the situation for the better or worsen it by further exacerbating relations between the two parties to the conflict.

The history of involvement of EU in South Ossetia is longer and deeper than that of Abkhazia. It dates back to 1998 and the initiation of the Economic Rehabilitation Program in the zone of conflict in the context of the TACIS. The thrust of the program is to boost confidence-building measures in addition to rehabilitation of infrastructure. Another difference, in comparison with the Abkhaz conflict, the EU projects are “tied to the political dialogue,” that is they have to be approved not only by the JCC but also its four parties (Georgia, South Ossetia, North Ossetia, Russia) prior to their implementation. As part of its general predisposition in internationalization of its conflicts, in light of the above background, the

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571 This three-phase program, scheduled to be completed in 2006, has made major financial contributions to the region under the auspices of the Joint Control Commission. For more details on the program and its funding levels (accessed April 10, 2006); available from http://www.delgeo.cec.eu.int/en/programmes/Osetia.htm#OS1.
572 For various projects and focus of the approach see (accessed May 3, 2006); available from http://www.osce.org/georgia/item_1_17529.html.
Georgian government “would like the EU to become a full JCC participant”\(^\text{573}\) as evident from an official statement that “Since all sides represented . . . at the JCC have high respect for the EU reputation, its participation in the negotiation framework for the Georgian-South Ossetian conflict resolution would substantially increase its efficiency”.\(^\text{574}\)

Despite its growing influence and contributions to both conflict regions in Georgia, the EU remains second to OSCE in all aspects of the activities and operations in respective conflict. Its activities are coordinated and projects are consulted and approved prior to their implementation. As its involvement in the region deepens, some experts believe that EU should assume a bigger political role which will allow it to impose “conditionality”\(^\text{575}\) to provide incentives, and thus entice change.

The EU’s presence and involvement in the Nagorno-Karabakh conflict has been minimal, if not nil. This position can be attributed to two things: pressures from Baku and the participation of the Armenian Diaspora\(^\text{576}\) in numerous rehabilitative projects in the conflict.

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\(^{574}\) Ibid.

\(^{575}\) Ibid.

\(^{576}\) The Armenian Diaspora ever since the eruption of the hostilities, and particularly after the signing of the ceasefire in May 1994 has been actively engaged in various humanitarian, economic and social cultural projects in Nagorno-Karabakh. One such measure, which is becoming a more or less regular and organized event, is an annual telethon conducted every year on the Thanksgiving weekend in the United States, a grass root fundraising event, which has managed to raise over tens of millions of dollars for Nagorno-Karabakh. Another more institutionalized mechanism is the All-Armenia Fund (AAF), headquartered in Yerevan with offices in major cities throughout the world with high concentration of Armenian communities, raises funds geared toward social and economic development projects in Armenia and Nagorno-Karabakh. The first major and historically significant accomplishment of AAF is the construction of the Goris-Lachin-Stepanakert road, which established a land connection between Armenia to Nagorno-Karabakh. For a comprehensive report on this topic see The World Bank report by Victoria Minoian and Lev Freinkman, \textit{Diaspora’s Contributions to Armenia’s Economic Development: What Drives the First Movers and How Their Efforts Could be Scaled Up?} (The World Bank: Washington, 2002).
zone. For past decade a European Commission has only been to the conflict zone and its surrounding areas once. Several groups among them the Brussels-based International Crisis Group (ICG) as confidence-building measures propose a variety of options. However, the EU has expressed its readiness to intensify its effort in the Nagorno-Karabakh, pending invitation and approval of both parties to the conflict.

3. The EU Stability Pact for the South Caucasus and “Frozen” Conflicts: Until recently the “South Caucasus was a footnote in the Wider Europe” initiative. However, recent regional and internal developments compelled Europe to pay closer attention to it. Dov Lynch identifies two sets of external and internal factors have led to the shift in EU’s attention to the region. The multiplicity of international (UN, OSCE, NATO) and regional and great power actors, complexity of the region’s problems, the “frozen” conflicts in particular, and the fact that the states of the South Caucasus are not “active demandeurs” of an increased EU role, only if and when their interests warrant as such. As to the internal factors, the region is caught in a “proximity/distancer paradox” with regard to EU, lack “lobbyists” within EU, and finally, the

579 The term Stability Pact has been part of the lexicon of the European international relations over a decade now. It denotes specific characteristics, and also refers to an initiative focused on a specific region of the EU [borderlands], which is “fragmented into nationalities and ethnic groupings which overlap state borders. It is an initiative which calls for conflict prevention or resolution; a comprehensive technique both multi-sectoral and multi-lateral; geared toward stabilization; an initiative which might come from the external powers or the region itself.” For a comprehensive review, history and analysis see Michael Emerson, “On the Forming and Reforming of Stability Pacts – From the Balkans to the Caucasus,” CEPS (Center for European Policy Studies) Policy Brief No.4 (May 2001).
581 Ibid., 40.
582 Ibid.
South Caucasus was never viewed by the EU as a distinct region. However, like the Balkans, the South Caucasus emerged as an evolving region ripe with potentially dangerous destabilizing and possible spillover effect, mainly to the North Caucasus posing threats to the security of an enlarging Europe. Furthermore, the South Caucasus, because of its location and geopolitical and geoeconomic significance is becoming the test ground of the relations between the Russia, the United States and the European Union. The South Caucasus, in particular, and Caucasus in general will probably be the “next big test for transatlantic solidarity”.

The first appeals for the development of a stability or security pact for the South Caucasus were made in November 1999 OSCE Istanbul Summit. Although nothing solid materialized, a format known as “3+3+2” referring to the possible members of the Pact emerged from the Summit. The need for and nature of a stability pact for the South Caucasus varies significantly from that of Balladur Stability Pact for Central and Eastern Europe (1995) and the Balkan Stability Pact (1999), which revolved around EU membership and a temporary measure for the expiration of the Tujman and Milosevic regimes, respectively.

The first draft of the “Stability Pact for the Caucasus” was released in May 2000.

583 Ibid., 41.
586 The 3+3+2 included (Armenia, Azerbaijan, Georgia + Russia, Turkey, Iran + EU, US). Later, upon expanding and studying the realities on the ground and considering various aspects and dimensions of the Pact, the three de facto states (Abkhazia, Nagorno-Karabakh, South Ossetia) were added to the formula making it (3+3+3+2).
As recently as May 2006 the Council of Europe (CE) in light of the European Neighborhood Policy (ENP) in progress considered a separate Stability Pact “redundant”. Three main factors contribute to this approach. First, the Southeastern Europe and the South Caucasus, although both part of Europe, do not enjoy the same level of significance. “[An] EU” according to Peter Semneby, the EU envoy to the South Caucasus, “is not present in the Southern Caucasus, unlike the Balkans. It is indeed the European membership perspective that has played the most important role in the Balkans in terms of reforms that have been undertaken.” At the heart of this distinction is the EU membership, which is an “overwhelming incentive” for the Balkans, but not present, at least in the near future for the South Caucasus.

Second, is the emerging significance of the Black Sea and the Caspian Sea, and the regions beyond, such as the Central Asia. The dynamics unleashed by the two regions, mostly defined by the Caspian Sea oil and gas deposits has inherently linked the two large bodies of water, the South Caucasus sub-region connecting the two. The future energy needs has obliged the EU to look at the South Caucasus in a broader perspective.

Third, as long as the “frozen conflicts” remain unresolved, the hopes for any stability pact for the South Caucasus will continue to remain unrealistic. According to Peter Semneby, the intractible nature of the conflicts as well as Russia’s continued influence in the region, constitute the main obstacle on the path to the adoption of a stability pact for the South Caucasus. An internally fractured and divided region, suffering from mutual mistrust and conflict cannot emerge as an entity united in a pact for the common good of the people of its member states.

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590 Ibid.
This, as a result will oblige each country to adopt self-centric and realistic policies suiting its national security needs and concerns, thus deepening the divide among the three countries of the region. While Georgia\textsuperscript{591} is pursuing a path in the direction of membership in EU and NATO, Armenia\textsuperscript{592} and Azerbaijan, more in favor of a regionally-centric plan, base any progress in this context on the “conditional cooperation” on the Nagorno-Karabakh conflict.

The hopes for a European initiated Stability Pact for the South Caucasus appears to be highly unlikely in the near future. At the heart of problem, hindering the progress toward a Pact is the “frozen conflicts.” Of the three, the Nagorno-Karabakh conflict, because of its [inter]national nature plays a pivotal role. However, EU and Europe as whole can not remain oblivious and/or ignorant to the significance of the South Caucasus and its internal developments for two main reasons. First, regardless of how different the realities between the Balkans and the south Caucasus, the three de facto states of the regions are becoming entrenched deeper and their state institutions solidified. The EU and for that matter the international community has to face with the realities of these unrecognized political entities, which with the passage of time they gain characteristics very similar to those which emerged in the Balkans. Second, on a broader and long term perspective is the future energy security of Europe. Despite the setbacks, the EU will remain active in the region through its ENP action plans with the three South Caucasian republics, and perhaps gradually increase the level of its funding in cooperation and collaboration with the other international entities there such as the OSCE and major INGO.

\textsuperscript{591} See remarks of Georgia’s ambassador to the EU, Salome Samadashvili. Ibid.  
\textsuperscript{592} See remarks of Varuzhan Nessissian, head of the Armenian Foreign Ministry’s Department for the OSCE. Ibid.
4. **EUSR Mediation and Conflict Resolution Efforts:** In order to better appreciate the role of the EU Special Representatives (EUSR), a brief review of its mandate is warranted before examining its contributions to the resolution of the conflicts in the South Caucasus.\(^{593}\) The EU Special Representative’s mandate under its Article 2.1(B) of the Council Joint Action reads:

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\ldots \text{In accordance with existing mechanisms to prevent conflicts in the region, to assist in the resolution of conflicts, and to prepare the return to peace, including through promoting the return of refugees and internally displaced persons (IDP).}^{595}\]

In regards to the conflicts, the Article 3(d) of Council Joint Action, initially (2003) required the EUSR to “assist in conflict resolution, in particular to enable the EU to better support the United Nations [and] . . . the OSCE”.\(^{596}\) However, three years later the text of the mandate requires the EUSR to: “contribute to the settlement of conflicts and . . . facilitate the implementation of such settlement in close coordination with the United Nations [and] . . . the [OSCE]”.\(^{597}\) The key words in the two texts are the verbs “assist” and “contribute”. While the first is less active, the latter implies more activism and involvement in the resolution of the conflicts. Second to the Balkans, the South Caucasus is considered a high priority for Europe where the EU has to “now take a stronger and more active interest”.\(^{598}\) The EUSR, now with offices and analysts in the three South Caucasian capitals projects more presence and

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\(^{593}\) There exist 6 EUSR offices, which include: Afghanistan, Moldova, the Middle east and the African Great Lakes region, the Balkans, and now the South Caucasus.

\(^{594}\) Ever since its establishment in July 2003, the EUSR has had two SRs, Ambassador Heikki Talvitie of Finland who was succeeded by Ambassador Peter Semneby of Sweden (1 March 2006).

\(^{595}\) Source: EUSR Joint Action 2003/496/CFSP [OJ L 169, 8 July 2003, pp. 74-75. For extended versions of the Joint actions see 2003/872/CFSP, 2004/532/CFSP, 2005/100/CFSP.

\(^{596}\) Excerpt from Article 3(d) of Council Joint Action 2003/496/CFSP [OJ L 169, 8 July 2003, p. 74].

\(^{597}\) An excerpt from Article 3(d) of Council Joint Action 2006/121/CFSP [OJ L 49 of 21 February 2006, p. 15].

availability, thus boost the ongoing processes in consultation with its counterpart at the OSCE within the framework of its mandate.

Here, too, as in the case of EU Action Plans, Georgia appear to be the only South Caucasian republic demanding deeper and more vigorous involvement of the EUSR in the conflict resolution processes. While Armenia and Azerbaijan have not presented any concrete requests to the EUSR, the Georgians have gone ahead and invited the EUSR to join JCC in the conflict resolution process either as an observer or active participant. Such a request while impossible under the earlier mandate, it is possible today under the new mandate. If implemented, it could bring about significant changes in the negotiation strategies and policies by complicating the process and coordination efforts even further. As to whether this measure will expedite the process of negotiation or create even more frustrating situations will remain to be seen as this initiative has come from the Georgian side without taking into consideration of the reactions of the Russian and South Ossetian camps.

C. UN and Mediation in the South Caucasus: The United Nations has had an indirect role and presence in the South Caucasian conflicts. It has been more involved (Abkhazia) and less (Nagorno Karabakh) in others, despite its years of experience in numerous conflicts worldwide over decades. Nevertheless, despite enjoying a reputation for its professionalism and impartiality in demobilizing parties to the conflicts and developing settlement plans, the UN’s initial measures did not go beyond issuing a number of resolutions. Some of these resolutions

599 For a comparative study of the EUSR’s activities in various conflicts, Georgia and Moldova, in particular see “Comparative Analysis of the EUSR mandates for Moldova and Georgia,” working document, Tbilisi, December 2005.
were administrative, others condemning the actions of or the other party, which alienated the
parties to the conflict and their trust in the UN potential as peacemaker.

The UN presence in the three conflicts has been imbalanced. While it has mobilized its
resources to Georgia through the establishment of the UNOMIG, its involvement in the
Nagorno-Karabakh conflict has been minimal. In the case of the former since its establishment
in 1993, the UNOMIG operations have continued uninterruptedly and expanded covering various
aspects of the conflict-ridden territories, such as wide range of humanitarian projects. Whereas
in the case of the conflict between Armenia and Azerbaijan the UNSC political statements were
viewed biased by parties (Armenia, Azerbaijan, and Nagorno-Karabakh) to the conflicts, thus
discrediting the UN as a trustworthy intermediary. The UNSC has also adopted resolutions for
the Georgian-Abkhaz conflict. The UNSC resolutions as they have proven in other cases
throughout its history, with the exception of some critical situations, such as the first Gulf War,
have been violated by their subjects. One conservative study identifies the number of such
resolutions at 91. In light of the above reality, the UN’s mandate is carried by the OSCE in the

600 In regard to the Nagorno-Karabakh conflict 4 UNSC Resolutions 822 (April 30, 1993), 853 (July 29,
1993), 874 (October 14, 1993), 884 (November 12, 1993), have been issued, which the government
of Armenia and Nagorno-Karabakh authorities found them biased and unacceptable. Likewise,
Azerbaijan rejected the January 1993 resolution demanding its lifting of the blockade of Armenia.
601 Since the eruption of hostilities and formation of the mediation processes between Abkhazia and
Georgia, the UN Security Council has adopted a total of 28 resolutions on various aspects of the
mediation process and peacekeeping operation. These in chronological order are: Resolution 849 (July 9,
1993); 854 (August 6, 1993); 858 (August 24, 1993); 876 (October 19, 1993); 881 (November 4, 1993);
892 (December 22, 1993); 896 (January 31, 1994); 901 (March 25, 1994); 934 (June 30, 1994); 973 (July
21, 1994); 971 (January 12, 1995); 993 (May 12, 1995); 1036 (January 12, 1996); 1065 (July 12, 1996);
1096 (January 30, 1997); 1124 (January 30, 1997); 1187 (July 30, 1998); 1225 (January 28, 1999); 1255
(October 13, 1999); 1287 (January 28, 1999); 1287 (January 31, 2000); 1311 (July 28, 2000); 1339
(January 31, 2001); 1364 (July 31, 2001); 1524 (January 30, 2004); 1666 (January 30, 2006); 1716 (July
28, 2006); 1752 (April 13, 2007).
Countries Other than Iraq,” Foreign Policy in Focus, (October 2, 2002).
region, which has a deeper involvement in various aspects of the conflict from demobilization of forces, to peacekeeping to mediation efforts on various levels.

