THIRD PARTY INVOLVEMENT PROCESS TO THE NAGORNO- KARABAKH CONFLICT

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THESIS

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ABSTRACT

This thesis explores the third parties involvement process in conflicts, particularly in the example of the Conference on Security and Cooperation in Europe (CSCE)'s involvement process in the Nagorno-Karabakh conflict. The collapse of the bipolar system and demise of the Soviet Union opened a space to the regional arrangements. In this new environment, the CSCE embarked on new efforts of the mediation of the Nagorno-Karabakh conflict. This is because the bloody conflict between Armenians and Azerbaijanis was threatening the stability and security in the European region and the CSCE was the most appropriate mediator due to its role between East-West dialogues.

The chapters of this study evaluate (1) the situation between Armenians and Azerbaijanis on the ground and their arguments on this conflict, (2) the changing international system, particularly the increasing discourse on the region, regionalism and regional arrangements/organizations ideas in the 1980s and 1990s and the institutional evolution of the Conference on Security and Cooperation in Europe (CSCE) from a conference to a regional organization, especially in the area of hard options such as peacekeeping forces deployment or military tasks, (3) the legal framework of the regional organizations' mediation efforts in the conflicts, the origin of their mandate and legitimacy, and (4) the first case of CSCE's peacekeeping forces deployment in the Nagorno-Karabakh conflict and the approaches of Azerbaijan and Armenia as well as Russia and the United States to this deployment.

The institutional evolution of the CSCE and the Nagorno-Karabakh conflict coincided, especially between 1988- 1994. I argue that the organization was not mature enough to deal with this conflict because it lacked of necessary hard options to deploy peacekeeping forces and force Armenia and Azerbaijan to consent its decisions.

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LIST OF ABBREVIATIONS

ASEAN: The Association of Southeast Asian Nations

ASSR: The Soviet Socialist Republic of Azerbaijan

CIS: The Commonwealth Independent States

CSCE: The Conference on Security and Cooperation in Europe

ECOWAS: The Economic Community of West African States

NACC: The North Atlantic Cooperation Council

NATO: The North Atlantic Treaty Organization

NKAO: The Nagorno-Karabakh Autonomous Oblast

OAS: The Organization of American States

OAU: The Organization of the African Unity

SSRA: The Soviet Socialist Republic of Armenia

USSR: The Union of Soviet Socialist Republics

Introduction

The etymology of the defining words of the Nagorno-Karabakh region reflects the parties that have been influential over this territory for many centuries. The word 'Nagorno' has its origin in Russian language and it means 'mountainous'. The compound word 'Karabakh' has its origins in Turkish and Persian languages; while the Turkish word 'kara' is translated into English as "black", the Persian word 'bakh' is translated into English as 'garden'. In order to define the region, Armenian people prefer to use a different term 'Artsakh' which stems from an old Armenian word 'tsakh' and translated into English as 'woods'. On other hand, Azerbaijani people would rather use the term 'Dağlıq or Yuqarı Qarabağ' to define this region.

The history of the hostility between Armenians and Azerbaijanis over Nagorno-Karabakh region is as complex as the etymology of the region's names and it developed early in the 19th century during the reign of czarist Russia. The first large scale conflicts took place between these two ethnic groups in the early days of February 1905 and continued throughout that year. As Croissant mentioned, the death toll reached approximately 1500 people from both sides and more than one thousand oil wells had been devastated in Baku during these conflicts. This inter-communal ethnic conflict created deep feelings of animosity between Armenians and Azerbaijanis. At the end of the same year, peace and order was restored. In 1923, the leader of the Soviet Empire, Joseph Stalin incorporated the Nagorno-Karabakh region into the Soviet Socialist Republic of Azerbaijan (ASSR) and successor leaders refused to address the status of the region until the Gorbachev era.[1]

In 1985, Mikhail Gorbachev took the office of the Soviet Union's General- Secretary of the Communist Party and initiated new reform movements known as 'glasnost' and

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[1] Michael P. Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications* (London: Preager, 1998), pp. 8-25.

'perestroika'. By these reform movements, Gorbachev was aiming to revitalize the obsolete economy and politics of the Soviet Union. However, these reform efforts resurrected the deep feelings of animosity between the Armenians and Azerbaijani people once again after many decades due to unexpected consequences of these policies on the nationalities question of the Soviet Union. In particular, the glasnost, the greater opening for free discussion and debate, allowed the expression of long-contained grievances and mobilized national sentiment. Following the revival of the nationalist movements both in Armenia and Azerbaijan as well as in the other parts of the Soviet Union during the Gorbachev's incumbency, the status of the Nagorno-Karabakh was brought to the surface by these two ethnic groups.

Following the perestroika and glasnost reforms, Armenian groups in Karabakh region increased and strengthened their demands to transfer Armenia from the control of Azerbaijan. During the session in February 1988, the council members of the Nagorno-Karabakh Autonomous Region appealed to the Supreme Council of the Soviet Union with the request to transfer to Armenia and the resolution was adopted by the Central Committee of the Communist Party.[2] The increasing optimism of the Armenian people living in the Nagorno-Karabakh region to unite Armenia and Nagorno-Karabakh turned into mass demonstrations in the cities of Stepanekart (the capital of Nagorno-Karabakh Oblast) and Yerevan in 1988. These demonstrations triggered the second phase of the large scale ethnic conflict between Armenians and Azerbaijanis which lasted until the 1994 Bishkek Protocol. As a result of the conflict, the Armenian population of the Nagorno-Karabakh Oblast took control of the region as well as approximately 10% of the Azerbaijan territory (a corridor that connected the oblast to Armenia—see Figure 1 below).

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[2] Venaliĭ, Amelin, *Konflikty Cherez Prizmu Mectnykh Soobshscestv* [Conflicts through Prism of Local Communities], Nauchno Publitsisticheskie Ocherki (OGAU: Orenburg, 2010), p. 33.

While Armenian and Azerbaijani people were fiercely fighting over the region of the Nagorno-Karabakh between the years of 1988-1994, the bipolar system of the Cold War was collapsing and the Soviet Union was dissolving. As a consequence of these events, the international actors defined their priorities. In this new era, the regional organizations stood out in order to play active role in their areas because the bipolar system was no longer dominating the international system and the burden of the United Nations reached the highest point in its history. These changes required regional organizations to settle conflicts by peaceful methods. As a result, the Conference on Security and Cooperation in Europe (CSCE) stood out to settle the conflicts in the European region.

Figure 1. Map of the Nagorno-Karabakh Conflict Region

Source: GlobalSecurity.org

http://www.globalsecurity.org/jhtml/jframe.html#http://www.globalsecurity.org/military/world/war/images/map-nagorno-karabakh-04.gif|||

However, the early efforts of the CSCE, which had served as a link between East-West divisions throughout the Cold war years, were mostly based on humanitarian issues. That is why the organization started evolving from soft tasks toward hard areas which required an active engagement such as peacekeeping deployment, military observation and field research.

The first testing ground of the organization was the Yugoslavia Crisis but it was ineffective and the role of the organization was very limited during this conflict because the Yugoslavia Crisis was far beyond the capacity of the organization. Also, the institutional evolution of the organization was not advanced enough to engage in this kind of large scale conflict. That is why the decision-makers of the organization decided to engage in a smaller conflict between Armenians and Azerbaijanis over the Nagorno-Karabakh region. However, the organization did not achieve any positive steps toward a peaceful settlement of the conflict.

The main aim of this paper is to evaluate the involvement process of the CSCE to the Nagorno-Karabakh conflict. It was the first implementation of Chapter VIII of the United Nations that permitted a regional organization to share the responsibility of the United Nations to settle a conflict. The evaluation of the CSCE's involvement process to the Nagorno-Karabakh conflict will be useful to understand the organization's inability to settle this conflict due to lack of the necessary harder options to force the warring parties -Armenia and Azerbaijan- in the example of deploying peacekeeping forces.

The thesis will begin with background information of the conflict in order to show the atmosphere of those years and the course of events in the region.

In the first chapter, the role of region, regionalism and regional organizations will be provided as a concept because these terms created the basis for the involvement of the regional organizations to the conflicts.

