

# **Conflicts in Transcaucasia**

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## **Summary**

Transcaucasia, a region located between two Council of Europe member states - Russia and Turkey - was torn apart by several conflicts even before the dislocation of the USSR in 1991. If some of these conflicts are in the process of being settled, two of them still cause concern to the Assembly, namely the Abkhazian conflict in Georgia and the Nagorno-Karabakh conflict in Azerbaijan.

This situation is all the more worrying since the three Transcaucasian countries - Armenia, Azerbaijan and Georgia - hold special guest status with the Assembly and they have applied for full membership of the Council of Europe.

If we note with satisfaction that the cease-fires in both Abkhazia and Nagorno-Karabakh, have held since May 1994, we nevertheless must stress that these conflicts are still latent. Even though they are different in nature, their settlement must draw on common principles: inviolability of frontiers, guaranteed security, extensive autonomy status for Abkhazia and Nagorno-Karabakh and the right of return of refugees.

This is the only way for peace to be restored in Transcaucasia and for it to regain its natural and historical vocation as a bridge between Asia and Europe.

## **I. Draft resolution**

1.The Assembly notes that the cease-fires in the Transcaucasian conflicts, in particular in Abkhazia and Nagorno-Karabakh, have held since May 1994, and wishes a speedy breakthrough in the negotiations.

2.Following the various hearings held by its Committee on Relations with European Non-Member Countries, it is concerned that no political settlement of these conflicts has yet been reached.

3.Now that the three Transcaucasian countries, namely Armenia, Azerbaijan and Georgia, all hold special guest status and have applied for full membership of the Council of Europe, it is a matter of particular urgency to find solutions to these latent conflicts.

4.The Assembly appeals to all parties directly or indirectly involved in these conflicts to participate constructively in the mediation work conducted on the ground, particularly by the United Nations and OSCE.

5. Even though these two conflicts are different in nature, the Assembly stresses that their political settlement must be negotiated by all parties involved, drawing in particular on the following principles, which are based on the 1975 Helsinki Final Act and the 1990 Paris Charter:

i. inviolability of borders;

ii. guaranteed security in the areas concerned, particularly through multi-national peace-keeping forces;

iii. extensive autonomy status for Abkhazia and Nagorno-Karabakh to be negotiated by all the parties concerned;

iv. right of return of refugees and displaced persons and their reintegration respecting human rights.

A. In connection with Abkhazia,

6. The Assembly is interested to note certain signs of rapprochement of positions of Tbilisi and Sukhumi and hopes that a negotiated political settlement will soon be reached on the basis of the above-mentioned principles.

7. It hopes that the efforts of the parties concerned and also of the United Nations, OSCE and the Russian Federation will soon lead to an institutional balance acceptable to both Tbilisi and Sukhumi, so that the refugees can return under optimum security conditions and the populations of the region can resume their peaceful and prosperous living conditions.

B. With regard to Nagorno-Karabakh,

8. The Assembly welcomes the continued dialogue between Armenian and Azeri parliamentarians, particularly as part of the Seminar on the conflicts in Transcaucasia organised by its Committee on Relations with European Non-Member Countries in Strasbourg on 26 January 1997, and welcomes in this connection the resumption of the activities of the OSCE Minsk Group on Nagorno-Karabakh, which it encourages to continue negotiations with a view to securing an early settlement of the conflict.

9. It appeals to all parties to the conflict to intensify direct negotiations with a view to achieving a political settlement to the conflict guaranteeing a satisfactory alternative status as well as security for Nagorno-Karabakh, restitution of occupied territories and the return of refugees and displaced persons.

10. Finally, it expresses the wish that in the long run the three Transcaucasian countries - Armenia, Azerbaijan and Georgia - envisage creating a Community of Transcaucasian States and the setting up of a joint Parliamentary Assembly.

## II. Explanatory memorandum by the rapporteur

### A. Abkhazia

1. The history of Abkhazia
2. The Abkhazian conflict
3. The cease-fire of 14 May 1994
4. Recent developments
5. Conclusions

### B. Nagorno-Karabakh

1. Historical background to Nagorno-Karabakh
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### C. Conclusion

#### Appendix I: Peace plan for Transcaucasia

#### Appendix II: Map of Transcaucasia

1. The motion for an order on the situation in Abkhazia, Georgia (Doc. 7672) tabled by Mr Seitlinger and others on 2 October 1996 has been referred for report to the Committee on Relations with European Non-Member Countries.

2. This document on the conflicts in Transcaucasia follows on from a series of hearings which the committee has held on the matter, the most recent taking the form of a seminar in Strasbourg on 26 January 1997. The seminar dealt with the conflicts in Abkhazia and Nagorno-Karabakh. Cease-fires were declared in both conflicts in May 1994, after years of warfare and thousands of victims and refugees. No political settlement has yet been reached in either case.

3. Now that the three Transcaucasian countries, namely Armenia, Azerbaijan and Georgia, hold special guest status and have all applied for full membership of the Council of Europe, it is legitimate for the Assembly to look closely at the situation in the region. A political settlement of the conflicts which recently tore these countries apart would certainly facilitate their accession to the Council of Europe.

4. We shall consider the Abkhazian conflict and then the problem in Nagorno-Karabakh.

### A. Abkhazia

5. The ensuing comments on the situation in Abkhazia aim to give a certain amount of information on the history of Abkhazia, the conflict in the region, the cease-fire of 14 May 1994

and recent developments, as noted on the spot by the Committee on Relations with European Non-Member Countries during its visit to Tbilissi and Sukhumi on 22-26 March 1997.