**D. GUAM: A Disjointed Axis within the CIS:** Fifteen years since its establishment, the CIS is yet to gain solid institutional foundations, develop cohesive foreign and domestic policy formulations, and structures. In light of the developments of the past two years in the Ukraine (“Ukraine Revolution”) and Georgia (“Rose Revolution”), it is not unlikely that the CIS may still lose some of its member states. The prevalence of numerous bilateral and multilateral agreements among the various CIS member states speak to the absence of and the need to fill in the void in many areas, economic, political, and military, in particular. Among the various attempts in response to the above need, is a four states initiative by Georgia, Ukraine, Azerbaijan, and Moldova (GUAM), which despite its short history (1997 to presence) has gained some ground and support in the West.

GUAM was born in the fringes of the summit of the Council of Europe on October 10, 1997 with the purpose of “developing bilateral and regional cooperation, European and regional security, political and economic contacts”. Since its inception, it has adopted decisions and issued documents in a wide range of areas from fight against terrorism to organized crimes, missing persons, etc. Almost two years later, on April 24, 1999, the entity was

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603 Both republics have hinted that they may withdraw from the CIS, see “Azerbaijan ‘Will not Quit CIS’,” *RFE/RL* 10, no. 86, Friday 12 May 2006. (accessed May 14. 2006); available from http://www.rferl.org/newsline/2-tea.asp?po=y. Should Ukraine, Georgia, and possibly Moldova leave Azerbaijan behind and leave the CIS, the organization will possibly be renamed as GU or GUM.

604 For the history, issued official documents, conferences, and press releases of the GUUAM consult the organization’s official website at http://www.guuam.org

enlarged by one member Uzbekistan (thus, GUUAM). The latter suspended its membership two years later, and withdrew from the organization on May 5, 2005 as in the view of the Uzbek leadership the GUUAM had “deviated from its initial goal of economic cooperation, focusing too much recently on security and political issues”. The reversion of GUUAM to GUAM is indicative of the entity’s expansion deeper into political sphere, which Uzbekistan found unacceptable in light of the changes in the organizations policy priorities and initiatives. Despite the above setback, the GUAM has continued to subsist, convene summits, issue various documents, and has plans to enhance cooperation among its member states, “create a new international regional organization . . . its own office, its own secretariat, and its own plan of actions.”

During the most recent GUUAM summit held Chishinau (April 22, 2005), the GUUAM leaders expressed their “goal of creating a zone of stability, security, and prosperity . . . tightly linked with the European Union . . . by following European rules and standards.” These intentions and plans remain to be seen how they will be viewed by Moscow, as GUAM, is clearly headed in the formation of axes to “act as a [regional] counterweight to Russian influence

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606 The official announcement of the accession came during the NATO/EAPC Summit in Washington, D.C., April 23-25, 1999.
609 On December 21, 2005, President Islam Karimov of Uzbekistan signed a decree expressing his disagreement with the GUUAM’s decision adopted during the April 2005 summit “to fight for democracy from the Black Sea to the Latic Sea,” and thus suspended his country’s membership in the organizations. See “Uzbek Leader Denounces GUUAM Documents,” RFE/RL Newsline, Thursday, 29 December 2005.
611 See “Agreement on Cooperation among the Governments of GUUAM Member States in the Field of Combat Against Terrorism, Organized Crimes and other Dangerous Types of Crimes 2002” Yalta, July 3-4, 2002.
613 Ibid.
in the Caspian Basin and Black Sea regions,“ and possibly undermine some of the mechanisms and conventions adopted by the CIS member countries. The steps taken by the GUAM in the past five years, clearly indicate, the organization’s intention for deeper integrations in the European institutions active in various spheres, including among them the OSCE, NATO, and the UN and its various agencies.

Despite geographical distance and lack of contiguity the GUAM has managed to forge principles to address issues of concern to all its members. Concerning three (Georgia, Azerbaijan, Moldova) protracted ethnonational conflicts (Abkhazia, South Ossetia, Nagorno-Karabakh, Transdniestria) within their borders. For obvious reasons, because of Azerbaijan, Armenia is completely excluded from the GUAM. It has not even been offered an observer status, unlike Romania, to participate in the GUAM summits. Thus, secessionist movements have constituted one of the main concerns of the GUAM From the earliest days of its conception.

Despite individual and distinct mechanisms in place to resolve each conflict by individual state, GUAM has introduced its own position as an emerging sub-regional institution. First, in principle, GUAM member states have pledged cooperation and “interaction in the field of peaceful settlement of conflicts and cooperation in combating separatism.” The “16 + 4” mechanism, a consultation group developed between NATO and GUAM has provided the latter with “a more exclusive level than the Partnership-for-Peace (PfP) allows.

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615 “Azerbaijani Official Hints at Further Expansion of GUUAM,” RFE/RL Newsline 3, no. 85 (4 May 1999). In addition to Romania, Poland, Kazakhstan, and Kyrgyzstan have also been mentioned as possible candidates to join the GUUAM, although the possibilities remain remote due to geopolitical and geostrategic disparities among the countries mentioned above.

Furthermore, with the establishment of contact with the CEAP (Euro-Atlantic Partnership Council) GUAM would like to see the “secessionist movements . . . discussed at the level of CEAP, as are Bosnia and Kosovo.” 617 Although GUAM has denied any intention of evolving any military dimension, the presences of its members in the NATO jubilee summit in 1999 as well as their expressed interest in forming a peacekeeping battalion is indicative of the formation of a future “military political bloc” within the CIS. 618 This in light of developing relations between NATO and GU[U]AM may open possibilities for the future “intervention” of NATO forces in the post-Soviet states as it happened in the case of Kosovo.

The track record and evolution of the GUAM and the profiles of its member countries makes two things clear. First, inflicted by ethnosecessionist conflicts within and bordering their territories, the GUAM strives for the “Europeanization” and internationalization of the conflicts. By developing various forms of alliances with the European institutions, it tries to minimize the influence of the Russia on its landscape. Second, acting as a single entity, the GUAM views the strengthening of the CIS as “an instrument of Russian influence over their republics” to the detriment of the sovereignty of their states.

619 Here “Europeanization” refers to the gradual inclusion of the three conflicts on the European institutions, primarily the European Union’s agendas. In a comparative study Bruno Coppieters et al. Europeanization and Conflict Resolution: Case Studies from the European Periphery. (Gent [Belgium]: Academia Press, 2004), the concept is defined “as a process which is activated and encouraged by European institutions, primarily by the European Union, by linking the final outcome of a conflict, to a certain degree of integration of the parties involved into it into European structures.”
The westward drive and further internationalization of various aspects of the GUAM member states through integration with the western security mechanisms, such as the so-called “16 + 4” formula in relation with NATO. In this effort, the GUAM also enjoys the support of the United States, financial and otherwise in the furtherance of the above projects and activities. It remains to be seen as to how Russia will react to all these developments. Considering the high geoeconomic and geopolitical resources Russia will hardly remain passive and watch rifts evolving in the CIS or lose its control of the ethnonationalist conflicts in its “Near Abroad” which have serves as important sources of influence on its periphery CIS member states. And last but not least, it also remains to be seen if GUAM will survive as an entity. The upcoming meeting GUAM summit in Kyiv (May 22-23, 2006) in addition to considering changing its name [Organization for Democratic and economic Development-GUAM] may prove to be a turning point in its short history with unprecedented potentials and uncertainties.

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622 The GUUAM-US rapprochement dates back to December 2002. In the may of the following year the US allocated to GUUAM $46 million to support “joint projects”. This figure is a period of one year increased top $64 million. See Taras Kuzio and Sergei Blagov, “GUUAM Makes Comeback . . .,” 2. Also, Bruce Pannier, “GUUAM: Summit Wraps Up, Accord Announced With U.S.,” RFE/RL July 4, 2003.

623 The organization is scheduled to change its name from GUAM to the Organization for democracy and Development (ODD). See “GUAM Leaders Create New International Group,” RFE/RL, Tuesday, May 23, 2006.
IX. Mediation and Conflict Resolution Efforts and the *de facto* States

**A. Nagorno-Karabakh:** The efforts to resolve the Nagorno-Karabakh conflict has gone through a number of phases and experienced significant changes. The first mediation effort to put an end to ethnic hostilities between the Nagorno-Karabakh Armenians and the Soviet Azerbaijan took place during the dying days of the Soviet Union. Among the first interveners, Anderi Sakharov^624^ (“Sakharov Mission”)^625^, who also sharply criticized Gorbachov’s flawed policies of glasnost and perestroika. The conflict itself also, transformed from an internal matter of the Soviet Union to an international conflict between Armenia and Azerbaijan with regional dimensions. Four various efforts can be identified over the past eighteen years as follows:

1. Intra-Soviet, “Domestic” Phase

**Yelstin-Nazarbayev Mediation:** On September 22, 1991, Presidents Boris Yeltsin and Nursultan Nazarbayev of Kazakhstan SSR, launched what was to be first in a long line of mediation efforts in solving the conflict, which continues to this day. Standing on the ground zero, in Stepanakert, the capital of Nagorno-Karabakh which had independence just three weeks ago on September 2, both presidents stated: “We have come here with the only desire to do everything to end the bloodshed so that people can at least live and work calmly.”^626^ Their pleas were echoed with commitments by the leaders of Karabakh, Azerbaijan and Armenia at the conclusion of which a joint bulletin was issued.^627^ According to the stipulations of the said bulletin 1) a timetable was set for certain measures, including a) withdrawal of armed units, b)  

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^627^ All parties agreed to meet at the southern Russian town of Zheleznovodski the following day (September 23, 1991).
introduction of observer groups, and c) establishment of a working group to begin the process
“normalization” of relations, and a “step-by-step” plan to make the arrangements for the return
of the refugees. The two entities, the Russian Federation and Kazakhstan, both still legitimate
and constituent members of the USSR were to oversee the process. However, the implosive
forces in Moscow outpaced both leaders and their resources. In a couple of months historic
events undermined the nascent process and the mediation efforts evaporated having barely
started. The violence escalated inflicting mounting number of casualties on both sides.

The reasons for the failure of this initial effort can be attributed to several factors:
historic developments in Moscow associated with the disintegration of the USSR, pulling out of
the two main negotiators from the process because of personal priorities and objectives in their
own turf (Russia, Kazakhstan), unwillingness of the parties to conflict to continue the process
based on the agreed upon agreement.

Perhaps, most important factor hindering the progress of the negotiations is the
unwillingness of the Azerbaijani authorities to conduct negotiations with the representatives of
Nagorno-Karabakh. The latter insist to this day that as party to the conflict they should be part
and parcel of the negotiations, arguing that no deal can be consummated without their consent.

This view has repeatedly confirmed by the Armenian authorities, making it clear that “Armenia

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629 The representatives of Nagorno Karabakh participated in the meeting attended by the Azerbaijani and Armenian leaders, however they were not allowed to be a signatory of the communiqué signed.
will never agree to a deal unless the Nagorno-Karabakh government approves it”. To this day, the government of Azerbaijan continues to refuse to meet face-to-face with the leaders of the Nagorno-Karabakh leadership as such a move will be considered Azerbaijan’s conceding to its unrecognized adversary. It will be granting legitimacy to Nagorno-Karabakh as a party to the conflict, and recognizing the existing of a de facto and yet unrecognized state within its territory, thus forfeiting its claims and demands for reinstatement of its territorial integrity.

2. Internationalization of the Conflict

Iran as Negotiator: The involvement of Iran to mediate between Armenia and Azerbaijan its two neighbors to the north is significant as it marked the beginning of the internationalization\(^6\) of the Nagorno-Karabakh conflict. It also constituted the first involvement of any foreign power or source on the territory of the Soviet Union. These efforts developed through two distinct phases.

i. Phase I: The second mediation effort was initiated by the government of Iran. An Islamic theocracy since 1979 and with a large (est. 15 million) subjects of Azeri descent, Iran has historical issues in connection with the now independent Republic of Azerbaijan dating back to the World War II and Stalin era.\(^6\) A number of factors shaped the character of the Iranian mediation effort. First, it came just after the collapse of the Soviet Union (December 1991), thus the first ever mediation effort by any foreign government on the Soviet landscape. The initiative began in March 12, 1992\(^6\) with an Iranian brokered ceasefire, although the parties broke it on

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6\(^4\) Taking the advantage of the World War II, the Soviet Union invaded northern Iran that is the two provinces of Western and Eastern Iranian Azerbaijan, in the post-Islamic Revolution Iran was among many changes in the administration of the Islamic Republic of Iran.
several occasions to the conflict. The most striking feature of this effort was Iran’s acknowledging the Nagorno-Karabakh as the party to the conflict. This was first major break from the previous approach. It also offered to provide peacekeeping troops, and an opening of a “humanitarian corridor,” i.e., Lachin, to Karabakh, which if agreed it would also have been the first ever presence of foreign armies on the former Soviet landscape. The Iranian initiative, can be considered bold and courageous, considering the fact that it was coming from a theocratic Islamic country, mediating between its Christian and Muslim neighbors to the north, within the territory of the former Soviet Union, risking agitation in its own significantly large Azeri population bordering the conflict zone and parties, and perhaps most of all recognizing Nagorno-Karabakh as a party to the conflict which to this day has been viewed by their co-religionists in Azerbaijan as betrayal and biased.

However, while some hopeful signs were looming on the horizon, new unanticipated events on the ground derailed the Iranian efforts. The Azeri forces launched a massive attack on Stepanakert, triggering response and intensification of the military operations. More significantly, in the meantime a CSCE delegation having examined the conflict offered to hold an international conference on the Karabakh conflict in Helsinki. This marked the beginning stages of the internationalization of the Nagorno-Karabakh conflict and growing role and influence of the European bodies in the area.

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634 The Conference on Security and Cooperation in Europe (CSCE), established on 1 August 1975, by the Heads of State or Government of 35 nations in Helsinki to sign the Final Act of the Conference on Security and Co-operation in Europe (CSCE). With the growth and urgency of the needs, the CSCE began its paths toward institutionalization with the Summit of Heads of State in Paris in November 1990; numerous field operations and other bodies are rapidly set up. On January 1, 1995, the Conference became a full-fledged 53-member Organization.
ii. Phase II: In the midst of the Iranian mediation effort, a stream of personalities representing various entities visited the region to assess the situation on the ground for a possible role. Cyrus Vance, now deceased former U.S. Secretary of State, UN Special envoy, visited the region (March 1992), and recommended the CSCE to assume the role of mediator in the conflict. The visiting delegation included, French Secretary of State for Foreign Affairs, Bernard Kouchner, accompanied by Joseph Brown, a CSCE representative to investigate the possibilities of opening “a humanitarian corridor” to Karabakh. Also, Russia still in the picture dispatched its Foreign Minister, Andrei Kozyrev to the region. A U.S. Congressional delegation, led by Senator DeConcini for consultation and testing the ground for a possible role, arrived in the region as well. Furthermore, parallel to the above efforts, President Nazarbayev of Kazakhstan, in light of his previous involvement in the resolution of the conflict with Yeltsin, also made a personal effort. This initiative, which later came to be known as “Alma-At[y] Protocol” gained nothing because of the constant violations of the terms of the agreement by both parties.

On the Path to Ceasefire: By late 1993 (November) Karabakh Armenians were in control of more territories outside Nagorno-Karabakh. A brokered ceasefire (December 21, 1993) and the resumption of negotiations\(^{636}\) proved to be futile, resulting in the resumption of fierce military operations.\(^ {637}\) Regardless of the OSCE official involvement in the negotiations, this phase of the conflict up to the declaration of May 1994 ceasefire is marked with intense

\(^{636}\) This round of negotiations took place in the Åland Islands in Finland, an autonomous, Swedish-speaking archipelago in the Baltic Sea, administered by Finland. The archipelago's status was settled by the League of Nations in 1921 following Finland's independence from Russia. The choice of the site, perhaps was not accidental as it may have served as model for conflicting parties to consider in developing a similar formula suitable to their situation and realities. For more on the Åland Islands see, [http://www.aland.fi/](http://www.aland.fi/)

\(^{637}\) On sources places the estimate of the casualties at 1200 Armenian and 10,000 Azerbaijani with approximately, 2400 Armenians and 18,000 Azerbaijanis wounded. See, C. Migdalowitz, (April 6, 1994): 7-8.
activism of Russia. At the conclusion of a CIS meeting held in St. Petersburg in early February 1994, both sides agreed to meet in Bishkek, Kyrgyzstan in May 1994. Meanwhile Russia submitted a plan initiated and negotiated by the Russian Defense Minister Pavel Grachev, in an effort to disengage the combat operations of the forces in the conflict. After months of shuttle diplomacy between the three capitals, Yerevan, Baku and Moscow, a temporary ceasefire agreement was reached on May 9, 1994. It paved the way for the permanent one, negotiated directly between the conflicting parties, which went into effect in July-August of the same year.

