

Report on the conflict in Nagorno-Karabakh

**Rapporteurs: Mr PFUHL, Germany, Socialist Group and Mr
SOLE TURA, Spain, Socialist Group**

Doc. 7182

17 October 1994

Table of Contents

I. Draft Recommendation II. Draft Resolution

III. Explanatory Memorandum

INTRODUCTION

1. Development of the conflict

2. The role of Russia

3. The role of Turkey

4. The role of the CSCE and the UN

a. CSCE

b. UN

5. The role of the Council of Europe

6. The viewpoint of the parties to the conflict

CONCLUSION

APPENDIX I

Report of the hearing on the situation in Nagorno-Karabakh (24 January 1994)

APPENDIX II

Report of the hearing on the situation in Nagorno-Karabakh (29 June 1994)

Summary

The conflict in Nagorno-Karabakh broke out in 1988 and has already resulted in almost 20 000 deaths and more than one million refugees. A ceasefire came into force on 12 May 1994 and seems so far to be observed.

Although Armenia, Azerbaijan and Nagorno-Karabakh are the parties directly involved in the conflict, the strategic interests of other countries, in particular Russia and Turkey, are also at stake.

The Assembly, which has organised a series of hearings with the participation of all parties to the conflict, declares its readiness to promote to the best of its abilities the conclusion of a peace agreement and the strengthening of democracy in the area.

I. Draft recommendation

1. The Assembly notes that the Nagorno-Karabakh conflict broke out in 1988 and that it has already resulted in almost 20,000 deaths and more than one million refugees.
2. Its Committee on Relations with European Non-Member Countries has organised a series of hearings since 1992 which delegations from the Armenian and Azerbaijani parliaments, the "leadership of Nagorno-Karabakh" and the "Azeri interested party of Nagorno-Karabakh" attended.
3. The Assembly notes with satisfaction that the ceasefire which came into force on 12 May 1994 has been relatively well complied with, and hopes that it will be followed up as soon as possible with a peace agreement signed by all the interested parties.
4. It welcomes the efforts of the CSCE's Minsk Group, the United Nations Security Council, the Government of the Russian Federation and the Interparliamentary Assembly of the CIS to encourage the warring parties to sign a peace agreement, as well as the agreement signed on 26 July 1994 by the Ministers of Defence of Armenia and Azerbaijan and the Commander of the army of Nagorno-Karabakh, in which they affirm their commitment to observe the ceasefire and their eagerness to accelerate the signing of a political agreement.
5. The Assembly consequently recommends that the Committee of Ministers:
 - i. call on the governments of Council of Europe member states to make the necessary resources available to the CSCE's Minsk Group so that it can achieve its objectives, particularly the deployment of international observers in the war zone;
 - ii. renew political dialogue with the authorities of Armenia and Azerbaijan;
 - iii. as soon as the conditions are met, open its co-operation programmes to Armenia and Azerbaijan and, if these parties so wish, place experts at their disposal who could help draw up a political status for Nagorno-Karabakh.

II. Draft resolution

1. The Assembly notes with satisfaction that the ceasefire in Nagorno-Karabakh, which came into force on 12 May 1994, has been relatively well complied with and hopes that it will be followed-up as soon as possible by a peace agreement between the warring parties.

2. This conflict, which broke out in 1988, has already resulted in almost 20,000 deaths and more than one million refugees.

3. The Assembly notes with satisfaction the efforts of the CSCE's Minsk Group, the Government of the Russian Federation, the United Nations Security Council, the Interparliamentary Assembly of the CIS and its own Committee on Relations with European Non-Member Countries to encourage the warring parties to sign a peace agreement.

4. It welcomes the agreement signed on 26 July 1994 by the Ministers of Defence of Armenia and Azerbaijan and the Commander of the army of Nagorno-Karabakh, in which they affirm their commitment to observe the ceasefire and their eagerness to accelerate the signing of a political agreement, and calls urgently on all the warring parties to refrain from any hostile act which might jeopardise the fragile ceasefire that has been in force since 12 May 1994.

5. It declares its readiness to help promote the conclusion of a peace agreement to the best of its abilities, particularly by encouraging dialogue between parliamentarians from the parties concerned.

6. Finally, it calls on the warring parties to organise the return home of refugees on an urgent basis and to respect minority rights as advocated in its Recommendation 1201, and urgently calls on Azerbaijan and Turkey to immediately end the blockade of their means of communication with Armenia.

III. Explanatory memorandum by MM. PFUHL and SOLE TURA

CONTENTS

INTRODUCTION

1. Development of the conflict
2. The role of Russia
3. The role of Turkey
4. The role of the CSCE and the UN
 - a. CSCE
 - b. UN
5. The role of the Council of Europe
6. The viewpoint of the parties to the conflict

CONCLUSION

APPENDIX I

Report of the hearing on the situation in Nagorno-Karabakh (24 January 1994)

APPENDIX II

Report of the hearing on the situation in Nagorno-Karabakh (29 June 1994)

INTRODUCTION

In 1989 Nagorno-Karabakh covered an area of 4,400 square kilometres and had a population of 188,000 (some 145,000 Armenians, 40,000 Azeris and 3,000 Russians).

