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How to Break the Current Deadlock in Nagorno-Karabakh Conflict Resolution: Strategic Dialogue on the Peace Process within a Boosted Peace Context?

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Editor’s Note: The research papers and the Foreword by the Editor in this publication were drafted in August-September 2020, just before the recent outbreak of the large-scale warfighting between Armenia and Azerbaijan. Nevertheless, the conclusions and proposals included there-in remain valid and most relevant, since they are addressing the core issue at the roots of this new outbreak of violence: how to break the current deadlock in Nagorno-Karabakh conflict resolution?

FOREWORD BY THE EDITOR

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The Nagorno-Karabakh (NK) peace process was launched in 1994 through the mediation efforts by the OSCE Minsk Group and Co-chair countries (France, Russia, United States). For more than two decades, the conflict resolution process has developed along two parallel lines of diplomacy– Track 1, encompassing the formal inter-governmental negotiations, and Track 2, consisting of supporting non-governmental, informal, and unofficial contacts and activities between private citizens or groups of individuals. For some time, they have been also complemented by Track 3 diplomacy, or people-to-people contacts, promoted most notably by The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK). Track 1 diplomacy (called here below the “peace process”) had its ups and downs and there were moments (late 1997, spring 2001 Key West negotiations and June 2011 Kazan summit) when the sides seemed to be closer to reaching an agreement. However, no peace agreement has been signed so far, while the April 2016 Four-Day War and the July 2020 Tavush/Tovuz escalation have decisively pushed the peace process into a deadlock.

The 2018 “Velvet Revolution” in Armenia initially triggered some hope in Azerbaijan and in the wider international community that a breakthrough in conflict resolution was possible. However, despite some positive developments, the conflicting sides remained far from reaching agreement on the thorniest issues such as status, territories, and refugees. The July 2020 conflict escalation in a region situated far away from the NK line of contact, followed by joint military drills conducted by Armenia and Russia, and Azerbaijan and Turkey, respectively, seemed to have closed the latest window of opportunity for the peace process. The current deadlock looks much more fundamental, since, this time, the OSCE-driven Madrid/ Basic Principles¹ have been deemed increasingly unacceptable by the Armenians.

It was well known that the inability to solve the NK conflict so far had been to a large extent linked to the dilemma regarding the prevailing legal principle that would be applicable: preserving the territorial integrity of Azerbaijan, or the right to self-determination of the Armenian population in NK. In this context, the Madrid Principles proposed by the co-Chairs of the OSCE Minsk Group were generally deemed as the “golden opportunity” for peaceful conflict resolution, since they would have provided both for the application of the principles of self-determination for Nagorno-Karabakh itself, and for the preservation of the territorial integrity of Azerbaijan (or at least for its seven districts

¹ Originally presented in 2007, at the Madrid OSCE ministerial meeting, updated during L’Aquila G8 summit in 2009, expected to being agreed at the Russia-Armenia-Azerbaijan Kazan summit in 2011, and reframed several times thereafter. More on: <https://www.osce.org/mg/51152>.

around the former Nagorno-Karabakh Autonomous Oblast-NKAO). However, as Laurence Broers explained in a recent Valdai Discussion Club expert opinion paper: *“These once hegemonic ideas are now challenged by global multipolarity featuring global and regional powers practising very different models of conflict resolution. [...] Russia and Turkey are two such powers.”*²

Most recently, particularly during Prime-Minister Nikol Pashinyan’s tenure, strong signals that Armenians were not prepared to return any lands to Azerbaijan have emerged, while Baku insisted that only autonomy within the internationally recognized borders of Azerbaijan was acceptable as future status of Nagorno-Karabakh. Explaining this fundamental shift of the Armenian position, EGF Affiliated Expert Benyamin Poghosyan, has recently wrote for *indrastra.com*: *“we face a situation where both keeping the status quo and any attempts to force a peace deal based on the flawed “Madrid principles and land for promise” formula may result in the resumption of hostilities.”*³ Against this backdrop, the whole peace process seems to have been left in limbo, which would imperiously require finding new, effective ways for conflict management.