3. Post-Ceasefire Negotiations: With the signing of the ceasefire agreement (1994) between the parties to the conflict, the Nagorno-Karabakh conflict entered its “frozen” stage. Today, the conflict is in the second decade of the post-ceasefire phase with not definite and lasting resolution in sight. The dominant institution engaged in the Nagorno-Karabakh conflict has been in the OSCE. With two offices in Yerevan and Azerbaijan, the OSCE has been involved in the Nagorno-Karabakh conflict, intensively since 1994, although as early as 1992 subsequent to the membership of Armenia and Azerbaijan in the organization, the then CSCE dispatched a delegation to the region to assess the conflict situation.

4. The CSCE/OSCE as Mediator: An eight member CSCE Special Rapporteurs visited to the capitals of the parties to the conflict and upon the conclusion of their trip submitted a report to the CSCE headquarters in Vienna. Their visit was followed by an official CSCE delegation on a fact-finding mission to test the waters for the acceptability of the CSCE as a mediator. The CSCE Council of Ministers\textsuperscript{640} decided to hold an international conference on Karabakh to be held in Minsk, the capital of Belarus, with the representative of Karabakh Armenians “as an interested third party”. Known today as the Minsk Group,\textsuperscript{641} the fate of the Karabakh conflict now shifted into the hands of the international bodies, while Iran continued to remain in the picture as a potential mediator. The presidents of Armenia and Azerbaijan agreed to a meeting in Tehran to settle the conflict (May 8, 1992). This effort met with yet another blow as military offensive on the ground in Karabakh changed the balance of forces. Shushi, the second largest, and both historically and culturally most important city in Nagorno-Karabakh and Lachin area were captured by the Armenian forces. In the meantime, domestic political changes were looming on the Azerbaijani horizon, promising to further complicate the picture of the negotiations. Some of the above developments as result of the military gains on the Karabakh

\textsuperscript{640} Also known as the CSCE Council of Ministers (often represented by the foreign ministers of the member states), it meets periodically to deliberate on matters of significance. The decisions of this body are made by consensus, thus empowering every member state to stop any measure, which might be detrimental to their interests. The CSCE CM is also empowered with the assigning of the Chairman of the Minsk Group and the Minsk Conference. See, CSCE No. 140/Rev. 1, April 28, 1992, CSCE, \textit{Third Meeting of the Council}, 1992, p. 12.

\textsuperscript{641} The idea of the “Minsk Group” came from John Maresca, special US representative to the CSCE for the Karabakh Conflict (1992-1993). Upon his recommendation that the shear size of the 52-member CSCE organization is impractical, the CSCE agreed to the formation of a smaller group, i.e., “Minsk Group” composed of the following countries: Armenia, Azerbaijan, Belarus, Czech and Slovak Federal Republic, France, Germany, Italy, Russian, Sweden, Turkey, and United States. The mandate of this group is to negotiate and bring about a resolution acceptable to the conflicting parties and present it to a conference in Minsk, the capital of Belarus. The presidency of the group has been rotating over the past decade. Today, the group is co-chaired by the representatives of three countries, US, France, and Russia.
Armenians raise concerns in Turkey,\textsuperscript{642} which expressed its interests in contributing to the resolution of the conflict. Considering the history of Turkish-Armenian relations, and the support of Azerbaijan by the former by contributing to the blockade of Armenia, it was very clear and natural that Armenia would not agree for any form of Turkey involvement in the negotiation and the resolution of the conflicts, regardless of the best of their intentions.

\textbf{i. First Mission:} On February 12, 1992, a 12-member CSCE delegation traveled to the Caucasus to assess the situation in Karabakh on the ground in detail. The Mission, which had to leave the conflict zone due to the escalation of the military operations, reported that the parties to the conflict “attach great importance to their participation in the CSCE process, confirm their willingness to contribute to security and cooperation in Europe, and welcome CSCE involvement in resolution of their differences.”\textsuperscript{643} Ever since these initial steps a number of CSCE/OSCE missions have been sent to the region. The chairs of the groups have also shuttled between the two capitals Yerevan and Baku, discussing, sharing views, listening to the parties, seeking and offering different plans and proposals. Today, over thirteen years, any breakthroughs remain yet to be recorded. Here, I will identify some of the major and historic developments as well as the shortcomings of the process.

\textbf{ii. Second Mission:} The second CSCE mission (March 19-23, 1992) after meeting with its Iranian counterpart in Baku, agreed on a seven-point exploratory observation,\textsuperscript{644}

\textsuperscript{642} The issue of Turkey’s involvement was considered an important in the resolution of the Karabakh conflict from the earliest days of its eruption. Elizabeth Fuller, “Nagorno-Karabakh: Can Turkey Remain Neutral?” \textit{RFE/RL Research Report} 1, no. 14 (3 April 1992): 36-38. It is obvious that Turkey could not remain neutral for variety of factors, geopolitical, ethnic honor and prestige, geoeconomic, geostrategic consideration and expansion of influence in the direction of Central Asia.

\textsuperscript{643} CSCE No. 79, February 26, 1992, p. 14.

highlighting the establishment of a long-standing ceasefire as key to the beginning steps of a negotiated settlement. On March 24, Armenia and Azerbaijan agreed to the convening of a peace conference under the auspices of the CSCE to resolve the conflict. This marked the first such effort in the history of the CSCE committing itself to the resolution of a conflict and a peace conference. Between March 1992 and May 1994, the date of the signing of a ceasefire which continues to hold for over a decade to this day. CSCE Minsk Group chairmen (women) traveled to the region on a number of occasions. The Armenian and Azerbaijani representatives attended a number of joint meetings, including those of the CSCE summits. Some of the major developments of that crucial period are as follows:

The recognition of the Karabakh Armenians as full party to the conflict and not solely as “interested party” despite the efforts of the Armenian government remained unresolved and rejected by Azerbaijan. While Armenia, despite all odd, experienced stability, Azerbaijan underwent a coup d'etat, which resulted in some changes in the country’s strategy and position vis-à-vis the Karabakh conflict. On the international front, four UN Security Council resolutions were adopted, addressing a number of issues, the withdrawal of the Armenian forces from the territory of Azerbaijan (Kelbajar, in particular); respect for the sovereignty and territorial integrity of Azerbaijan.

645. The real credentials of the OSCE and its predecessor CSCE are more in preventive diplomacy and post-conflict rehabilitation as stipulated in its charter.
646. UN SC Res. 822 (1993) Calls for Armenia to implement the "immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan." Res. 853 (1993) demands "complete and unconditional withdrawal of the occupying forces" from Azerbaijani territory. Res. 874 (1993) reiterates the calls for the withdrawal of occupation forces. Res. 884 (1993) calls on Armenia to use its influence to force compliance by Armenian militias to previous resolutions and to withdraw its remaining occupation forces.
iii. Mixed Bags of Mediation Efforts: The period (1993-1994) is also marked with a number of new initiatives, which were introduced to the negotiation table. A preliminary ceasefire (April 20, 1993) arranged with the intervention of Russia, US, and Turkey, proved to be fragile and was almost stillborn. An initiative known as the “Tripartite Plan,” also known as “3-in-1” [Russian, US, Turkey] was introduced to the warring parties. Its stipulations included withdrawal of Armenian forces from Kelbajar, the stationing of the CSCE monitors. This plan failed due to major domestic upheavals in Azerbaijan, disagreement of the parties on the language of the documents drafted which they found either vague or unacceptable. Furthermore, perhaps more importantly, some observers also indicated to the negative role played by Russia, which tried to make its dominant presence and influence known in the region.

As it became evident that the parties, Karabakh Armenians in particular, were unwilling to sign a revised version of the “3-in-1” plan, the Minsk Group came up with a new plan called “9-plus-1” or “the Nine.” Both sides gave more credence to this document as it was signed by all nine members of the Minsk Group. However, the coup in Azerbaijan, the emanating concerns of the Karabakh leadership about the impending chaos fueling threat to their republic, as well as loss of faith in the CSCE and credibility of its mediator doomed the “9-plus-1” plan. Meanwhile, Agdam, another major city in Azerbaijan fell to the Karabakh Armenians.

Yet, another important development in the process of negotiations in this period was the “side-lining” of Russia for its unilateral and biased approach to the issues by establishing, for

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647 This formula shortly after was changed to “Three Plus One,” which referred to the three parties to the conflict, Armenia, Azerbaijan, Karabakh and the CSCE. See Monthly Digest, June 1993, ii.
648 Nine referred to the members of the Minsk group mentioned above, f. 211.
the first time, co-Chairmanship\(^{650}\) for the negotiations. This decision put an end to the unitary control of Russia on the negotiation processes. Ever since the CSCE Budapest Summit,\(^{651}\) i.e., December 1994 to the present, the Armenian-Azerbaijani negotiations are conducted through the mediation of the Co-chairs (France-United States-Russia).

**B. South Ossetia:** Georgia in the early 1992 was on the verge of an all out civil war. The territorial integrity of the republic was seriously challenged. The two main conflicts of Abkhazia and South Ossetia, having declared their intention to secede from the Republic had also declared independence. The Autonomous Republic of Ajaria was manifesting signs of unrest, threatening to follow suit. Other regions of Georgia were in volatile situation. The government of Georgia barely had full control on its territory beyond its central province, including the capital of Tbilisi. With the shadow of civil war over his shoulders, President Edward Shevardnadze solicited the assistance of Moscow in return for some concessions, i.e., recognition of the territorial integrity of Georgia for acceptance of the by Russian bases to operate in its territory.\(^{652}\) A ceasefire agreement with South Ossetia was signed in June 1992. This agreement resulted in the creation of a) a tripartite “peacekeeping force” (Russia, Georgia, South Ossetia), and b) a quadripartite Joint Control Commission (JCC) (Russia, Georgia, South Ossetia, North Ossetia-Alania).\(^{653}\) The latter continues to exist as the main instrument for the continuation of the Georgia-South Ossetia negotiations. A glance at the combination of the

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\(^{650}\) The idea of having Co-Chairs, which continues to this day, was concluded during the CSCE Council of Senior Officers during the Budapest Summit in December 1994. The Russian Envoy Kazimirov and Sweden’s Andre Bjuner assumed the Co-Chairmanship of the Minsk Group. *RFE/RL, Daily Report*, December 7, 1994, p. 1.

\(^{651}\) In the Budapest Summit, December 1994, CSCE was officially changed to OSCE (Organization on Security and Cooperation in Europe).

\(^{652}\) The issue of the Russian bases and their removal from the territory of Georgia has become one of the main agenda items of the newly elected president Mikayel Saakashvili, who took power after the “Rose Revolution” on 2 November 2003.

\(^{653}\) For the text of the ceasefire agreement see, CSCE Communication No. 228 of August 1992. Annex II.
members of the JCC will clearly indicate that it was doomed to fail, because of its potential for partiality.

Thus, at the request of Georgia, the OSCE was invited to become involved. Shortly after, the OSCE created a Long-Term Mission\textsuperscript{654} and soon became operational in December 1992, headquartered in Tbilisi. The mandate of the Mission, which is the Georgian-Ossetian conflict settlement process, includes the following activities:

Facilitation of the creation of a broader political framework, within which a lasting political resolution of the conflict can be achieved on the basis of the principles and declarations of the OSCE.

Active encouragement of dialogue between all sides to the conflict by means of roundtable discussions, with the aim of identifying and trying to remove sources of tension and providing political reconciliation across the lines of conflict.\textsuperscript{655}

The mandate of the Mission expanded with the consent of the parties involved to facilitate cooperation with among the parties to create a Joint Peacekeeping Force (JPKF) and deploy them into the Georgian-South Ossetian zone of conflict under the Sochi Agreement of 24 June 1992. Shortly after the “Pentagonal” (OSCE, Russia, Georgia, South and North Ossetia)

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negotiations commenced. In 1995 the Georgian Parliament adopted a new constitution that left open the question of Georgia's territorial and administrative structure in relation to South Ossetia (as well as Abkhazia). President Shevardnadze proposed a federal solution.

In October of the same year, the parties to the conflict developed a document known as the “Memorandum on Measures to Ensure Security and Reinforce Mutual Confidence”. Bilateral talks led to the signing of a document in Moscow in July 1996, a framework agreement officially titled the "Memorandum on Measures to Provide Security and Strengthen Mutual Trust Between the Sides in the Georgian-South Ossetian Conflict”. Among some of the important points of this latter are:

a) Georgia’s acceptance of special links between the two Ossetias (North and South);
b) Modalities of a constitutional autonomy status for South Ossetia;
c) A mechanism of international guarantees.\footnote{This framework ensued a series of negotiations in progress since 24 February 1999 in Vladikavkaz (SEC.FR/722/99), followed by Java/South Ossetia (September 1999 and May 2000, SEC.FR/24/00); Baden, Austria (June 2000, SEC.FR/399/00); Vienna (September 2000, CIO.GAL/86/00); Bucharest (September 2001, SEC.FR/695/01); Castelo Branco/Lisbon (October 2002, SEC.FR/619/02), and the Hague (October 2003)}

These proposed measures were followed with rounds of negotiations all of which have proven fruitless. Meanwhile on May 16, 1996 Georgia changed the official name of the region from South Ossetia to Tskhinvali, which is also the name of its administrative center.

Later, the OSCE opened an office in Tskhinvali, the capital of South Ossetia. Today, The OSCE, in addition to its main offices in Tbilisi has two field offices one in the two conflict regions (Abkhazia and South Ossetia) and four monitoring bases on the Georgian-Dagestan-
Ingushetia borders. The OSCE Mission developed two main documents, the first focusing on the status of South Ossetia, guaranteeing it an extended autonomy, should it recognize the territorial integrity of Georgia, and the second “Intermediary Document” delineating the principles and guidelines for the final settlement of the conflict.

As in the case of Abkhazia, the role of Russia as an impartial negotiator in the Georgian-South Ossetian conflict is questioned by the Georgian side. Russia is accused of a number of things, among them “illegal” military support to South Ossetia (through the Roki tunnel); issuing Russian passports to South Ossetian, thus making them Russian citizens providing the pretext to interfere directly in the South Ossetian affairs should their safety be endangered; having its military and security apparatus personnel in high positions of the South Ossetian government; and a number of financial support mechanisms, i.e., budget, and privileges such as simplified visa regimes. All the above issues are sufficient to build a case against Russia as impartial partner in the negotiation process. Furthermore, it provides Georgia with enough evidence to view the Georgian-South Ossetian conflict as a) non-ethnonational, rather territorial and political conflict, and b) where the “real” parties to the conflict are the Georgians and the Russians rather than the Georgian and South Ossetians.

The four monitoring bases include the Monitoring bases of Omalo (June 2000), Girevi (June 2000), Shatili (February 2000), and Sno (January 2000).

As the official documents of the OSCE show, it has consistently reaffirmed Georgia’s territorial integrity: See, Rome Ministerial Council (1993, Par. I.2.1); Budapest (1994, Ch. II, par. 1); 1996 Lisbon Summit Declaration (par. 21); Istanbul Summit Declaration (1999, par. 15); Bucharest Ministerial Council (DEC/2, 4 December 2001).