Nagorno-Karabakh was declared an autonomous region in 1921. New borders - excluding the Latchin corridor linking Nagorno-Karabakh to Armenia as well as a number of regions in the North - were drawn in 1923.

On 20 February 1988 deputies from Nagorno-Karabakh appealed to the Supreme Soviet of the USSR to transfer control of Nagorno-Karabakh from Azerbaijan to Armenia, a request that was turned down on 23 March.

On 20 July of that year the Nagorno-Karabakh regional Soviet voted for the region to secede from Azerbaijan and to be incorporated into Armenia under the name of Artsakh.

On 1 December 1989 the Armenian parliament and the Council of Artsakh both voted for the reunification of Artsakh and Armenia. On 20 May 1990 the inhabitants of Nagorno-Karabakh participated in the first free elections to the Armenian parliament.

While the dismantling process of the USSR was gaining momentum, in particular following the attempted putsch in Moscow in August 1991, it was decided on 2 September 1991 to create the Republic of Nagorno-Karabakh, and in the referendum on 10 December of that year, 99% of the population came down in favour of independence. Elections to the parliament of Nagorno-Karabakh were held on 28 December and the republic was proclaimed independent on 18 January 1992.

From the point of view of the region's authorities, the legitimacy of the new republic was based on the right to self-determination (in accordance with the USSR constitution in force at the time and with laws granting the populations of the autonomous regions the right to decide on their state set-up should the republic to which they belong leave the Soviet Union) and on popular will as expressed in the referendum on 10 December 1991.

As far as the Azeri authorities are concerned, they deny the Nagorno-Karabakh republic's legal existence, and the Parliament of Azerbaijan even abolished the region's autonomous status on 26 November 1991. The political leaders of Azerbaijan unanimously defend the principle of inviolability of existing borders and regard the Nagorno-Karabakh issue as resulting from Armenian territorial demands. No country has recognised the Republic of Nagorno-Karabakh to date.

1. Development of the conflict

Since 1989 the conflict between Azerbaijan and Nagorno-Karabakh has gradually changed into a real war, particularly after the departure of the Soviet army from the region at the beginning of 1992.

In January and February 1992 the Azerbaijan armed forces launched a full-scale assault on Nagorno-Karabakh including aircraft bombing of its capital, Stepanakert.

As from the spring of 1992, the Nagorno-Karabakh armed forces started to counter-attack and they succeeded in opening the "Latchin corridor" between Nagorno-Karabakh and Armenia. Assaults and counter-attacks took place throughout 1992. Since the spring of 1993, the Nagorno-Karabakh troops have won a growing number of military victories.

Thus, the news bulletin issued by the Azerbaijani foreign ministry stated in September 1993 that as a result of the war of conquest waged by the Armenian armed forces, backed by Armenian separatist groups from Nagorno-Karabakh, almost 20% of the territory of the Republic of Azerbaijan had been occupied.

A few weeks later a meeting took place between representatives of Azerbaijan and Nagorno-Karabakh at which a cease-fire agreement lasting until 5 November was negotiated.

But in mid-December 1993 the Azeri forces counter-attacked. According to Izvestia, this stage of the war witnessed tank battles in northern Karabakh comparable to medium-size skirmishes during the Second World War. At the same time, a trench war was being fought near the border between Azerbaijan and Iran.

Finally, on 12 May 1994 a cease-fire came into effect which has been more or less observed since that date.

2. The role of Russia

Transcaucasia is considered by the Russian government as part of the geopolitical concept of the "near abroad". It should be recalled in this context that Azerbaijan, just like Armenia in 1991 and Georgia in 1993, joined the CIS on 24 September 1993.

A meeting took place in Moscow on 8 October 1993 between the Presidents of Russia (Boris Yeltsin), Armenia (Levon Ter-Petrossian), Azerbaijan (Gaidar Aliev) and Georgia (Edward Shevardnadze). At that meeting, Boris Yeltsin handed the three Transcaucasian leaders a draft joint communiqué which proposed that Russian military bases be set up in Transcaucasia and measures taken to protect jointly the borders of Georgia, Armenia and Azerbaijan with Turkey and Iran. The draft also proposed that each party take immediate measures to unblock lines of communication.

This text was approved by the Armenian and Georgian leaders, but President Gaidar Aliev maintained that a declaration of this type could not be adopted until the Armenian forces had withdrawn from the occupied Azeri territories.

Third countries, particularly the United States and Turkey, have also expressed disagreement with Moscow's initiatives in the region.

This notwithstanding, on 18 February 1994 the parties concerned signed the "Moscow Protocol", which provides for a cease-fire, the separation of the warring parties and the establishment of safe havens with international observers.

As far as the Russian government is concerned, the conflict can only be settled by stages :

- a) entry into force of a cease-fire and deployment of intervention forces
- b) withdrawal of troops from occupied territories, restoration of lines of communication, return of refugees
- c) negotiations on the status of Nagorno-Karabakh.