## 1. The history of Abkhazia

6. Abkhazia is a region whose status has often been altered. From the 10th to 16th centuries it was a principality within the Georgian kingdoms of Imereti and Megrelia.

7. As of the 16th century, Abkhazia underwent many changes. It was annexed by the Ottoman Empire in 1576, recognised as an independent Principality by Tsar Alexander I in 1810 and annexed by Russia in 1864. On 11 May 1918 Abkhazia became a part of the North Caucasian Republic which then immediately disappeared.(2)

8. Abkhazia fell under Soviet control as from 1921 and was declared a Soviet Socialist Republic, this declaration being recognised as temporary by the Abkhazian and Georgian leaders. In 1922 the Federal Socialist Republic of Transcaucasia came into being. Abkhazia was a member of this republic. Finally it became part of the Soviet Socialist Republic of Georgia in 1931 and acquired the status of autonomous republic. According to the Abkhazian authorities, this was the beginning of Georgian immigration and the "georgianisation" of the Abkhazian alphabet, its education system and the names of its towns and families.

9. The arguments put forward by the Abkhazian independentists are based on statistics. They point out that there has been an inversion in the demographic representation of minorities in the region between 1886 and 1979 with the result that the Georgians represented the majority. The argument put forward to support the historical legitimacy of Abkhazian independentists on Abkhazian soil is that "the aim of all Tbilisi governments, beginning with that of Beria, was to create a demographic preponderance of Georgians in Abkhazia..."(3).

1886	1926	1959	1979	1989(%)	Abkhazians	58 961	55 918	61 197	83 097	17.8	Georgians	3 989	67 494	158 221	213 332	45.7	Russians	972	20 456	86 715	79 730	14.3
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source: Review of Events for the Year 1996

According to the Tbilissi authorities, it is not a "georgianisation" that took place, but a "russification", as is shown by the following figures:

Ethnic composition of the population of Abkhazia:

1886	1926	1939	1959	Abkhazians	28 320	55 918*	56 200**	61 193	Georgians	34 806	67 494	91 967**	158 221**	Russian	1 216	12 553	60 201	86 715
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\* Samurzakians (Georgians) registered as Abkhazians

\*\* Samurzakans registered as Georgians

1970	1979	1989	Abkhazians	77 276	83 097	93 267	Georgians	199 595	213 322	239 872	Russians	92 889	79 730	7 491
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It is also mentioned that, according to the 1989 census, only 2.4% of Abkhazians living in Georgia spoke Georgian, and 80,5% Russian.

10. In 1977 Abkhazian leaders complained to the Supreme Soviet of the USSR of the process of "georganisation". In 1978 they asked that an autonomous republic be set up within the URSS. In reply the USSR's Council of Ministers adopted a resolution aimed at allowing the economic and cultural development of the region.

## 2. The Abkhazian conflict

11. There are various factors underlying the conflict. Already before 1993 the Abkhazian and Georgian populations were frustrated. On the one hand, the Abkhazian population demanded greater autonomy and did not accept not being placed on an equal footing with Georgia. On the other hand, the Georgian population in Tbilisi and elsewhere considered the allegedly preferential treatment of Abkhazia to be discriminatory and unfair. Such feelings are fuelled both by cultural, linguistic and religious differences and by the strategic and economic interests of neighbouring countries.

12. In March 1989 the Abkhazian authorities submitted a request for recognition to Moscow. This caused demonstrations by Georgians in Sukhumi and Tbilisi. The Georgian government reacted by setting up a bridgehead of the Tbilisi University in Sukhumi, which in turn led to violent counter-demonstrations by Abkhazians in July 1989. These clashes were brought under control by Soviet troops.

13. In March 1991 a referendum was held on the independence of Georgia. The declaration of independence was adopted by Parliament on 9 April 1991.

14. In 1990-1991 local, general and presidential elections in Georgia brought Mr Gamsakhurdia and the "Round Table" nationalist party to power while a system guaranteeing a majority over-representation of the Abkhazian minority was introduced in Abkhazia. This was intended to solve the problems in the region but only increased the feelings of frustration on both sides.

15. The December 1991 coup d'état forced the Gamsakhurdia government into exile and a military council governed by two military groups took over. These were the "National Guard" and the "Mkhedrioni" (horsemen) commanded by Mr Tendiz Kitovani and Dzaba Ioseliani. These groups were backed by the opposition party at that time.

16. On 23 July 1992 the Abkhazian Constitution of 1925, which places the Abkhazian and Georgian populations on an equal footing, was re-established. The Georgian members of the Abkhazian Parliament boycotted the Parliament.

17. War broke out in Abkhazia on 15 August 1992 and the Georgian army and 5000 men of the "National Guard" were sent in. The troops captured Sukhumi and set up a provisional military government there. The independentist Abkhazian authorities led by Mr Ardzinba took refuge in Gudauta.

18. In November 1992, the Georgian troops were driven back by Russian forces and, according to some sources, by the followers of Mr Gamsakhurdia.

19. In March 1993 Mr Shevardnadze took over the government in Tbilisi at the request of the two military commanders, who maintained their right of veto in the presidium of the State Council.

20. A cease-fire was signed in July 1993 under Russian auspices. It was broken on 16 September by the Abkhazian army which recaptured Sukhumi on 27 September 1993. This caused a massive exodus (some speak of ethnic cleansing) of 120 000 Georgians in addition to the previous 70 000 refugees in 1992. As a result the ethnic and demographic composition of Abkhazia has changed.

21. On 8 October 1993, after it had joined the CIS and in view of the advance of Mr Gamsakhurdia's troops, Georgia was obliged to ask for Russian military assistance.

