ARMENIANS LEARNING FROM THEIR DISASTROUS HISTORY SHOULD OFFER NEW APPROACHES IN INTERNATIONAL LAW

Posted on July 18, 2009 by Keghart

Category: Opinions

By Aram Adamyan MSc MBA ACCA, Toronto, 17 July 2009

While petitions and rallies of protest are organized in the wake of the announcement of the updated Madrid Principles by Obama-Sarkozy-Medvedev trio, not much is proposed by Armenians to resolve the Nagorno-Karabakh conflict. Aram Adamyan's suggestion is timely and worthy of discussion at all levels, including that of the authorities in Armenia and Karabakh.- Keghart.com

In recent years, the International community has witnessed the appearance of new and independent states such as Kosovo, Abkhazia and South-Ossetia. The latter two are recognized only by Russia and Nicaragua. In this process the conflict between the two principles of International law, namely between the principle of the right of self-determination and that of territorial integrity, have received exhaustive attention. While most of the current countries came about by declaring their independence partly based on the principle of self-determination, the very same countries exercise a double standard in recognizing the independence of nations fighting for their freedom. In the specific case of Nagorno-Karabakh conflict, the dichotomy of the two international principles may be addressed through an analysis of the current geopolitical situation and by providing a new approach suggested in the concluding remarks.

Developments in Armenia have been tense in the past year, since President Sargsyan initiated the Armenian-Turkish discussions through the so-called soccer diplomacy. Unlike in the past, Russia, which has substantial leverage over Armenia, exhibited an unusual tolerance towards these discussions. What did Armenia gain? How did the discussions effect Nagorno-Karabakh conflict resolution? What did the major powers, such as Russia, France, Germany, the United Kingdom, and the United States, that are involved in this process, gain? Finally, how did it effect Turkey?

Russia, by allowing negotiations between Armenia and Turkey (which on surface would mean Armenia gaining more balanced economy and foreign policy) triggered Azerbaijan's reaction over the consequences of the possible opening of the Armenian-Turkish border. Negotiations culminated in Russia successfully signing a natural gas deal with Azerbaijan, which will sell substantial amounts of its natural gas to Russia starting 2010. A Russian objective to weaken the NABUCCO project that bypasses Russia was thus successfully met. It was achieved through a lesser commitment by Azerbaijan as one of the major suppliers. In turn, Russia is expected to act in favor of Azerbaijan in the Nagorno-Karabakh conflict.

While Russia recognized, after a short war (2008) the independence of South Ossetia and Abkhazia from Georgia , it has not shown any intention to recognize the independence of Nagorno-Karabakh. On the contrary, Moscow exercises pressure over Armenia to forego certain, including territorial imperatives, for the resolution of the conflict. Meanwhile,
Russia has heavily invested in the Armenian economy and maintains a military base in Armenia to which it has no direct access following the closure of the Russian-Georgian border. The Russians could get an alternative route through Turkey if the Turkish-Armenian border were to open.

Europe is eager to have reliable supply of energy through oil and gas pipelines from energy-rich Central Asia and Azerbaijan, via a route that skirts Russia's southern border. To this end peace and stability in South Caucasus is of utmost importance to Europe. European politicians understand that peace will not be final and reliable unless there is peace and reconciliation between Armenia and Azerbaijan/Turkey. Thus, we have witnessed intensified European efforts to find a solution for the Nagorno-Karabakh conflict, coupled with Turkey promising to open its border with Armenia and establish diplomatic relationship with Yerevan.

The interests of the United States in finding a resolution to the Nagorno-Karabakh conflict and in the reconciliation between Armenia and Turkey lies in geopolitical considerations. The U.S. expects less Russian influence in Armenia and Azerbaijan, and with an already pro-western Georgia gradually exerting full control over the whole South Caucasus. The latter is a vital region sandwiched between rival Russia and enemy Iran, a landmass connecting the energy-rich Central Asia, bordering Afghanistan and establishing a route with Europe bypassing Russia and Iran.

Turkey, which formerly could only dream about being involved in the resolution of South Caucasus conflicts, got its prize through the invitation of President Sargsyan's offer to open the Turkish-Armenian border -- a border that qualifies as the last closed border in Europe. The necessity of such an opening arose after another border, the Russian-Georgian door closed.

