



## ***Armenian Committee of Helsinki Citizens' Assembly***

# **Understanding Grassroots Perceptions on the Elements of Potential Peace Deal Between Armenia And Azerbaijan**

Policy Paper

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As part of the GPPAC South Caucasus Dialogue Programme 2023, the International Center on Conflict and Negotiation (ICCN) continues to develop and present Policy Papers intended for both peace organizations, government agencies, and the wider audience. In the light of the War and consequent developments in Ukraine in 2022, the Policy Papers are mainly devoted to this topic in both a regional and national context. The contents of the publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the International Center on Conflict and Negotiation.

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## Introduction

In September 2020 Azerbaijani attack started the second Nagorno-Karabakh war. The 44-day war resulted in Azerbaijan gaining control over surrounding regions of the former Nagorno-Karabakh Autonomous Oblast (NKAO) and the region of Hadrut and the city of Shushi(a). On November 9<sup>th</sup> a statement was signed between the leaders of Armenia, Azerbaijan, and Russia to end the hostilities.<sup>1</sup>

After the November 9<sup>th</sup> statement the political messaging in both countries has changed. While on the Armenian side the Prime Minister Nikol Pashinyan called for the opening of an era of regional peace<sup>2</sup>, Azerbaijani President Ilham Aliyev insisted that the conflict is solved<sup>3</sup>.

Despite the statements by the countries' leaders the military about the peace era of the end of the conflict, the military escalations did not stop in the following 2 years. The biggest escalation took place on September 13-14<sup>th</sup> of 2022.<sup>4</sup> On these days the Azerbaijani forces attacked the sovereign territory of Armenia including shelling of civilian infrastructure and occupation of around 75 square kilometers of Armenian territory. As a result of the escalation more than 300 soldiers were killed and more than 600 were wounded from both sides.

After the military offensive from the Azerbaijani side and a US mediated ceasefire both sides decided to meet first on the level of Ministers of Foreign Affairs in New York and Geneva and then on the level of the leaders in Prague. After the meeting of Foreign Ministers<sup>5</sup> on October 2<sup>nd</sup> both sides announced that the work on the possible draft of the peace treaty between two countries was launched. Moreover, since the beginning of 2023 Armenian-Azerbaijani peace negotiations accelerated with the EU and US mediation. Resulting in some verbal agreements between the sides. Agreements such as recognition of territorial integrity and communication opening were reached on the top level.<sup>6</sup>

Overall, the concept of the recognition of territorial integrity was agreed upon, however there is no detailed agreement on the enclaves, delimitation and demarcation process etc. Meanwhile, the populations of the countries and Nagorno-Karabakh are unaware what does that agreement mean. These two instances highlight two main obstacles standing on the way of the peace process. Firstly, historically every agreement reached in the context of the Nagorno-Karabakh conflict did not have specific details and was consisting of several points. For example, the Bishkek agreement that stopped the first war had only 4 point and the November 9<sup>th</sup> agreement had 9. In both cases the sides decided to have detailed agreements later which at this stage has not been reached yet. Second major obstacle that has been present in the Nagorno Karabakh

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<sup>1</sup> Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation

<https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>

<sup>2</sup> Agenda of opening peace era in the region was the core of the discussion between the Prime Ministers of Armenia, Georgia: Joint statement of Nikol Pashinyan and Irakli Garibashvili

<https://www.primeminister.am/en/press-release/item/2021/09/08/Nikol-Pashinyan-Irakli-Gharibashvili/>

<sup>3</sup> President Aliyev: Nagorno-Karabakh Conflict Has Been Resolved: <https://caspiannews.com/news-detail/president-aliyev-nagorno-karabakh-conflict-has-been-resolved-2021-5-11-49/>

<sup>4</sup> Azerbaijan launches wide-ranging attacks against Armenia

<https://eurasianet.org/azerbaijan-launches-wide-ranging-attacks-against-armenia>

<sup>5</sup> Meeting of Foreign Ministers of Armenia and Azerbaijan in Geneva

[https://www.mfa.am/en/press-releases/2022/10/02/fms\\_armenia\\_azerbaijan\\_geneva/11665](https://www.mfa.am/en/press-releases/2022/10/02/fms_armenia_azerbaijan_geneva/11665)

<sup>6</sup> Armenia, Azerbaijan recognize each other's territorial integrity

<https://news.am/eng/news/759899.html>

context was the exclusivity of the peace talks on the highest level. Both civil society and grassroots were and are not consulted on their vision of the peace even though the agreement will affect the common population directly. The rhetoric of the conflict created societies that are rigid and not keen on concessions, the history of the conflict shows that even if the signature of peace agreement was close in different stages of the conflict, the populations of the countries were not ready to accept the vague terms of the peace treaty. The history of the negotiations of the conflict highlights these two patterns clearly.