The second chapter presents a brief history of the CSCE together with its functions and the evolutionary process toward a regional organization. This is because the CSCE is the main mediator of the Nagorno-Karabakh conflict.

In the third chapter, the legal framework of the organizational involvement in the conflicts will be conceptualized, with the example of the CSCE's involvement process to the Nagorno-Karabakh conflict in comparison with the other organizations.

In the last chapter, the CSCE's capabilities toward finding a possible solution to the Nagorno-Karabakh problem will be assessed. The CSCE's main aim was to deploy peacekeeping forces between fighting Armenian and Azerbaijani people in Nagorno-Karabakh. It was turning a point for the organization because it was the first time that it would seek to use the hard/military option. However, the efforts of the CSCE were undermined by Russian parallel mediation and peacekeeping deployment efforts.

This study will only cover the critical years between 1988- 1994. That is why the name 'Conference on Security and Cooperation in Europe (CSCE) will be used instead of 'Organization for Security and Cooperation in Europe (OSCE) because the organization was renamed 'OSCE' after the Budapest Summit in 1994 and officially became an organization in January 1, 1995. The reason why this study covers only this period is that the evolution of the institutions within the organization and the Nagorno-Karabakh conflict was developing at the same time.

Chapter 1: Historical Background

In the middle of 1980s, Gorbachev initiated new reform policies in the Union of Soviet Socialist Republics (USSR). Known as 'perestroika' and 'glasnost', these reform policies, especially the glasnost focus on more open discussion and debate, paved the way for reviving the nationalities question in the USSR. This reformed era caused the rising of nationalism in the Soviet republics. One of the important centers of this nationalist resurgence was the Nagorno-Karabakh region, which was part of the ASSR. However, approximately the eighty percent of the population of this region consisted of Armenians. As a result, demonstrations took place in the streets of the Nagorno-Karabakh Autonomous Oblast (NKAO) and Armenia and the Armenian people were demanding the unification of the Nagorno-Karabakh Oblast and the Soviet Socialist Republic of Armenia (SSRA).[3]

Amidst these mass demonstrations at Stepanakert (the capital city of the Nagorno-Karabakh Azerbaijan Oblast) and Yerevan on February 1988, "the Soviet of People's Deputies of Nagorno-Karabakh passed a resolution by a vote of 110-17 requesting the oblast's transfer to the Armenian SSR".[4] These early demonstrations were terminated by Gorbachev's offer to find a peaceful solution to this stalemate. However, in late February, the mass demonstrations in Yerevan and Stepanakert resulted in Azerbaijani violence against Armenians in a three-day conflict in Sumgait. This was a turning point for the future of the region because throughout the Soviet period, the peace prevailed in the region but after this conflict, these two ethnic groups

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[3] Wendy Betts, 'Third Party Mediation: An Obstacle to Peace in Nagorno Karabakh', *SAIS Review*, Vol. 19, No. 2 (Summer-Fall 1999), p. 163.
[4] Croissant, *The Armenia-Azerbaijan Conflict*, p. 27

appealed to use of violence against each other. Due to these events, the relatively peaceful period

came to an end.

Soviet officials were closely following the developments in the region. They decided to

prevent the conflict because it was showing an ever-increasing tendency to escalate. Especially,

death toll was increasing from both sides. That is why the troops were sent from Moscow to

Baku and the central government declared martial law. Svante Cornell pointed out that

considering this strained situation, Soviet leaders created a special administration in Karabakh

region. It was still legally part of Azerbaijan, but Moscow took direct control.[5] However, the

general situation in the Soviet Union was also getting worse around the same time. Geukjian

emphasized that following the semi-free elections in March 1989 and the collapse of the regimes

in Eastern Europe, Moscow changed its policy in Nagorno-Karabakh. This is because the special

administration of the region could not ensure stability and find a solution to the conflict. Moscow

decided to abolish the special administration and leave the control of Nagorno-Karabakh to

Azerbaijan in November 1989.[6]

Until the end of the 1991, the mutual claims on Nagorno-Karabakh had proceeded on

both sides with a fierce struggle. However, the conflicts were limited to small areas, and had not

spread to the whole region during this period. The early conflicts could be characterized as inter-

communal violence. The year of 1991 was an important time for the future of the region. As

Croissant argued, the overthrow of Gorbachev and the collapse of the Soviet Union played an

adverse role in the conflict between Armenia and Azerbaijan. Following the withdrawal of

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[5] Svante E. Cornell, *Small Nations and Great Powers; A Study of Ethnopolitical Conflict in the Caucasus* (London: Curzon Press, 2001), p. 86.
[6] Ohannes Geukjian, *Negotiating Armenian-Azerbaijani Peace: Opportunities, Obstacles, Prospects* (Surrey & Vermont: Ashgate, 2014), p. 10.

Soviet forces from Nagorno-Karabakh, the conflict between Armenia and Azerbaijan over this region could now be characterized as an interstate conflict in the late months of 1991.[7]

The conflict was seen as an internal problem of the Soviet Union by international community until the end of 1991, as long as both republics remained part of the Soviet Union. During this period, Armenia tried to change the legal status of the region based on article 70, which confirms the rights of people to self-determination. Referring to this article, on February 1988, Supreme Soviet of Nagorno-Karabakh Autonomous Oblast decided to join Armenia. This request was rejected by Azerbaijan based on article 78, which states that "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 union republics concerned, subject to confirmation by the USSR".[8] Following the request of unification with Armenia, the Presidium of the Supreme Soviet of the USSR affirmed Nagorno-Karabakh's status as an autonomous region within Azerbaijan in July 1988.[9]

Internationalization of the Conflict

The evolution of the conflict between the Armenians and the Azerbaijanis from inter-communal to interstate conflict was happening at the same time of the evolution of international system. It was the end of the Cold war system, and the Soviet Union was falling apart. The number of newly independent states had been increasing. The international actors and organizations defined their priorities and policies in accordance with this new environment. On

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[7] Croissant, *The Armenia-Azerbaijan Conflict*, p. 43.
[8] Konstitut͡sii͡a (Osnovnoĭ zakon) Soi͡uza Sovetskikh Sot͡sialisticheskikh Respublik (prini͡ata na vneocherednoĭ sed'moĭ sessii Verkhovnogo Soveta SSSR devi͡atogo sozyva 7 Okti͡abri͡a 1977 g.) [Constitution (Basic Law) of the Union of Soviet Socialist Republics (Adopted at the extraordinary seventh session of the Supreme Soviet of the ninth convocation on October 7, 1977)].
[9] Svante E. Cornell, 'Undeclared War: The Nagorno- Karabakh Conflict Reconsidered', *Journal of South Asian and Middle Eastern Studies*, Vol. 20, No. 4 (Summer 1997), p. 17

the other hand, this new system brought new challenges and problems. The other aspect of these problems was that the international community was not ready to find quick solutions and did not know how to deal with these new challenges. One of these challenges was the ongoing ethnic-conflict between Armenians and Azerbaijanis over the Nagorno-Karabakh region. International community slowly started showing their interest in settling this conflict.

At the very beginning, regional countries such as Kazakhstan, Russian Federation and Iran had attempted to find a solution for bringing security, stability and peace to the region.[10] In addition to these regional powers, John Maresca emphasized the early approach of Western Powers to this conflict. As an Ambassador of the United States of America (USA) to the CSCE, he points out that "Under the hierarchical approach to issues with Russia and the former USSR, the Nagorno-Karabakh conflict has not been considered a top priority by US or other Western leaders, because it has not appeared to engage vital Western interests. Even when the war has attracted high-level attention, this has not been used in a concerted way and has not lasted".[11] Strobe Talbott, special adviser to the United States Secretary of State on the newly independent states, said that US would not play any active role in the former Soviet Union areas. Instead, they will encourage the international efforts to find a possible solution between two parties by using the organizations such as the North Atlantic Cooperation Council (NACC), the United Nations (UN) and the CSCE.[12] As it is seen from early approaches of the powers, the tendency on the international community was to solve this problem through multi- lateral institutions. This is because none of these interested parties were willing to engage directly in the area of former

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[10] Ermina Van Hoye, 'The OSCE in the Caucasus: Long-Standing Mediation for Long-term Resolutions', in *OSCE Yearbook 1999: Yearbook on the Organization for Security and Co-operation in Europe (OSCE)* (Nomos Verlagsges, 2000), p. 248.
[11] John J. Maresca, 'Lost Opportunities in Negotiating the Conflict over Nagorno Karabakh', *International Negotiation*, Vol. 1, No. 3 (1996), p. 472.
[12] Roy Allison, *Peacekeeping in the Soviet Successor States: Volume 18 of Chaillot Papers* (Institute for Security Studies, Western European Union, 1994), p. 27.