The 2020 European Geopolitical Forum Research Digest aimed to explore the resilience of the NK peace process driven by the implementation of the Madrid/Basic Principles, and the increased relevance of the peace context, created by various initiatives aiming to incentivize peaceful conflict resolution. It consists of three research papers drafted by distinguished Armenian, Azerbaijani, and Russian experts, who have been invited to respond generic questions such as: Are the Madrid Principles really dead? Why haven’t they been implemented so far? What are the Armenian perceived downsides of the Madrid Principles as the most plausible option for the Karabakh conflict resolution? Why does Azerbaijan support the Madrid Principles, and why does Baku believe they could still lead the way to a breakthrough in the peace process? What structural, institutional, conceptual, or operational changes could unblock the NK peace process, while taking advantage from a much needed boost of the peace context?

This research effort has also been informed by the discussions and [policy recommendations](#) from the 20th workshop of the Regional Stability in the South Caucasus Study Group of the PfP Consortium of Defence Academies and Security Studies Institute, held on 07-09 November 2019, in Reichenau/Rax (Austria). On that occasion, a breakout group discussion on a *“win-win scenario”* for the future of Nagorno-Karabakh reached the conclusion that the framework of negotiations based upon the Madrid Principles could

² Laurence Broers – “Just Another Incident or an Evolving Status Quo?”, Expert opinion dated August 2020, from: <https://valdaiclub.com/a/highlights/just-another-incident-or-an-evolving-status-quo/>

³ Benyamin Poghosyan- “Why “The Land for Promise” Formula Will Never Be Accepted by Armenia and Nagorno-Karabakh”, May 2020, <https://www.indrastra.com/2020/05/Land-for-promise-Armenia-Nagorno-006-06-2020-0007.html?fbclid=IwAR1EZRSNcdSivaqSUBAlN9LmU1JSDxrXgygbjVxU0HOQ0tkvAep0VyTSYI4>, and <http://gpf-europe.com/context/publications/?id=60142>

hardly lead to breaking the existing deadlock of the peace process. Meanwhile, the minimum consensual description of a possible “win-win scenario” for the future of NK recalled the Brussels Consensus on Post-conflict Regional Integration Scenarios in the South Caucasus, developed in 2014-2015 by a group of experts gathered by the European Geopolitical Forum:

- “• *the right of all people to live in an environment of peace and security;*
- *a shift in government strategy from preparing for war to building enduring peace and fostering economic development;*
- *good neighbourly relations as a basis for peace building;*
- *the right of all people to strive for economic prosperity;*
- *the right of all IDPs and refugees to voluntary return to their homes and/or lands and live there in peace and security.”⁴*

The 2020 EGF NK Research Digest has also led to the overall conclusion that there was no Armenian- Azerbaijani agreement on the ability of the Madrid/Basic Principles (or any updated versions thereof) to support a viable, long lasting, peaceful solution to the NK conflict.

On the one hand, the **Azerbaijani experts** are claiming that “*the Madrid Principles are the best way for conflict resolution, while Azerbaijan’s territorial integrity should be maintained throughout all stages towards a peaceful settlement of the conflict.*” They disagreed with the Armenian refusal to accept any Madrid Principles-based solution “*as a way to gain time*” by deliberately adopting “*inconsistent approaches*” and by exposing Armenian “*inability to support their own arguments at the highest level of government*”. They brought up a number of examples of Armenian inconsistencies in dealing with conflict resolution, starting with statements in the 1990’s by the former president Levon Ter-Petrosian, and ending with some of the most recent statements of prime-minister Pashinyan. At the same time, the Azerbaijani experts deplored the lack of political will and the inefficiency of the Co-chairs of the OSCE Minsk Group in solving the conflict, while suspecting their respective policies had been strongly influenced by Armenian lobbyists. From the Azerbaijani perspective: “*It should be crystal clear who was wrong and who was right in this conflict. However, the conflict has remained unresolved.*”, mainly due to international mediators’ “*inefficiency so far*”. Indeed, they made a valid point in criticizing the inability of the OSCE-based European security system to provide a way out from the current deadlock 26 years after the formal signing of the ceasefire agreement. However, while strongly supporting the Madrid Principles (one of whom directly refers to the equal rights and self-determination of people), the Azerbaijani experts quoted foreign scholars who would have denied the right of self-determination of the Karabakh Armenians at the expense of the territorial integrity of Azerbaijan.