This measure has resulted in the coinage of a new term “passportization” which is also viewed by the Georgians as one of many links in the perceived annexation scheme of South Ossetia by the Russians. In this process, one can also find Georgia partially responsible as in the 1990s it refused the granting of the UN passports to the residents of Abkhazia, which resulted in Russia’s offering the Abkhazians passports issued by the Ministry of Foreign Affairs of the RF.
The JCC format of negotiations has apparently run its course. The negotiations between Tbilisi and Tskhinvali are deadlocked. The retooling of the JCC framework is unavoidable. The only way out of this situation is reformatting of the negotiations process. Georgia would like to see deeper involvement of the OSCE, EU and the US in the process, which would mean moving from bilateral (Tbilisi-Tskhinvali) to multilateral mediation/negotiation format, to which Georgia refers to as the framework of “Delegations Empowered with Special Authority under the patronage of the OSCE with participation of the U.S., EU and Russia as facilitators and guarantors of peace.”

In the recent years (2004-2007) a number of peace proposals have been introduced by both parties as well as the OSCE. However, they have all been unilateral, and have either been rejected by the other side or fallen short of accomplishing anything significant. While Tbilisi has offered a number of plans geared toward confidence building measures, Tskhinvali insists on addressing the status of the South Ossetia first, and then move on other issues. In its turn, OSCE, too has introduced its own plans, all of which have failed to produce and progress or breakthrough in the process.

1. Georgian Proposals: In 2004 Georgia offered a plan which for confidence building, demilitarization, and rehabilitation and development of the conflict zone. Later in January 2005 the president of Georgia Saakashvili, after his address and the UNGA (September 21, 2004), unveiled a three-stage plan again focusing on confidence building, demilitarization, law enforcement, greater international role and autonomy for South Ossetia. Months later, going

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660 The idea of “Special Authority was set up by Edward Shevardnadze and Ludwig Chibirov in August 1996 which foresaw a much broader format of talks than JCC, which never materialized until today when it is brought up by President Saakashvili again.
even further, he offered the region a level of autonomy surpassing the one South Ossetia enjoyed under the Soviets.\textsuperscript{661} These offers were followed by “detailed road map for the stage by stage implementation of the peace plan”\textsuperscript{662} under a certain timeline, which was introduced by the Georgian Prime Minister Noghaideli and presented at the OSCE Permanent Council in October 2005. Georgia appears to be in favor of further expansion and inclusion of more international players in the conflict management process.

\textbf{2. South Ossetian Proposals:} In December 2005, Kokoity, the president of the \textit{de facto} South Ossetian Republic, proposed his own peace plan.\textsuperscript{663} It too consisted of three stages: demilitarization, confidence building and security guarantees; social and economic rehabilitation; and political settlement. In addition, he proposed the establishment of a joint South-Ossetian-Georgian conflict resolution plan. This latter was welcomed by the Georgian side.

A brief glance at the above proposals shows a number of common issues and approaches, which are shared by both sides. However, it appears that two things, distrust, lack of political will, and actions taken by Georgia (e.g., militarization) and the strain in Georgian-Russian relations have led to the stagnation, which in turn has translated in lack of progress in the process. There remain the possible roles played by the JCC and OSCE, neither of which has managed anything other than holding consultative meetings with the EU, US, Russian representatives.

\textsuperscript{661} See Saakashvili address, Parliamentary Assembly of the Council of Europe, 26 January 2005 at \url{www.president.gov.ge} (accessed on March 18, 2006).

\textsuperscript{662} This report was presented at the OSCE Permanent Council in October 2005. See “Georgia’s Action Plan: On South Ossetia: A Test for the International Community,” in \textit{Jamestown Foundation} v. 2, no. 219 (23 November 2005).

This situation is very similar to that of the Nagorno-Karabakh conflict where, while Azerbaijan insists on a step-by-step solution to the conflict while the Armenian side insists on a package deal approach, in which the status of Nagorno-Karabakh has priority. Like Azerbaijan, Georgia is willing to grant the widest autonomy rule possible to South Ossetia without compromising its territorial integrity. As a result no tangible progress has been possible to be made. In addition to the above approach, there appears to be a discrepancy in perceptions of the parties to conflict on a number of issues pertaining to threats to security of their respective territories.

Complicating the picture, in the recent years, 2007 in particular has been growing number of incidents in and around the de facto region of South Ossetia, from growing rate of criminal activities to skirmishes, to shelling of villages and sporadic clashed with the Russian peacekeepers to unsanctioned flight in the region which Georgia considers them violations of its territorial space. And finally, the peace keeping forces (JPKF) which were credited with bringing stability and control to the region, especially since their inception in 1992 to 2003, though an essential component of the entire conflict management process is beginning to lose its credibility in the eyes of the Georgian, in particular, for its presumably biased approach to their mission.

The latest development in the conflict negotiation process has been the emergence of Grigory Sanakoev, an opposition candidate for the presidential elections (12 November 2006). This development, which for the first time in the conflict’s sixteen year history is to create a rift in the de facto state’s authority, is ripe with unpredictable consequences. While the present authority under Edward Kokoity enjoys the backing of Russia and pushes for the unification with
North Ossetia-Alania located in the Russian territory, Sanakoev pledges allegiance to Tbilisi and aspire for returning South Ossetia back into Georgia and restore the country’s territorial integrity. Thus, as a result, South Ossetia has “two” presidents, one duly elected in the presidential elections, which incidentally also conducted a referendum affirming their overwhelming will to secede from Georgia, and a second administration, under Sanakoev, which has emerged as an “alternative president”. Eventual clash between the two administrations, political or military is unavoidable. Depending on the development of events, it will certainly draw in their respective sponsors, Russia and the government of Georgia, respectively which will result in the deepening of the conflict with prospects of the eruption of the military clashes between the two sides.

The South Ossetian conflict resolution measures, despite accomplishments made over the past decade or so, have entered an uncertain phase. It appears that mechanism in place either has become or are becoming irrelevant or gradually losing their control as movements from both sides are breaking the trust and confidence building measures established in the previous years. Major factors furthering the deterioration of the situation include, Georgia’s military build up, Russia’s and North Ossetia’s support of Tskhinvali, straining Russo-Georgian relations in light of Georgia’s foreign policy initiatives, including rapprochement with Europe and its institutions, such as NATO, in particular. All of these developments are certain to change the status quo in place for over a decade. Any changes may lead to a new phase of instability, which will be an unwelcome development in the eyes of the international community, European Union in particular. A change in the format of the conflict management and negotiation processes appears to be indispensable before control mechanism in place which has brought some sense of stability to the region collapse and lead to new phase of military confrontation. This would be the last
thing Georgia and its president would like to see whose main ambition and dream spelled in his inaugural speech, is the restoration of the territorial integrity of the Georgina Republic.

**C. Abkhazia:** The first mediation effort between the Abkhaz authorities and the Georgian government took place in Moscow on September 3, 1992. This meeting launched a process which over the years evolved into a series of declarations, issuing of a number of documents and proclamations which can be divided into three distinct periods: 1992-1997, 1997-2000, and 2001 to present.

**1. Phase I -1992-1997:** Shortly after the outbreak of conflict in Abkhazia in August 1992, the UN was among the first to involve and offer its resources to contain and resolve the conflict between the Abkhaz separatists and the government of Georgia. The first meeting aimed in halting all hostilities and military confrontations in addition to the Abkhaz, Georgian and Russian authorities also included the representatives of the Confederation of the Mountain Peoples of the Caucasus. The outcome of this quadripartite meeting was a document the “Summary Resolution” issued on September 5, 1992 calling for a) the retreat of the Georgian forces, and b) deployment of the Russian peacekeeping forces. These efforts proved to be fruitless because of the violations of the ceasefire agreement by both sides.

About a year later, on July 27, 1993, a tri-partite (Abkhazia-Georgia-Russia) document known as Agreement on a Ceasefire in Abkhazia and On a Mechanism to Ensure Its Observance, better known as the “Sochi Agreement” after the resort town where is was signed. It appeared to be the most promising measure to resolve the Abkhaz-Georgian conflict. It laid the foundations for the deployment of an international peacekeeping force under the aegis of the UN. This force as part of
the United Nations Military Observer Mission in Georgia (UNOMIG) in conjunction with the
Russian troops in a force of the CIS took the responsibility for monitoring a cease-fire between the
secessionist forces of the Abkhaz and the Georgian military and peacekeeping, respectively. Thus,
the UN assumed the role of the peacemaking in the conflict through a group called Friends of
Georgia, and Russia as “facilitator”. These two entities played and continue to play a major role in
efforts to bring resolution to the conflict in Abkhazia, and warrant some discussion.

**Friends of Georgia:** The Friends of Georgia, formed in 1993 on the initiative of France
includes Germany, the United Kingdom, the United States, and Russia as states considered to have
“direct concern” in Georgia. Later, the Friends considered the possibility of including Denmark,
Sweden, and Italy, but it was decided to remain limited to the original five. In 1997 it was renamed
the Friends of [UN] Secretary-General for Georgia, which shortly after from 1998 became more
engaged in the conflict in Abkhazia. Despite their goodwill and constructive intentions in bringing
the conflict to a peaceful resolution, their efforts proved ineffective, because of the opposing
positions of its members on the Abkhazian conflict. The Friends of Georgia invested a lot of
diplomatic capital and introduced various mechanisms to transform the conflict negotiations to a
more manageable state. However, they were never able to gain the trust of the Abkhazian
authorities. From the outset, as manifested by the name of the group (Friends of Georgia), their
efforts as UN members was geared toward ensuring a) territorial integrity of their fellow member,
Georgia, b) its sustained development subordinate to their common goals in securing the stability of
the South Caucasus, a corridor to huge energy resources of the Caspian Sea and beyond. Over the
years (1994-2000) as the number of envoys from the countries with stakes in the region,
representing various entities (e.g., NATO, EU, etc.) grew and succeeded each other, conflicting
positions of these external actors in pursuit of their national interests in the region became more evident and often grew sharper. In the meantime, in addition to their individual interests in the region, the Friends were caught in a dilemma. As the members of the UN, on the one and they had to consider the right to self-determination, engrained in the organization’s charter, and on the other hand, as mostly representing predominantly Western European countries and permanent members of the UN Security Council (with the exception of Germany), they had to respect the resolution adopted by the Council and also defend the territorial unity and integrity of their member country. And finally, the initiative, viewed from the Abkhazian perspective, is understandably deemed biased. As a de facto state, Abkhazia is not a UN member, thus it does not enjoy the institution’s support and lacks mechanisms available for Georgia. Furthermore, unlike some separatist, rebel or resistance groups (e.g. Western Sahara, TRNC, Palestinian Authority), Abkhazia does not have a “diplomatic” quasi-representation at the UN in New York, and thus it is deprived of direct and on-the-spot contacts with corresponding bodies when necessary. Therefore, from day one of the conflict, the Abkhaz considered the Friends to be on the side of the Georgia and only manifest superficial interest and concern for the their positions. Of all members of the Friends of Georgia, Russia is in a peculiar situation, and because of its historical legacy in the region and geopolitical interests, plays a specially complicated role both as a member of the Friends and a peacekeeper.

**Russia and the Friends: A Facilitator?** In order to understand Russia’s position in the Georgian conflicts in general, and that of Abkhaz in particular, one has to appreciate the wide spectrum of their interests in the South Caucasus, before one can assess their adopted position in both conflicts.
Russia considers South Caucasus its zone of influence for geostrategic, geopolitical, geoeconomic reasons on the background of its historical legacy in the region since mid 1700s. The region, a former USSR periphery region is considered, to use a term coined by Boris Yeltsin, “new abroad,” where Russia has vested interests, among them the security of its citizens, which now constitute part of the Russian Diaspora. Because of the complexities presented by the above factors, in the course of the Abkhaz-Georgia conflict, we have seen Russia walking on a very fine line, mostly viewed favorable to Abkhazia. The UN Security Council Resolution 937 (July 21, 1994) granted emerging role to Russia in Abkhazia, which in collaboration was mandated to become the main guarantor of security along the ceasefire line. From the conflict management and negotiation point of view this move, in the absence of alternatives available for the UNSC members, and any other international and/or regional entity to assume a controlling role, inevitably led to the situation which the conflict is in today. Russia’s role both as a member of the Friends and I charge of the peacekeeping contingents is viewed with a growing skepticism and distrust by Georgia in particular and other members of the Friends. Furthermore, with every passing day, the growing rift among the members of the Friends becomes evident. Time has proved that Russia, through its behavior manifested throughout the conflict, was and has become, although indirectly, party to the Abkhaz-Georgian conflict than remain a neutral negotiating third party. Some even view both the Abkhaz and South Ossetian conflicts as two international conflicts between Russia and Georgia.

**The Sochi Agreement:** The “Sochi Agreement” proved to be short-lived. It was rendered void as the Abkhaz forces captured the capital of the autonomous republic, Sukhum(i) on September 27, 1993. The escalation of the conflict hastened the convening of yet another international meeting, this time in Geneva where the parties to the conflict agreed on two important
things. Under a “Memorandum of Understanding” the parties agreed on two important measures: a) the parties to the conflict agreed to move from the military confrontation to the political arena in resolving the conflict, and b) all negotiations and resolution measures would take place under the aegis of the UN and the CSCE. The document making the above decisions official called Declaration on Measures for a Political Settlement of the Georgian-Abkhaz Conflict was signed in Geneva on April 4, 1994. However, perhaps more important than the above general aspects, were the contents of the Agreement. In accordance with the provisions of this document, Abkhazia was granted the right to have “its own Constitution and legislation and appropriate States symbols, such as anthem, emblem and flag,” [Art. 6] also power sharing between the Abkhazia and Georgia and joint actions in six areas, among them foreign policy and economic ties, and border guard arrangements. As the issue of the refugees and IDPs was a measure concern for both sides, the Georgia, in particular, on April 4, 1994, under the aegis of the UN and the UNHCR signed the Quadripartite Agreement on Voluntary Return of refugees and Displaced Persons.

The concluding measure of the first phase came on May 11 1994 with the establishment of a standing committee, known as the Coordinating Commission (CC). Immediately followed by the Moscow Agreement On a Ceasefire and the Separation of Force (14 May 1994), both sides with the participation of the UN and CSCE representatives. With the establishment of the CC, and the signing of the Moscow Agreement, the confrontational phase of the conflict came to an end and the

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665 Composed of 11 points the Quadripartite Agreement requires the signatories to prepare a “repatriation program in accordance with the UNHCR principles and guidelines as well as program for the rehabilitation/ reconstruction and repair of the infrastructure under the supervision of the CSCE representative and mission personnel in Georgia.
negotiating and political phase began. Under its provisions (8), the CC considered a “transitional” body, was charged with addressing practical aspects of the life (e.g. energy, transport, communications, ecology, etc.) [1]. The Moscow Agreement on its turn created a Security Zone of about 12 km (16 miles) for the separation of the military units and the deployment of the Commonwealth of Independent States Peacekeeping Forces (CISPKF). The Moscow Agreement and the establishment of the CC marked the beginning of the “frozen” stage of the Abkhaz-Georgian conflict.

2. Phase II - 1997 – 2000: After a four-year gridlock, fresh attempts were made to “de-freeze” the Abkhaz-Georgian conflict. After a series of meetings under the aegis of the UN Security Council Special Representative to Georgia, Liviu Bota in Geneva, a new entity called the Coordinating Council of the Georgian and Abkhaz (CCGA), including representatives from the UN and the CSCE was established. Known as the Geneva Process, the Council set up three working groups to address issues crucial to the conflict. These include security and non-resumption of hostilities, IDPs and refugees, and social and economic issues. On July 11, 2000, during the 10th session of the Council in Sukhumi, the parties to the conflicts signed a Protocol on the Stabilization of the situation in the Security Zone. This 11-point Protocol was shortly after followed by the “Gali Protocol” (May 3, 2000) to expedite the refugee and IDP resettlement measures. Parallel to these measures, in the course of three years (1997-2000) various follow up meetings were held aimed to build up confidence between the two adversaries a number meeting followed.