22. In February 1994, during a visit by Boris Yeltsin to Tbilisi, Russia acknowledged the inviolability of Georgia's borders. The visit also led to the signature of a co-operation agreement. It seems possible to attribute this change in relations between Russia and Georgia to the Tbilisi government's agreement to the installation of several Russian military bases, which is not ratified yet by the Georgian Parliament.

23. Since 30 October 1995, Russia has imposed a blockade on Abkhazia, including an economic embargo and a prohibition on the movements of civilians beyond the country's borders.

### 3. The cease-fire of 14 May 1994

24. The signing of the cease-fire by the Abkhazian and Georgian parties in Moscow required the official intervention of the UN. Russia agreed to deploy 3 000 soldiers for a renewable period of 6 months in the framework of a CIS peace-keeping force stationed along the border on the Ingur river. The 24-km buffer zone, the Russian peace-keeping force and the installation of UN military observers are stabilising factors in the Abkhazian area concerned, even though the Georgian government receives many complaints from the population.

25. The cease-fire agreement should make it possible to implement the quadripartite agreement entered into on 4 April 1994 on the conditions and the procedure for returning an estimated 200 000 internally displaced persons (IDPs). This agreement between Georgia, Abkhazia, the Russian Federation and the HCR depends on the voluntary and peaceful return of the IDPs who are to be registered and monitored by the HCR. Mr Ardzinda, the Abkhazian independentist leader, approved the establishment in Sukhumi of an OSCE/UN office for the protection of human rights.

26. The operation of returning these persons gives rise to various problems. The willingness of the Abkhazians to allow IDPs to resettle on Abkhazian territory can be questioned. However, this is not the only obstacle:

i. Only the security zone separating the warring parties encourages a certain number of IDPs to return, in particular to the Gali region (35 000 persons according to the HCR, 60 000 according to the Abkhazian authorities).

ii. The problem of the returnees depends on the security of the operations. This not only requires great efficacy on the part of the peace-keeping force, but more importantly the HCR must have precise knowledge of the flows, thanks to a procedure for the registration of the IDPs by the Georgian Government in co-operation with the HCR.

iii. Three factors prevent this registration system from functioning satisfactorily:

a. The first, external factor, is the Abkhazian insistence that the question of the refugees depends on the political settlement of the conflict. The return of the refugees will therefore be held up by bureaucratic obstacles and the use of restrictive and discriminatory criteria until the negotiations reach a satisfactory conclusion.

b. The second factor is the continued recourse to residence permits, despite the fact that they were abolished when the latest constitution was adopted. These residence permits prevent the IDPs from being permanently registered and from voting elsewhere than in Abkhazia.

c. The third, internal, factor is that the IDPs do not have recourse to this procedure because they would no longer receive the financial support given by the HCR to IDPs registered on Georgian territory.

27. Last but not least the feeling of insecurity is also a deterrent. According to the Tbilisi authorities acts of ethnic cleansing had continued after the end of the war.

28. The results of the registration operations are poor and it appears that only 311 IDPs had been registered by the HCR by the end of 1996. All of the population flows depend on how returnees are treated by the Abkhazians: such treatment was criticised in Amnesty International's 1996 report to the UN Committee against Torture.

#### 4. Recent developments

29. Georgian diplomats have recently concentrated their efforts on obtaining support from a wide range of countries but also on consolidating Russian commitments with regard to territorial integrity.

30. A number of political and diplomatic factors appear to set the conditions for fruitful negotiations:

i. On 19 June 1996 a resolution was adopted at the CIS Summit in Moscow condemning the violation of Georgian territorial integrity by the Abkhazian authorities.

ii. On 17 April 1996, the Georgian Parliament adopted a resolution pointing out the unlawful character of what it referred to as "the occupation of the Abkhazian territory by separatists assisted by Russian imperialist forces".

31. Furthermore, since 15 February, after meetings between the Abkhazian separatist leader, Mr Ardzinba, the Georgian Minister of Defence, Mr Nadibaidze, and the Georgian Ambassador to Russia, Mr Lordkipanidze, there appears to be a greater convergence of opinion. Indeed the principle of a federal-type relationship between Abkhazia and Georgia is accepted by Mr Ardzinba. However, Abkhazia continues to be in favour of a "Federative Union" but not the term "Federal State". This can be explained by the shift from demand for a confederal structure towards acceptance of a federal entity.

32. This federative link should, in the Abkhazian party's view, ensure a balanced relationship. The structure which the Abkhazian party would like to see is in fact intermediary. It is "the combination of elements of the Federation and of the Confederation". Tbilisi seems to wish to have a classical federal model.

33. Another bone of contention concerns the role of the peace-keeping force. Tbilisi would like to see its mandate extended to include the policing of a wider area covering the whole of Abkhazia. This proposal has been entirely rejected by the Abkhazian authorities who are "quite satisfied with the role that the peace-keepers and the UN international military observers play in Abkhazia ..." and "... is against any unilateral change of the mandate and would regard the expansion of the action of peace-keeping forces on the whole territory of Abkhazia as tantamount to its occupation" (see Doc. AS/NM (1997) 7).

34. During the seminar on the conflicts in Transcaucasia, held during the January 1997 session of the Council of Europe Parliamentary Assembly, the Chair of the Georgian delegation, Mrs Gogoberidze, explained more clearly Georgia's position with regard to the future status of Abkhazia which would be granted "the highest level of autonomy" within a federation: "As a constituent entity within the federation, and enjoying broad powers, Abkhazia would have its own Constitution, its national anthem, its flag, its coat of arms, its Parliament, its supreme executive and judicial bodies..... As part of its exclusive powers, Abkhazia would have the right to conclude international agreements, of which it would have to inform the federal bodies concerned ... Our aim is to convince all Abkhazian citizens that, notwithstanding their ethnic origin, their civil rights would be safeguarded and respected by the democratic powers of Georgia".