⁴ The European Geopolitical Forum- “Report on the Seminar Series “What the South Caucasus Region Could Be: Exploring the Role of Economic Initiatives as Peace Building Tools in the Nagorno-Karabakh Context”, http://gpf-europe.com/upload/egf_nk_summary_conclusions.pdf

On the other hand, the **Armenian expert** claimed that *“the cornerstone of the current deadlock [of negotiations] is in the phased approach solution codified by the Madrid Principles”* since their application would *“equal to a capitulation of Armenia and the Nagorno-Karabakh Republic”*. His favourite scenario for the future of NK conflict settlement purports to *“finally bid a farewell to the phased approach solution and the Madrid Principles, and seek to elaborate a new framework for negotiations”*. He further claimed that only a *“package deal solution”* (including the recognition of the independence of the NKR) would offer the Armenian people a reasonable security insurance in a new era *“driven by a growing rivalry between great powers [which] has made the contours of the future new world order less predictable. In such circumstances, any long term guarantees and promises to undertake significant actions, some of them in an indefinite future, lack any sustainability, and, in reality, they might result in the resumption of the conflict over potential disagreements regarding the timing and modalities of future steps.”* His strategic analysis has made a valid point as the European affairs seem increasingly going away from the post-Cold War rules-based order towards attempts at creating new regional balances of power. However, he didn't make clear what sort of *“package deal solution”* could satisfy the *“zero-sum”* territorial claims of both parties, and how it could respond the Azerbaijani interest to see their co-nationals, displaced by the armed conflict in 1992-1994 or their legal successors, participating in any future decisions on the fate of their homeland. Or as the Azerbaijani experts indirectly commented on this: *“If Armenia disagreed over the sequence of the implementation of the Madrid Principles and proposed that the final status of Nagorno-Karabakh should be determined first, they should also put forward an [appropriate] implementation mechanism based upon constructive suggestions. [...]”*

Finally, the **Russian expert** while confirming the rather outdated and *“unacceptable”* character of the Madrid Principles concluded: *“The July 2020 escalation along the Armenia – Azerbaijan international border initiated by Azerbaijan (as well as the April 2016 “four day war” against the Nagorno Karabakh) proves that the permanent threat of the resumption of active hostilities dictate the need to change the logic of the negotiation process with an emphasis on confidence-building measures, monitoring of incidents, and creating conditions for demilitarizing the conflict region.”*

In conclusion, in 2020, the NK peace process is dangerously deadlocked, and its current state of play could result in a return to large scale warfighting. Not only the credibility and the effectiveness of the Co-chairs of the OSCE Minsk Group were increasingly questioned by the Azerbaijanis, but the basic framework of the solution to the conflict promoted by them over the last 13 years was being deemed as the main cause of the current deadlock in negotiations by the Armenians.

The problem is that there is currently no serious talk (neither at the academic/civil society nor at the political-diplomatic levels) about alternative solutions to the NK conflict, besides the old and, so far, hardly feasible Madrid Principles (and different variations thereof). Perhaps, the latter should be reviewed, and the plans for their implementation

should be updated to the new realities of the 2020's. Or perhaps a genuine Armenian-Azerbaijani strategic dialogue should be starting under international auspices about some other blueprints for conflict settlement. To gain credibility in front of the other actors, who might become suspicious this was a mere time-gaining strategy, the Armenians should urgently come up with a well-articulated initial proposal for adapting the NK conflict resolution framework to the realities of the 2020's. However, the key challenge against unblocking the negotiations process is stemming from apparently neither party being willing to switch back to a negotiating mood, instead of digging in their heels into well-known post-Cold War positions, and practicing aggressive political discourse, and dangerous sabre rattling.