666 In addition to the signatories, Georgian State Minister, Georgy Arsenishvilio, and the de facto Abkhaz Republic Prime Minister Vladislav Tsugha, present at the meeting were, the Special Representative to the UN GS and the CIS peacekeeping forces.

667 The Athens Meeting (October 16-18, 1998); the Istanbul Meeting (June 7-9, 1999; the Yalta Meeting (March 15-16, 2001). This last meeting was held with the mediation and initiative of the Ukraine See, Mylyta Kasiainenko, “Ukraine Helps Georgia and Abkhazia Take First Steps Toward Peace,” The Day, No. 9, March 20, 2001.
The efforts of Bota proved to be significant in two ways. First, by establishing the Geneva Process, the Abkhaz-Georgian conflict became internationalized. Elevating it into a higher level, the process relatively mitigated the role of Russia. Also, consequently, his efforts, as is shown below, paved the way for the involvement of another unofficial entity, the Friends of the UN Secretary General in the Abkhazian conflict.

3. Phase III - 2001-2007: This period is marked with new initiatives. The Friends of the UN Secretary General developed new proposals. The fruits of their work known as the Boden Document, after Dieter Boden, the UN SG’s Special Representative for Georgia, was a document titled Basic Principles for the Distribution of Responsibilities between Tbilisi and Sukhumi. The purpose of this document was to establish a division of power regime between the Georgian and Abkhazian authorities. The details of this document, secret until January 2002, were not fully accepted by the Abkhazians, because they found some of its provisions in contradiction with the earlier documents, the Declaration of April 4, 1994, in particular.

The Boden Document has continued to be the dominant initiative for the past three years (2003-2005). However, as recently as January 2006, Russia one of the main contributors to the process announced that it no longer considers the Boden Document “appropriate basis for talks on resolving the Abkhaz conflict.” On his turn the Sergei Bagapsh, the president of the de facto Abkhaz republic, announced in a letter to the UN Security Council that the so-called

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668 The Friends of the Secretary-General is a self-appointed group consisting of the United States, the United Kingdom, France, Germany, and Russia.
“Boden Document is unrealistic and unworkable.” The statements of President Putin of Russia during his press conference (31 January 2006) where he spoke for the need for "universal principles" to settle "frozen" conflicts such as the one in Kosovo or those in Abkhazia and South Ossetia, raised a number of issues and made other very clear as Russia’s stance vis-à-vis the conflicts in Georgia are concerned. He said:

We need common principles to find a fair solution to these problems for the benefit of all people living in conflict-stricken territories.... If people believe that Kosovo can be granted full independence, why then should we deny it to Abkhazia and South Ossetia?

I am not speaking about how Russia will act. However, we know that Turkey, for instance, has recognized the Republic of Northern Cyprus. I do not want to say that Russia will immediately recognize Abkhazia and South Ossetia as independent states, but such precedent does exist.  

This statement is a clear indication of change in Russia’s position in regard to the “frozen” conflicts in the South Caucasus. One has to note that the omission of the other two “frozen” conflicts on the CIS landscape, that is, Transdniester and Nagorno-Karabakh from Putin’s remarks are not accidental. Also, such a statement can also be referred and applied to other conflicts of similar nature, such as Chechnya which remains to be completely and justly settled.

4. Phase IV –2007-Present: The “Rose Revolution” of November 2003 exposed to the world a Georgia plagued with deeper domestic political issues. To the outside world it shed a light of optimism in resolving its “frozen” conflicts under the reform-minded leadership of its young and energetic President Mikhail Saakashvili. However, with his commitment and statements made during his inaugural speech promising the Georgians to reestablish Georgia’s territorial integrity and broader independence from Russia, as a central goal of his presidency, he

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671 Ibid.
672 Ibid.
inadvertently, planted the seeds of deeper and stronger resilience and commitment among the political elites of both Abkhazia and South Ossetia to reaffirm their commitment to complete independence and separation from Georgia. Furthermore, its pro-U.S. and West-oriented policies, open acknowledgement of interest in joining NATO and other European institutions, which translates into gradual distancing from Russia, has deepened Georgia’s problems. The brutal crackdown of the movement, declaration of the emergency rule, banning of their institutions, i.e., media, papers, broadcasting agencies, though lasting for a short couple of weeks, have already damaged the reputation of the Georgia as a young western style democracy. These developments put more serious issues on the Georgian political scene, putting in question even the ability of the government to secure the integrity of the country, let alone be able to gain the confidence of the de facto states of Abkhazia and South Ossetia and conduct just and fair negotiations with them. These events constitute a major setback for the resolution of the conflicts, which will evolve in favor of the conflicts territories.
X. Summary and Concluding Remarks

The research presented here outlined the origins of three ethno-national entities in the Transcaucasus since the earliest days of the formation of Soviet Union, and traced their evolution as sub-units within their respective titular states leading to their eruption as ethnic conflicts during the final days of the Union. Drawing on historical, contextual, and legal dimensions, it presented the causal factors behind each conflict. The collapse and disintegration of the Soviet Union and the inability of its politically defunct institutions and leadership led to the involvement of foreign actors in the former Soviet territory with the hope of harnessing the conflicts to bring a final resolution acceptable to all parties. A tentative ceasefire which resulted in a fragile “no war, no peace” situation continues to this day. Labeled as “frozen” conflicts, for lack of progress and/or stagnation in mediation efforts, the passage of time ushered all three conflicts to a more complicated phase. Today, almost twenty years later, the three selected conflicts-turned *de facto* states, have become deniable realities in the region. Unresolved, the three conflicts pose a serious threat to the security and stability of the South Caucasus, an emergent sub-region on the crossroads of major power rivalries, and regional and international interests.

In this study I argued that the third party mediation efforts to resolve the three South Caucasian conflicts since mid-1990s have proven fateful in the establishment and strengthening of the three *de facto* states. Based on the available and emerging body of evidence, this study concludes that measures to deconstruct these *de facto* states and re-incorporate them back into the Soviet period boundaries of their titular republics will prove impractical and unrealistic. The limited and challenging options are ripe with serious ramifications for the three young republics.
of the region. The efforts of the three de facto states in gaining de jure recognition will prove crucial. If successful, they will raise new sets of questions legal and political for the world community. Parties to future ethnonational and ethnoterritorial conflicts will approach the third party negotiators with utmost caution in the future with the knowledge and experience of the above and similar cases in their mind.

The hypothesis put forth for this study argued that certain ethnic conflicts (independent variable) within an ethno-nationally defined territory and political leadership, under certain political conditions, such as the disintegration of empires and/or colonial powers will evolve into statehood. The inter-mediate variable for this study was the conflict management and mediation efforts. Aimed at bringing a just and lasting resolution to all three conflicts in this study, I argued that the efforts adopted in resolving the conflicts, served as unintended catalysts for the three ethno-national/territorial conflicts to evolve into full-fledged de facto states. The summary conclusions of this study are presented in three sections below:

a) ethno-territorial conflicts in the post-Soviet periphery;

b) conflict management, mediation and resolution efforts; and

c) the rise and evolution of de facto states.

I. Ethnonational Conflicts in the Post-Soviet Periphery: The three conflicts selected for this study share a common character which distinguishes them from those raging in other parts of the world: the Soviet system and its legacy. Close to eight decades of the Communist rule, aimed at homogenizing and shaping the lives of its numerous groupings: racial, ethnic, religious, linguistic, and cultural, outfitted them with common features: ideological, economic, political, cultural, which overarched individual ethnic group’s specific characteristics. However, as history
stands witness, the Soviet experience failed in fulfilling its promises in almost all fronts. It cost
the system its demise and disintegration as a result of which its fifteen constituent Union
republics regained their independence and joined the community of free nations.

Two main instruments, the nationalities policies and administrative-hierarchical
stratification of ethnic constructs in the Soviet system played a major role in the homogenization
efforts in the Soviet Union. However, ethno-territorial constructs and boundary demarcations
(arbitrary and premeditated), over time, led to unintended consequences. Distinct national and
ethnic identities were forged in some regional and sub-republic administrative units. Ethno-
demographic realities and intra-republic policies, in their turn, also contributed to this process as
well. In the case of the three entities selected for this study (two autonomous regions and one
autonomous republic), measures from above coupled with those adopted by the authorities on the
union republic level, led to the strengthening of ethnic groups’ positions. In reaction to
suppressive measures and assimilationist policies, over decades, ethnic aspirations hardened.
Several attempts during the Soviet rule to mitigate the situation or address the wrongs of the past
proved unsuccessful. Only the collapse of the Soviet Union provided the opportunity for them to
manifest openly.

The precipitating factors behind the mobilization of each conflict in the last days of the
Soviet Union varied, because of the specific nature of each conflict and reaction they received at
the initial stages of the disintegration of the Soviet Union. The Abkhazian and South Ossetian
countlicts were triggered by ultra-nationalistic domestic policies adopted by the newly
independent Georgian republic. The Nagorno-Karabakh conflict erupted as a result of the
reaction of the Azeri government to the adoption of a resolution by the regional Supreme Soviet
of the enclave to unite with Armenia. Thus, while the conflicts in the Georgian territory evolved as entirely domestic and intra-national ones, the Nagorno-Karabakh conflict, from the outset, turned into an inter-national low-intensity armed conflict between the Armenia and Azerbaijan. All three conflict entities asserted their rights to self-determination (external), demanding secession on two grounds by: relying on existing international legal provisions and charters as justification and rationale for their inalienable rights; and domestic legal provisions provided under the Soviet Union Constitution and amendments adopted in the final days of the Union. The December 1991 resolution adopted by the Supreme Soviet of the USSR prepared the ground to pursue their secessionist aspirations under the umbrella of their internationally sanctioned right to self-determination. Thus, with the Soviet Union dissolved and the newly independent states emerging, all three conflicts evolved in two forms. They were transformed from an internal Soviet dispute into a) intra-state conflicts (Abkhazia, South Ossetia), and b) intra-state/low-intensity conflict (Nagorno-Karabakh) in their respective metropolitan states in the South Caucasus.

Perhaps the most distinct feature of the three conflicts was their relatively quick declaration of independence. This bold political move transformed them from an internal conflict into a secessionist movement with international ramifications. They introduced a new and unanticipated twist in the international relations. This was a move that the neighboring and regional countries could not remain indifferent, in particular in a “fluid” and emergent region. A brief survey of other ongoing conflicts around the world indicates that very few traveled this path and those, which reached; it usually took them a long time to mature and reach that phase. This relatively quick transformation of the conflict regions into de facto states should be credited to pre-existing political-administrative structures in place in the Soviet Union, which facilitated the
state-building processes, accelerated the consolidation of the state structures and institutions, and perhaps more importantly, helped the shaping of new ethno-national identities and mindset in each of the conflict regions.

Of the three conflicts, Abkhazia and South Ossetia did not manifest any direct aspirations for independence at first. The reasons behind their mobilization were entirely domestic in nature. They only reached their climax as a result of the ultra-nationalistic policies of the post-Soviet independent Georgia. However, the case of Nagorno-Karabakh, from the outset, was a movement aimed directly at Moscow seeking reunification with Armenia. It was only after the failure of peaceful legislative appeals, their instant rejection, and subsequent developments on the ground that made the enclave to retract its reunification appeal with Armenia, and choose to declare independence and secede from Azerbaijan. From 1991 to 1994, all three enclaves were engulfed in direct military confrontations with their titular state armed forces and the signing of the ceasefire agreements between the conflicting parties in early 1994.

The other perhaps most important facilitating factor was the Soviet political-administrative hierarchy and legacy. Unlike ethnic conflicts in other parts of the world, where it usually takes significant time and effort for the leaders of the parties to a conflict to coalesce and develop institutional structures, the post-Soviet ethnic conflicts in this study utilized the Soviet legacy to their advantage in three distinct areas: territory, pseudo-state structures (autonomous republics, regions), and distinct ethnogenetic identity.

Under the principles adopted in the USSR constitution, various administrative entities, depending on their position in Soviet stratification system, were granted certain level of
autonomy within a specific territorial boundary. Over decades, all autonomous republics and oblasts of the Soviet Union shaped “national” identities unique to their individual ethnoterritorial entity. In the case of Nagorno Karabakh, with overwhelming majority Armenian population and culture, the ethno-national identity hardened despite the tense relations over decades under the Azeri rule. The Abkhazians, although not a majority in their own land, had retained their identity as an ancient people. And, the Ossets, as an ethnic and linguistic entity, considered themselves a distinct group with ancient roots. Thus, ethno-territorial distinction of each entity helped shape and evolve a sense of ethnic distinctiveness with the boundaries of their respective autonomous enclave.

All three ethno-national movements benefited from the structures and institutions established under the Soviets. Under the Soviet administrative hierarchy, individual autonomous entity, though with certain constitutional restrictions, were run like a government. They had the three branches of the government (judiciary, executive, legislative), governmental apparatuses, e.g., ministries, and resources (e.g., financial, military contingents) to mobilize their populace. All of these structures in conjunction with the leadership and enclave-level political and military elites proved extremely useful during the violent phase of the conflict and afterwards. They facilitated the mobilization of the masses, control of the resources and territory, and communication with the outside world as one united body. Upon declaring their independence, they began instantly to function as state with all their attributes, though unrecognized by the rest of the world. Today sixteen years after their declarations of independence, all three republics are engaged in feverish state- and nation-building processes in all spheres, juridical, political, cultural, and economic with established representative offices (quasi-legations) in several countries. Some of these specific aspects will be discussed in the third section of this section.
II. Third Party Conflict Management and Negotiations: The South Caucasus was the first territory in the Soviet Union to engulf in violent ethnic conflicts. It was also the first region where external actors entered to intervene and mediate between the conflicting parties. The disappearance of the “center” created a vacuum, which coupled with the inherent weaknesses of the three newly established republics (Armenia, Azerbaijan, Georgia) made the resolution of the conflicts impossible, thus making the outside involvement indispensable. The three republics had no alternative but to accept the third party mediation offers. Over the past fifteen years, mediation processes have been conducted on various levels and degrees of intensity. However, all processes are yet to produce results, and the three conflicts remain far from being resolved. The conclusions and observations made on resolution efforts in this study are presented in two levels: general and specific, that is, the general dimensions of the negotiation process, the specifics of each conflict, respectively.

A. General: In this study I identified six factors, which make the resolution of these conflicts extremely complicated. These factors included: the ethno-territorial and separatist nature of the conflicts; geopolitical and geostrategic status of the South Caucasus: the evolution of emergent sub-region; common Soviet legacy; transitional period of the three titular states; developments in Europe to which all three are a part of; and finally, the “frozen” nature of the conflicts since early 1990s and their evolution into a de facto state.

In reaction to the dynamics of the conflicts, the mediation efforts went through two main phases: internal (national, i.e., Soviet Union) and international. This change is the reflection of transformation and evolution of the three conflicts, as well as the changes in the political landscape emanating from the disintegration of the Soviet Union. The internal phase lasted for a
very short period of time, from the outbreak of ethno-national movements in almost all fifteen
Union republics under perestroika and glasnost to the fall of the Soviet rule (1988-1991). The
international phase, ongoing to this day since 1991, went through three stages.

First Stage: This phase of mediation by international personalities lasted for a very brief
period. From the outset, individual mediators had no chance in succeeding in their efforts to
resolve the conflicts, because of a) complexity and the nature of the conflicts, b) their
unfamiliarity with the realities in Soviet system, c) their credibility, and finally d) the dizzying
pace of the changes resulting from military operations on the ground. These conflicts were
beyond the abilities and resources of an individual no matter how prominent and skilful to come
up with a solution acceptable to all the parties involved. All efforts were destined to fail, because
of the lack of trust in the negotiator, and the lack of support of the regional and international
institutions, and neighboring countries.