Soviet Union. In addition, Russian approaches were unclear in the early years of Post- Cold War era.

Armenia, Azerbaijan and the Karabakh Armenians are the main parties to the fighting on the ground since 1988. The Karabakh Armenians have demanded the 'right to self-determination' which finally aims to integrate into Armenia. They have argued that if Azerbaijan had the right to secede from the USSR, then they could secede from Azerbaijan. Although Armenia had provided strategic and logistic support to the Karabakh Armenians, they had not become an active party to this conflict; Armenia did not want to be seen as a country interfering in the internal affairs of Azerbaijan, even though Nagorno-Karabakh was a burning issue in Armenian domestic politics. On other hand, Azerbaijan has been seeking its territorial integrity and sovereignty and declared that they might grant autonomy to the Nagorno-Karabakh region.[13]

Contrary to the reluctance of individual regional or global actors to engage in the ongoing conflict in the Nagorno-Karabakh region, the new idea of regional arrangements acting to provide peace and stability flourished in those years. Especially, the increasing engagement of the United Nations and humanitarian aspects of global conflicts, in the example of Yugoslavia Crisis, made it necessary to share the burden of the UN peacekeeping operations. That is why the idea of regionalism and regional arrangements became prominent in the 1990s.

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[13] Betts, 'Third Party Mediation', p. 164.

Chapter 2: The Rise of the Regionalism Idea

Region, Regionalism and Regional Organizations

The bipolar structure of the Cold War, together with the Non-Aligned Movement diminished the role of United Nations as an international organization, and regional organizations aligned with the superpowers –the Soviet Union and the United States- throughout the Cold War. For example, the United States claimed that the case of Guatemala in 1954, Cuban crisis in 1962, Panama case in 1964 and United States intervention to the Dominican Republic in 1965 should be considered by the Organization of American States (OAS). In a similar way, the Soviet Union asserted that both of the Hungarian uprising in 1956 and the intervention of Soviet army into Czechoslovakia in 1968 were matters of the socialist bloc and be considered by Warsaw Pact.[14] In both examples, the United Nations Security Council was by-passed by the United States and the Soviet Union and priority was assigned to the regional organizations controlled by these powers. Due to this structure, the tendency of regionalism was limited and centripetal powers were apt to prevent any regional initiative which were out of their control.

Following the fall of Berlin Wall and the collapse of the Soviet Union, the world had been witnessing unprecedented events. This sequence of events resulted in end of the Cold War and demise of the bipolar system. As a result of this new structure in the post- Cold War era, the idea of regionalism and regional security organizations stood out because the states and organizations were no longer aligning with the centripetal powers. Especially, in this new era, the UN started gaining importance and regional organizations started having more space and

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[14] Benjamin Rivlin, 'Regional Arrangements and the UN System for Collective Security and Conflict Resolution: A New Road Ahead?', *International Relations*, Vol. 11, No. 2 (1992), p. 96.

possibility to be active in encountering regional challenges\matters. Also, scholars started

discussing how to evaluate the regional and global approaches so as to define the new

international order.[15]

Even though the UN became the initiator of the 'regionalism' and 'regional

organizations' concepts[16], there was not consensus or shared vocabulary on the definition of

these terms. Even the UN itself did not describe these terms explicitly. The early definition

efforts were made in 1960s and 1970s by scholars. However, they were mostly used

interchangeably or in a complementary way. According to Alagappa,

> "… the meaning of regional arrangements is similar to that of regionalism. Both relate to
> cooperation among regional states to enhance their regional well-being through collective
> action. Building on this, 'regional arrangements' or 'regionalism'… may be defined as
> 'cooperation among governments or non-governmental organizations in three or more
> geographically proximate and interdependent countries for the pursuit of mutual gain in
> one or more issue-areas'".[17]

As a more practical approach, Hettne and Söderbaum defined these terms in the context of global

and regional aspects. They pointed out that these terms emerged as a result of security concerns

and identified their positions in the multipolar system as an intermediary actors under the control

of United Nations Security Council.[18] On the other hand, Barnett emphasized that the

boundaries of a region were determined not only by geography but also its political and social

identity, and regional organizations emerged on these geographical, political and social

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[15] Michael Barnett, 'Partners in Peace? The UN, Regional Organizations, and Peacekeeping', *Review of International Studies*, Vol. 21, No. 4 (1995), p. 412.

[16] See, Alan K. Henrikson, 'The United Nations and Regional Organizations: "King-Links" of a "Global Chain", *Duke Journal of Comparative & International Law*, Vol. 7, No. 35 (1996).

[17] Muthiah Alagappa, 'Regional Arrangements, the UN, and International Security: A Framework for Analysis', in Thomas G. Weiss (ed), *Beyond UN Subcontracting: Task-Sharing with Regional Security Arrangements and Service-Providing NGOs* (New York: St. Martin's Press, 1988), p. 6.

[18] Björn Hettne and Fredrik Söderbaum, 'The UN and Regional Organizations in Global Security: Competing or Complementary Logics?', *Global Governance*, Vol. 12, No. 3 (July–September 2006), p. 227.

environments. In short, "… geographical proximity generates common interests that derive from a common culture, economic circumstances, and security concerns".[19]

The legal dimension of regionalism and regional organizations has been identified by Boutros Boutros-Ghali, sixth Secretary General of the United Nations, in *An Agenda for Peace* in 1992. In the paragraphs of 60 and 61 of that document, he pointed out that chapters on regionalism and regional organizations were incorporated into both the League of Nations and the United Nations for the maintenance of peace even though these terms were not explicitly defined in the Charter of the United Nations. However, it is stated that any undertaking by 'a group of states' which could serve the maintenance of peace and security could be defined under the Chapter VIII of the United Nation's Charter.[20] Some scholars argued that this phrase 'a group of states' should apply to a certain geographical territory or at least reflect some geographical proximity among the members of the organization. This argument was proposed by Egyptian officials at San Francisco but was rejected.[21] One thing is clear about the early definitions of region, regionalism and regional organizations: any idea connected with these terms revived under the framework of the United Nations and within the concept of Cold War. That means there were not appropriate conditions to define the role of the region, regionalism and regional organizations in this concept. That is way these terms were mostly evaluated within the UN concept.

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[19] Barnett, 'Partners in Peace?', p. 418.

[20] Boutros Boutros-Ghali, *An Agenda for Peace: preventive diplomacy, peacemaking and peace-keeping. Report of the Secretary-General pursuant to the Statement adopted by the Summit Meeting of the Security Council on 31 Jan.1992*. UN Doc. A/47/277-S/24111. June 17, 1992, http://www.un-documents.net/a47-277.htm (access: 01.15.2017), para. 60-61.

[21] Andrea Gioia, 'The United Nations and Regional Organizations in the Maintenance of Peace and Security', in Michael Bothe, Natalino Ronzitti and Allan Rosas (eds), *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (Hague: Kluwer Law International, 1997), pp. 196-197.

The role of regionalism in the new world order

At the end of the Cold War, the new world order was no longer defined by bipolar East-West antagonism. The post-Cold War era was defined by security-based approaches and the new phenomenon was ethnic, religious or other kind of conflict. These widespread conflicts made cooperation essential between the United Nations and regional organizations. This is because the UN could not fulfil the increasing demand of this new world order as a sole international organization in terms of its economic, personnel and security burden.