Meanwhile, Track 2 and Track 3 diplomacy activities (creating the peace context) should be significantly boosted to temporarily supplant the current deadlock of Track 1 negotiations. Possible topics for conducting multi-faceted dialogue and cooperation at those levels could include institutional renewal, in terms of structures and mechanisms for bilateral cooperation; defining and leveraging commonly held interests as confidence building such as, for example, environmental issues, water management, academic/education and health mobility, agriculture, youth exchange, free economic/trade zones, professional and commercial exchange facilitation; agreements to separate administrative and identity issues and to fully de-politicize the issues addressed by peacebuilding initiatives.

In addition, to increase the credibility of a boosted peace context that was not merely a way to gain time and postpone conflict resolution relevant local and international actors should work to develop joint Armenian-Azerbaijani "*win-win scenarios*" for the peaceful future of Karabakh. Such scenarios should be politically and strategically realistic and built upon the common belief that there would be no peace in the region without active multi-track dialogue, mutual trust, and respect for the other side's legitimate interests. Otherwise, the current status quo of "*no peace, no war*" might endure for several more years, or a regional war might inadvertently outbreak and bring all parties to a "*regional balance of power*"- based solution. The latter would be most catastrophic for everyone.

The editor gratefully acknowledges the contributions of all participants in this research who have provided substantial portions of their valuable time and without which this publication would have not been possible. We at the EGF appreciate your contributions and express gratitude for showing interest in our work, as well as in the prospect of a peaceful and prosperous future for Karabakh, which we hope to see one day in our lifetime.

THE UPDATED MADRID PRINCIPLES IN THE “KARABAKH KNOT”

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The collapse of the Soviet Union in 1991 fundamentally altered the geopolitical dynamics of the South Caucasus as each of the new successor states sought to define their own national interests and policy priorities. In terms of its geopolitical and strategic importance, the region has always been at the forefront of global powers' foreign policy. The hegemonic powers have been using it throughout the history to exert their influence on neighboring areas. While the South Caucasus was previously considered to be on the periphery of the international agenda, after the dissolution of the Soviet Union, it became much more important both to its neighbors and to influential non-regional actors. Today the South Caucasus is a diverse geopolitical region, which occupies a strategic point in the transport of Caspian oil and gas. However, the region is challenged with unresolved conflicts and socio-political and economic problems brought by the collapse of the Soviet Union.⁵ The protracted conflicts in the region have long been a source of tension for all countries in the region.

Azerbaijan has been involved in such a protracted conflict because of Armenia's unfounded territorial claims. Armenia, with close political, economic, and military external support, has occupied 20 percent of Azerbaijan's territory (Nagorno-Karabakh and seven surrounding districts). Reacting to this occupation the UN Security Council unanimously adopted four resolutions – 822, 853, 874 and 884 in 1993, which demanded an immediate and unconditional withdrawal of Armenian armed forces from occupied Azerbaijani lands. These resolutions confirmed that the international community considered Nagorno-Karabakh an integral part of Azerbaijan. No country, not even Armenia, has thus far recognized Nagorno-Karabakh as an independent country.⁶ We presented the historical background of Nagorno-Karabakh conflict in our previous paper⁷ and proved our arguments based on conclusive facts. In the following discussion, we will argue for the viability of the updated Madrid principles as the most plausible solution for the conflict.

Twenty seven years after the adoption of four UN Security Council resolutions calling for the withdrawal of Armenian armed forces from Nagorno-[Karabakh](#) and the surrounding districts, Yerevan has not fulfilled them yet. On the contrary, it eschewed the negotiation

⁵ Khayal Iskandarov, *The South Caucasus–NATO cooperation*, Riga: Lambert Academic Publishing, 2019, 9-10.