3. The role of Turkey

For Turkey Transcaucasia is also a region of strategic interest. It is nowadays obvious that there are signs of tension in the relations between Turkey and Armenia. Up to now the Turkish government has refused to establish diplomatic relations with Armenia, and one can consider that Turkey participates in the blockade of Armenian lines of communication.

But in September 1993, the new Turkish Prime Minister, Mrs Tansu Çiller, met with President Boris Yeltsin in Moscow. After the meeting she declared that Turkey and Russia were no longer rivals for influence in the region, but partners working together to re-establish security. But other sources have pointed to a number of divergences between the two countries' respective Transcaucasian policies. In particular, Moscow insists that the peacekeeping forces deployed in Nagorno-Karabakh should be composed solely of Russian troops, whereas Ankara is preferring a joint force.

4. The role of the CSCE and the UN

For some considerable time the CSCE and UN have been the main mediators in the Nagorno-Karabakh conflict.

a. CSCE

In March 1992 the Conference on Security and Co-operation in Europe decided to bring the warring parties together at an international conference in Minsk. Since Azerbaijan refused to take part until the occupied territories had been returned, the CSCE organised preparatory meetings of the "Minsk Group" to resolve the problems that prevented the conference itself from taking place. The Minsk Group comprises eleven countries: Armenia, Azerbaijan, Belarus, France, Germany, Hungary, Italy, Russia, Sweden, Turkey and the United States.

Early in October 1993 the Minsk Group chairman, Mr Mario Raffaelli, put forward a plan for a peaceful settlement in Nagorno-Karabakh. The armed forces of Nagorno-Karabakh were to withdraw progressively within one month from the different occupied territories, and Azerbaijan was to respond by lifting its blockade in a number of corresponding stages. First the gas pipeline, then the Idjevan-Kazakh railway, and finally all other lines of communication were to be unblocked. All these stages were to be monitored by groups of CSCE experts.

Armenia agreed, but Azerbaijan refused to go along with the plan because it did not deal either with the blockade of the Republic of Nakhitchevan or with the fate of Latchin. Nagor-

no-Karabakh has not given a positive answer, even though this is the first time that it has been recognised as a party to the conflict.

On 8 November 1993 at the close of an ordinary meeting of the Minsk Group in Vienna, a new peace plan was put forward. Several Azeri demands were taken into account, particularly the withdrawal of troops from the occupied territories and the creation of conditions enabling refugees to return to their homes. It also stipulated that the status of Nagorno-Karabakh could not be discussed before the Minsk Conference opened. Armenia and Nagorno-Karabakh approved the plan, contrary to Azerbaijan.

The new chairman of the Minsk Group, Mr Jan Eliasson, is currently making every effort to reconcile the Russian and CSCE peace proposals, whose main difference lies in the composition of the intervention forces. Essentially, however, the two proposals have the same objective.

b. UN

During 1993 the United Nations Security Council adopted four resolutions on the Nagorno-Karabakh conflict reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other states in the region.

In Resolution 822 of 30 April 1993 the Security Council called for the immediate cessation of hostilities and the immediate withdrawal of all occupying forces. It also made an urgent appeal to the parties concerned to resume the peace talks under the aegis of the CSCE Minsk Group without delay.

In Resolution 853 of 29 July 1993 the Security Council condemned the taking of Agdam and other recently occupied areas of Azerbaijan. It also made an urgent appeal to the parties concerned to refrain from any action which might hinder the peaceful settlement of the conflict, and to pursue talks within the framework of the CSCE Minsk Conference or in the form of direct contacts with a view to finding a definitive solution.

Resolution 874 of 14 October 1993 urges the parties to the conflict to accept the peace plan drawn up by the CSCE on 28 September 1993.

In Resolution 884 of 12 November 1993 the Security Council "strongly urges the parties concerned to resume promptly and to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group, and to continue to seek a negotiated settlement of the conflict within the context of the CSCE Minsk process and the "Adjusted timetable" as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993".

5. The role of the Council of Europe

The Parliamentary Assembly of the Council of Europe and in particular the Committee on Relations with European Non-Member Countries have been concerned by the Nagorno-Karabakh conflict for several years. It should be noted that on 22 December 1991 Armenia applied for special guest status with the Parliamentary Assembly, followed by Azerbaijan on 24 January 1992.

The committee organised a number of hearings to which parliamentary delegations from Armenia and Azerbaijan were invited. The Armenian Parliament invariably took up these invitations (Strasbourg, February 1992, Minsk, May 1992, Strasbourg, October 1992 and Strasbourg, January/June 1994), but the Azeri Parliament took part only in the hearing in October 1992 and in the second part of the January/June 1994 hearing.

On 5 October 1992 Mr Atkinson, the committee chairman, submitted a peace plan to the two delegations. Only the Armenian Parliament responded.

The latest hearing was held in two parts. Invitations to the first part, on 24 January 1994, were sent to delegations from Azerbaijan, Armenia and Nagorno-Karabakh, but only the latter two took part. Azerbaijan's non-attendance seems to have been linked to the fact that the Nagorno-Karabakh delegation was drawn solely from the Armenian community, leaving the Azeri community unrepresented. The report of that hearing appears in Appendix I.