Second Stage: Mediation by regional powers, i.e., Russia, Iran, Turkey. This effort also
proved fruitless. The immediate regional powers and neighboring countries could hardly be and
remain neutral and unbiased in their propositions. A number of elements shaped the mediating
state behavior. These included:

a) regional rivalries,

b) the geopolitical, geostrategic and geo-economic interests of the three
immediate neighbors of the South Caucasus (Russia, Turkey, and Iran);

c) “fluid” nature of the South Caucasus as an emerging sub-region;

d) complex historical legacy of all parties to the conflicts involved: internally,
within the boundaries of their respective titular countries (Abkhazia and South Ossetia vis-à-vis
the Georgian government; Nagorno-Karabakh vis-à-vis the government of Azerbaijan); and externally within a broader context of Soviet experience (Armenia-Azerbaijan-Georgia). And finally;

   e) the bi- and multi-lateral history of the mediating countries (Turkey-Iran, Turkey-Russia, Russia-Iran) with the parties to the conflict.

   Of all the neighboring countries with stakes in the region, only Russia has prevailed. As a major mediating actor, Russia exerts tremendous influence on the course of mediation process concerning all three conflicts, because of its historical legacy as an emerging global power, and vast resources: political, economic, and military. On a secondary level, however, one cannot completely disregard or underestimate the power and influence of the other two regional powers, Turkey and Iran. The strategies adopted by these two states can be viewed as varying from defensive (e.g., spillover effects, refugee problems) to offensive (i.e., strategic, geopolitical and geoeconomic interests). No matter how “good” their intentions, because of their historical and complex relations or lack there of with the three South Caucasian countries, they could not act as neutral brokers and/or mediators. Thus, proposals made by them, if welcomed and accepted by one party were rejected by the other, blocked by Russia or sabotaged by secondary or tertiary external force.

   **Third Stage:** Mediation by international organizations, such as the UN and CSCE/OSCE has emerged as the only viable option, although it is yet to produce tangible results in the case of all three conflicts.
It did not take long for all parties involved to realize that these conflicts required comprehensive and unrelenting involvement of more sophisticated conflict resolution mechanisms, such as international organizations and institutions. There were three main reasons behind their appeal and acceptance of regional/international bodies (i.e. UN, CSCE/OSCE): a) immense and multifaceted resources, b) presumed neutrality, and c) vested interest in the security and stability of the South Caucasus.

Regardless of the progress made by the regional powers or lack there of, the international organizations could not remain indifferent, either. First, because the three countries involved (Armenia, Azerbaijan, Georgia) were members of both the UN and the OSCE, thus, they had moral if not legal obligation to mobilize their resources, good offices, and services. Second, they had to safeguard their reputation and integrity as peacemakers. In light of their direct (UN) and indirect (OSCE) involvement in other relatively similar conflicts in the Balkans (Bosnia-Herzegovina, Kosovo, Macedonia), with tentative and relative victories on the horizon, the OSCE in particular, could not remain indifferent to the situation and abandon the South Caucasian republics, its newly joined members. Third, with all the ongoing developments in Europe, i.e. transformation and expansion of NATO, European Union enlargement, the OSCE, in particular, could not remain passive as the long term consequences of such behavior could prove far more costly both politically and economically. And finally, the collective interest of the mediating entities in guarantying peace and stability in the region, the absence of which may have negative consequences for them all.

The involvement of OSCE in the mediation processes of the three conflicts can be viewed on two levels, general and conflict specific. As the first international body to become involved
in the post-Soviet space, the OSCE, in addition to harnessing some of the developments on the ground; first, through the presence of its personnel, introduced some organization and structure to the administration of the processes in general, and humanitarian aspects of individual conflict, in particular. Second, through its various proposals, the OSCE introduced new sets of standards to the negotiation processes. And, third, perhaps more importantly, the OSCE internationalized the post-Soviet conflicts as it directly and indirectly brought to the picture the immediate neighbors of the three South Caucasian countries (Iran, Turkey), the Russian Federation, successor to the Soviet Union; and other major powers, i.e., France, the United States. On a broader scale, the OSCE also serves as a de facto unofficial representative of supranational bodies (UN, Council of Europe, European Union, and CIS) all of which have great stakes in the outcome of the conflicts. The reconfiguration of the economic and political relations of the region, and the emergence of new alliances, predominantly influenced by the energy needs of the West demanded the presence of an organization such as OSCE which enjoys the trust and support of all parties concerned. With Europe as the primary entity concerned with the outcome of the conflicts, one can argue that the OSCE has “Europeanized” the three South Caucasian conflicts.

Despite its positive and major contributions to the three conflicts, OSCE has also had its share of shortcomings, which during the earlier stages of its involvement hindered the process of the conflict resolution. Some of the reasons included the organization’s inexperience in conflict resolution matters and principles, in general in the Soviet context, and second, its true motives. The OSCE is relatively new and inexperienced in the handling of global conflicts. Some of the problems as identified in this research emanate from its [OSCE’s] constitutional and organizational constraints.
The OSCE holds promises for the final settlement and resolution of the three conflicts. The outcome of its efforts may have precedent setting effects for conflicts of similar nature in the future. A number of similar ethno-territorial districts in the Northern Caucasus region of the Russian Federation have their share of disputes with each other, some of which have the potential of erupting into full-blown conflicts.

**Factors Hindering Mediation Progress:** All three “frozen” conflicts remain unresolved after fifteen years of conflict mediation efforts. One can attribute the protraction of all three to several factors, which can be identified as a) intra-conflict territory, b) intra-titular state, c) external, and regional and extra-regional factors.

**a. Intra-Conflict Territory Factors:** The name “frozen” conflict implies the lack of any substantial developments inside the conflict territories. This notion is both wrong and misleading. The territories in conflict are dynamic entities. Like any living entity they evolve and change for the better or worse: demographically, culturally, economically, politically, and militarily. A new generation has also been taking shape with an entirely new national identity and consciousness, parallel to the evolution of a nascent political elite and leadership. With resolute determination for the realization of their cause, i.e., secession and independence, usually, barring adverse developments from the outside such as blockades, embargoes, etc., the conflict territories have been able to sustain and record positive developments.

The three conflict territories have established mechanisms necessary for the advancement of their respective societies, such as social institutions, structures, organizations, and so forth. These developments have strengthened the position of each conflict entity, and enhanced their
self-confidence as they see that their perseverance is generating results. The present “no war, no peace” status quo serves the conflict territories in the short-run. However, the long-run consequences of such a prolongation may prove otherwise as the number of variables, which may contribute negatively to the situation can increasingly go beyond their control.

The three conflict territories have declared independence as *de facto* states. They have established all the necessary institutions to run a society. They act and operate like full-fledged governments with all its attributes. With the track record of over fifteen years, all three have proceeded with promulgating laws and have adopted a constitution. They have conducted elections, municipal, local and national, despite outside world protests. These accomplishments have contributed to the sense of “national” identity and self-actualization. Various aspects of each *de facto* state will be discussed below in the latter part of this chapter.

*b. Intra-Titular State Factors:* The impact of the three conflicts on their respective states (Georgia, Azerbaijan), and indirectly on Armenia, has been costly, both politically and economically. Two major immediately noticeable losses are the human lives and territory. Both Georgia and Azerbaijan have lost the control of significant and strategically important portions of their territory. Armenia, the third state indirectly involved in the conflict in Azerbaijan, has not remained unaffected, either. Direct support of Armenia as a kin state rendered to the Nagorno Karabakh Republic has resulted in blockades by Turkey and Azerbaijan, and driven it gradually into isolation and major economic hardships. As the fifteen years of ongoing conflict negotiation mechanism are yet to produce some positive signs toward their resolution, all three states continue to suffer economically and politically. The status quo continues to drain major resources, economic and human, in particular, from the three states.
As to the negotiation processes, the management of the conflicts and negotiations are all subject to the changes taking place in the three states. Besides the above-mentioned factors, perhaps the most important ones, when it comes to the positions of the parties to the conflict, are the changes that take place in the governmental cadres. Over the past fifteen years, since their independence, all three states have held elections both on national, regional, and municipal levels. Political elites have taken shape and evolved. Opposition groups and blocks have also made their presence felt. Some have adopted a more conciliatory approach, while others have assumed more radical stance for the resolution of their conflicts. The transformation in all three states has been similar in terms of their systemic factors (economy, ideology), but diametrically different in terms of their organic realities unique to each republic. The ruling elites of all three states have evolved under presidents with very different backgrounds, worldviews, challenges, circumstances, and visions for the future of their respective countries. Georgia, since its independence has had three presidents (Gamsakhurdia, Shevardnadze, Saakashvili) and a revolution (Rose Revolution), Armenia two presidents (Ter Petrosian, Kocharian), and Azerbaijan four (Mutaribov, Elchibey, Heydar Alyev, Ilham Aliyev). All three have had their shares of political violence on national level, i.e., assassination, coup attempts, etc. These changes have left their mark on the process of negotiations both in terms of their style, method, and substance, and shaped their course.

In addition to the changes in the official bodies representing the three states, two types of entities have also emerged, which in varying degrees have the potential of hindering or derailing the negotiation process. The first includes unofficial interest groups, predominantly nationalist fronts. These entities may enjoy the tacit support of their respective states or on the contrary oppose proposed strategies. The second, supranational entities such as the GUAM, which, while
serving the “supreme” interests of their respective member countries, i.e., securing their territorial integrity, may act as the “spoilers” in the negotiation process, have thus introduced a new dimension to conflict resolution processes, complicating the process even further.

c. External Factors: This third category of factors is perhaps the most important and crucial in the resolution of the three conflicts. Situated in the middle of an emerging sub-region, on the crossroads of new geostrategic and geoeconomic realignments between north and south and east and west, the negotiation process as the evidence of the past fifteen years indicates has become subject to the interests and agendas of external actors. The most important of these actors is Russia, whose role has been very complicated to say the least. Gradually emerging from the “ruins” of the Soviet Union, Russia is becoming economically more powerful, which allows it to exert more political pressure in the region and shape the fate of the three ethno-territorial conflicts.

Complicating the efforts of OSCE in resolving the conflicts are the involvement of its member countries, such as Russia, and the United States in the negotiation processes. No mediation effort will succeed as long as the third party negotiator(s) has/have conflicting motives and agendas. In the case of the South Caucasian conflicts the picture is even more complicated as there are a number of conflicting interests on several levels: parties to the conflicts on both domestic, inter-national and regional levels; regional/neighboring countries; and, organizations as negotiating parties, and finally the location of the three conflicts and their potential outcome.

d. Regional and Extra-Regional Factors: This category refers to the general developments in the region, such as new treaties, military movements and economic
developments, i.e., new oil pipe lines, trans-regional railways, which may bring about change in the behavior of one of all three states of the South Caucasus. Such developments have in the past and will continue in the future to hinder if not derail the process of negotiations, because they have the potential of changing the dynamics of the region. In addition to the three countries of the region, all three conflict territories will not remain immune to these changes, either.

Outside the region, two sets of extra-regional factors also play a major role in changing the atmosphere if not the course of the negotiations. These include the pressures brought upon the three countries by supranational entities, such as the EU and Council of Europe through various mechanisms associated with various treaty obligations, such as European neighborhood policy, set of sanctions and incentives (“carrot and stick”), the Millennium Challenge Account, and NATO expansion plans.

The second extra-regional factor, which in the recent year has been gaining growing significance and interest, are the developments in the fate of conflicts of similar nature, such as the case of Kosovo. The developments in this case are having major impact on the behavior of the three conflict regions. The leaders of the three de facto states are following the case of Kosovo closely, a process which has also been exploited by other external powers such as Russia. The fate of Kosovo can serve as a double edge sword for all concerned, the de facto states, titular state, and even a powerhouse such as Russia. The final resolution of the conflict in Kosovo will have a precedent setting power, which will influence the behavior of all parties involved in the conflicts as well as regional (Turkey, Iran) and global powers (Russia, U.S.) engaged in the negotiation and mediation processes.
Multi-level and Multiple Mediators: As presented in respective chapters above, a number of mediators (e.g., UN, OSCE, EU, CE, CIS) have been engaged and some continue to be involved in various aspects of each conflict. Of the three neighboring countries, Turkey and Iran, the two neighboring countries, though concerned and watchful of the developments across their borders, have been side-lined, and are not involved in the mediation processes. Russia, the third neighbor has been involved from day one and continues to exert its influence in all the ongoing processes in the region. Among the international and regional institutions, the UN and OSCE have occupied central roles in the management of the conflict and the negotiation processes. In recent years, we have also seen the growing engagement of the EU in the region, which has added yet another dimension to the mediation and management of the conflicts.

In addition to the above, various entities, mostly INGOs have made and continue to make efforts in Track II and Track III diplomacy spheres. These approaches by the INGOs, though helpful to carve new paths toward mutual understanding between various segments of the parties to the conflict and their societies, have proven ineffective for a number of reasons. They have not enjoyed the support of the leaders (Track I) of their respective parties to the conflict. Their agendas have been much focused on specific groups, e.g., women’s issues, journalists, veterans, etc. Most of their efforts have been confined to certain academic exercises. And finally, their resources, human, financial and political, have been very limited. Having said this, one should not underestimate the role INGOs may play in “thawing” the relations and open up channels of communication between various segments of the constituents of the parties to the conflict.

i. The Russian factor: The Russian Federation, successor to RSFSR and USSR and its legacy, has been and continues to be involved in the affairs of its former constituent republics in
varying degrees, economically, politically, and militarily, including those (the Baltic states) which chose not to remain within the CIS. Most of the pressure exerted is accomplished through the CIS structures and institutions.

In regard to ethnic conflicts in the South Caucasus, the grounds for Russia’s involvement are several as discussed above. The three main reasons include security, geostrategic, and geoeconomic interests. Russian peacekeeping contingents continue to serve in Abkhazia and South Ossetia. Russia’s presence both as a mediator and a party of interest in the region creates a cluster of conflicting roles for it. As a result, its effectiveness and credibility as an impartial mediator is compromised. In addition, the developments in the Georgian politics, both domestic and foreign, i.e., rapprochement with Europe, EU membership, and aspirations for NATO membership, contribute negatively to Russia’s behavior vis-à-vis the Georgian conflicts. These developments leave an adverse impact on the management of the double conflicts in Georgia. In the case of the Nagorno-Karabakh conflict Russia’s role is even more complicated as it has to deal with two states of strategic importance: Azerbaijan because of its location, linking the South Caucasus through the Caspian Sea to Central Asia, and vast energy resources; and Armenia, an strategic partner of Russia because of its geostrategic position linking the Russia to the Middle East. Here, too, with vital interests on the one hand and the co-chairs of the OSCE-MG (Minsk Group) peace process, on the other, Russia has very complicated and delicate act to play.

