

KARABAKH SETTLEMENT: A VIEW FROM KARABAKH

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The NKR cannot limit its state sovereignty without receiving its all-embracing international juridical recognition

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The commentary concerning that statement and the basic principles of the settlement of the Nagorno Karabakh conflict

The text of the joint statement on the Nagorno-Karabakh conflict by Russian Federation President Dmitry Medvedev, U.S. President Barack Obama, and President of France Nicolas Sarkozy hardly differs from other statements made earlier at various levels and within the framework of various international structures in support of the OSCE Minsk process. It is noteworthy that now the presidents of the three countries urge the Armenian and Azerbaijani authorities to finalize their agreement on concrete principles of settlement that were published on the official website of the OSCE. (See page <http://www.osce.org/item/38731.html>).

We will comment briefly on each principle:

1. Return of the territories surrounding Nagorno-Karabakh to Azerbaijani control

Ceding any territory under NKR's control to Azerbaijan will mean first of all violation of the NKR's basic law, the Constitution, where these territories are fixed. Secondly, withdrawal of the subdivisions of the NKR's army from even part of the liberated territories will undermine

the military and food security of the NKR.

The published principles have even no hint at the return to the NKR's control of more than 1,000 sq m of Karabakh lands occupied by Azerbaijan.

Not territories, but borders between the NKR and Azerbaijan should be spoken about at the negotiations. Only after the recognition of the NKR's statehood by Azerbaijan should a bilateral intergovernmental commission work on the delimitation and demarcation of state borders. That is the international practice of solving frontier arguments.

2. An interim status for Nagorno-Karabakh providing guarantees for security and self-governance

In reality, this principle means an attempt to limit the NKR's sovereignty by casting doubt on its independent status and to deprive the republic of its own security system. It is the recognition of the NKR's independence that would really ensure the security of the NKR and would give Artsakh new possibilities for maintaining its own security, including with political-diplomatic means.

3. A corridor linking Armenia to Nagorno-Karabakh

Land communication between the NKR and Armenia was established in May 1992 and was enlarged during the operations of 1993. It would be naive to limit the current full-scale land communication of the NKR with Armenia to a vulnerable "corridor." It is noteworthy that this principle is presented as a concession to Armenians.

4. Future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will

The legal status of the NKR has already been determined on the basis of legally binding expression of will on December 10, 1991, and was confirmed by another referendum on adoption of the NKR Constitution on December 10, 2006. Besides, eight times the people of the NKR have indirectly expressed their adherence to independent statehood in republican presidential and parliamentary elections by voting for programs of political parties and individual candidates, in which the necessity of international recognition and strengthening of the NKR's statehood was mentioned. Thus, over the past 18 years, the citizens of the NKR expressed their support ten times for the independent status of the NKR.

5. The right of all internally displaced persons and refugees to return to their former places of residence

This principle can be discussed by all three sides after the recognition of the NKR's independence by Azerbaijan. A positive moment is the use of the word "all" and not only Azerbaijani refugees. Yet, it is not understandable who can ensure the rights and guarantee the security, and how, of hundreds of thousands of people who may find themselves in the territory of the opposite side.

6. International security guarantees that would include a peacekeeping operation

In essence, the proposal is to replace our own current system of military security with an inefficient mechanism of "blue helmets." The possible appearance of foreign armed forces in

the territory of the NKR, even under the flag of authoritative international organizations, will immediately result in an abrupt limitation of the republic's sovereignty. The circumstance that the NKR's sovereignty has not yet been recognized by the international community, and the country is not represented at the above-mentioned structures, can result in Karabakh's having no levers of influence on these forces guaranteed by international law. Under these circumstances, the possible introduction of peacekeeping forces will radically contradict our national interests. The NKR cannot limit its state sovereignty without receiving its all-embracing international juridical recognition.

The passage of a state's direct obligations on maintaining security, together with concrete territories, to a third side do not guarantee the strengthening of this very security, and poses new threats.

Karabakh residents have their own experience of communicating with the "peacekeepers" of the Soviet period, when troops sent in the late 1980s for keeping the population's security chronically did not cope with their duties and failed to protect the Armenian population of the Azerbaijani SSR from massacres and violence. In 1991, by the order of the USSR leadership, these very troops banished the Armenian population from some parts of Artsakh (the Koltso operation). The peacekeeping operations demonstrated low efficiency in other conflict zones as well.

For the governments sending peacekeepers to a conflict region, their interests and the immediate security of these very peacekeepers will be always more important than the security of the local population.