For this reason the committee organised a second session in Strasbourg on 29 June 1994 in which delegations from the Azeri Parliament, "the leadership of Nagorno-Karabakh" and the "Azeri interested party of Nagorno-Karabakh" took part. The report of that hearing appears in Appendix II.

It should also be noted that the applications by Armenia and Azerbaijan for special guest status were not solely dependent on a solution being found to the Nagorno-Karabakh conflict, but also on a new controversy which arose within the Assembly in January 1994 as to whether Transcaucasia was in fact part of Europe or not. Finally on 4 October 1994 the Assembly adopted Recommendation 1247 on the enlargement of the Council of Europe, thus deciding that Armenia, Azerbaijan and Georgia are part of the Council of Europe area.

6. The viewpoints of the parties to the conflict

Their views are opposed as to the causes of the conflict and the way in which it should be resolved.

a. Azerbaijan

The government of Azerbaijan's official line is that Armenia is waging a war of conquest in order to acquire new territory.

Azerbaijan demands the unconditional liberation of all occupied territories, stresses the problem of refugees and maintains that they should be able to return to their homes immediately and in complete safety. The government of Azerbaijan is not particularly favourable to Russia's mediation initiative and has not yet submitted any proposal concerning the legal status of Nagorno-Karabakh.

b. Nagorno-Karabakh

For Nagorno-Karabakh's leaders, the settlement of the conflict must be based on the international recognition of Nagorno-Karabakh's independence; one of the main conditions that must be met before Nagorno-Karabakh can play a full part in the peace talks is that it should be officially recognised as a party to the conflict. They also demand that Nagorno-Karabakh's political status be addressed in these talks.

The return of the occupied territories, with the exception of the Latchin corridor, will depend on the guarantees obtained for its security, indeed for recognition of its autonomy.

c. Armenia

The government of Armenia demands not merely a cease-fire, but a cessation of all hostile actions, in particular the blockade of lines of communication. It also insists that Stepanakert should be included in the peace talks as an independent party and puts the emphasis on the security guarantees to be granted to the population of Nagorno-Karabakh.

CONCLUSION

Since the spring of 1994, and for the first time since 1988, a number of positive signs have appeared:

on 12 March 1994 the Speakers of the Parliaments of Armenia and Azerbaijan reached a provisional agreement on the removal of troops around Nagorno-Karabakh and the creation of a "buffer zone"; a meeting of the CSCE Minsk Group took place on 11 - 15 April, at which a 23-point document on the reinforcement of confidence-building measures between the conflicting parties was adopted; on 5 May a meeting of the parliamentary delegations of the CIS Interparliamentary Assembly took place in Bishkek with the participation, among others, of representatives of Armenia, Azerbaijan and Nagorno-Karabakh. These delegations adopted a protocol of agreement on a cease-fire and the preparation of a legal instrument on the settlement of the conflict. The protocol was signed on 5 May by the representatives of Armenia and Nagorno-Karabakh and, on 8 May, by Mr Guliev, Speaker of the Parliament of Azerbaijan; 12 May saw the entry into force of the cease-fire, which seems to have been fairly well observed so far; on 26 July the defence ministers of Armenia and Azerbaijan and the commander of the Nagorno-Karabakh army signed an agreement undertaking to observe the cease-fire and expressing a desire to speed up the signing of a political agreement.

We are still, however, a long way from a political settlement of the Nagorno-Karabakh conflict, in which vital political and strategic interests not only of countries in the region but also of their neighbours, Russia and Turkey, are at stake.

Two peace proposals are on the table today, the CSCE's and Russia's. Although their objectives coincide, their main difference lies in the composition of the intervention forces. The Russian plan recommends sending troops from CIS states into the region, in other words chiefly Russian troops as is the case already in Georgia, whereas the CSCE urges the need for a broader-based force or a group of observers, while hesitating to become physically involved.

What role can the Council of Europe play in this connection?

The first thing to note is that among the parties most directly concerned by the conflict, Turkey is a Council of Europe member, Russia has special guest status and Armenia and Azerbaijan have applied for such status. Moreover, the various parties to the conflict have taken part in a number of hearings in Strasbourg organised by the Parliamentary Assembly, proof that the dialogue has not been completely broken off.

The Council of Europe should now support the efforts of the CSCE Minsk Group chairman, Mr Jan Eliasson, and those of the special ambassador of the Russian Ministry of Foreign Af-

fairs, Mr Vladimir Kazimirov, to reconcile the Russian and CSCE peace plans with each other.

It should also appeal to its member states to take part in the intervention force or the group of international observers advocated by the CSCE.

The time has also come to intensify the political dialogue between the Council of Europe and Armenia and Azerbaijan, both of which have expressed the desire to do so. Such dialogue should make it possible for these countries to benefit from the organisation's assistance programmes in order to promote their democratic reforms and, if appropriate, define a new status for Nagorno-Karabakh.