On a broader regional and international context, the developments of the past decade or so have shown that because of its deep involvement in the region, Russia’s interests often clash with those of the three states of the South Caucasus and foreign actors, such as EU, and its rival power the United States, in particular.
ii. The American Factor: The U.S. interests and involvement in the South Caucasus conflicts should be seen and evaluated in a broader context of evolving Caucasian reality. The U.S. is directly involved in the negotiations process of the Nagorno-Karabakh conflict as one of the three (Russia, France, U.S.) co-chairs of the Minsk group, and indirectly in the Abkhazian (through CC) and South Ossetian conflicts (through JCC). In addition to this “hands-on” participation in the negotiation processes, the U.S. also uses its political influence and capital through various international fora and institutions. Its effectiveness in navigating the conflict resolution processes depends on to what extent they come into conflict with the interests of Russia. Every move made by the U.S. is and will be viewed by Russia as a measure to infringe and curtail its influence in its “backyard”. The evidence of the past decade indicates the U.S. adopting more favorable positions toward Georgia and Azerbaijan than Armenia, despite its close relations with the latter and huge economic support rendered over the past decade.

iii. The Russian-American Factor: The roles played by Russia and the U.S. cannot be viewed independent of each other. The two world powers are locked in a “Great Game” in the Caucasus in general and the South Caucasus, in particular. While Russia, is openly trying to reassert its influence in the Caucasus, the U.S.’s objectives along with the EU-led policies seem to be to contain Russia and stop its encroachment in to the region. I put the U.S. and the EU on the same lines, because the latter has yet to develop independent position and in many cases appears to be coherent with that of the U.S. on several levels. While the U.S. is trying to take advantage of the power vacuum created in the Caucasus to exert its influence in the region, Russia tried to makes its presence felt by reasserting itself in a region in which it has major and serious security (economic, political, military) concerns. The more Azerbaijan and Georgia
move close to the European institutions, (e.g., EU, NATO), the more strenuous Russia’s relations becomes with them. One manifestation of this situation can be seen through Russia’s growing support of the Abkhazian and South Ossetian conflicts. A brief review of the developments of the past decade in the Caucasus will clearly show growing list of conflicting positions by Russia and the U.S. on a number areas, such as the development of various oil pipeline, communication, and transportation (TRACECA) projects. Two other factors, the expanding role of the EU in the region through its European Neighborhood Plan (ENP), growing fundamentalist Islamic movement in the entire “arc of crisis” adjacent to peripheries of the Russian Federation add to the complexity of the Russia-U.S. relations equation. The introduction of ENP by the EU, simply adds a third dimension (Russia-U.S.-EU), and basically translates into the Europe asking to have more say and share (economic and otherwise) in the developments of the region. Concerning the three conflicts in the South Caucasus, all of these regional and global issues, which bring Russia and the U.S. closer to a conflict, will create fertile ground for the protraction of the three conflicts. The “great game” in the Caucasus and the South Caucasus in particular will only hurt the interests of the people’s of the region. With such prospects on the horizon, one can only conclude that the “frozen” conflict regions will continue to be subjects of conflicting policies and influence of the two great powers as long as they do not see things from the same perspective beneficial to their mutual interests. Even then, one may wonder as to what extent the outcome of the resolved conflicts and settlements will be viewed truly just and fair from the point of view of the parties to the conflicts. One such case, Kosovo, which will soon be concluded will be a test ground for the arguments made above as the world also waits and watches as to what kind of impact it will have on the evolution and outcome of the mediation efforts in the three cases selected for this study.
iv. Turkish and Iranian Factors: Geopolitically, one also should not underestimate the efforts of Turkey and Iran in gaining more foothold and influence in the South Caucasus. Although neither is directly involved in the mediation processes, at the end of the day, when a resolution to the conflicts appears to be on the horizon, their views and positions should also be taken into consideration. Of these two countries, whose armies have clashed in the Caucasus on several occasions in the centuries past, Turkey appears to be better positioned, politically, and economically. Iran, because of its present foreign policies in the region, and relative isolation in the region and global politics, despite its balanced and relatively neutral position vis-à-vis the South Caucasian conflicts, has been side-lined. Iran’s future involvement and engagement in the conflict resolutions efforts of the South Caucasus will be directly shaped and influenced by its relations with Azerbaijan. Thus, Iran is more interested and concerned with the developments in the Nagorno-Karabakh rather than the Abkhaz and South Ossetians conflicts in Georgia, mainly for security and political reasons for sharing a direct and long border with both Armenia and Azerbaijan, and for huge its Azeri population, and bitter historical legacy with Azerbaijan dating back to the reign of Shah Mohammed Reza Pahlavi in the late 1940s.

v. European, Regional, and International Factors

European Union: The European Union expressed its interest in the situation in the South Caucasus in early 2001, that is, over a decade after the eruption of the conflicts in the region. The reason behind this change of policy includes, a) the eastward expansion and enlargement plans of both NATO and EU, b) the latter’s growing energy needs, and c) overall changes in the geopolitical and geostrategic landscape of Eurasia. These unprecedented developments brought the two entities and the South Caucasus closer to each other. The EU, in addition to unresolved issues on its territory, i.e., the Cyprus and the Balkans, in specific, cannot remain indifferent
toward the developments in the South Caucasus. The ripple effects of insecurity and potential instability in the South Caucasus should the ethnonational conflicts relapse into military confrontations can add more stress on its territory. Second to the crisis in Iraq, the South Caucasus located on the crossroads of evolving regional and international forces and interests, can easily turn into a global hot spot.

To address the above issues, EU developed a number of policies to engage the three South Caucasian states. These include the European Neighborhood Policy (ENP), and appointment of the EU Special Representative (EUSR). Country-specific Action Plans, followed next, which served as the institutional documents, meant for developing a relation between the EU and individual state in the South Caucasus. These Plans, naturally, could not disregard the unresolved conflicts in the region. Thus, the EU has also become indirectly involved in the conflict management processes in the region. These efforts, in their turn have added yet another dimension to the mediation processes, further complicating the picture. For example, the EU has been providing humanitarian and rehabilitation aid to the conflict territories while deepening its relations with individual South Caucasian state in various spheres. Through these and other projects, the EU while contributes to the negotiation process through its various confidence-building measures and enhances stability, it also indirectly and inadvertently facilitates the state-building processes in the territories under the jurisdiction of the de facto states. This is a new territory for the EU in which it lacks sufficient experience.

The above measures by the EU have resulted in the “Europeanization” of the certain aspects of the processes in the three states of Armenia, Georgia, and Azerbaijan. By its gradual involvement, the EU has, in addition to the OSCE, introduced its own institutional thinking to all
the parties to the conflict. The EU through its various programs and policies brings about behavioral change by a) setting conditions (“conditionality”) as well as b) trying to inculcate and internalize “European values” (“socialization”). While the first is related to the prospects of membership to the EU, the second is intended to make all the parties to the conflict to appreciate the importance of compromises, tolerance and interactions between EU and the South Caucasian states.

The role played by EU, its institutions and representatives, is crucial for the peaceful settlement of the three conflicts in the South Caucasus. The presence and involvement of the EUSRs in the region has become more noticeable through their almost regular visits and consultations with respective officials of the three states as well as the secessionist entities leadership. However, it adds yet another dimension to the complicated “chessboard” on which a number of players are struggling to stop the balance from tilting toward resumption of hostilities and violence, while the main actors are trying to gain as much advantage for their causes as possible.

**The United Nations:** The role of the United Nations in the three conflicts has been indirect and imbalanced. The UN has trusted the main conflict mediation and management efforts to the OSCE. It has served as a forum for all conflicting parties to raise their issues through its bodies. The Security Council, in particular, has adopted a number of resolutions, reflecting the will of the member states. However, as in many cases in the history of the UN, none of the adopted resolutions have carried any weight, and thus remained on the record as a historical document. Perhaps, ultimately, when the conflicts are resolved and time for the signing of an official agreement is imminent, and/or the Blue Berets are required as peacekeepers, the
UN will take a more visible role. In light of the present realities concerning the resolution of the conflicts, that day appears to be in the distant and uncertain future.

**The GUAM Factor:** It is no accident that the constituent members of the GUAM - Organization for Democracy and Economic Development was established by and includes the four former Soviet republics who are a) troubled with ethno-national and ethno-territorial, secessionist conflicts on their territories or bordering regions, and b) who at the same time have their shares of conflict with Moscow on several grounds. Since its establishment in 1997, GUAM has evolved into a disjointed axis within the CIS, whose policies have two dimensions internal and external. Intra-organizationally, though GUAM aims at turning into an active and productive entity, it strives to build and strengthen institutional structures to serve as counter-weight to Moscow. Externally, it aspires to establish relationship with Western structures, the European Union, NATO, the United States, in general. Undoubtedly, Russia and the CIS will not remain passive as they view the GUAM’s long-term plans and policies aimed at the weakening and limiting the CIS and its institutions. The weaker and less organized and inefficient the CIS, the stronger will the GUAM become, and vice versa. GUAM’s activities cover a wide variety of fields from humanitarian issues to energy and communications, all of which at some point are destined to come into conflict with those of the CIS and its member states.

In regard to ethno-territorial conflicts, the GUAM member countries share common positions and concerns. This is partly due to the fact that the territorial integrity of the three of its four members is endangered if not compromised. Each has committed significant amount of military, political, and economic resources to their respective conflict regions, directly in the case of Georgia, Azerbaijan, and Moldova, and indirectly in the case of Armenia and Ukraine. In the
context of conflict management and negotiation theories, the role of GUAM can be viewed as a “spoiler.” However, one should also note that in certain conflicts the “spoilers” have also proven to have positive impact on the course of the negotiations.\(^{673}\) In the case of the conflicts in the South Caucasus, however, GUAM cannot make any progress in mediating the conflicts as at least one country, Armenia, directly involved in the Nagorno-Karabakh conflict, and more importantly also Russia, the predominant power in the region, are not its members. Thus, with certain elements of the equation absent, the GUAM can barely be viewed as a credible partner in the negotiations process.

The GUAM has made its position official through the resolutions adopted during its annual summits. It also made an attempt to move some of the conflicts on its territory to the UN by putting it on the UNGA agenda. This particular effort has proven unrealistic, and if pursued will have the potential to disrupt the ongoing processes, if not derail them. Both of these measures could only harm the negotiation processes by creating an atmosphere of distrust between the parties concerned. On a macro level, however, GUAM’s resorting to the Western powers and institutions (e.g., EU, NATO, the United States) may over time turn it into yet another institutional tool by which the West may exert pressure on the Russian Federation in specific, and the CIS in general in international fora. All of these developments in the long run will have their adverse effect on the course of conflict negotiations in progress, as GUAM is not in a position to offer useful initiative for the resolution of the conflicts.

The Diaspora Factor: The role of the Diasporas as an external actor in the management and resolution of conflicts remains among the least studied factors of the subject. In regard to the three cases in this study, the Armenian side in the Nagorno-Karabakh conflict enjoys considerable advantages in terms of the both quantity and quality of its Diasporas. It has provided support, economic and political, both during the early stages of the conflict and continues to play a significant role in the strengthening of the de facto Nagorno-Karabakh Republic. In the meantime, the Armenian Diaspora has not hesitated in expressing its opposing views on certain developments vis-à-vis the course of the conflict management and negotiations. Through its institutions, such as various NGOs, advocacy groups and political parties, the Armenian Diaspora has on occasions, exerted pressure on the government of Armenia. However, at the end of the day the final decisions on resolution of the conflict with Azerbaijan will be upon the government and people of Armenia and Nagorno-Karabakh.

The Azeri side lacks extensive network of Diasporan communities, however, instead, it enjoys the support of two even mightier resources: the Turkic and Islamic worlds. Its ethnic kin through Turkey, a NATO member country, have stood behind Azerbaijan since the earliest days of the conflict. Also, Azerbaijan enjoys moral support of its brethren in the Iranian Azerbaijan, perhaps not as much as it would expect from the Central Asian Turkic republics. The Azeris in Iran lack the political power and cannot render any significant support, because of bitter historical legacy dating back to the World War II invasion and occupation of the Iranian Azerbaijan by the Soviet Red Army (1941-1946). As far as the Turkic republics of Central Asia are concerned, the developments of the post-Soviet independence period has shown that, first, all five have issues of their own to deal with, domestic and regional; and second, the sharing of Turkish heritage does not always necessarily and automatically translate into blind support and
unity with their brethren in Azerbaijan. The Islamic factor, in light of the development in the region, in the post-Iraq invasion and post-9/11 world, can also prove to be a formidable force. However, the complexity of the regional issues as well as lack of unity and cohesiveness will hinder any substantial support for the Azeri side at this point in time.

Both the Abkhaz and South Ossets lack such extensive and well-structured and organized and resourceful network of Diasporan communities as neither in the case of the Armenians and do they enjoy the resources available to the Azeris. There exist Abkhaz communities in Turkey and Ossetian communities in North Ossetia. However, both enjoy the support of the Russian side, which has provided both regions with a number of resources and support mechanisms.

2. Case Specific

As mentioned at the beginning of this study, the purpose of the study is not to analyze the mediation and negotiation processes in the case of each conflict. The evolution and course of the negotiations was presented to provide a general picture of efforts made to resolve each conflict and identify some of their shortcomings. To this day none of the methods and processes has led to any positive outcome let alone any substantial breakthroughs. However, they have to be credited for managing to stop the conflicts from reverting to a violent and military confrontation. They have contained the conflicts and brought some control and structure to the processes. Considering the fact that it has been over decade since the above efforts, it remains to be seen how long this “no peace no war” situation can endure.

One core issue, shared by the three separatist movements, is the future status of their respective entities, which appears to be the main obstacle hindering any progress in the talks. All
three conflict regions/de facto states appear resolute in their stance that is to secede from their titular states and be recognized as de jure independent states. These two issues continue to be unacceptable to both Azerbaijan and Georgia, hence the stalemate and protraction of the conflicts. From legal perspective, these positions have raised new arguments concerning the two principal international law concepts, the right to self-determination and territorial integrity of the states, which in turn are also affected by the developments in the case of other conflicts such as Kosovo. As the content of various proposals put on the table for all three conflicts remain mostly confidential, first, it would be incorrect to speculate on them, and secondly, it is beyond the scope of this study. However, based on the evidence available and the developments in and around the region, and despite sporadic optimism expressed by the parties to the conflicts and mediators, all three conflicts are far from any resolution and acceptable settlement. In the meantime, the potential of the resumption of military clashes remains real, which in light of the changes in the dynamics of the region will potentially destabilize the entire region.

a. Abkhazia: As identified in the above respective section, the Georgian-Abkhazian conflict has gone through three distinct phases (1992-1997, 1997-2000, 2001-present). As a process, from the earliest days of the conflict to until recently, the negotiations have been conducted on three tracks: UN, Russian, and Georgian. This three-track negotiation process has hindered prospects for a compromise as they have allowed room for interference and conflicting positions. The parallel efforts have also led to strengthening of the positions of the parties (Abkhazian, Georgian) to the conflict, thus leading to resistance to concessions.674 The UN’s major contribution to the resolution of the conflict, the Boden document reconfirmed by the

UNSC, remains ineffective, because it stipulates Georgia’s territorial integrity, although it has been rejected and discredited by Russia. The latter’s perhaps major contribution has been the signing of the Sochi Agreement with Georgia, which addresses a number of important factors, including, economic rehabilitation projects, prolongation of the mandate of the CIS-peacekeeping troops, and perhaps more importantly the return of the IDPs to Abkhazia. And finally, the Georgian efforts, spearheaded initially by the president of Ajaria, Aslan Anashidze, through his statements, allowed room for confusion and concern for the Abkhaz part.

A glance at the history of the conflict and positions adopted by the Russian side makes it clear that Russia is not and cannot be an impartial negotiator in the conflict. Its various moves from issuing Russian passports to the Abkhaz and other “citizens” of the de facto state of Abkhazia to gradually developing closer ties with the leadership of the state and development plans in the republic to recent statements by President Putin in regard to the right of Abkhazia as and South Ossetia to self-determination, give enough ground for the Georgian government not to trust Russia as an honest and impartial broker in the negotiation processes. With these developments in mind, it appears that first time is on the side of the Abkhaz government, despite its non-recognition by the world community. The more the de facto state of Abkhazia becomes established and consolidates its governmental and administrative structures, the more difficult it would become to reintegrate and reincorporate Abkhazia into Georgia. Only one factor can bring the Abkhaz government to its knees, that is, the reversal of the Russian position and supporting the Georgian side in the negotiations. This move, as the interests of the Russia in the region dictate appears to be highly unlikely, although it can never be ruled out. The Russian
authorities are well aware of the fact that they have entities similar to Abkhazia on their own territory, which may also consider similar moves to secede from the Russian Federation.

**b. South Ossetia:** The quadrilateral (Russia, Georgia, South Ossetia, North Ossetia-Alania) conflict management and negotiation mechanism in place to resolve the Georgian-South Ossetian conflict has run its course and reached a deadlock. Despite some progress made during the early stages of the conflict, such as, bringing some control and structure to the process of mediations, at present, the negotiation process is confronted with major difficulties. Georgia questions the credibility of the conflict resolution regime, which it views as biased in favor of South Ossetia by Russia, one of the principal members of the JCC. The broadening of the JCC by bringing in the OSCE, EU and the U.S., into the picture as suggested by Georgia may reinvigorate the process, but at the same time will complicate and further politicize it. In light of Georgia’s westward policies, which among various measures include aspirations to join NATO, one can expect further complications looming on the horizon.