## **The history of the Nagorno-Karabakh conflict negotiations**

With the collapse of the Soviet Union many conflicts emerged in the former USSR. One of those conflicts is the conflict over the disputed territory of Nagorno Karabakh. Nagorno Karabakh was an autonomous region within the territory of Azerbaijani SSR with ethnic Armenians as the majority of the population.<sup>7</sup> When it was evident that the Soviet Union is collapsing on September 2, 1991 Nagorno Karabakh declared its independence in accordance with the law regulating the “Procedure for Decisions about Union Republics leaving the USSR” adopted on 3 April 1990, the 3<sup>rd</sup> article of which authorized the initiation of own procedure of independence for the autonomous regions within a territory of a constituent Republic in case the latter decides to secede from the Union.<sup>8</sup>

The conflict transformed into a full-scale war between Azerbaijan and local Armenian forces supported by the Republic of Armenia. After 3 years of exhausting fighting, a ceasefire agreement was reached in 1994 in Bishkek, leaving Nagorno Karabakh and surrounding territories under the control of Armenian forces. A negotiation process started to solve the issue with peaceful measures.

In December 1994, during the Budapest Summit the CSCE made major changes in its structure. This summit not only changed the structure of Conference of Security and Cooperation in Europe which now transformed from CSCE into OSCE – Organization for Security and Cooperation in Europe, it also passed some decisions regarding the mediation of Nagorno Karabakh issue. Decisions to create the Minsk Conference and the Minsk group were made. The Conference was designed to consist of two chairs – Russia and Sweden, and three sides of the conflict – Armenia, Azerbaijan and unrecognized Republic of Nagorno Karabakh, with Robert Kocharyan as the president of the Republic.<sup>9</sup> However the conference never happened and the only actor involved in negotiations became and still is the OSCE Minsk Group.

The OSCE Minsk group chairmanship was switched from Sweden to Finland alongside Russia. During the 1995-1996 period the Minsk group managed to organize several meetings between the presidents of the countries involved in the conflict. There were several meetings of Minsk Group before the Lisbon Summit on 6<sup>th</sup> of December 1996.

Later that year significant changes happened to the OSCE Minsk Group. It was changed from a two-co-chair system to a tri-chair system with United States, France and Russia sharing the co-chairmanship. This chairmanship was established on 17 January 1997. This structure of OSCE Minsk Group remains unchanged up until this day. The establishment of this format was

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<sup>7</sup> 1989 Soviet Union Population census

[http://www.demoscope.ru/weekly/ssp/sng89\\_reg1.php](http://www.demoscope.ru/weekly/ssp/sng89_reg1.php)

<sup>8</sup> “Закон о порядке решения вопросов, связанных с выходом союзной республики из СССР.”

<https://constitutions.ru/?p=2973>

<sup>9</sup> Ibid.

supported by Armenia and Azerbaijan, with Levon Ter-Petrosyan saying that now the OSCE takes the Nagorno Karabakh conflict seriously.<sup>10</sup>

After the establishment of the format of OSCE Minsk Group the latter started to develop a plan to solve the issue. Based on mostly US proposals Agreements were developed. The main points of Agreement No 1 stated:

- Armed hostilities would be ended permanently, and the use of force renounced. Military forces would be withdrawn: the Republic of Armenia forces to Armenia, Nagorno Karabakh forces to the 1988 boundary of the NKAO with certain exceptions, and Azerbaijani forces to lines that would facilitate the operation of an OSCE peacekeeping force.

- A Permanent Mixed Commission (PMC) would “supervise and implement” the cease-fire with respect to Azerbaijan and Nagorno Karabakh; this would be run jointly by Azerbaijan, Nagorno Karabakh, and the OSCE, with the latter providing mediation and arbitration.

- The resultant demilitarized zone would be a “zone of separation,” with a buffer zone in which the OSCE would operate in cooperation with the PMC. Displaced persons would return to their homes in the zone of separation. Detained persons would be released and returned. The parties would work through the PMC to open transportation, communication, power, trade, and other links. All blockades would be lifted, with free rail communication between Azerbaijan and Armenia.