Thirty state representatives from different parts of the world were invited by Prime Minister of Sweden, Ingvar Carlsson to Sweden for a meeting on 'The Stockholm Initiative for Global Security and Governance' to discuss the role of regionalism for a joint security policy on April 22, 1991. The meeting concluded with a memorandum 'Common Responsibility for the 1990s' and emphasized that "World leaders must now act determinedly to build a new system for peace and security, on both a global and regional scale".[22] In his 'Report of the Secretary General on the Work of the Organization' released in 1991, the fifth Secretary General of the United Nations, Perez de Cuellar stated that regional organizations can take great responsibility against the new security problems\challenges in the post-Cold War era.[23] In 'An Agenda for Peace' adopted by the Summer Meeting of the Security Council on 31 January 1992, Boutros Boutros-Ghali pointed out that regional organizations can serve in the areas of peace-keeping, post-conflict peace building, preventive diplomacy and peace-making which are the main themes of post-Cold War era. By serving this way, regional organizations both relieve the burden of the

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[22] Rivlin, 'Regional Arrangements', p. 97.
[23] Javier Perez de Cuellar, *Report of the Secretary-General on the Work of the Organization on September 16, 1990.* Official Records Forty-Fifth Session Supplement, UN Doc. A/45/1 (New York: United Nations, 1991). http://repository.un.org/bitstream/handle/11176/182333/A_45_1EN.pdf?sequence=3&isAllowed=y (access: 10.24.2016), p. 8.

United Nations and promote consensus, democratization and participation in the new world order.[24]

In the early years of 1990s, there was an increasing interest on potential cooperation between regional organizations and the United Nations. As a result, regional organizations were invited by the Security Council of the United Nations to meet on 28 January 1993. The aim of this meeting was to search for a common ground of possible cooperation and to increase their functions in order to invigorate international security and peace by considering these organizations' main areas of influence.[25] The main forms of the cooperation between United Nations and regional organizations was indicated in 'Supplement to An Agenda for Peace' issued on 3 January 1995. These forms are; consultation, diplomatic support, operational support, co-deployment and joint operations.[26] According to Alagappa, there is an increasing tendency toward cooperation between regional organizations and the UN. The interest of regional organizations is in conflict management in their regions. They can provide their experience, local knowledge about region and its challenges, provide personnel and/or economic resources and legitimacy.[27]

The first implementation of this cooperation between the United Nations and regional arrangements is the new role of the CSCE in European peace and security. Before the CSCE engaged in the new role in the European region, it had to improve its institutions and be ready for the possible challenges and problems that might be encountered.

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[24] Boutros-Ghali, *An Agenda for Peace*, para. 64.
[25] United Nations*, Peacekeeping operations: Principles and Guidelines,* (New York: United Nations, 2008), p. 8.
[26]United Nations, *Supplement to an Agenda for Peace: Position Paper of the Secretary General on the Occasion of the Fiftieth Anniversary of the United Nations*. UN doc. S/1995/1, (New York: United Nations, January1995), http://repository.un.org/bitstream/handle/11176/42208/A_50_60%3bS_1995_1-EN.pdf?sequence=21&isAllowed=y (access: 01.15.2017).para. 86.
[27] Alagappa, 'Regional Arrangements', p. 4.

Chapter 3: The Conference on the Security and Cooperation in Europe (CSCE) and Its

Institutional Evolution

The inter-governmental Conference on Security and Cooperation in Europe (CSCE) began functioning as a forum for promoting East-West dialogue on human rights and security issues in the early 1970s. It was created as the largest, most inclusive, European organization. Following the collapse of the Soviet Union, the CSCE members started to discuss the possible role of the organization and to redefine its priorities within the region. The members of the organization have created basic institutional standards and structures, permanent institutions and emergency procedures in order to prevent, manage or resolve the inter-state and intra-state conflicts.

Although the organization lacked institutions when it was created, its basic standards were accepted by the member countries in the Helsinki Final Act in August 1975. As a first major agreement of the CSCE, all European governments agreed to 'the right to self-determination', 'the universal significance of human rights and fundamental freedoms' and 'respect existing national frontiers'.[28] In this document, the member states emphasized the main areas of interest of the organization. These areas are economic, technical and scientific cooperation, confidence building measures in military activities and close cooperation to guarantee the human rights and rights of the minority groups. Considering the basic principles and the areas of interest, the CSCE was created as a unique organization because humanitarian,

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[28] Richard Weitz, 'The CSCE's New Look'*, RFE/RL Research Report*, Vol. 1, No. 6 (7 February 1992), p. 27.

military and economic dimensions have been linked under this document for the future security of the European region.[29]

In the following decades, the main agenda of the CSCE has become the 'peaceful settlement of international disputes' due to its position in the East-West dialogue. Even though the member states held discussions at the main conference, at the three CSCE meetings in Belgrade (1977-1978), Madrid (1980- 1983) and Vienna (1986- 1989) and at the expert meetings, they could not agree on a new European system of peaceful settlements of international disputes. During these years, the main question that member states debated was the possibility and functionality of a separate system in the CSCE framework to find solutions for conflicts in the region.[30]

Especially at the end of the 1980s, the efforts on the developments in the framework of the CSCE intensified. In 1989, the President of the Soviet Union, Mikhail Gorbachev, called for 'a common European home' and offered a special conference in order to discuss both the developments in Eastern Europe and the future of the European continent. Toward this conference, member states decided to establish a Preparatory Committee (PrepCom) at the Copenhagen meeting in June, 1990. In addition, one month later, the member states of the North Atlantic Treaty Organization (NATO) gathered in London and they declared a prominent role for CSCE in the future of Europe. This London declaration offered the standards and the institutional framework of the CSCE.[31]

The conferences on the developments of the CSCE had 'ad hoc' character and there were not any permanent institutions. That is why 'the Summit Meeting of Heads of States or

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[29]Terrence P. Hopmann, 'Managing Conflict in Post-Cold War Eurasia: The Role of the OSCE in Europe's Security 'Architecture'', *International Politics*, Vol. 40, No. 1 (March 2003), p. 76.

[30] Arie Bloed, 'A CSCE System of Peaceful Settlement of Disputes?', *Helsinki Monitor*, Vol. 1, No. 3 (1990), pp. 20- 21.

[31] Arie Bloed, 'On the Eve of the Csce Summit in Paris', *Helsinki Monitor*, Vol. 1, No. 3 (1990), pp. 47- 48.

Government of Participating States of the CSCE' held in Paris in 19-21 November 1990 was a very important turning point in terms of its institutional evolution.[32] In this meeting the Heads of the State or Government of Participating States established a 'Secretariat' located in Prague in order to help the organization on administrative issues. Another important institution is the 'Council' which consists of the Foreign Affair Ministers of the member states in order to work as a forum for political consultations in the organizational process. The 'Conflict Prevention Center' was created in Vienna for the assistance of the Council 'in reducing the risk of the conflict'. Another important institution is the 'Secretariat' which aims to facilitate administrative meetings of the Committee and Council Officials.[33]

Considering these institutional developments, the CSCE started evolving from a forum to an operational organization. Following the Paris Summit, some practical mechanisms were created in order to increase the performance of the organization. These were the 'mechanism for unusual military activities' centered in Vienna, in 1990, 'emergency mechanism' located in Berlin in 1991, and 'the mechanism of the peaceful settlement of disputes' in Valletta in 1991. In addition, the ongoing crisis in Nagorno-Karabakh, Yugoslavia and the Commonwealth Independent States (CIS), required the CSCE to respond in new ways and with new tools in order to find solutions to these major conflicts in the region.[34]

Before the meeting of the member states in Prague, the basic guidelines and principles of the CSCE peacekeeping were presented by Canada, Hungary, Poland, Czechoslovakia and Austria.[35] The Ministers for Foreign Affairs of the CSCE gathered in Prague on June 1992.

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[32] Claude Altermatt, 'The Secretariat of the Conference on Security and Co-operation in Europe (CSCE) in Prague', *Helsinki Monitor*, Vol. 3, No. 2 (1992), p. 31.
[33] *Charter of Paris for a New Europe* (Paris, 1990) http://www.osce.org/mc/39516?download=true (access: 10.24.2016), pp. 12- 17.
[34] Arie Bloed, 'CSCE at a Decisive Stage', *Helsinki Monitor*, Vol. 3, No. 2 (1992), pp. 40- 42.
[35] Gajus Scheltema, 'CSCE Peacekeeping Operations', *Helsinki Monitor*, Vol. 3, No. 4 (1992), p. 9.