With the direct and overt support of the West, Georgia has taken bold steps and expresses confidence in its decisions and behavior. Meanwhile, Russia, likewise, has made its position clear vis-à-vis the status and safety and security of the people of South Ossetia as it has with Abkhazia. Over 90% of the citizens of South Ossetia (as well as Abkhazia) are said to have Russian passports. With overwhelming majority of the population carrying Russian passports, the Russian government assumed its legitimate right to interfere in the affairs of the secessionist republic to protect and guarantee the safety of its citizens, i.e., South Ossetians. The “passportization” scheme a) has strengthened the ties between the separatist regime and its
subjects with Russia, and b) weakened the legitimacy of Georgia as the metropolitan state in the secessionist territories.

Considering the recent developments in the region, of the three conflicts, South Ossetia is facing a challenge ripe with unpredictable consequences. The emergence of an alternative presidential position is a clear sign of split in the South Ossetian leadership and authority. None of the other two de facto states, having gone through successive presidential elections, have experienced such a development. The emergence of Sanakoev, as an alternative pro-Georgian authority/president of South Ossetia has the potential of destabilizing the young de facto state, possibly tip the balance in favor of Georgia and at the same usher the two entities to military confrontation.

c. Nagorno-Karabakh: The variety of efforts made since the eruption of the conflict in 1988, numbers of groups involved in the negotiations, multitude of the formulas put forth, ranging from those in the intra-Soviet phase and later during the international phase, speak to the complexity of the Nagorno-Karabakh conflict. The international efforts in progress to this day continue to expand and deepen, and are yet to produce results. Perhaps the greatest accomplishment of the negotiation efforts has been a) the management mechanisms, which have succeeded, with the exception of occasional skirmishes, in preventing any reversion to military confrontations and b) bringing some structure and set a format for the talks.

The mediation process suffers from one fundamental principle. The real party to the conflict, the Nagorno-Karabakh, is absent from the negotiation processes. The Nagorno-Karabakh conflict is not a bilateral, but a trilateral one. Armenia’s speaking for and defending the interests of Nagorno-Karabakh is not the same as having the Nagorno-Karabakh
representatives to be present at the negotiation table. The Nagorno-Karabakh representatives were present in during the early negotiations, however, Azerbaijan refuses to have them at the negotiation table since by doing so, and it would be granting Nagorno-Karabakh recognition and legitimacy as party to the conflict. Also, the presence of Nagorno-Karabakh at the negotiation table would change the dynamics of the entire process and the balance of power. However, contrary to the general belief, although they might share similar views on a number of issues, one should not discount the potential of the divergence of views and positions between Armenia and Nagorno-Karabakh on a number of strategic issues. The interests of Armenia and Nagorno-Karabakh may not necessarily be one and the same on all levels and aspects. Actually, depending on the development in and around the region, pressures brought upon Armenia by the international community might lead to internal dissension between Armenia and Nagorno-Karabakh.

Parties to the conflict (Armenia and Azerbaijan), both have agreed to continue their negotiations within the framework of the OSCE Minsk Group. However, the process remains just a concept and is yet to prove instrumental in bringing a resolution to the conflict. In addition, its role has become more complicated with the involvement of several other international entities, such the EU, and Council of Europe. These entities, EU in particular may be viewed as an “honest broker” and thus welcome. However, the deeper the above entities get involved in various aspects of the conflict, the more obvious the contradictions of their policies will become.

The negotiations processes for all three conflicts suffer from various shortcomings. Some fundamentals of the conflict negotiation processes, such as direct, face-to-face negotiations of the parties to the conflict, neutrality and impartiality of the mediators are absent in all three conflicts.
Structurally and organizationally all three processes are very complicated. Multilayer and multilevel nature of the negotiation processes continues to lead to conflicting and contradictory developments. Despite numerous plans introduced by all parties to the conflicts as well as the negotiators have all failed for one reason or another. The growing frequency of the usage of terms such as “stalled,” “deadlocked,” “stalemate,” “timeout” in reference to the status of the talks in the past couple of years is the indication of the fact the negotiation processes, contrary to announcement made to the media by the negotiators, are indications that all three conflicts are very far from any lasting, just, and sustainable settlement acceptable to all. Only time will show which side will benefit from this “no war no peace” status quo.

In summary, the three South Caucasian conflicts share relatively similar backgrounds. All three have gone through the violent phase of the conflict. All sides have suffered huge human losses. Similarly, all three have been engaged in negotiation processes, which for the past decade and a half, have in turn evolved from internal to multilateral international arrangements. The evidence points to the fact that none of the measures in all three cases have made any advances let alone substantial breakthroughs. However, they have been successful in contain the conflicts and prevent them from relapsing into low-intensity military confrontation or all out wars. The negotiation processes have become tangled webs in which the interests of the parties to the conflict are overarched by a number of factors: the titular states of the region, the regional powers, and of course the interests and motives of the negotiators. This latter is widely to blame for a number of missed opportunities, which all three conflicts had the chance to be resolved. The outcome of these failures has reflected on the economic and political progress of the three
states in the South Caucasus, the devastation in the lives of millions, and at the same time the establishment and consolidation of power in the three separatist movements/de facto states.

III: The De Facto States: The three de facto states of Abkhazia, South Ossetia, and Nagorno Karabakh selected for this study, are undeniable socio-political realities. Just a year ago (2006), all three celebrated the fifteenth anniversary of their independence and establishment of statehood. This fact, a major milestone in the history of each de facto state, makes them older than the former Yugoslav republics, which gained independence few years ago. Controlling territories of considerable size and shaping the lives of thousands, they act, function and behave like full-fledged states. Although unrecognized as de jure states, they have direct effect on the security, stability and economic prosperity of their respective titular states, in particular, and the region, in general. The fact that the South Caucasus is still evolving as a sub-region, strategically, geo-politically, and geo-economically sensitive region, should make the future and eventual status of the three de facto states primary concern of not just the neighboring countries, but also the region and global community. As long as the status of the three de facto states as ethnonational and territorial conflicts remains unresolved, they will continue to be a threat to the stability and security of the South Caucasus and its neighboring countries.

In this study I argued that the birth of the three de facto states is the direct outcome of two main factors: a) historical and territorial-administrative preconditions provided under the Soviet system, and more importantly, b) the failure of early conflict resolution methods, negotiation mechanisms as well as the negotiators interests and motives. I further argue that the path traveled by all three ethnonational conflicts is irreversible.

675 Republics of Croatia, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Montenegro
The passage of years has contributed positively to the solidification of the *de facto* authorities as states. A number of factors have contributed to the strengthening of all three. I divide these factors into three sets: developments within the *de facto* states, (internal) factors; developments in their titular (Azerbaijan, Georgia) and kin (Armenia) states; and, external factors.

**Internal factors:** With justifications and references to their modern and ancient historical roots, highlighting their origins and evolution, *de facto* states have embarked on state- and nation-building processes. Each has used a whole host of elements to legitimize their rights to independence and statehood. They have used primarily ethnogenetic arguments, including myths and legends, religion, language, historical, and legal facts and documents to justify their existence and right to join the family of independent nations. Perhaps no other factor has played a more important role in strengthening of their sense of distinctiveness and identity as their culture. The two social institutions: historical and educational, have played a pivotal role in this endeavor. In each republic, over the past fifteen years, a generation has been growing up under a different flag and culture. New sets of values have replaced the old ones. National heroes, ancient and modern are being rehabilitated. Cultural rituals, festivals, feasts and ceremonies, and national symbols have entered in the annual calendar of the states, not to say the glorification of the martyrs and heroes of national liberation struggle of the early 1990s. Other, legal (codes, constitution), military, and economic institutions have also contributed to the strengthening of the evolving structures and state apparatuses. All of the above mechanisms would have been extremely difficult and time-consuming to materialize, had there not been the quasi-state-like institutions, in place, inherited from the Soviet era.
**Intra-Titular State factors:** All three *de facto* states emerged on the territories of newly independent states (Azerbaijan, Georgia), which in their turn had difficult births. Like all former Union republics, they underwent a transitional period – from command economy and unitary ideology to market economy and multiparty democracies. They had their shares of struggles with the vestiges and systemic legacies of the Soviet regime and communism. This reality contributed to the strengthening of the *de facto* states in two ways. First, immersed in deeper and more vital issues concerning the sustenance of their own statehood, i.e. stability, security, state- and nation-building processes, each state had to be, first concerned with its own “survival”. Georgia had to deal with the question of its disintegration and restoration of sovereignty over its territory. Separatist movements (Abkhazia, South Ossetia, Ajaria, potentially, Javakhk and Marneuli) as well as internal political turmoil severely drained the resources of the country. Azerbaijan had to navigate through a series of coups and leadership changes, in part caused by the Nagorno-Karabakh and internal political and ideological rivalries. Armenia, indirectly involved in the Nagorno-Karabakh conflict with Azerbaijan, also, had its share of problems: the earthquake, (1988) refugee problems, and the blockades. In addition to the above problems, all three states also had to deal with their organic and systemic issues, such as corruption, mismanagement, abuse of power, economic, lack of democratic institutions, political and structural-administrative remnants of the Soviet system, etc. Weak and incapacitated, economically, politically, and militarily, neither state was able to impose its rule and restrain the separatist movements, nor were they in a position to entice the separatist movements with various kinds of incentives or settlement packages. However, the above realities have begun to change in the past couple of years.
The vast energy deposits of the Caspian Sea have put Azerbaijan on the road to prosperity. With the realization and exploitation of the BTC pipeline, Georgia is also benefit from the prospects of this truly global venture. In light of security and geostrategic concerns, Armenia has been excluded from the above development and pushed further into isolation. The construction of Kars-Akhalkalaki railroad connecting Georgia to Turkey will further deepen this isolation. These arrangements are clear indications of growing alliances both political and economic between Turkey, Georgia and Azerbaijan reminding of eerily similar to the development of 1918-1920. The prospects of huge petroleum and gas revenues, estimated in billions, are to boost Azerbaijan’s economy, military might and self-confidence. In addition to Azerbaijan, the vested financial interests of twelve-member international consortia and global financial institutions in BTC, will also make them extremely concerned with the development in the region, between Armenia and Azerbaijan, in particular. Any outbreak of military clashes will be devastating for all in the region at the heart of which is the Nagorno-Karabakh conflict because of its location and positioning vis-à-vis the BTC pipeline route. This situation creates a catch-22 situation for all parties involved. It remains to be seen how any acceptable settlement will emerge from the talks, and whether the business community, in this case, the oil cartels through the consortia can contribute positively to their resolution.

**External factors:** The above mentioned conditions collectively provided a “fertile” ground for external forces to take the advantage of the situation and exert influence and pressure on the affair of both the de facto and titular states. This involvement and infiltration of the external actors in the three conflicts has contributed to the development of the de facto states. These actors can be divided into three categories: a) states (neighboring, regional, global), b) organizations (e.g., OSCE, UN, EU), and c) Diasporas.
The three immediate neighboring countries in the region, Russia, Turkey, and Iran have been present in the post-Soviet politics of the region from the earliest days of the eruption of the hostilities in the three South Caucasian republics, though in varying degrees. Russia, arguably, has been and continues to be the dominant force in the region, because of her Soviet legacy and role in the lives of the three former Soviet republics of the South Caucasus as well as, indirectly in the three separatist movements—de facto states, Nagorno-Karabakh, indirectly, and Abkhazia, and South Ossetia, directly. Russia emerging from her own security and strategic interests has and continues to play a crucial role in the developments of the region. Her role in the affairs of de facto states has been the most complicated and perplexing to say the least. While on the one hand, it is a major participant in the international conflict management and negotiation efforts (e.g., peacekeeper, co-chair OSCE Minsk Group, etc.), it has also contributed to the strengthening of the de facto states and hardening of their position vis-à-vis their titular states, both by its actions and inactions, as well as statements. Some of these measures, include, security and military assistance (covert and overt), economic aid and advantages, tax breaks, humanitarian, political support, granting citizenship, etc. which Russia grants to de facto states. Abkhazia and South Ossetia, in addition to the Russian support, receive moral, political, economic, and military support from their brethrens in the Northern Caucasian autonomous republics and North Ossetia, respectively. The granting of Russian citizenship to the citizens of Abkhazia and South Ossetia is just one of the measures Russia uses to express its support and provide moral strength to both de facto states. In addition to Russia, the United States, also as a mediator, advisor, and provider of the humanitarian aid indirectly and inadvertently brings her share into this process, which should also be taken into consideration.
The second set of external forces (“agents”) also contributing to the strengthening and stability of the *de facto* states as mentioned above are a) the international organizations, and various INGOs with various and mandates. They provide expertise, resources and equipment all of which helps the *de facto* states as the expense of the titular states.

The third group of external factors, ethnic Diasporas, in varying degrees, also helps in addressing the vital needs of the de facto states. They include assistance, which they receive in two main forms: material and moral. These include: rebuilding the infrastructure, schools, housing, and irrigation systems, and political support. Financial support through various charitable operations and fundraisers make a major contribution to the respective de facto state’s population and government’s budget. The Diasporas also help boost the image of the *de facto* states, provide networks and fora for their representation and for taking their cause before the international public opinion, and tribunals. Of the three *de facto* states of the South Caucasus, perhaps Nagorno-Karabakh has been the most beneficial in this respect, because of the existence of a large and resourceful Armenian Diaspora on the territory of the former Soviet Union, the Russian Federation, in particular, and the United States as well as Europe. Though both Abkhazia and South Ossetia have their own Diasporas neither in numbers nor resources, they can compete with that of Nagorno-Karabakh; tough they enjoy the tacit support of the Russian Federation.

Lastly, in addition to the above factors, one cannot disregard the impact of the developments of other *de facto* states on each other, whether on the territory of the former Soviet Union or elsewhere. The developments in each of the three south Caucasian *de facto* states are followed not just by the outside interests, but also by each other. In addition, the inter-
relationship of the three and cooperation in areas of mutual interest, whether pertaining to the
course and process of the negotiations or cooperation in various fields and exchange of
information and resources, helps deepen the sense of statehood in all three.

Developments in other territorial conflicts, such as the Kosovo, perhaps the most closely
monitored by the three (also Transdniestria) selected for this study, plays an important role in
shaping direction and behavior of the three de facto states selected in this study. Although each
conflict entity sees its situation different from that of Kosovo, all three consider the “Kosovo
precedent” a strong raison d’etre for them not to submit to any final peace settlement. Thus, the
prolongation of the status quo is considered a favorable option as it promises to bear them more
fruits of victory and at the same deepen and further expand their governmental institutions and
activities within the boundaries under their control and outside world.

Developing within the borders of the two young post-Soviet republics (Azerbaijan,
Georgia) and indirectly involving the third South Caucasian republic of Armenia, they pose a
number of problems. As separatist movements, they challenge the territorial integrity of their
respective titular state. They hamper the state- and nation-building processes, as well as the
economic development of their metropolitan states, while they are concurrently engaged in a
resolute struggle of state- and nation-building processes of their own. Externally, they
complicate the foreign relations of their respective states vis-à-vis regional powers. Evolving in
an emergent geopolitical and highly volatile geostrategic region and the crossroads of global
energy resources, they also constitute major source of instability on both regional and potentially
global levels as long as they remain unresolved.
Should the selected three *de facto* states succeed in gaining *de jure* recognition by the world community and formally secede from their metropolitan states, they will have the political map of the South Caucasus changed. Moreover, the outcome may have precedent-setting implications for ethnonational separatist conflicts of similar nature raging in other parts of the world or those looming on the horizon. The country most immediately prone to a similar experience in the immediate vicinity of the three conflicts is the Russian Federation. Successor to the ideological and political-administrative legacies of the Soviet Union, it includes a number of similar ethno-territorial entities mostly concentrated in the Northern Caucasus region. On a broader regional and global level, the three conflicts, considering the geostrategic and geo-economic position of the region, have the potential of changing the matrix of relations among the regional and world powers.
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