The published Basic Principles, in case of their adoption and realization, will damage irreparably the national interests of the NKR and the Republic of Armenia. The inadmissibility of the Basic Principles of the Nagorno-Karabakh conflict settlement has been asserted in the resolution of the pan-Armenian conference held on July 10-11, 2009, in the capital city of the NKR. Participants of the conference from Armenia, Artsakh, and the diaspora demanded that the authorities of the Republic of Armenia not sign the proposed document. Obviously, there is an understanding that ceding territories to the enemy, in which the Armenian people has juridical and political as well as historic rights, will be a strong moral blow for the Armenian people, which can deprive them for years of the will of resistance and motivation of building their own statehood.

*July 12, 2009
Stepanakert, NKR*

STATEMENT OF THE MINISTRY OF FOREIGN AFFAIRS OF THE NAGORNO KARABAKH REPUBLIC

Due to the recent developments around the Azerbaijani-Karabakh conflict settlement, the NKR Ministry of Foreign Affairs considers it essential to issue the following statement:

The NKR stance on the Azerbaijani-Karabakh conflict settlement is stable. It is impossible to achieve the conflict settlement, ignoring the existing reality. Any attempts to return the Nagorno Karabakh Republic to the past are not only counterproductive, but are also fraught with new escalation of the conflict. Real progress at the negotiations is possible only under the Karabakh party's equal participation in all the stages of the negotiation process. No agreement regarding the interests, fate, and future of the Nagorno Karabakh Republic can be adopted without the participation of its people and leadership, which bears the principal responsibility for it.

We hope that all the actors interested in the peaceful settlement will prevent any violation of the status-quo in the region caused by the intensification of the negotiation process on the basis of the current settlement wording.

Proceeding from the abovementioned, we consider it required to reset the distorted negotiation process, to return the NKR to the negotiation table as an equal party to the negotiation process, and to transform the basic principles of the settlement.

July 15, 2009

For us a settlement is establishment of lasting and enduring peace, which is possible to achieve only in view of the actual state of affairs

*Head of the NKR MFA Information Department **Marsel Petrosian** answered the mass media questions concerning the OSCE Minsk Group co-chair Matthew Bryza's recent statements*

- How would you comment on the OSCE Minsk Group U.S. Co-chair's assertion that the opinion of the Nagorno Karabakh "population" is reflected in the negotiation process?

- We would welcome this fact and, in this connection, would like to remind the mediators that the people of the Nagorno Karabakh Republic have expressed their will at the referenda on independence on December 10, 1991 as well as the NKR Constitution on December 10, 2006. We would be thankful to the mediators if the will of the NKR people, expressed at the referenda, would be fully reflected in the negotiation process.

- How would you comment on the OSCE Minsk Group U.S. Co-chair's recent statements, in which he presented the details of the proposed principles for the Azerbaijani-Karabakh conflict settlement? Matthew Bryza also said that a quick settlement to the Nagorno Karabakh conflict, to his opinion, was advantageous to Armenia, because otherwise the economic development of the republic would be complicated, which would in turn create problems in carrying out democratic reforms.

- First, I would like to stress that a quick settlement to the Nagorno Karabakh conflict is a priority for the Nagorno Karabakh Republic as well. However, this does not mean that we favor a settlement at any cost, and with unpredictable consequences at that. For us a settlement is establishment of lasting and enduring peace, which is possible to achieve only in

view of the actual state of affairs. However, Mr. Bryza links the issue of the conflict settlement to economic development and democratic reforms. The linkage of these issues into a single “package” resembles more a bargaining and an attempt to impose an agreement at all costs.

Unfortunately, recently there has been a tendency to speed up the negotiations for settling the Nagorno Karabakh conflict based on a formula that ignores both the essence and history of the conflict and the existing realities. And Mr. Bryza`s statements, from our point of view, are in line with this tendency. There is an impression that the current haste has to do with the announced change of some of the OSCE Minsk Group Co-chairs, and particularly Mr. Bryza. As we have already said in a July 15, 2009 statement of the NKR MFA, an unreasonable speedup of the negotiation process will have a negative outcome and will lead only to escalation of tension, as the formula proposed by the mediators is directed to changing the balance of powers underlying peace and stability in the region.

- According to M. Bryza, the OSCE Minsk Group Co-chairs propose that the peacekeepers in the Azerbaijani-Karabakh conflict zone be unarmed, perform a monitoring function and not be able to force to peace. This, as the U.S. Co-chair has said, is conditioned by the fact that the experience from Kosovo and Bosnia show that peacekeepers are not capable of preventing an armed conflict, if one of the parties does not want it. Your comment, please.