⁶ Elman Nasirov, Khayal Iskandarov, Sadi Sadiyev, “The realities against Armenia's “Nagorno-Karabakh strategy of preemption”, The European Geopolitical Forum, 28 May 2018. <http://gpf-europe.com/context/publications/?id=22558>

⁷ Ibid.

process, and it violated the cease-fire agreement. And that was the main cause of the escalations on the frontline, in August 2014, April 2016, and most recently in July 2020.⁸ Andrew Korybko claims that the Nagorno-Karabakh conflict has the potential to destabilize the entire region because of Russia's mutual defense obligations to Armenia via the Collective Security Treaty Organization (CSTO) and Turkey's promises to aid its Azerbaijani ally in the event of another war. In the worst-case scenario these two regional powers might clash with the other.⁹ Andrew Korybko is right that Nagorno-Karabakh is currently a tinderbox which could plunge Armenia and Azerbaijan again into another stage of war. However, his point about Russia's obligation to interfere in the conflict does not hold true since Nagorno-Karabakh is an internationally recognized part of Azerbaijan. In case Azerbaijan launched any operation in this area, the third parties would not have any right to overtly support Armenia.¹⁰ The most recent escalation on the border between Armenia and Azerbaijan in July 2020 proved this fact, when Armenian prime-minister's request for help from the CSTO was denied.

Meanwhile, the co-chairs of the OSCE Minsk Group (France, Russia and the U.S.) have been ostensibly seeking to broker new peace talks. They emphasized the need to conduct negotiations in an atmosphere of mutual confidence.¹¹ At this juncture, it should be noted that all three co-chairs of the OSCE Minsk Group have lost their credibility in front of the Azerbaijani people, since Nagorno-Karabakh has become one of the most protracted conflicts in the world as a result of their inefficiency so far. It should be crystal clear who was wrong and who was right in this conflict. However, the conflict has remained unresolved. The leverage of the Armenian lobby on the governments of the above-mentioned co-chair countries has been conspicuously observed. Therefore, twenty percent of Azerbaijan's internationally recognized territory is under Armenia's occupation.

It should be noted that any crises in the South Caucasus were largely influenced by the relationship between the West and Russia. The Nagorno-Karabakh was no exception. Therefore, before we tried to come up with recommendations for the resolution of the Nagorno-Karabakh conflict it would be important to elaborate on external involvement in the development of regional processes.

The United States wanted to see the South Caucasus as a Western-oriented region. The United States has considered the region as part of Europe and it was interested in having the South Caucasus countries join the European institutions. Through the Eastern Partnership (EaP) program, the EU has become a major investor and actor in the South Caucasus countries. An aim of the EU is to promote stability and development in the region

⁸ Khayal Iskandarov, Sadi Sadiyev, "[Escalation on the border between Armenia and Azerbaijan: Possible reasons and implications](#)", The European Geopolitical Forum, 6 August 2020. <http://gpf-europe.com/forum/?blog=security&id=360>

⁹ Andrew Korybko, "Armenia, Azerbaijan must immediately implement the Madrid Principles", 20 July 2020. <https://bit.ly/2QpbHko>.

¹⁰ Khayal Iskandarov, Sadi Sadiyev, op.cit.

¹¹ Elman Nasirov, Khayal Iskandarov, Sadi Sadiyev, op.cit.

and forge closer ties. Turkey has unflinchingly supported Azerbaijan since the latter gained its independence. It maintained close relations with Georgia as well. Turkey has been the driving force behind most of the regional cooperation projects with the contribution of Azerbaijan. Armenia was the only country excluded from this cooperation. There has been a significant overlap of interests regarding the South Caucasus region between the EU, Turkey, and the US. Russia has been very much engaged in the South Caucasus, despite not having unlimited influence there, but Moscow has retained substantial leverage, and has been reasserting its influence in the area. It has a military-strategic, economic (especially in energy field), as well as domestic and political leverage over the region. Unlike the US/EU approach of trying to change the values and norms of the region, Russia applied an approach of preserving the *status quo*.¹²

The paths of the three South Caucasus republics have been different since the end of the Cold War in terms of their geo-political ambitions, with Armenia being a CSTO member, Azerbaijan pursuing an independent policy regarding global powers, and Georgia, apparently, demonstrating a pro-Western position. However, their destinies are strongly intertwined, and it is difficult to speak about the security threats in the region without taking their common geopolitical environment and mutual relations into account.¹³ The lack of diplomatic relations between Armenia and Azerbaijan due to the Nagorno-Karabakh conflict, Russia's increased assertiveness in the region and the absence of a consistent Western presence have been the central elements in understanding the current situation in the region since the collapse of the USSR.¹⁴