35. These declarations reflect an improvement in relations between the two parties. This state of affairs is confirmed by the absence of any serious diplomatic consequences following the Abkhazian elections in November 1996. There seems to be, at least partially, a genuine determination on both sides to settle the conflict. The Abkhazians will, no doubt, be intransigent with regard to the factors which should ensure that institutional differences are respected. It appears that the problem is less one of the choice between the "Federal Union" and the "Federation" than that of ways of guaranteeing the lasting establishment of Abkhazia's institutional identity. The demographic balance between the different communities is obviously of major concern to the Abkhazian authorities with regard to a democratic federal state.

36. During its visit to Tbilisi and Sukhumi on 22-26 March 1997(4), the Committee on Relations with European Non-Member Countries nevertheless noted a certain radicalisation of views, mainly on the part of Abkhazia. This could be explained by the fact that this visit took place on the eve of the CIS Heads of State Summit in Moscow.

37. In Sukhumi the committee met inter alia with the Speaker of the Abkhazian "Parliament", Mr S. Ratshéevitch, and the "President" of Abkhazia, Mr V. Ardzinba. It strongly protested against Mr Ardzinba's refusal to authorise the visit of the committee as a whole, that is with its Georgian special guests. That is why it requested that Mr Ardzinba receive the Georgian special guest delegation after the CIS Summit of late March 1997, in the presence of a member of the committee. Mr Ardzinba stated that such a meeting could be organised at the appropriate level.

38. According to the Abkhazian authorities, Georgia and Abkhazia are still at war and the gradual return of the Georgian refugees could only be envisaged after progress in the political settlement of the conflict and the lifting of the blockade are achieved. In Sukhumi we noticed an obvious lack of confidence in the authorities of Tbilisi. However, it appears today that a wide convergence of interests exists between the main parties to the conflict, in particular Russia, in order to reach a political settlement. The committee also observed the disastrous state of affairs in Abkhazia, especially at the economic level, and the catastrophic situation, in particular in the eastern part of the region, i.e. in the Gali area. That is why it considers it ne-

cessary to move the peace-keeping force to the west of Gali in order to allow the return of refugees to this area.

39. According to the authorities in Tbilisi, the cease-fire agreement of 14 May 1994 no longer corresponds to reality, and today it hinders the implementation of further measures aiming at the final settlement of the conflict. The CIS Summit of 28 March 1997 in Moscow set up the legal and political principles for resuming the peace process. The first objective is the peaceful return of refugees in the Gali region. The transfer of the peace forces, which was included in the Summit's resolution, should guarantee the safety of those refugees who will decide to return. At the same time, security should be guaranteed by Georgian and Abkhazian police units. The following steps will be Sukhumi and Gagra.

## 5. Conclusions

40. First of all, the terms of the quadripartite agreement of 4 April 1994 must be fully met. So far they have only been partially fulfilled:

i. The cease-fire established on 14 May 1994 is being respected. The continuation of the cease-fire is the sine qua non for the actual fulfilment of the quadripartite agreement of 4 April 1994 on the return of refugees.

ii. The principle of the peaceful return of refugees must be made operational within the framework of the structures provided for in the quadripartite agreement, with due respect for human rights and the interests of each party concerned. The first short-term phase is that of the return of refugees to the Gali sector - this has already been partially achieved. The next stages concern Sukhumi and Gagra.

iii. The quadripartite agreement refers to a federal-type relationship which still has to be defined. This relationship allows the Abkhazian party to have its own Constitution, its legislation, its national anthem, its coat of arms and its flag. Emphasis should be given to the interest that each party would have in the protection of human rights and ethnic minorities as well as in the peaceful settlement of the conflict. This is the prerequisite for the continuation of talks on the sharing of powers which would enable the implementation of the federal principle accepted by all the parties concerned.

iv. If further talks are to be successful, the peace-keeping force must remain in the region and be composed of an even wider range of nationalities.

v. The Council of Europe could also help to set up a standing committee to implement a programme for the re-establishment of the rule of law and relations within a legal framework.

41. More active bilateral talks must make it possible to clarify the parties' positions and:

i. to reach a consensus on the notions of Federal State or Union;

ii. to establish the exclusive powers of the constituent federal entities and the powers of the federal authorities.

42. A certain amount of progress has thus been made in finding a solution to the Abkhazian conflict. The political settlement of the conflict would undoubtedly be an important factor with regard to Georgia's accession to the Council of Europe.

## B. Nagorno-Karabakh

### 1. Historical background to Nagorno-Karabakh

43. A former province of the Kingdom of Greater Armenia, Nagorno-Karabakh was annexed to the Czarist Empire under the Treaty of Gulistan in 1813. In the 19th century the region underwent many border changes aimed at blocking the formation of a homogeneous ethnic entity.

44. From 1918 to 1920, against the background of a Turkish-Azeri alliance, the Autonomous Republics of Azerbaijan and Armenia both laid claim to the region.

45. In 1921 Stalin united Nagorno-Karabakh with Azerbaijan, and then, in 1923, it obtained autonomous region status.

46. The following events set the scene for subsequent armed strife: the self-determination vote taken by the Nagorno-Karabakh regional Soviet in February 1988, the request to the USSR Supreme Soviet to transfer administration to Armenia, the decision of the Nagorno-Karabakh regional Soviet to transfer administration to Armenia, the pogroms in Sumgait the same year, and the vote jointly taken by the Supreme Soviet of Armenia and the Nagorno-Karabakh Soviet in favour of union with Armenia. The armed conflict was exacerbated by the break-up of the USSR and the Soviet disengagement from the Caucasus.