- By this Mr. Bryza admits, as a matter of fact, that one of the main principles proposed by the mediators, namely the security of the Nagorno Karabakh people, cannot be accomplished, and that the international community cannot guarantee in full the security of the NKR people in case of implementation of the proposed settlement formula, as peacekeepers are one of the main tools of controlling parties to a conflict that the international community has in its arsenal of maintaining peace in conflict regions. But once tested, it appears that they are not so effective, if one of the parties does not want peace.

However, the OSCE Minsk Group U.S. Co-chair proposes to solve this issue in the process of the Azerbaijani-Karabakh conflict settlement by conciliating the aggressor Azerbaijan. History shows that such a policy does not contribute in any way to establishing peace. On the contrary, it leads to escalation of tension and war.

*NKR MFA Press Service
13.08.09.*

STATEMENT of non-governmental organizations of NKR

In connection with the recent developments over the Azerbaijani-Karabakh conflict settlement, the civil society of the Nagorno Karabakh Republic in leaders of non-governmental organizations and public experts considers it necessary to declare:

The recent statements by high-ranking officials of the co-chair countries concerning the settlement of the conflict on the basis of the Madrid principles fundamentally contradict the interests of Artsakh and Armenia and reflect only those countries` own interests that seem to always coincide with the Azerbaijani ones.

We, the representatives of the NKR civil society, view the imposed variant of the conflict settlement as illegal, unfair, immoral and disastrous for the whole South Caucasus region.

The situation in the region has again been brought to an extreme degree of tension. It is fraught with unpredictable consequences. The security of NKR and the Republic of Armenia, and consequently of the region as a whole, is threatened.

The total disregard by the mediators of the existing realities and legitimate rights of the NKR people have more than once caused destabilization of the situation in the region.

We believe that the negotiation process on settling the Azerbaijani-Karabakh conflict without participation of the NKR representatives has proved its full inconsistency. In connection with this we call on the mediators and participants of the negotiation process to end this political farce and, taking the real situation as a basis for settling the Azerbaijani-Karabakh relations, as well as thoroughly reviewing the existing format and basic principles of the negotiations, to finally engage in true peacemaking instead of unleashing another phase in the conflict.

The people of Artsakh that 20 years ago rose against the discriminatory policies of Soviet Azerbaijan towards the Armenian population of Nagorno Karabakh, have once and for all determined their fate, having proclaimed the independence of the NKR on the basis of a national referendum with irreproachable observance of all legal norms and formats. By repelling the military aggression of Azerbaijan aimed at the total annihilation of the Armenian population of Nagorno Karabakh, the people of Karabakh have defended their right to life in their own free state.

The Constitution of NKR is the only immutable Law which the people of Artsakh did and will follow. Any attempts by external forces to violate the NKR Constitution which, inter alia, defines the liberated territories, are doomed to failure. The NKR Defense Army, tens of thousands reservists and Armenian volunteers from all over the world are the main guarantee of the inviolability of national frontiers, the lives, rights and freedoms of the Artsakh people.

We are ready to continue negotiations and work towards establishing peace in the region, but not at the cost of our own security and freedom for which thousands of lives of both soldiers and peaceful citizens, including women, children, and elderly people, have been paid. The memory of them is our dignity.

The platform of peaceful settlement is not a trading stand; Freedom and Dignity are not commodities.

We remind that any agreement on Nagorno Karabakh cannot have legal validity unless the document reflects the will and legitimate rights of the NKR citizens, and unless it bears the signature of the elected President of NKR. Insinuations are useless and ineffectual.

We do not only consider it necessary to give a political and official assessment to the ongoing negotiation process, but we think it's time to make accountable those that have let the negotiation process to develop by a scenario that has put not only the lives of the people and the Armenian statehood per se under threat, but also the security of the whole region, as well as the interests of Armenians and friends of Armenia and Artsakh all over the world.

We remind henceforth all those officials, structures and other institutions considering themselves having the right to determine the fate of a whole region, of their personal responsibility both in the face of the all Armenians of the world, and for the lives of the people living in the region.

Our right is inalienable. Our will is unshakable.

Signatories:

Ellada Sahakyan - Public expert
Irina Grigoryan - Institute of Public Diplomacy
Taron Hakobyan - Revived Homeland
Yervand Hajjyan – Hayk`s Descendants
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The statement is open for signatures