

## 1988–1994: Mountain (Nagorny) Karabakh

The Karabakh conflict of 1988–1994 was ethnopolitical, and in it ethnic solidarity became not only a reliable predictor of any hypothetical referendum in disputed territories but an important military resource and objective. The geographical distribution of the Azerbaijani and Armenian population became part of the framework of the political and military confrontation in which “our people” was an operational asset giving significant advantages over “the enemy,” and zones of firm military or administrative control tended to coincide with areas of ethnic predominance. Ethnic makeup thus became an objective of military or police action aimed at either protecting a population or deporting it, always with tragic human consequences, as the “ethnic cleansings” of Bashkend/Artsvashen, Chaykend/Getashen (to give the Azerbaijani/Armenian names), Khojali, and Maraga (Leninavan) illustrate. The deportations of 1988–1990 and the war of 1990–1994 led ultimately to the segregation of the Armenian and Azerbaijani populations in the subregion, thus concluding the process of establishing two ethnic states and, correspondingly, political and civic nations with rigidly ethnic—and therefore mutually exclusive—foundations, with Armenia and the Mountain Karabakh (Nagorno-Karabakhskaya) Republic (MKR) essentially ending up as a unified whole.

By 12 May 1994, when the opposing sides concluded a ceasefire agreement, the Karabakh army was occupying significant Azerbaijani territory beyond the borders of the Mountain Karabakh Republic, holding the districts (raions) of Kelbajar, Lachin, Zangilan, Jabrail, and Qubadli in their entirety, as well as most of Agdam, and some of Fizuli (including the administrative centers of these last two). These districts, from which approximately 350,000 Azerbaijanis fled, formed what the Mountain Karabakh Republic’s defenders described as the MKR’s “defensible borders” and “outer security zone.” The easternmost territories of the Martakert and Martuni Districts of the former Mountain Karabakh Autonomous Province remained under Azerbaijani control, along with the Shahumyan District

(claimed by the MKR as an integral part of the republic). The Karabakh ceasefire line, as well as positions dividing the two sides along the northern and Nakhichevan sector of the border between Armenia and Azerbaijan, have since the ceasefire remained a hostile zone through which all communication has been completely blocked. Armenia and the Mountain Karabakh Republic (including the security zone) are cut off by Azerbaijan and Turkey, which have closed all the connecting roads. For its part, Azerbaijan has been deprived of a direct land route to the Republic of Nakhichevan and Turkey.

Since 1992 various attempts have been made to mediate the conflict, involving both joint and competing efforts by the members of the Organization for Security and Cooperation in Europe (OSCE), particularly the co-chairs of the “Minsk Group”—Russia, the United States, and France. (The Bishkek Protocol, which established the 1994 ceasefire, was achieved through Russian mediation.) The positions of the parties to the conflict and the prospects for settling it involve several interconnected problems. The most important issues are the status of Mountain Karabakh, guaranteeing its security, withdrawal of Armenia and MKR forces from occupied Azerbaijani territories, unsealing borders, the return of refugees, and the socioeconomic rehabilitation of the conflict zone. However, neither a wholesale nor a piecemeal approach to addressing these problems has been successful. Indeed, the only achievement since the signing of the ceasefire protocol has been that it has more or less been observed: the OSCE monitors the ceasefire and has noted regular, but local, violations. The stalled Minsk process—episodic meetings between high-level representatives from both sides and diplomats—has not brought the two sides any closer. As of 2012, mediators were still preparing to work with the sides to agree to “the basic principles of a settlement,” including the recognition of legal procedures for Mountain Karabakh’s self-determination. However, the inability of the two sides to agree on the specific terms and timing of any new referendum—a key component of these legal procedures—is a serious impediment.

The sides have not even been able to agree on who the parties to the conflict are or how to design a step-by-step approach that resolves the issues of security guarantees and the procedure for legitimizing the status of Mountain Karabakh. Azerbaijan believes that the other party to the conflict is Armenia, not the Armenian population of Karabakh and the successor MKAP proclaimed in 1991. As far as Azerbaijan is concerned, the conflict has become a territorial dispute between two sovereign states, with Armenia an aggressor occupying Azerbaijani territory. Another version of the Azerbaijani position constitutes Karabakh as a secessionist region challenging the territorial integrity of a sovereign state. The Azerbaijani formula for a settlement demands the condemnation and restraint of the aggressor (including its withdrawal from occupied territory), which would be followed by normalized relations between the Azerbaijani government and its ethnic minority (a range of possible forms of autonomy, including territorial, would serve as the mechanism for ensuring the rights of the Armenian population in Karabakh).

From the perspective of international law, it is unlikely that the Mountain Karabakh Republic will be recognized as a sovereign state or that Azerbaijan’s 1991 borders will be changed without the agreement of Azerbaijan itself. In keeping with the principle of *uti possidetis*, which holds that the borders of former administrative entities continue to be protected by international law even if the laws that once defined these borders are no longer in force, the borders of post-Soviet states clearly “succeed” those of Soviet republics. (Although Mountain Karabakh Autonomous Province cited Soviet law when it seceded from the Azerbaijani SSR in 1991, this secession was never recognized by either the central Soviet authorities or the republican authorities in Baku.) The borders of Soviet republics acquired international status in December 1991 when the USSR was abolished and the Declaration of Alma Ata was signed (stipulating, among other things, “recognition and respect [by former Soviet republics] of one another’s territorial integrity and the inviolability