47. At the end of 1991 the parties were in stark confrontation after Azerbaijan abolished Nagorno-Karabakh's autonomous status and the latter declared independence after the plebiscite-referendum of 10 December 1991. The fighting intensified. The Republic of Nagorno-Karabakh declared independence on 18 January 1992.

48. Since 1988, the conflict has led to the deaths of over 20,000 people and produced over one million refugees. It was not until May 1994 that a cease-fire was declared, a cease-fire which has been fairly well observed since. However, the efforts at mediation and negotiation, notably by the OSCE, have not yet achieved a political settlement to the conflict.

### 2. Negotiation processes

49. In summer 1992 the then CSCE set up the Minsk Group comprising 9 States, including Russia. The aim, as soon as the conditions permit, is to organise a "Minsk Conference" on resolving the conflict.

50. The decision taken at the Budapest Summit in December 1994 to send a peace-keeping force was possible because of the improved relations between the parties to the conflict. Even though no troops were actually sent, it was still the boldest decision ever taken by the OSCE with regard to the Caucasus or any other part of the CIS. Of course, a resolution would be needed from the UN Security Council before a multi-national peace-keeping force could be deployed.

51. The fact that the Minsk Group has since made little progress has induced Armenia and Azerbaijan to initiate bilateral negotiations. The first encounter was in Amsterdam at the end of December 1995. The advisers to Presidents Ter Petrossian and Aliiev (Mr Liparidian and Mr Guluzad, respectively) consider this meeting to have been a success.

52.1996 was a year of contrasts.

i. The positive points:

The joint declaration made in Luxembourg in April by the Azeri and Armenian Presidents was the first joint document in which the Presidents affirmed the will to put an end to the armed conflict on the basis of the principles and rules of international law.

Direct bilateral negotiations continued between the Presidents' representatives, Mr Guluzad for Azerbaijan and Mr Liparidian for Armenia.

ii. The OSCE Summit in Lisbon in December 1996:

This conference ended in a declaration by the Chairman in office of the OSCE, Mr Flavio Cotti, which advocated using the following principles to settle the conflict:

preserving the territorial integrity of Armenia and Azerbaijan;

formulating a legal status for Nagorno-Karabakh in an agreement based on self-determination, which affords Nagorno-Karabakh the utmost independence within Azerbaijan;

guaranteeing the security of Nagorno-Karabakh and its whole population, including mutual obligations to ensure observance by all parties of the provisions of the settlement.

53.This declaration was welcomed by the Azeri party, but not by the Armenian side. It is to be hoped that this initiative will not lead to deadlock in the current bilateral negotiations.

54.It was precisely for this reason that the Parliamentary Assembly's Committee on Relations with European Non-Member Countries organised a Seminar on the Conflicts in Transcaucasia in Strasbourg in January 1997.

3. Seminar on the Conflicts in Transcaucasia, Strasbourg, 26 January 1997

55.Part of this Seminar was devoted to the conflict in Nagorno-Karabakh, attended by parliamentary delegations from Armenia and Azerbaijan.

56.Their main statements were as follows:

Mr Iguitian, Head of the delegation of special guests from Armenia, said that this was not the first time that the question of Nagorno-Karabakh had been the subject of discussion in the Council of Europe. Most of those present remembered the first meeting, five years previously, when the situation had appeared tragic and desperate. Today, it was obvious that the efforts made by the Council of Europe and in particular the Committee on Relations with European Non-Member Countries to prevent a settlement by force of the Nagorno-Karabakh problem had not been in vain. The cease-fire, which had been in place for 30 months, constituted an unquestionable success for the peace process and clearly demonstrated the desire of the parties involved to find a peaceful solution to the conflict.

57.The usual practice in certain international forums was to seek to develop a general approach to conflicts with a view to preventing or settling them. Such efforts were doomed to fail.

Even in the case of conflicts being waged on the territory of the former Soviet Union, the sole element in common was the geographical and administrative framework. But in the final analysis, these were completely unrelated problems which had been artificially created or kept alive below the surface throughout the 70 years of communist dictatorship and exacerbated by attempts to settle them through authoritarian methods which did not take any account whatsoever of human rights and the rights of nations. Entire regions had been placed under a different administration at the whim of the dictator. This had been the case for the Autonomous Region of Nagorno-Karabakh.

58. It was not his intention to dwell upon the unbearable living conditions in this region or the policy of ethnic and religious cleansing of the Azerbaijani authorities, but he stressed that Nagorno-Karabakh, 80 % of whose population had been Christian, had not had a single church in operation. During the Soviet period, the Autonomous Region of Nagorno-Karabakh had repeatedly posed the question of its illegal attachment to the Soviet Socialist Republic of Azerbaijan, but those who had raised the issue had always been branded dissidents or "enemies of the people".

59. Hence, both the demands expressed earlier and the 1988 decision on self-determination for Nagorno-Karabakh taken by the Council of the Autonomous Region in conformity with the legislation in force in the USSR could not be considered a violation of the territorial integrity of the state of Azerbaijan, which at the time did not yet exist.

60. The events that had followed were known to the Council of Europe and were recorded in documents and protocols. In November 1991, the Parliament of Azerbaijan had decided to abolish the status of Autonomous Region of Nagorno-Karabakh and to delete this provision from its Constitution.

61. Both the USSR, in 1991, and independent Azerbaijan had made countless attempts to exterminate physically or deport the Armenian population from Nagorno-Karabakh.