The Armenian-Turkish negotiations led to the announcement on the eve of April 24, 2009 of a "roadmap" by Turkish and Armenian leaders, with Switzerland acting as an intermediary. The announcement coincided with a period when Armenians throughout the world were expecting that President Barak Obama would honour his campaign promise to call the massacres of Armenians from 1915 to 1923 in the Ottoman Empire as genocide. The roadmap and the Armenian-Turkish talks were exploited by the new U.S. President to breach his promise. The excuse that using the G-word would harm the ongoing talks was the conveient explanation. Turkey could not have expected a better outcome. The U.S., heavily dependent on Turkish support for its Iraq war and a possible war with Iran, forced Armenia to announce the roadmap. It was a beneficial solution for the Americans. In this manner Washington's relationships with Turkey would not be harmed.

What did Armenia gain in this process? and did it commit itself to a fair resolution of the Nagorno-Karabakh conflict? While Armenian authorities claimed that they managed to break the Turkish-Azerbaijani tandem in existince since the Nagorno-Karabakh war, and to separate the talks to improve Armenian-Turkish relationship from the process aimed at resolving the conflict, Turkish leaders -- including Prime Minister Erdogan -- have repeatedly stated that no border with Armenia would be opened until the Nagorno-Karabakh conflict has been resolved. Of course, this, after a fashion, is acceptable to Azerbaijan.

The Turkish-Armenian border is still closed, and since the announcement of the roadmap, there has been no substantial development in Armenian-Turkish negotiations. Meanwhile, developments on

the Nagorno-Karabakh conflict are acute. The latter situation has resulted in a in a mutual statement by the Presidents of the Minsk group co-chair countries during the recent G-8 Summit, and the announcement of the updating of the Madrid principles. These include the return to Azerbaijan territories of NKR that were not part of Nagorno-Karabakh prior to the war (1991), which was launched by Azerbaijan against the people of Nagorno-Karabakh. After the handing of these territories to Azerbaijan, a corridor linking Nagorno-Karabakh to Armenia is to be established. So far there is no clarity how wide the corridor will be and who will control it. In addition, there is no clarity about the final status of Nagorno-Karabakh, while a preliminary status is being discussed. Finally, the principles postulate international security guarantees to the people of Nagorno-Karabakh. The latter would include the core Nagorno-Karabakh natives and Azeri refugees who would return from Azerbaijan.

It is worth remembering that President Aliyev continues to declare that Azerbaijan will never agree to independence of Nagorno-Karabakh. Furthermore, during the past years, the Azeri public has been consistently "cultivated" to oppose anything Armenian; and a brazen cultural genocide has been committed by the Azeris as evidenced by the destruction of the Khatchkars (Stone Crosses) in Nakhichevan.

There is no chance that any status less than full independence will guarantee security and development of Nagorno-Karabakh.

What do international security guarantees mean? Isn't the catastrophic failure of the Sevres Treaty (1920) lesson enough for the Armenian nation not to rely once more on others for its own fate? No such guarantee can be trusted without the outright recognition of the independence of Nagorno-Karabakh within its current borders. Why should the Nagorno-Karabakh Army leave its strategic defense positions? Lessons of history dictate that Armenians rely only on their rpower, rather than on promises of others.

Under the present circumstances, and given Armenia's tragic experience of the past with Turkey, Azerbaijan and the Great Powers, it is only the Armenian side that can provide safety guarantees. This can and should be articulated and offered to the international community with the provision that Azeris returning to the Nagorno-Karabakh republic would be safe and be treated equally. After all, unlike Azerbaijan, where Armenians were persecuted, for seven decades during the Soviet era, no Azeri ever suffered in Armenia on any April 24 commemoration day, even in Yerevan where millions of Armenians visit the Tsitsernakaberd Memorial to remember the victims of the genocide committed by the ethnic and cultural brothers of Azeris.

In the likely scenario that the above is not acceptable to the Azeris, and not to sound very unrealistic or unwilling to resort to any concessions, Armenians can offer an alternative by introducing a new principle in international law. After all, iInternational jurisprudence is always in a state of flux and takes into account novel situations and precedents.

Temporarily grant Nagorno-Karabakh *conditional independence* for a specified period, say fifteen years. During that time, monitor the democratic developments in Karabakh and Azerbaijan with specific terms agreed upon by all the parties with a stake in the conflict. That, of course, should include the conditions of Azeris return to Karabakh and more that 300,000 displaced Armenians return to their homes in Azerbaijan. In case Nagorno-Karabakh fails in its obligations compared to Azerbaijan, then the International community may revoke the conditional independence. The "competition" should revolve around which party would create better democracy for its people rather than the militarily stronger power dictating the outcome – a situation that we now witness.

Other material from Aram Adamyan published in Keghart.com

A Coordinated Effort through Democracy
Armenia's Choice: The Inalienable Diaspora