The world community is cognizant of the threat the Nagorno-Karabakh conflict poses to peace, security and stability in the South Caucasus region and beyond. Azerbaijan is committed and keen on building a bilateral strategic cooperation with the West based on reciprocal interests and play a crucial role in Europe's energy supply. The West-Azerbaijan relations are, particularly characterized by the implementation of huge energy projects. From the perspective of the West, these projects would make Europe less dependent on Russia, and from the Azerbaijan side, the energy supply would drive its economy and would sustain its long-term socio-economic development. Azerbaijan has successfully implemented the global energy projects like Baku-Tbilisi-Ceyhan (BTC) and Baku-Tbilisi-Erzurum (BTE).¹⁵ Following the realization of the BTC, as the main oil export pipeline, Azerbaijan's new Southern Gas Corridor (SGC) project was generated. The Trans-Anatolian Pipeline (TANAP) and its follow-up the Trans-Adriatic Pipeline (TAP) have been key parts of the SGC, transporting natural gas from the Shah Deniz-2 field in Azerbaijan to the Western markets. Those pipelines enabled the export of natural gas from the Middle East to Europe, as well as from the Caspian basin (Picture 1). Turkey and in a broader context the West are vitally concerned with the security of those routes.¹⁶

¹² Khayal Iskandarov, Sadi Sadiyev, Ibid.

¹³ Khayal Iskandarov, op.cit., page 53.

¹⁴ Elman Nasirov, Khayal Iskandarov, Sadi Sadiyev, Ibid.

¹⁵ Elman Nasirov, Khayal Iskandarov, Sadi Sadiyev, Ibid.

¹⁶ Khayal Iskandarov, Sadi Sadiyev, op.cit.

Hayk Gabrielyan, an expert at the Armenian Institute for Security and International Affairs, himself confirmed that the escalation which occurred in July 2020 between Armenia and Azerbaijan could have triggered a gas conflict between Turkey and Russia. Gabrielyan stated that Russian gas supplies to Turkey have decreased by 40%, and instead, Azerbaijani gas supplies to Turkey and Europe should soon increase via the BTE pipeline which passes through the Tovuz region of Azerbaijan.¹⁷ Thus, Gabrielyan indirectly pointed out the involvement of Russia in that confrontation. The escalation of course was in the national interest of Armenia and its external supporters¹⁸, since it was much easier for Armenia to manipulate Azerbaijan and Turkey against Russia and the United States, as well as against Europe in a broader context. As it is seen from the picture, Tovuz is the region where the vital energy and railway routes are passing through (Picture 1). This fact proved that Tovuz was not chosen accidentally by Armenia as the place of this escalation.¹⁹



Picture 1. Oil and gas pipelines of Azerbaijan²⁰

Therefore, the world community should pay greater attention to the Karabakh problem since a full-fledged war between Armenia and Azerbaijan might wreak havoc on the economic interests of the Europe as a whole. The war in Nagorno-Karabakh is a direct threat to the energy security of Europe. As Armenians themselves have stated long time ago, if they were attacked, Azerbaijan’s energy sector would be an immediate military objective.²¹ Although this conflict has been going on for approximately 30 years,

¹⁷ Naira Hayrumyan, “Who provoked the escalation on the Armenia-Azerbaijan border and why? Is Russia involved?” 16.07.2020, <https://bit.ly/3ji4862>.

¹⁸ In the understanding of the authors, Armenia’s external supporters would be the US, the EU, and Russia which would be manipulated by the local Armenian diasporas. (editor’s note).

¹⁹ Khayal Iskandarov, Sadi Sadiyev, op.cit.

²⁰ “MS-2016-South-Caucasus-map”, April 20, 2016, <https://bit.ly/32QI9o1>.