As for the Assembly, it should encourage and step up contacts with parliamentarians in these countries, because interparliamentary dialogue is a useful and necessary adjunct to intergovernmental negotiations; it has proved its worth at the hearings organised by the Committee on Relations with European Non-member Countries and at the meetings of the CIS Interparliamentary Assembly.

APPENDIX I

REPORT OF THE HEARING ON THE SITUATION IN NAGORNO-KARABAKH

(Strasbourg, 24 January 1994)

Mr Atkinson, Chairman of the Committee on Relations with European Non-Member Countries, said that this hearing was organised jointly with the Political Affairs Committee, in conformity with the Bureau's decision, and that it was held in the framework of the application for special guest status received from Armenia and Azerbaijan. The Committee had already organised several hearings on this subject, but had never been authorised to organise a mission to these countries. As it had decided, parliamentary delegations from Armenia and Azerbaijan, as well as representatives of Nagorno-Karabakh, had been invited to this hearing. The Parliament of Azerbaijan had been invited to bring representatives of the Azeri community in Nagorno-Karabakh, but had not replied to the invitation.

Mr Alexanian, leader of the Nagorno-Karabakh delegation, thanked the Committee for its invitation. In 1991, Azerbaijan had deprived Nagorno-Karabakh of its status as an autonomous republic. The conflict had cost thousands of lives over the past five years. The Nagorno-Karabakh authorities had always called for a political solution. The CSCE's efforts to restore peace in the past two years had been fruitless. In June 1993, Azerbaijan had broken off ceasefire negotiations. Recently, the Azeris had stepped up military attacks on Nagorno-Karabakh and this had resulted in hundreds of deaths on both sides. Azerbaijan had rejected the CSCE peace-plan. An effort must now be made to pursue the negotiations in accordance with two basic principles of international law: respect for territorial integrity and the right of peoples to self-determination.

Mr Balayan, a member of the Nagorno-Karabakh delegation, reported on his recent visit to the front, where he had seen eight battalions of Azeri troops, including Afghan Mujaheddin, as well as Chinese and Turkish soldiers. One battalion consisted entirely of convicted criminals. Neither Armenia nor Azerbaijan had anything to gain from the war. The ceasefire should be accepted unconditionally. Turkey had bought arms from Russia and had brought them in through Nakhichevan for use on the Nagorno-Karabakh front.

Mr Voskanian, leader of the Armenian parliamentary delegation, also thanked the Committee for its invitation. This was the fourth meeting which he had attended. Armenia had no territorial claims on Azerbaijan. The only hope for an end to the conflict lay in the negotiations held under the aegis of international organisations such as the CSCE and the UN, and in acceptance of the principle of territorial integrity. The Azeris had not only rejected the ceasefire proposals but had taken advantage of them to launch a number of large-scale offensives. The conflict was neither ethnic, nor religious. There must be a ceasefire before negotiations began. Only then could the question of Nagorno-Karabakh's status be discussed. Armenia had already endured blockading of its communication and energy supply routes for a long time, but was endeavouring to push ahead with democratic reforms and forge closer links with the Council of Europe. In this connection, the proposals made in the report on enlargement of the Council of Europe, which excluded Transcaucasia from Europe, took no account of the region's true cultural and historical situation. The Armenian Minister for Foreign Affairs had written to the Secretary General of the Council of Europe on this subject and his own delegation had submitted a memorandum which had been distributed to the committee members.

Mr Kotcharian, a member of the Armenian parliamentary delegation, said that all the Armenian parties believed that the conflict must be resolved through negotiation between Azerbaijan and Nagorno-Karabakh. Peace must be guaranteed, and must not be interrupted by repeated offensives. The success of the peace process depended on the Nagorno-Karabakh people's right to self-determination being respected.

Mrs Severinsen inquired about the chances of success for the initiatives taken by the CSCE Minsk group.

Mr Alexanian thought that the CSCE did not, unfortunately, have the machinery needed to guarantee the security of the people of Nagorno-Karabakh. The UN Security Council had already expressed an opinion, since the conflict went beyond the boundaries of Nagorno-Karabakh. The international organisations ought to do everything in their power to put a stop to the bloodshed. Numerous attempts at mediation had already been made. The fundamental problem was the right of the Nagorno-Karabakh people to defend their aspirations.

Mr Ruffy was surprised that the Chairman of the Political Affairs Committee and the Turkish delegation were not present, although they had been invited to the hearing. Was this not a situation which concerned us? And was it advisable to send peace-keeping forces to this region?

Mr Alexanian thought that action by the entire international community would be needed to stop the war. Peace-keeping forces would, of course, be useful.

Mr Mirzoyan, a member of the Nagorno-Karabakh delegation, thought that the sending of UN troops, including Russian soldiers, would be welcome. There could be no peace without political negotiation and the intervention of peace-keeping forces.

Mr Balayan, a member of the Nagorno-Karabakh delegation, thought that the conflict between Azerbaijan and Nagorno-Karabakh was unequal. Machinery involving the use of peace-keeping forces would have the greatest chances of success. Armenia, which was itself suffering from the economic blockade, could not assist Nagorno-Karabakh.