During this meeting, the Ministers agreed to improve the capabilities of the organization to facilitate in 'crisis management' and 'conflict prevention and solution'.[36] In searching for the new ways and tools to improve the capabilities of the CSCE, the Council adopted 'The Prague Document on Further Development of CSCE Institutions and Structures' at the meeting. In this document, the term 'peace-keeping' was officially used for the first time as a tool for conflict prevention and crisis management. The Council put special emphasis on the possibility for CSCE Peacekeeping or a CSCE role in peacekeeping. The Ministers also agreed to inquire the possibility of improving the traditional instruments for conflict prevention and crisis management such as; monitoring missions, dispute settlement, conciliation and counselling, fact-finding and rapporteur missions.[37]

In terms of the developments on peacekeeping concept in the CSCE, the Helsinki Summit held in 1992, which included a separate section for peacekeeping activities in the CSCE, was one of the most progressive meetings for the history of peacekeeping in the organization. It enables the organization to embark on peacekeeping operations as a regional security organization/arrangements and also cooperate with the other organizations which have been undertaking security practices in the region. Even though there were debates on the peacekeeping activities, the Helsinki Summit became a milestone for the CSCE and other regional organizations to conduct activities in this new environment. [38] The Budapest Summit held in 1994 was a complementary step to the Helsinki Summit. The Budapest document has three important decisions regarding peacekeeping; participating states will willingly take part in peace-

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[36] Rob Siekmann, 'Some Thoughts about the Development of CSCE Instruments in the Field of Peace and Security', *Helsinki Monitor*, Vol. 3, No. 2 (1992), p. 10.
[37] Natalino Ronzitti, 'OSCE Peace-keeping', in Michael Bothe, Natalino Ronzitti and Allan Rosas (eds), *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (Hague: Kluwer Law International, 1997), p. 237.
[38] Scheltema, 'CSCE Peacekeeping Operations', p. 7.

keeping activities, the co-chairmanship of the Minsk Group and Minsk Conference will be created and the High Level Planning Group (HLPG) will be established in order to organize the operational plans.[39]

As a result of all these institutional evolutions, Lange points out that "The CSCE is first of all a process in which new diplomatic practice, new rules of international political behavior, new values and a patchwork of obligations, interdependencies, new procedures and norms are developed and accepted". Considering the new developments, the relationship between the CSCE and European security politics is strengthened by two factors; on one hand, CSCE is an overlapping institution and on other hand, it represents the new procedures, values, relations and rules.[40]

As the institutional development of the organization progressed, the interest of the CSCE in the conflicts within the region has increased. Especially, due to the Post-Cold War environment and increasing regional tendencies, the CSCE wanted to engage in the conflicts as a European security actor. One of the main tests of the organization has been the Nagorno-Karabakh conflict between Azerbaijan and ethnic Armenians of Karabakh enclave in Azerbaijan.

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[39] Heikki Vilén, 'Planning a Peacekeeping Mission for the Nagorno-Karabakh Conflict', *Security Dialogue*. Vol. 27, No. 1 (1996), p. 91.
[40] Herman De Lange, 'The CSCE and Security in Europe', *Helsinki Monitor*, Vol. 3, No. 3 (1992), p. 28.

Chapter 4: Legal Framework of the Organizational Mediation to the Nagorno-Karabakh Conflict

Third parties –states, international arrangements or even individuals- might be invited by the conflicting parties to become involved in an international conflict, or such outside actors may engage in on their own initiative. Mediation is one of the peaceful means of conflict management and it occurs under four conditions: the efforts of the conflicting parties on the conflict management are in stalemate, the characteristics of the dispute are complex, long and devastating, both parties are open to cooperation and communication for the possible mediation efforts and both parties do not seek to escalate the violence.[41] The motives that encourage the third parties to involve in a mediation efforts are that they aim to prevent the escalation of dispute and to secure a peaceful settlement, but most importantly the humanitarian reasons.[42]

Among the possible mediators, the motives of the regional and international arrangements are more complex than individuals and states. The most common motive of the regional and international arrangements is to secure the peace. Throughout the Cold War years, regional organizations were not actively engaged in mediation efforts because the mediation had required the harmony of the influential powers and the consent of the conflicting parties. Following the end of the Cold War, regional organizations have actively engaged in conflict management and mediation. They have filled the gap left by the United Nations around the world

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[41] Jacob Bercovitch 'International Dispute Mediation: A Comperative Empirical Analysis', in Kenneth Kressel and Dean G. Pruitt (eds), *Mediation Research: The Process and Effectiveness of Third-Party Intervention* (San Francisco and London: Jossey- Bass Publishers, 1989), p. 285.

[42] Bercovitch, 'International Dispute', p. 286.

such as the efforts of the Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS) and the Association of Southeast Asian Nations (ASEAN).[43]

Considering the reluctance of the actors to engage in Armenian-Azeri conflict, there have been two possible organizations willing to find a solution to this question. These are Commonwealth of Independent States (CIS) and Conference on Security and Cooperation in Europe (CSCE) re-named Organization for Security and Cooperation in Europe (OSCE) after 1994 Budapest Summit. The main body which could provide legitimacy to these organizations is the United Nations and its Security Council.

United Nations role in mediation

United Nations released an agenda in January 1992 in order to undertake a new role in preventive diplomacy, peacemaking and peacekeeping in the new Cold war era. In this paper, the changing context of the organization was emphasized and provided information for the new role of the organization.[44] However, United Nations did not play an active role and its role was limited to issuing a resolution and condemning the conflicting sides in the Security Council. This is because "the general model of UN peacebuilding, incorporating military measures to ensure the demobilization and disarmament of conflicting parties, constitutional measures to settle the conflict, human rights measures, return of the refugees and restoration of the war-damaged infrastructure in conflict regions etc., never was regarded as appropriate for the case of Nagorno-Karabakh".[45] Another reason why the role of the United Nations was limited is that it had to deal

[43] I. William Zartman and Saadia Touval, 'International Mediation in the Post-Cold War Era', in Chester Crocker, Fen Hampson and Pamela Aall (eds), *Managing Global Chaos* (Washington: United States Institute of Peace Press, 1996), p. 449.
[44] Boutros-Ghali, *An Agenda for Peace*, para. 41-45.
[45] Kristine Barseghyan and Zainiddin Karaev, 'Playing Cat-and-Mouse: Conflict and Third-Party Mediation in Post-Soviet Space', *The Online Journal of Peace and Conflict Resolution*, Vol. 6, No. 1 (Fall 2004), p. 201.

with many other conflicts in the post-Cold war era. The UN had been conducting five peacekeeping operations at the end of 1987. The number increased to eighteen and approximately 80.000 military officials or personnel were serving in the peacekeeping activities of the UN and its annual peacekeeping budget reached to $3.6 billion in 1994.[46]

Abbasov mentioned that due to developments the United Nations engaged in following the dismemberment of Soviet Union, the organization did not take play an active role in the conflict of Nagorno-Karabakh. Instead, the Security Council passed the resolutions of 822, 853, 874, and 884 to emphasize its concern for the conflict over Nagorno-Karabakh region.[47]

Even though the United Nations did not actively join the effort for possible solutions to the conflict, it was the main body for providing legitimacy to willing parties/organizations. Having this instrument, the organization authorized the CSCE as a regional agency by referring Chapter VIII of its Charter in July 1992. According to Chapter VIII, Article 53(1), the Security Council "shall, where appropriate, utilize such regional arrangements and agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council".[48] Considering the new era in international relations, the end of the bipolar system, the increasing burden on the United Nations, the organization decided to share its burden with willing regional organizations, which can help to find a solution or settle the conflict in a specific region.

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[46] United Nations, *Cooperation between the United Nations and Regional Organizations/Arrangements in a Peacekeeping Environment: Suggested Principles and Environment* (Department of Peacekeeping Operations, March 1999), p. 3.
[47] Namig Abbasov, 'Minsk Group Mediation Process: Explaining the Failure Peace Talks', *Journal of Caspian Affaris*, Vol. 1, No. 2 (Summer 2015), p. 63.
[48] United Nations*, Cooperation*, p. 6.