²¹ Elman Nasirov, Khayal Iskandarov, Sadi Sadiyev, op.cit.

nevertheless, it cannot continue indefinitely. The patience of the Azerbaijani state and nation is limited. However, many Armenians think that the longer they keep Nagorno-Karabakh and the surrounding districts under occupation the easier it will be for the next generation to annex the region to Armenia. They think that the pre-1994 *status quo* would soon slip into oblivion since generations changed. However, a large national gathering in Baku, in support of the Armed Forces and Azerbaijan's territorial integrity, disappointed Armenian people at large. A crowd of people marching from different regions to the capital city passionately demonstrated their yearning to restoring Azerbaijan's territorial integrity. The experts in Armenia themselves admitted that Azerbaijan was not ready to accept the current *status quo* for another 25 years.²²

For the first time in 1997, there was some hope to peacefully solve the Nagorno-Karabakh conflict. Former Armenian President Ter-Petrosyan made a realistic assessment and stated that either way Armenia would have to face the wealthy and powerful Azerbaijan. He was concerned that the economic blockade of his country due to the Nagorno-Karabakh conflict would damage the long-term economic viability of Armenia. According to him, that deal was a chance to guarantee the security of Karabakh and the political-economic well-being of Armenia.²³ However, he was immediately ousted from office, and his successor, Robert Kocharian, threw a spanner in the wheels of the negotiation process and brought them to a standstill. Since then, three subsequent Armenian governments have succeeded each other, but the conflict has remained unresolved. This fact once again proved that the destiny of Nagorno-Karabakh depends more on external actors²⁴ rather than on the Armenian government itself.

The world community unequivocally asserted that the Armenian-Azerbaijani conflict should be settled according to the principle of territorial integrity of Azerbaijan. All three countries that co-chair the Minsk Group retained a consensus acknowledging the Madrid Principles, which were first presented in 2007. These principles were updated in July 2009. They proposed the following package of elements as the framework for a political settlement:²⁵

- return of the territories surrounding Nagorno-Karabakh to Azerbaijani control;
- an interim status for Nagorno-Karabakh providing guarantees for security and self-governance;

²² Benyamin Poghosyan, “Why “The Land for Promise” Formula Will Never be Accepted by Armenia & Nagorno Karabakh”. May 07, 2020, <http://gpf-europe.com/context/publications/?id=60142>.

²³ Patricia Carley, “Nagorno-Karabakh: Searching for a Solution,” *United States Institute for Peace*, December 1, 1998, <https://bit.ly/32SwPoT>.

²⁴ In the understanding of the authors, relevant external actors would be the US, the EU, Russia, and Turkey. (editor's note).

²⁵ Shamkhal Abilov, “OSCE Minisk Group: Proposals and failure, the view from Azerbaijan”, *Insight Turkey*, January 2018, <https://bit.ly/32N4lx6>.

- a corridor linking Armenia to Nagorno-Karabakh;
- future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will;
- the right of all internally displaced persons and refugees to return to their former places of residence;
- international security guarantees that would include a peacekeeping operation.

It should be mentioned that initially, the Madrid Principles referred to “the phased withdrawal of Armenian forces from occupied territories of Azerbaijan”, while the term “phased” was absent from the updated version. The first document indicated that the final status of Nagorno-Karabakh should be determined by “referendum”, but according to the updated Madrid Principles, the final status should be decided by “a legally binding expression of will”.²⁶ Since the Armenian government did not accept the older version an updated version was initiated.