62. Azerbaijan had chosen and implemented the principle - which had enjoyed a degree of success in other regions - that Nagorno-Karabakh without Armenians would amount to a de facto settlement of the Nagorno-Karabakh problem. It was important to say this, because it must be understood that the occupied territories had been the direct consequence of the militarist policy of the Azerbaijani authorities aimed at exterminating the civilian population of Nagorno-Karabakh by all the classical means: tanks, heavy artillery and aerial bombardments.

63. As a result of a heroic defence and probably also owing to internecine strife in Baku and the return to the capital of Azerbaijani military units, the defending forces of Nagorno-Karabakh had successfully resisted, despite considerable losses.

64. Had events not transpired in this fashion, he would now be speaking about a second genocide perpetrated in this century against the Armenian people. In the absence of real and legitimate guarantees, Nagorno-Karabakh had ensured its security on its own with the help of its army and through the creation of a buffer zone. Needless to say, this could not constitute a solution to the problem, but if the principles proposed by Azerbaijan for settling the Nagorno-Karabakh conflict were accepted, the population of Nagorno-Karabakh would still be living under a threat of genocide and forced deportation.

65. The experience of the anti-Armenian pogroms in Sumgait (February 1988), Kirovabad (November 1989) and Baku (January 1990), as well as the deportation of the Armenian inha-

bitants of 24 villages in Nagorno-Karabakh, proved that in spite of all the promises, Azerbaijan could not guarantee the security of the population of Nagorno-Karabakh, especially if this became its internal affair.

66. Consequently, it was the view of his government that ensuring the right to self-determination for Nagorno-Karabakh was the only way to avert a further tragedy.

67. The Nagorno-Karabakh conflict had always been the central concern of the Armenian government, and its peaceful settlement was an essential priority of its foreign policy.

68. Armenia continued to work to keep the cease-fire and to transform it into lasting peace on the basis of a political agreement. In the view of his government, the signing of a political agreement, an important step towards the Minsk Conference, would engender great hopes for averting a resumption of military operations and would create an atmosphere conducive to examining the final political status of Nagorno-Karabakh.

69. His delegation was convinced that this question had to be resolved through negotiations between the parties directly involved in the conflict, notably Azerbaijan and Nagorno-Karabakh, and that the solution must not be dictated by self-seeking outside parties. Once the elements of such a status had been determined, the basic principle upon which a final settlement would be built could then be formulated.

70. It was to be hoped that Azerbaijan would commence negotiations with the representatives of Nagorno-Karabakh, because for his government there could be no such settlement without the direct participation of Nagorno-Karabakh in the discussions on its political status. Armenia's obligations vis-à-vis Nagorno-Karabakh were only moral, diplomatic and material; Armenia could not speak on behalf of the population of Nagorno-Karabakh from the political point of view.

71. It was also very important to encourage the growth of democratic and human rights institutions in the region, but also the settlement of problems impeding the peace process, such as an immediate exchange of all prisoners of war and hostages and a lifting of the blockade imposed on Armenia by Azerbaijan and Turkey, which had been repeatedly cited in the decisions and resolutions of the Council of Europe, the European Parliament and the OSCE.

72. The favourable atmosphere so created would be conducive to pursuing the peace process and would help in the search for a peaceful and just solution to the Nagorno-Karabakh conflict.

73. The Armenian delegation circulated a document [AS/NM (1997) 3] in which it reiterated the proposals made by Armenia in November 1996 for settling the conflict. These proposals were as follows:

74. To conclude in the shortest possible time the Political Agreement which will terminate the Nagorno-Karabakh armed conflict, eliminate its major consequences for all parties, and permit the convening of a conference on Nagorno-Karabakh under the auspices of the OSCE (OSCE Minsk Conference) with a view to achieving a comprehensive and final peaceful settlement to the conflict.

75.To settle all matters among themselves without the threat or use of force, but only by peaceful means, first and foremost through negotiations, including those within the framework of the OSCE Minsk Process.

76.To continue to observe the cease-fire agreed on 12 May, and consolidated on 27 July 1994, until the signing of the Political Agreement and termination of the armed conflict.

77.To carry out the most urgent military technical measures to consolidate the cease-fire and make the peace-keeping operation possible, to receive an OSCE multinational peace-keeping force, with an appropriate resolution of the UN Security Council, and make a formal request to this effect in accordance with appropriate provisions of Chapter III of the 1992 Helsinki Document and the 1994 Budapest Document.

78.To evacuate the territories occupied during the course of the conflict, in exchange for local, regional and international security measures that will ensure the safety of Nagorno-Karabakh and the peoples in the region, and eliminate the threat of the resumption of military activities. Such guarantees along with standard security measures, deployment of the OSCE peace-keeping force, demilitarisation of all evacuated territories, etc. - may also include special arrangements in certain occupied territories that may be deemed vital to the security of the parties as mutually agreed.

79.To remove all kinds of blockades and restore the normal power, transport and other links in the area of the conflict.

80.To exchange within a week following the signing of the Political Agreement the lists of hostages and prisoners, as well as information on casualties, and within ten days, with the cooperation of the International Committee of the Red Cross, to exchange the recognised hostages of all categories on the basis of the "all for all" principle.

81.To allow, assist and create all the necessary conditions for the safe, voluntary and balanced return of displaced persons and refugees, irrespective of nationality, to their former places of permanent residence.

82.To elaborate the legal status of Nagorno-Karabakh on the basis of a mutually acceptable compromise and determine it at the OSCE Minsk Conference.

83.To guarantee without any discrimination the delivery of humanitarian aid through their territories to the regions that have been affected by the conflict.