CSCE/OSCE role in mediation

The CSCE embarked on a new mission in the Caucasus region because it is the sole regional organization to embrace Russia, the Western countries and the members of the Caucasus region. The involvement of the CSCE in this region is vital due to its official status. It has offered alternative perspectives to Russian and conflict parties' views. In addition, the Organization has educated the West as to what kind of problems and disputes the region has.[49] It is the only organization that might take part in missions in the post-Soviet space.

As a parallel to the transformation and changing priorities of organizations and actors, the CSCE has been defining its role in the European security after the fall of the Soviet Union. However, Findlay points out that the organization did not have any instruments appropriate to this new era or capable of dealing with the collapse of Soviet Union, East-West division, post-Soviet transformation, human rights violations and ethnic or territorial conflicts. The first initiative of the organization was 'the Charter of Paris for a New Europe' in November 1990. In this paper increasing expectations of European countries had been shown to play an active role in dealing with the problems in the new era.[50] Following this Charter, members of the Conference organized a meeting in Prague and agreed on "the Prague Document on Further Development of CSCE Institutions and Structures" in January 1992. These were important steps toward institutionalization of the organization. Also, it showed the increasing expectation of the members to play active role in the region. That is why their initial aim was to improve institutions and structures of the Conference.

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[49] John J. Maresca, 'Why an OSCE Role in the Caucasus?', *Security Dialogue*, Vol. 27, No. 1 (1996), p. 88.
[50] Trevor Findlay, *Challenges for the New Peacekeepers: SIPRI Research Report No. 12* (New York: Oxford University Press, 1996), p. 121.

Another important step was taken in the 'CSCE First Additional Meeting of the Council' in 24 March 1992. During this meeting, the ministers agreed to play a role to settle the conflict and promote stability and peace in the region. They agreed that the CSCE should take further action on the situation in Nagorno-Karabakh. Also, they emphasized that a forum should be organized under the auspices of CSCE to host negotiations for a possible settlement within the context of the CSCE's commitments, provisions and principles. Considering this step, they decided to organize a conference in Minsk.[51] In addition, chapter 3 of the Helsinki Document mandates that 'the Chairman of Office, the representative of the organization, will fully inform the Security Council of the United Nations about the CSCE peacekeeping operations.[52] However, mutual occupations on the ground such as "the seizure of Shusha and Lachin by Nagorno-Karabakh forces in May 1992, the capture of Shahumian and Mardakert by the Azerbaijani Army in June-August 1992, and the occupation of six districts by the Nagorno-Karabakh forces" prevented possible solutions during this era.[53]

A supplementary step to the previous initiatives was undertaken at the Budapest Summit in November 1994. According to Maresca, before the meeting, it was clear that providing peacekeeping forces for the Nagorno-Karabakh conflict would be an important success of the meeting and it might give an exclusive role to CSCE for the conflict resolution.[54] As John Maresca predicted from the meeting, the representatives of the governments showed their will to form a peacekeeping force in accordance with an UN Security Council resolution and ceasefire of the parties under the title of "Intensification of CSCE action in relation to the Nagorno-

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[51] *CSCE First Additional Meeting of the Council: Helsinki Additional Meeting of the CSCE Council: Summary and Conclusions* (Helsinki: 24 March 1992) http://www.osce.org/mc/29121?download=true (access: 10.22.2016), p. 14.
[52] Walter Kemp, *OSCE Peace Operations: Soft Security in Hard Environments* (New York: International Peace Institute, June 2016), p. 2.
[53] Levon Zourabian, 'The Nagorno-Karabakh Settlement Revisited: Is Peace Achievable?', *Demokratizatsiya*, Vol. 14, No. 2 (Spring 2016), p. 254.
[54] Maresca, 'Lost Opportunities', p. 491.

Karabakh conflict".[55] During this meeting, there were other decisions which had a prominent effect on the organization. First one was the transformation from Conference to Organization. After the summit, the institution turned into an organization re-named the Organization for Security and Cooperation in Europe. This was an important step toward institutionalization of the organization. Second important step was that Russia became a permanent Co-chair of the Minsk Group together with France and United States.

The most important advantage of the CSCE was that the organization has been built on Western values. That is why it guaranteed the final outcome of its commitments, especially on the deployment of the peacekeeping forces.[56]

Russian-centered CIS role in mediation

The Commonwealth of Independent States (CIS) formed as a successor organization that aimed to keep the member states together in December 8, 1991. It had two aims: creating CIS forces to prevent conflicts on the previous borders of the Soviet Union, and forming peacekeeping forces. There are some turning points for a possible cooperation between West and Russia to find a solution for post-Soviet conflicts. One of these moments was the year 1992. As Maresca points out, Russian Federation was not eager to engage in peacekeeping and conflict resolution within the former Soviet Union territory. It was not Russia's foreign policy priority. In addition, early efforts to settle the conflict of Nagorno-Karabakh either with Kazakhstan or herself had failed. That is why Russia's interest in playing active role on the conflicts was low and open to cooperation.[57] For example, in 1992 CSCE Summit, the member states affirmed the

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[55] Kemp, *OSCE Peace Operations*, p. 3.
[56] Betts, 'Third Party Mediation', p. 173.
[57] Maresca, 'Lost Opportunities', p. 478.

role of CIS in the peacemaking efforts and its support to peacekeeping operations in Caucasus region.[58]

This early positive atmosphere between West and Russia lasted only a short time. Especially, the increasing interest of Russia within its former territory became clear in President Yeltsin's speech of February 1993 in which he said:

> "Stopping all armed conflicts on the territory of the former USSR is Russia's vital interest. The world community sees more and more clearly Russia's special responsibility in this difficult undertaking. I believe the time has come for distinguished international organizations, including the United Nations, to grant Russia special powers as guarantor of peace and stability in regions of the former USSR".[59]

After this speech, Russia returned attention to its former Soviet regions as a primary actor under the cover of CIS, and Russian officials started lobbying for possible support for its peacekeeping activities in the former Soviet regions. To some extent they achieved the UN's support. However, Russian neutrality for peacekeeping operations had always been doubted by the organizations, especially by the UN.[60] It was thought that Russian national priorities were coming before regional stability or peace. Svante Cornell points out that Russia started insisting to use a Russian-only peacekeeping force contrary to CSCE's objections. This is because CSCE/OSCE might be a cover for Russian peacekeeping operations.[61]

The competition between these two organizations prevented a solution to the conflict between Armenians and Azerbaijanis. Interestingly enough, Azerbaijan totally objected to any kind of Russian peacekeeping forces in its territory for fear of a Russian military presence after the fall of Soviet Union. To prevent further competition between these two organizations, it was

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[58] Barseghyan and Karaev, 'Playing Cat-and-Mouse', p. 203.
[59] Maresca, 'Lost Opportunities', pp. 483- 484.
[60] Allison, *Peacekeeping*, p. 32.
[61] Svante E. Cornell, *The Nagorno-Karabakh Conflict: Report No. 46* (Uppsala University: Department of East European Studies, 1999), p. 121.

decided to harmonize their efforts under OSCE organization by providing Russia a co-chairmanship of Minsk Group.