Mr Pfuhl, the rapporteur on Armenia, regretted the Turkish delegation's absence. In his opinion, Moscow held the key to the problem.

Mr Voskanian repeated his invitation to Mr Pfuhl to visit Armenia, which was the most stable and secure of all the Caucasian countries. The whole world should help to find a solution to the Nagorno-Karabakh problem.

Mr Ferrarini thought that the situation in Nagorno-Karabakh should be one of the Council of Europe's primary concerns, particularly since some of the countries directly involved were members, while others had special guest status.

Mr Agnelli agreed with Mr Kotcharian; the Council of Europe should be able to do something to reconcile the seemingly contradictory principles of the right of peoples to self-determination and the inviolability of frontiers.

Mr Fabra, the Political Affairs Committee's rapporteur, pointed out that his committee felt that countries involved in armed conflict could not be given special guest status.

Mr Ambartsumov agreed with those who believed that Transcaucasia was part of Europe. The right of the peoples of Bosnia and Croatia to self-determination had been recognised, so why not that of the people of Nagorno-Karabakh? It was certainly regrettable that Russia had sent arms to Azerbaijan and Nagorno-Karabakh. As for the possibility of sending Russian peace-keeping forces to the region, the Russian Parliament was in principle opposed to this; however, if the UN Security Council or the Council of Europe requested it, the Russian authorities might reconsider their position. The Nagorno-Karabakh Republic's declaration of independence had been based on the constitution of the USSR in force at the time. The vital thing was to put an end to the war, but there must be certain guarantees; at present, only peace-keeping forces could provide such guarantees.

Mr Balayan felt that the time factor would certainly help to restore calm, as it had with other peoples after the Second World War.

The Chairman thanked the speakers, and hoped that the Committee would soon be able to submit a report on the situation in Nagorno-Karabakh to the Assembly.

APPENDIX II

REPORT OF THE HEARING ON THE SITUATION IN NAGORNO-KARABAKH

(Strasbourg, 29 June 1994)

Mr Atkinson, Chairman of the Committee on Relations with European Non-Member Countries, welcomed the delegations of the Parliament of Azerbaijan, the "leadership of Nagorno-Karabakh" and the "Azeri interested party of Nagorno-Karabakh", who had been invited in accordance with the decisions of the Bureau and of the ad hoc sub-committee responsible for preparing the hearing. This was the second part of the hearing, the first part having been held on 24 January 1994. It had been attended by delegations of the Armenian Parliament and Nagorno-Karabakh. The Political Affairs Committee had been invited to attend both parts of the hearing. He announced that the ad hoc sub-committee responsible for organising the hearing would discuss the outcome at a meeting to be held the following day, and handed over to the heads of the three delegations.

a. Delegation of the Parliament of Azerbaijan

The delegation comprised:

MM Hüseyinaga Haniyev, Member of the Parliament of Azerbaijan;

Ilgar Farzaliyev, Deputy Head of the Foreign Affairs Section in the Parliament;

Elçin Emirbekov, Ministry of Foreign Affairs.

Mr Hüseyinaga Haniyev, member of the Parliament of Azerbaijan, thanked the committee for its invitation and for the interest it was showing in finding a settlement to the conflict in Nagorno-Karabakh. However, he regretted that no delegation from the Republic of Armenia was present.

The conflict between Armenia and Azerbaijan, which had already lasted six years, had imposed terrible suffering on the peoples of the region and constituted a serious obstacle to the economic, social, political and democratic development of Azerbaijan.

Despite all these difficulties, the Azeri authorities were doing their utmost to create a democratic society which respected the rights of all citizens, regardless of their nationality, religion or social circumstances.

Armenia's aggression against Azerbaijan had already claimed 19,000 lives; over 50,000 people had been injured and over one million Azeris were refugees in their own country.

The conflict had involved two states since it began. At the time, there had been Azeris living in Armenia and Armenians in Azerbaijan. In theory, each of the minorities had had equal rights, in keeping with the standards of international law, and the sovereignty and territorial integrity of each of the two states had been respected.

However, the ethnic cleansing carried out on the Azeri minority by the Armenian authorities had not received any attention from the international organisations, which were interested only in the rights of the Armenians in Nagorno-Karabakh. Azerbaijan believed this situation to be a violation of the general principles of international law. Now that over 20% of the territory of the Republic of Azerbaijan was under occupation and Azeris were being "ethnically cleansed" there on their own territory, one might ask whether the international community's lack of knowledge of the rights of the Azeris in Armenia had not been to blame for the tragic course of events.

It was clear today that the source of the conflict in Nagorno-Karabakh lay not in some imagined national antagonism but in actual territorial claims by the Republic of Armenia against Azerbaijan. These claims were finding practical expression in:

a propaganda campaign and the sending of activists advocating separatism; the sending of armed groups; the supplying of arms and ammunition; the violation of airspace; the use of national territory for the training of terrorists; the direct involvement of armed forces from Armenia in acts of war in the Republic of Azerbaijan and the occupation of the territory of a neighbouring state.