84.To commence within a month after the signing of the Agreement, negotiations between the Azerbaijani Republic and the Republic of Armenia with a view to normalising the situation and establishing a State frontier between them, including a frontier between the Republic of Armenia and the Nakhichevan Autonomous Republic of the Azerbaijani Republic.

85.Mr Aleskierov, President of the National Assembly of Azerbaijan, stated the position of the Azerbaijani Republic on the settlement of the Nagorno-Karabakh conflict.

86.In February 1988, on the pretext of "realising the right to self-determination" of the ethnic group of Armenians living in the territory of the Nagorno-Karabakh Autonomous Region of Azerbaijan, an armed separatist movement emerged in that territory, aimed at detaching this historical part of Azerbaijan by force and illegally annexing it to Armenia. This movement

was initiated and supported in every possible way by the ruling circles of Armenia, by influential Armenian figures in the leadership of the then USSR and by the Armenian diaspora.

87. Thus, the origin of the conflict basically lies in Armenia's territorial claims vis-a-vis Azerbaijan.

88. The following political and legal acts aimed at the so-called legitimisation of the annexation by Armenia of the territory of the Nagorno-Karabakh region of Azerbaijan are proof of Armenia's direct interference in the internal affairs of Azerbaijan and its violation of generally accepted international legal instruments, above all the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe:

in 1989 the Armenian Parliament passed a resolution "on the reunification of Armenia and Nagorno-Karabakh";

in 1992 it adopted a decision not to recognise any legal document depicting Nagorno-Karabakh as being part of Azerbaijan;

when declaring its sovereignty, Armenia unlawfully included in its declaration the territory of the Nagorno-Karabakh region of Azerbaijan;

in 1996 the Armenian Parliament signed the agreement "on cooperation and coordination" with the so-called parliament of the Republic of Nagorno-Karabakh, an illegal structure in the territory of Nagorno-Karabakh.

89. The armed conflict between Armenia and Azerbaijan, which has already been going on for nearly nine years, has brought untold suffering to Azerbaijanis and Armenians alike.

90. As a result of the aggression by the Armenian armed forces, more than 20% of the territory of Azerbaijan was seized, including seven administrative regions outside the borders of Nagorno-Karabakh.

91. More than 700 populated areas were pillaged, burned and destroyed.

92. The policy of ethnic cleansing carried out by the Armenian side during the occupation resulted in the deaths of 20,000 Azerbaijani citizens, many of whom were peaceful inhabitants - women, children and old people.

93. Several hundred innocent Azerbaijanis were murdered in a single night in February 1992, when the Armenian armed forces took the Azerbaijani town of Khodzhalı in Nagorno-Karabakh.

94. In the course of the conflict, more than 100,000 Azerbaijani citizens were wounded or became invalids, 6,000 were taken prisoner and more than 1,000,000 were made refugees or displaced persons; they are now experiencing great hardship.

95. Throughout this period, the international community adopted a whole series of texts laying down conditions and principles for a settlement of the Nagorno-Karabakh conflict.

96. They include, above all, four United Nations resolutions, adopted in 1993, which demanded an immediate, complete and unconditional withdrawal of Armenian armed forces from all

the occupied territories of Azerbaijan and the return of the refugees and displaced persons to their permanent places of residence. These texts confirm the sovereignty and territorial integrity of our republic and the fact that Nagorno-Karabakh is a part of Azerbaijan.

97. Yet the ruling circles of Armenia are disregarding all these decisions.

98. The signing in 1994 of a protocol on a cease-fire in the area of conflict and the observance of its conditions enabled a stable negotiating process to be initiated.

99. At the OSCE Budapest Summit in December 1994, the OSCE participating states reiterated their support for the relevant United Nations Security Council resolutions of 1993 and 1994 and instructed the Co-Chairmen of the Minsk Conference to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which would eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. It was stressed that the conclusion of such an agreement would also allow multinational peace-keeping forces to be deployed as an essential element for the implementation of the agreement itself.

100. After the Budapest Summit, the negotiating process intensified in the framework of the Minsk Group. Questions concerning the settlement of the conflict were also the subject of discussion during the many direct meetings between Azerbaijani President Geidar Aliev and Armenian President Levon Ter Petrossian.

101. Of particular importance regarding a settlement of the conflict was the joint statement issued by the Presidents of Armenia and Azerbaijan in Luxembourg in April 1996. This was in fact the first joint Azeri-Armenian text affirming the determination of both sides to put an end to the armed conflict on the basis of international principles and standards.

102. Another important step towards a settlement was the signing by the Presidents of Azerbaijan and Armenia of a declaration "on international concord, peace and economic and cultural cooperation in the Caucasus" in Kislovodsk in June 1996, which included a commitment to activate the negotiating process in order to reach a peaceful solution to the conflict as soon as possible.

103. In the course of intensive personal contacts between Azerbaijani President Aliev and OSCE heads of state and at other levels, wide-ranging consultations were held in a quest for optimum, mutually acceptable terms of a settlement of the conflict between Armenia and Azerbaijan.

104. A channel was also set up for direct bilateral talks with Armenia and between presidential representatives - Vafa Gylyzad on the Azerbaijani side and Zhirair Liparidian on the Armenian side.

105. As a result of these complex efforts, in which the OSCE Minsk Group took an active part, the co-Chairmen of the Group proposed at the Lisbon OSCE summit in early December 1996 a compromise formula for a settlement of the conflict that was based on the United Nations Charter, the OSCE principles and the universal standards of international law.

106. The principles they proposed for a settlement, which were embodied in paragraph 20 of the draft Lisbon Declaration, are as follows:

territorial integrity of Armenia and Azerbaijan;

legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;

guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the parties with the provisions of the settlement.