Chapter 5: The CSCE Peacekeeping Practice in the Nagorno-Karabakh Conflict

Modern peacekeeping was invented by the United Nations and it has cut across its original practices. Considering the history of the United Nations, peacekeeping has always worked in simple logic. The troops have been provided by member states to the service of the UN Secretary General. The consent of the warring parties was essential. The aim of the mission has been to provide a ceasefire and maintain peace and security. However, peacekeeping operations have evolved in 1990s and have had complex characteristics with new tasks and situations. Peacekeeping forces have been engaged in the areas where there are no governments and authorities after the end of the Cold War era. These new forms of conflict areas have required the engagement of the regional organizations to share the burden of the UN and ease its financial commitments.[62]

The world has witnessed the major changes in the 1990s. Dismemberment of the Soviet Union, the institutional evolution of the CSCE and the Nagorno-Karabakh Conflict were concurrent at the end of the 1980s and early 1990s. These have been interactive developments in the European hinterland. As a parallel to the efforts on strengthening the CSCE and continuing to its institutional evolution, the interest of the organization to engage in peacekeeping and conflict resolution efforts was increasing. The member states agreed to manage non-violent and violent conflicts by verification, observation and peacekeeping operations.[63] The 1992 Helsinki Summit and the Rome Ministerial Council Decisions underpinned the legal principles of the CSCE and

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[62] Boutros BoutrosGhali, 'Beleaguered Are the Peacekeepers', *The New York Times* (30 October 1994), para. 4-7.
[63] William H. Hill, 'OSCE Conflict Resolution and Peacekeeping, Past and Future: OSCE Security Days Event' (16 September 2013), http://www.osce.org/secretariat/105354?download=true (access: 10.24.2016), p. 1.

its peacekeeping activities. Based on these documents, the CSCE might request operational assistance from the Western European Union (WEU), the North Atlantic Treaty Organization (NATO) or CIS in the field of peacekeeping operations.[64]

Nagorno-Karabakh region is an Armenian enclave within the Azerbaijan and had fought for its independence between 1988 and 1994. Armenian people living in the Nagorno-Karabakh secured the territory of the region and forced most of the Azerbaijanis to leave these regions. [65] Following the dismemberment of the Soviet Union, one of the main challenges for the CSCE was the question of involvement in the conflict zones within the former Soviet Union, although the multilateral Minsk process had already been created with the aim of negotiating and settling the Nagorno-Karabakh War in 1992.[66] The massacres in the Khojaly region of Azerbaijan forced the organization to seek a peaceful settlement to this ongoing conflict. Two CSCE missions, by the CSCE Chairmanship and in the Chairmanship of the Czech leadership, were sent to the conflict zones and the CSCE Ministerial Council agreed to organize a conference in Minsk. Even though the member states could not gather at the Minsk Conference due to a new outbreak in fighting, the conference documents established a rotating chairmanship and the following peace process of the Nagorno-Karabakh conflict would be named by this 'Minsk Process'.[67]The Minsk process was developed at the Helsinki Summit of the CSCE which took place in 1992 and it has become the main mediator in the eyes of the international community to find a possible solution in the Nagorno-Karabakh region.[68]

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[64] Rob Zaagman, 'OSCE Peacekeeping: A Useful 'Harder' Option', *Helsinki Monitor*, Vol. 7, No. 3 (1996), p. 66.
[65] Michael Mihalka, 'A Marriage of Convenience: The OSCE and Russia in Nagorno-Karabakh and Chechnya', *Helsinki Monitor*, Vol. 7, No. 2 (1996), p. 13.
[66] Stephen Blank, 'Russia, the OSCE, and Security in the Caucasus', *Helsinki Monitor*, Vol. 6, No. 3 (1995), p. 65.
[67] Abbasov, 'Minsk Group', p. 63.
[68] Jonas Brown and Kaelyn G. Lowmaster, 'The Minsk Group Mediation Process from 1992 to the Present' in P. Terrence Hopmann and Dr. I. William Zartman (eds), Nagorno Karabakh: Understanding Conflict 2013 (Washington: SAIS, 2013), p. 201.

Before testing its capabilities in the Nagorno-Karabakh conflict, the CSCE engaged in the Crisis of Yugoslavia. The Crisis had the potential to spill over to Kosovo and Macedonia in 1992. The role of the Organization was to prevent the expansion of the conflicts to these conflict zones. Due to this aim, a fact-finding mission was created in Kosovo under the aegis of the organization.[69] However, as many experts pointed out, the organization was not adequately developed in order to play an active role in the European security. For example, Rob Zaagman described the involvement of the CSCE to the Yugoslav Crisis as "Too much, too soon? The CSCE seems to have broken its teeth on the Yugoslav Crisis or, rather, its lack of teeth seems to have become apparent. Meetings and resolutions galore, plus a mission of rapporteurs, but no further action". [70] Scheltema has emphasized a similar deficiency and pointed out that the existing instruments of the organization, for example 'the unusual military activities mechanisms', had limited influence on the war.[71] This mechanism refers to the unusual activities of the military groups that might raise security concerns for other CSCE members. By this mechanism, member states can request an explanation about these unusual activities and/or request bilateral and multi-lateral meetings. The Director of the CSCE secretariat in Prague, Nils Eliasson noted the ongoing inability of the organization to settle the crisis and ironically pointed out that the institutions and the structure of the CSCE have not been matured enough. It is argued that the organization must engage in a smaller conflict in order to test its capabilities. Harsher criticisms have been made that institutional incapability of the CSCE was an obstacle to settle the disputes.[72]

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[69] Hill, 'OSCE Conflict', p. 3.
[70] Rob Zaagman, 'The CSCE and the Yugoslav Crisis', *Helsinki Monitor*, Vol. 3, No. 1 (1992), p. 43.
[71] Scheltema 'CSCE Peacekeeping', pp. 8- 9.
[72] Richard Weitz, 'The CSCE and the Yugoslav Conflict', *RFE/RL Research Report*, Vol. 1, No. 5 (31 January 1992), pp. 25- 26.

That is why, instead of the complex Yugoslav Crisis, CSCE preferred to focus on the

Nagorno-Karabakh conflict. The UN's peacekeeping troops did not become the option for

warring parties for many reasons. First of all, Azerbaijani officials refused UN peacekeeping

troops because they did not officially recognize the Nagorno-Karabakh representatives. To allow

those representatives negotiated as a separate unit might acknowledge the Nagorno-Karabakh

region as an independent entity. Russia was positive to the UN peacekeeping troops as long as

they could be replaced by CIS peacekeeping troops. The representatives of the Nagorno-

Karabakh enclave, on other hand, preferred to see the CIS peacekeeping force instead of the UN

peacekeeping troops. Lastly, the UN itself had been dealing with the expensive and complicated

crises around the world such as Cambodia and Yugoslavia. Considering the high cost and

complex characteristic of the UN peacekeeping operations, a USA official stated that they would

not support any kind of peacekeeping deployment in the Nagorno-Karabakh problem during

those years.[73]

Following the dissolution of the USSR, the Nagorno-Karabakh conflict evolved from a

domestic problem of the Soviet Union into an international dispute and opened the way for

regional organizations and states to engage in this conflict.

Russia initiated the talks between Armenia and Azerbaijan in order not to lose its control

over the South Caucasus. On other hand, the years between 1990 and 1993, Russia had turned its

face to West in order to improve relations. Throughout these years, for example, in the Security

Council of the UN, Russia voted for supporting sanctions against the actions of Serbia and

Montenegro. Russia also agreed on the suspension of Yugoslavia from the CSCE due to ongoing

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[73] Elizabeth Fuller, 'Nagorno-Karabakh: Internal Conflict Becomes International', *RFE/RL Research Report*, Vol. 1, No. 11 (13 March 1992), pp. 3- 4.

conflict in this country.[74] Considering its pro-Western policy after the demise of the USSR,

Russia was aiming to get technical and economic assistance and to improve its image in the

West. As Russian Foreign Minister stated, "Our active foreign policy, our diplomacy, are

necessary to guarantee the entry into the world of community". That is why Boris Yeltsin made

his first visit to Germany, Italy and then France, the core countries of the European Union.[75]

John Maresca pointed out that 1992 was the best time to settle this conflict. This is because

Moscow was open to the CSCE's mediation and to cooperate with the Western countries,

reliability of the CSCE was high, the warring parties were not able to withstand the international

pressure and the Armenian people of Karabkh had not yet attained territorial superiority.[76]

     Beginning in 1993 with the "Near Abroad Policy", Russia defined its national interests

and priorities in its former Soviet space and decided to engage in the region more actively and

effectively. One of these early efforts was to station peacekeeping forces to the ongoing conflict

in the Nagorno-Karabakh region. In an increasing tendency, Russia was expressing its interest in

playing an active regional peacekeeping role. Crow argued that Russian aim was to get

international approval and funding for its peacekeeping activities in the region. [77] Another aspect

of Russian interest in peacekeeping was that Russia was identifying peacekeeping activities as a

military tool to increase its influence in the South Caucasus. Andrei Kozyrev, for example,

pointed that if Russia effectively and responsibly practiced the peacekeeping, it might bring

prestige to Russia in the former Soviet States and in the international environment. [78] However,

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[74] Suzanne Crow, 'Russia's Response to the Yugoslav Crisis', *RFE/RL Research Report*, Vol. 1, No. 30 (24 July 1992), pp. 31- 34.