It could therefore be seen that the conflict had now developed into a real war between two member states of the UN and the CSCE.

b. Delegation of the "Azeri interested party of Nagorno-Karabakh"

The party was represented by Mr Vagif Hüseyinov.

Mr Vagif Hüseyinov, representing the "Azeri interested party of Nagorno-Karabakh", likewise thanked the committee for its invitation to the hearing.

The Azeri people had already lived through several crises this century as a result of Armenia's action in so-called Nagorno-Karabakh. The concept of "Nagorno-Karabakh" had appeared after 1923, at the time when the Caucasian Bureau of the Russian Bolshevik Party was formed. This was how the concept of Karabakh as an indivisible entity had been artificially split into Upper (Nagorno) and Lower Karabakh.

In the 1979 census, Armenians had accounted for only 120,000 of Karabakh's total population of over a million. This Armenian community, which was largely made up of refugees from Turkey and Iran, had been saved from certain death by the Azeris in 1828 and had now become an instrument in the hands of the Armenians as they pursued their territorial claims.

The Armenian armed forces were now occupying over 20% of Azeri territory, ie all of Nagorno-Karabakh and six other districts, including the town of Shusha. The Armenian aggression had involved unspeakable violence and had had terrible consequences: over 18,000 deaths, 50,000 injured and 4,000 prisoners and hostages. The Armenians were conducting a "scorched earth" policy in the territories they occupied. The Azeris were being subjected to genocide in their own country, at a time when the international community could put an end to this undeclared war on the Azeri people by imposing sanctions on the aggressor, ie Armenia. Instead, however, Armenia was receiving financial and military support from a whole range of states and was continuing its policy of annexing Azeri territories.

This war provoked by Armenia's territorial claims had brought tragedy to both peoples.

What had driven the leaders of Nagorno-Karabakh to adopt this bloody policy and raise the question of Nagorno-Karabakh breaking away and uniting with Armenia? The Azeri authorities had, after all, done their utmost to improve the living standards of the Armenian community in all areas. Whatever happened, it had to be realised that Azerbaijan would never cede even an inch of territory to Armenia. One day, the world would understand the aggressive nature of Armenian policy. Why were the Armenians refusing to recognise the sovereignty and territorial integrity of Azerbaijan?

The Azeri refugees were living in catastrophic circumstances. Now, however, there was a real chance of putting an end to the war and allowing the refugees to return. The ceasefire was at last being respected and the activities of the CSCE Minsk Group and Russia's mediation efforts were both being stepped up. A lot was also expected from the Council of Europe and the Interparliamentary Assembly of the CIS.

c. Delegation of the "leadership of Nagorno-Karabakh"

The delegation comprised:

MM Karen Babourian, ad interim Speaker of "Parliament";

Vassili Atadjanian, Deputy and Adviser to Mr Babourian;

Arsène Melik-Chanazarian, Adviser to the Minister of Foreign Affairs;

Jean Krikorian, "Representative of Nagorno-Karabakh in France and to the European Institutions".

Mr Vassili Atadjanian began by saying that Mr Babourian, head of the delegation of the "leadership of Nagorno-Karabakh", would not take part in the hearing proper, but was prepared to talk with the various members of the committee.

He thanked the Council of Europe for its invitation and for the Parliamentary Assembly's efforts to find a solution to the conflict. Together with those of all parliaments in Europe and the rest of the world, these efforts should help pave the way for a peace agreement. As the conflict had been going on for over six years, there was an urgent need to find ways of putting an end to the suffering of the civilian population, which had been particularly severely hit, the largest number of victims of the shelling and aerial bombardment being among the region's women, children and elderly people.

At legal level, it should be remembered that the constitutional texts had made provision for the republics to withdraw from the USSR, in which case it was left to the autonomous regions to decide their own legal and political status. This is what Nagorno-Karabakh had done when the USSR had broken up. And Azerbaijan had refused to accept the possibility, as enshrined in the legislation, and had responded by invading the territory of Nagorno-Karabakh and waging a ruthless war on its people.

The people of Nagorno-Karabakh wanted to live in peace on their territory. The situation created there had led to an exodus of refugees. Admittedly they were Azeris, but there were also Armenian refugees. Since 1921, hundreds of thousands of Armenians had suffered discrimination - something which no one disputed - and had had to leave Nagorno-Karabakh, which explained why the number of Armenian inhabitants in Nagorno-Karabakh had not increased between 1921 and 1989. These exiles, to whose number it was necessary to add the 252,000 Armenians forced to flee Baku by the recent pogroms, had to be taken into account when dealing with the refugee problem. As regards this problem, the "Republic of Nagorno-Karabakh" was prepared to organise the return of all the refugees to their homes once peace and safety were guaranteed for the entire population.

Nagorno-Karabakh had never rejected the mediation proposals intended to restore peace. The "Parliament" of Nagorno-Karabakh was firmly committed to the search for a peaceful solution and placed much hope in the progress made in this direction with the agreement recently signed in Bishkek. This desire to achieve a negotiated peace was also the reason why such a high-level delegation from the "Republic" had come to Strasbourg.