107. These principles lay a sound foundation for a comprehensive settlement of the Nagorno-Karabakh conflict and take the interests of all the parties into account.

108. However, as is known, Armenia's President Ter Petrossian vetoed paragraph 20 of the draft Lisbon declaration.

109. Following consultations between Azerbaijani President Aliyev and leaders of a number of OSCE states, a declaration by the OSCE Chair-in-Office, Mr Flavio Cotti, was adopted as an official document of the Lisbon Summit, in which the above-mentioned principles were set out.

110. The declaration was endorsed by all the OSCE states, except Armenia.

111. Azerbaijan continues to advocate a peaceful settlement of the Nagorno-Karabakh conflict, but at the same time will not tolerate any violation of its territorial integrity.

112. A settlement of the Nagorno-Karabakh conflict on the basis of the above principles can pave the way for lasting peace between Armenia and Azerbaijan, restore good relations between the Armenian and Azerbaijani peoples and create the most favourable development conditions for the entire population of the Nagorno-Karabakh region. It will permit the successful implementation of gradual political, economic and social reforms in the countries of that region with the aim of establishing the rule of law, a civil society, a market economy and respect for human rights and fundamental freedoms.

113. Azerbaijan did not want a second Armenian state on its territory. Such a development would lead to a chain reaction in many other states, given the large Armenian diaspora around the world. As to the border between Armenia and Azerbaijan, there could be no question of altering it.

114. These two statements show that it should be possible in the coming months to identify a basis for negotiations, which should obviously involve all parties to the conflict. The committee therefore considers that a fresh attempt might be needed to bring the parties together. This might be done by means of a meeting on neutral ground or a visit to the region by a Parliamentary Assembly delegation.

### C. Conclusion

115. In conclusion, definite progress is plainly being made in resolving the conflicts raging in the Transcaucasian region at the beginning of the 1990s. It is a matter of great satisfaction that the cease-fires declared in both Abkhazia and Nagorno-Karabakh in May 1994 have been observed.

116. This in no way proves a link between the two conflicts. However, they are both in dire need of a political settlement by means of negotiations between all the parties concerned, based on the principles of international law.

117. Your Rapporteur is convinced that the Parliamentary Assembly will closely monitor the progress of the negotiations with a view to resolving both conflicts. Such progress will be an important factor in the procedure for examining the applications submitted by the three Transcaucasian republics for membership of the Council of Europe.

## Appendix I

### PEACE PLAN FOR TRANSCAUCASIA

Contribution by Mr Atkinson

1. The three Transcaucasian countries (Armenia, Azerbaijan and Georgia) should commence serious consideration and negotiations about the establishment of a Community of Transcaucasian States (CTS) based on agreed principles and policy.

2. A parliamentary assembly for the CTS could be established (PACTS).

3. A conference of local and regional authorities of the CTS could also be established.

4. An early priority of a CTS would be to assess outstanding obstacles in the way of freedom of movement, labour, currency, goods and services. Parallel to this will be an analysis of the obstacles in the way of the implementation of fundamental freedoms and human rights as defined in the Council of Europe Conventions which would pave the way for the return of the refugees to their original homes. This would require all the parties involved in the disputes to produce position statements and proposals for confidence building measures.

5. The above initiatives will result in appropriate recommendations for consideration by the CTS and its Parliamentary Assembly, as well as for the national parliaments of the three countries, and for submission to their Governments.

6. The aim of these recommendations should be to eliminate the practical obstacles which the frontiers between them present, as the basis of a Final Status Agreement in pursuit of a peaceful and prosperous Community of Transcaucasian States.

7. The outcome will allow the peoples of Abkhazia and Nagorno-Karabakh to return to a pre-conflict situation at which they live in peace, confident that within the new framework of the Community of Transcaucasian States (CTS), human rights are protected, private property restored, and the opportunities for progress and prosperity created on the basis of mutual co-operation within existing frontiers.

## Appendix II

map

Reporting committee: Committee on Relations with European Non-Member Countries.

Committee for opinion: Committee on Migration, Refugees and Demography.

Reference to committee: Doc. 7672 and Reference No. 2128 of 7 November 1996.

Draft resolution adopted by the committee on 7 April 1997.

Members of the committee: MM. Seitzinger (Chairman), Mrs Severinsen (Vice-Chairperson), Mr Atkinson, Ms Brasseur, MM. Büchel, Bugli, Cerný, Christoudoulides, Davis, Dzasokhov, Figel, Ms Gelderblom-Lankhout, MM. Ghimpu, Giannattasio, Hagård, Hornhues, Ms Kautto, MM. Kezbers, de Lipkowski, Ms Loule, Ms Lucyga, MM. Marmazov, Mitchell, Mota Amaral, Nestor, Olrich, Ms Poptodorova, MM. Radic, Ramirez-Pery, Ms Ringstad, MM. Ruffy, Scerberras Trigona, Scheibner, Sincai, Ms Squarcialupi, MM. Tanik, Thaler, Urbain, Urbanczyk, Ustiugov, Zingeris.

NB. The names of those members who took part in the meeting are printed in italics.

Secretary to the committee: Mr Dufour.

Note: 1 by the Committee on Relations with European Non-Member Countries.

Note: 2 See Doc. AS/NM (1997) 7.

Note: 3 See doc. AS/NM (1997) 7.

Note: 4 In this connection the committee wishes to express its gratitude to the French Ambassador in Georgia, Mr Fessier, and the Head of the United Nations Mission in Georgia, Mr Bota, for having made possible and organised the visit to Sukhumi.