- The Lachin corridor would be demilitarized and leased from Azerbaijan by the OSCE, which would facilitate Karabakh’s exclusive use of the corridor. Displaced persons would return to Shushi and the Shahumyan district.

- Azerbaijan and Armenia would establish diplomatic relations and create a binational commission to prevent border incidents.<sup>11</sup>

Both Presidents - Aliyev and Ter-Petrosyan tried to convince their respective populations that compromise was the only way. Aliyev gave a speech in Georgetown University revealing the Minsk Group proposals and undermining that Azerbaijan would not get Lachin or Shushi in the near future.<sup>12</sup> While Levon Ter-Petrosyan published an article entitled “War and peace: time for reflection”.

After the rejection of the proposals from Nagorno Karabakh the Minsk Group came up with an updated version of the agreements. But it was too late for Levon Ter-Petrosyan, he was completely distrusted and seen as an illegitimate president by the public. And the opposition led by the prime-minister Robert Kocharyan and Defense Minister Vazgen Sargsyan gave the president an ultimatum in February of 1998. Shortly after Levon Ter-Petrosyan resigned and new presidential elections on 3 March 1998 saw Robert Kocharyan, the former president of Nagorno Karabakh Republic, become the president of the Republic of Armenia.

After becoming president first thing Robert Kocharyan did was re-evaluation of Lisbon documents. Armenia claimed that Lisbon principles were against Armenia’s will and they disregard the position and opinion of Nagorno Karabakh as a side of negotiations, moreover the documents did not address the roots of the conflict. With these reasons behind Nagorno Karabakh rejected the principles and this was one of the reasons of the change of the president.

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<sup>10</sup>De Waal, *Black Garden Armenia and Azerbaijan through Peace and War*.

<sup>11</sup>Abasov and Khachatryan, *Karabakh conflict*.

<sup>12</sup>Geukjian, *Ethnicity, Nationalism and Conflict in the South Caucasus*.

Next attempt to the peace treaty were the Key West negotiations. In April 2001 the presidents of Armenia, Azerbaijan and the co-chairs of the Minsk group met at Key West, Florida. Although not everything is revealed about the Key West agreements up to this day, some points were clarified by Vardan Oskanian, the Minister of Foreign Affairs of Armenia. The points were:

- Nagorno Karabakh will nominally remain within Azerbaijan but would have all attributes of statehood, NK would have its anthem, coat of arms and flag
- Nagorno Karabakh would preserve all the branches of power, i.e. executive, legislative and judicial
- All economic and foreign policy problems would be Karabakh's prerogative
- Lachin, together with corridor, would come under the control of Armenians in exchange for a corridor linking Azerbaijan with Nachijevan, which would remain under Armenia's full control
- Security issues also would remain under the jurisdiction of Karabakh's power-wielding structures. However, citizens of Karabakh, who were not considered foreigners in Armenia, could participate in parliamentary and presidential elections in Azerbaijan.<sup>13</sup>

Yet again an agreement that was reached on the presidential level had to be explained to population of Armenia and Azerbaijan. And as previously this time the public opinion stood against the peaceful resolution. But unlike the situation in 1998 when Armenian population was against the solution, which brought to the resignation of Levon Ter-Petrosyan, this time it was Aliyev's presidency that was endangered. The Azerbaijani population as well as many political figures saw the agreement as a capitulation to Armenia and started to question Aliyev's capability to solve the issue. Zulfuganov, the former prime minister and Namazov, the former head of Aliyev's secretariat, claimed that if Aliyev is incapable of solving the issue by peaceful means then Azerbaijan can do it by war.<sup>14</sup> Aliyev's pragmatic approach was countered by military enthusiasts. Names like "a humanitarian operation", "an anti-terrorist operation in Nagorno Karabakh" were given to the potential renewal of the war. Crumbling under the public pressure in March 2001 during a press conference Aliyev for the first time stated that military solution can't be excluded.<sup>15</sup> Hence yet again the public opinion and the inability and unpreparedness of population to compromise led to a dead-end.

After the failed Key West negotiations, the focus was on the Madrid principles which were agreed by both sides. The principles highlighted below again had no specific details and were shown to public as a simple Self-Determination against Territorial Integrity legal battle.