[75] Suzanne Crow, 'Russian Federation Faces Foreign Policy Dilemmas, *RFE/RL Research Report*, Vol. 1, No. 10 (6 March 1992), pp. 15- 17.

[76] Maresca, 'Lost Opportunities', p. 478.

[77] Suzanne Crow, 'Russia Seeks Leadership in Regional Peacekeeping', *RFE/RL Research Report*, Vol. 2, No. 15 (9 April 1993), p. 28.

[78] Suzanne Crow, 'Russian Peacekeeping: Defense, Diplomacy, or Imperialism?', *RFE/RL Research Report*, Vol. 1, No. 37 (18 September 1992), p. 38.

Russian idea of peacekeeping was significantly different from the peacekeeping practices of the

United Nations because Russia was seeking to create a peacekeeping force dominated by

Russian soldiers or officers.[79]

While Russia was implementing its own policies based on national interest, she was also

making every effort to dominate any kind activities against its own interest in the region,

especially the CSCE's mediation and peacekeeping efforts.

The aim of Russia was to get support of the CSCE for its peacekeeping activities under

the auspices of the Commonwealth of Independent States (CIS). One of the controversies

between the CSCE and Russia was that the CSCE member states wanted Russia to embrace the

CSCE principles and monitoring activities for the peacekeeping efforts of the CIS. However, the

talk over this issue was blocked by Russia because Russian officials insisted that "There is of

course no question subordinating one organization to another, of control for the sake of control

of one organization over the activities of another". [80] Another important controversy was the

composition of the possible peacekeeping force. In November 1993, at the meeting of the CSCE

Council's foreign affair ministers, Kozyrev, the Russian Foreign Affair Minister, have demanded

an official mandate for "Russian or CIS-Russian dominated troops" in the Nagorno Karabakh

and the cost of activities be underwritten by the CSCE. Both the members of the CSCE and

especially Azerbaijan rejected these demands because these might serve to extend Russian

interests in the region.[81] In the early years of 1994, Russian officers had reviewed their previous

plan and made a new suggestion. According to new plan, Russian peacekeeping forces would be

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[79] Allison, *Peacekeeping*, p. 1.

[80] Heather Hurlburt, 'Russia, the OSCE and European Security Architecture', *Helsinki Monitor*, Vol. 6, No. 2 (1995), pp. 10- 11.

[81] Rexane Dehdashti, 'Nagorno-Karabakh: A Case-Study of OSCE Conflict Settlement', in Michael Bothe, Natalino Ronzitti and Allan Rosas (eds), *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (Hague: Kluwer Law International, 1997), p. 470.

deployed between Armenian and Azerbaijan conflict zones as a 'separating force', and then Armenian forces would withdraw from the occupied regions. Russia's revised plan was rejected by the leader of Azerbaijan, Geidar Aliyev. Aliyev feared that a Russian 'separating force' would serve to freeze the control of occupied regions by Armenians. Since 1993, Aliyev declared that Azerbaijan would only accept Russian forces in the framework of the CSCE.[82]

Also, the principle of the United Nations on peacekeeping is not to include the warring parties' troops to a possible peacekeeping force. The CSCE has been following the same tradition and prefers not to include the troops of the interested neighboring states for a long-term mission in a conflict.[83]Among these different agendas and controversies between the main actors of the Nagorno-Karabakh conflict, the member states of the CSCE gathered at Budapest in December 1994. In order to prevent rivalry in mediation efforts and consolidate negotiation process, the system of the Co-chairs of the Minsk Group was created and mandated at this summit. The Minsk Group was entrusted with two missions; to promote a possible ceasefire and to conclude 'the political agreement on the cessation of armed conflict'.[84]

The Budapest Summit was a milestone for the future of the conflict. In this Summit, members showed their political will to deploy a peacekeeping force in the region. According to the agreement, the contribution of the states in a peacekeeping force will not exceed more than 30% of the whole force. It was also decided that the peacekeeping force might be deployed as soon as the warring parties reached a peaceful settlement. However, the question of as to who would command this peacekeeping force and which countries will provide the military personal were left to the later discussions.[85]

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[82] Allison, *Peacekeeping*, p. 9.
[83] Zaagman, 'OSCE Peacekeeping', p. 68.
[84] Kraĭsis Grup, *Nagrnyĭ Karabakh: Plan Ustanovleniĭa Mira* [Nagorno Karabakh: A Plan for Peace], Doklad No: 167, Evropa (11 Oktiabria 2005), p. 11.
[85] Charlotte Hill, *State Building and Conflict Resolution in the Caucasus* (Leiden: Brill, 2010), p. 261.

As a parallel to the CSCE's diplomatic efforts, Russia, Azerbaijan, Armenia and the Nagorno-Karabakh representatives signed a ceasefire protocol at Bishkek in May 5, 1994 over the ongoing Nagorno-Karabakh conflict. The Protocol called the members of the CIS organization to cooperate with the UN and CSCE to settle the conflict and also made references to the Security Council's resolutions on Nagorno-Karabakh as the territory of Azerbaijan.[86] On other hand, in order to prevent Russia's separate diplomacy efforts, a special status was assigned to Russia as a co-chairmanship as well as the United States and France. The CSCE was authorized to act, it could not achieve either a peace agreement or the deployment of a peacekeeping force in the region in the following decades.

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[86] Joseph Recht, 'International Law and the Nagorno Karabakh Dispute', in P. Terrence Hopmann and Dr. I. William Zartman (eds), *Nagorno Karabakh: Understanding Conflict 2013* (Washington: SAIS, 2013), p. 192.

Conclusion

When the conflict over Nagorno-Karabakh region started between Armenians and Azerbaijani people in 1988, it was not considered a major conflict that could threaten regional stability, but rather it was the internal question of the Soviet Union. However, the struggle between these two ethnic groups over Nagorno-Karabakh region escalated after they became independent in 1991 following the collapse of the Soviet Union. As the conflict escalated, it came to the forefront of the international agenda.

CSCE was a regional institution which was increasing its influence in the European hinterland and seeking a new role in the post-Cold war European politics. In order to play an active role in this new environment, the organization started evolving from a conference to a regional organization. The organization's previous efforts were mostly based on humanitarian subjects. However, in this environment, the CSCE was assigned to find a peaceful solution to the conflicts that threaten security and stability of the European region.

The Nagorno-Karabakh conflict became the first case for the CSCE even though the organization engaged in the Yugoslavia Crisis. Its role in the Yugoslavia Crisis was complementary. By contrast, the CSCE was assigned as the main mediator of the Nagorno-Karabakh conflict. However, the organization has not achieved any progress toward resolution.

One of the main reasons that explains the failure of the CSCE is that the organization was not enough developed institutionally to engage in a conflict. As mentioned earlier, the organization's early efforts were based on humanitarian issues, considered as part of the soft areas of CSCE policy. However, in the post-Cold war era, the organization needed hard power instruments in order for the warring parties to consent to its decisions. Another important reason

is that the CSCE was lack of experience. The involvement process of the organization to Nagorno-Karabakh conflict was mostly considered in legal framework. Due to the mandate of the UN, the organization did not encounter any legitimacy issues because both Armenia and Azerbaijan were the members of the CSCE and they showed their consent for the mediation of the organization. In practice, however, the organization did not have any experience especially in the area of peacekeeping forces. This is because possible deployment of peacekeeping forces might have changed the future of the conflict by separating warring parties. In addition, the possible CSCE- UN cooperation in area of peacekeeping might have been useful for the organization to gain experience in this new field.

These reasons explain the failure of the organization to settle the conflict between Armenians and Azerbaijanis in terms of its institutional ineffectiveness. It must be acknowledged that there are certain reasons explaining the failure of the peace process with regard to the improvements in the internal politics of two countries between 1988- 1994.

Considering these reasons, the CSCE could not achieve the practical steps in order to complete its theoretical/legal evolution. This evolutionary process coincided with the ongoing Nagorno-Karabakh conflict. The practical inabilities of the organization served to freeze the Nagorno-Karabakh conflict which is most commonly known today as 'frozen conflict'.

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