The delegation from the "Parliament" in Stepanakert noted with satisfaction that it was the first time that representatives of Azerbaijan had agreed to take part in a joint meeting at the Council of Europe in Strasbourg.

However, they regretted that the Azerbaijani side had not even begun to answer questions of such fundamental and crucial importance as the future political status of a Nagorno-Karabakh,

where the Armenian population would be in the majority and the Azeri population in the minority.

They hoped that the ceasefire now in force would be respected and would hold, enabling first steps to be made towards a peace in which all citizens - men, women and children - would be able to lead their lives in the conditions of safety and dignity that were essential.

Lastly, the delegation renewed their thanks to the Council of Europe, whose hearings were making a contribution to all the efforts undertaken at international level to bring about peace in Nagorno-Karabakh.

Mr Krotov, Secretary General of the Interparliamentary Assembly of the CIS, pointed out that the parliaments of Armenia and Azerbaijan were members of the Interparliamentary Assembly. In December, the Interparliamentary Assembly had organised a meeting in the Åland Islands, which had been attended by parliamentary delegations from Armenia, Azerbaijan and Nagorno-Karabakh. At the meeting in Bishkek in May, the three delegations had signed an agreement on the conflict in Nagorno-Karabakh. The Interparliamentary Assembly of the CIS was prepared to co-operate with all international organisations in order to ensure that the ceasefire now in force was maintained.

Ms Severinsen asked to what extent the Azeri refugees could return to Nagorno-Karabakh and recover their property.

Mr Atadjanian said he was in favour of the return of all the refugees and not only of the Azeri refugees, provided the safety of all the inhabitants of Nagorno-Karabakh was guaranteed by Azerbaijan and by international authorities.

In reply to a question by Ms Severinsen on the future status of Nagorno-Karabakh and the question of the safety of any Armenians returning to Baku, Mr Haniyev said that Azerbaijan was in the process of establishing a democratic state in which the rights of minorities would be guaranteed. Peace was the absolute priority. The Azeri authorities were determined to settle the question of the status of Nagorno-Karabakh in accordance with the principles of international law, but, first and foremost, the occupied territories would have to be returned.

In reply to a question by Ms Severinsen, Mr Hüseyinov said he could not understand why Mr Babourian was not taking part in the meeting on the pretext that the Speaker of the Azerbaijani Parliament was not present. It should be remembered that no state had recognised the "Republic of Nagorno-Karabakh" to date.

Mr Atadjanian replied that, although Nagorno-Karabakh had perhaps not yet been recognised, it should be remembered that its representative's signature was to be found alongside those of the representatives of Russia, Armenia and Azerbaijan at the foot of the document adopted in Bishkek.

Replying to Mr Pfuhl, Mr Atadjanian agreed that the formula adopted for the autonomy of the Åland Islands in Finland would be an interesting model for Nagorno-Karabakh, but it would require the demilitarisation of the entire region. It should not be forgotten that, in the referendum in 1991, the vast majority of the inhabitants of Nagorno-Karabakh had voted for independence. Numerous ceasefires had been signed: if the latest was to hold, international observers, for instance from the CIS or UN, would be needed, as would peace-keeping forces. The conflict had already lasted six years and there were vast quantities of weapons in the region.

Moreover, Azerbaijan was receiving weapons from Iran and Turkey, without any monitoring being possible.

Mr Haniyev said that, unlike Nagorno-Karabakh, Azerbaijan was a sovereign state. There were no weapons from Turkey or Iran in Azerbaijan.

Mr Dzasokhov (Russian special guest delegation) said that the most important task was to make the ceasefire hold. Russia had a major stabilising role to play in the territory of the former USSR. It was essential to improve the confidence-building measures and harmonise the various peace plans.

The Chairman thanked the participants.

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

Budgetary implications for the Assembly: none.

Reference to committee: Doc. 6643 and Reference No. 1797 of 30 June 1992.

Draft recommendation and resolution adopted by the committee on 9 September 1994.

Members of the committee: Mr Atkinson (Chairman), MM. Pfuhl, Seitlinger (Vice-Chairmen), Mrs Astgeirsdottir, M. Benvenuti (Alternate: Lauricella), Mrs Bjerregaard, Mr Borg, Mrs Brasseur (Alternate: Mr Theis), MM. Brito, Büchel, Bugli, Figel, Gabrielescu, Galanos, Mrs Gelderblom-Lankhout, MM. Ghesquière, Hint, Holmberg, Kapsis, Kitt, Kovacs, Landsbergis, de Lipkowski (Alternate: Alloncle), Pahor, Redmond (Alternate: Cummings), Mrs Riess, Mrs Ringstad, Mr Ruffy, Mrs Scopelliti, MM. Sole Tura, Sprung, Talay, Toivonen, Toshev, Urbanczyk (Alternate: Jaskiernia), Vyvadil.

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

Secretary to the committee: Mr Dufour.