The final Madrid principles state:

- Return of the territories surrounding Nagorno-Karabakh to Azerbaijani control
- An interim status for Nagorno-Karabakh providing guarantees for security and self-governance
- A corridor linking Armenia to Nagorno-Karabakh
- Future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will
- The right of all internally displaced persons and refugees to return to their former places of residence

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<sup>13</sup>Geukjian, *Ethnicity, Nationalism and Conflict in the South Caucasus*.

<sup>14</sup>"War-Mongers Blight Peace Talks," *Institute for War and Peace Reporting*, accessed May 26, 2016, <https://iwpr.net/global-voices/war-mongers-blight-peace-talks>.

<sup>15</sup>Ibid.

- International security guarantees that would include a peacekeeping operation.<sup>16</sup>

These principles stayed in place or in the basis of unreachable agreement for over a decade until the second NK war broke in 2020. After the signature of the November 9<sup>th</sup> agreement the negotiations continue for already 3 years, however, still the populations engaged in the conflict do not know any details on the peace deal. Moreover, there are no consultations with the people of Nagorno-Karabakh, refugees and IDPs of the first war and people on the bordering communities on how they see the solution of the conflict in details.

## Conclusions and Policy recommendations

The history of the conflict and the history of negotiations and failed agreements result in two crucial conclusions:

- *Firstly, the secrecy of the negotiations and the exclusive nature of peace agreement not only did not prepare the societies to sustainable peace but also did not understand the needs of the society. This resulted in lack of ownership of peace from the wider society and fight against any concessions.*
- *Secondly, lack of details in the agreements led to misinterpretation of the agreements and manipulation of the point of agreements. Moreover, vague agreements create chaos on the ground, for example the lack of mandate of Russian Peacekeeping Force does not give the PKF any directives on how to behave in certain situations or lack of delimitation and demarcation guidelines creates more questions on the ground.*

Based on this the paper recommends creating a mechanism that will allow the civil society and grassroots level to contribute to the peace process and share their ideas on the details of the agreement. Indirectly this will contribute to the inclusivity of the peace process and ownership of the peace deal by the populations.

Recommendations:

- Design, organize and implement training sessions and seminars on different peace processes and conflict case studies. The seminars would include detailed breakdown of peace agreements and arrangement around the world. Seminars would be aimed at communities affected by the Nagorno-Karabakh conflict most (border communities, refugees, IDPs from all sides, Armenians of Nagorno-Karabakh).
- On the municipal level organize focus groups among the communities most affected by the conflict and by the peace process (border communities, Armenians of Nagorno-Karabakh, refugees and IDPs from all sides) concentrating on detailed analysis of peace agreements around the world. The focus groups will investigate specific arrangements from different conflict contexts and discuss if these agreements can be reached in the context of Nagorno-Karabakh conflict. Details of other peace processes would be discussed and analyzed based on their relevancy to the local context, on how it can be

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<sup>16</sup>Caucasus Edition, "A New Look at Old Principles: Making the Madrid Document Work," *Caucasus Edition*, April 1, 2011, <http://caucasusedition.net/analysis/why-nagorno-karabakh%E2%80%99s-status-must-be-addressed-first/>.

adapted to current context and how useful and needed it can be. The participants of the focus groups will get familiarized with different methods and mechanisms implemented in various conflict context. The organizers will develop understanding of the vision and needs on the ground among the communities.

- Based on the focus group discussion develop recommendations on how grassroots level sees the peace agreement, what details should be included in it, what are the priorities for the conflict affected communities and how they can be addressed through the peace agreements.

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#### About the Author:

**Hayk Toroyan** is a graduate of the Central European University's Nationalism Studies program (Budapest, Hungary). He also holds BA and MA degrees in International Relations from Yerevan State University. At Central European University, he defended his Master's Thesis titled: "Challenges and opportunities for peacemaking in the Nagorno-Karabakh conflict". Since 2010 Hayk has been working with CMI (Crisis Management Initiative) – Martti Ahtisaari Peace Foundation. In 2016 he became CMI's Regional Coordinator in the South Caucasus. Previously Hayk worked at the Armenian UN Association, the OSCE Office in Yerevan, as well as in the sphere of media and advertisement. Hayk also worked at the Jinishian Memorial Foundation, facilitating and implementing debate trainings in schools across all regions of Armenia. Hayk regularly provides workshops and lectures for students in Armenia and from Eastern Europe on conflict analysis and conflict resolution.