Why haven't these principles been implemented so far? Armenia's inconsistent approach has been the main stumbling block to the implementation of the Madrid Principles. For instance, more than ten years after Ter-Petrosian's attempts to solve the problem, in January 2009, Azerbaijan's President Ilham Aliyev and Armenia's President Serzh Sargsian did express optimism that the Madrid Principles (the older version) could be eventually accepted, in principle. However, in late 2009, Sargsian shied away from his commitments and accepted, in principle, the return of only five territories to Azerbaijan.²⁷ Strangely enough, none of the OSCE Minsk Group co-chairs considered exerting any pressure on Armenia to make the government accept those principles in full. This proved the inefficiency and the double-standard of this organization as a peace broker between the two parties. Armenian governments have been apparently taking their cue from the OSCE Minsk Group. Their purpose was to gain time not to solve the problem. For instance, Russia, which co-chairs OSCE Minsk Group provided Armenia with 400 tons of weapons between July 17 and August 4, 2020. The flights, using an IL76 military cargo plane, reportedly took a circuitous route from the southern Russian city of Rostov-on-Don to Armenia, avoiding the direct route – over Georgia – and instead circling around Kazakhstan, Turkmenistan, and Iran before entering Armenian airspace from the south.²⁸ The shipment was implemented shortly after the escalation on the Armenia-Azerbaijan border. In these circumstances it would be naive to expect a constructive approach from Russia.

²⁶ Ibid.

²⁷ Elman Nasirov, Khayal Iskandarov, Sadi Sadiyev, op.cit.

²⁸ Joshua Kucera, “Aliyev airs grievances to Putin over arms shipments to Armenia”, August 13, 2020, <https://bit.ly/330aCpc>.

What is the Armenian pretext against the updated Madrid Principles, the most plausible option for the Karabakh conflict resolution for the time being? Armenians do not accept the currently proposed sequence of the stages of the conflict resolution. The Armenian government postulated that the third element – the final legal status will be determined by a vote of Nagorno-Karabakh’s population – to be implemented prior to the others. It seems absurd to expect the determination of the final status of Nagorno-Karabakh while the Azerbaijani community has been expelled from their motherland. Nagorno-Karabakh is an integral part of Azerbaijan and it is impossible to imagine that the vote would take place without the participation of the Azerbaijanis. The constitution of the Republic of Azerbaijan would not allow a referendum to take place only in one of its regions. Any referendum should be held nationwide. According to Benyamin Poghosyan, Armenians are afraid that, as soon as Azerbaijan restores the control of its occupied territories, the final status of Nagorno-Karabakh will be postponed to an indefinite date.²⁹ In this way, by rejecting the “Land for promise” formula³⁰ Armenians ostensibly doubt that Azerbaijan would keep on its promises. That is a quintessential Armenian way of thinking since they have been defying the calls and demands of all international organizations, including the UN. Nikoloz Pashinyan’s dilettante behavior with regard to the status of Nagorno-Karabakh proves our argument. In one of his most bellicose interviews, the current Armenian prime-minister argued for the unification of Nagorno-Karabakh with Armenia.³¹ According to Joshua Kucera, that forceful appeal indicated that Pashinyan was taking a harder line on Karabakh even as he had made efforts to revive the negotiations with Azerbaijan over settling the conflict. In just another speech, Pashinyan insisted for the participation of Nagorno-Karabakh as an independent “republic” in the negotiations,³² which would contradict his own previous statement. The debate between President Ilham Aliyev and Prime Minister Nikol Pashinyan at the Munich Security Conference in February 2020³³, as well as Pashinyan’s interview with Stephen Sackur, a well-known correspondent of BBC in August 2020,³⁴ demonstrated that Armenian authority at the highest level was not capable of supporting their arguments, which plunged them into a ludicrous and unpleasant position on the international arena. However, before coming to power, Nikol Pashinyan had promised a revival of negotiations through “preparing his nation for peace”. Unlike Armenia, Azerbaijan complied with the international law, respected all international organizations, remained committed to its international obligations and commitments. The argument made by Armenia regarding the “land for promise” formula was therefore not conclusive.

²⁹ Benyamin Poghosyan, op.cit.

³⁰ Benyamin Poghosyan, Ibid.

³¹ Joshua Kucera, “Pashinyan calls for unification between Armenia and Karabakh”, August 6, 2019, <https://bit.ly/32R68AZ>.

³² Nikol Pashinyan's promises and the Nagorno Karabakh conflict, August 28, 2020, <https://bit.ly/2F1WfIM>.

³³ Joshua Kucera, “Armenian, Azerbaijani leaders spar in unprecedented public debate”, February 16, 2020, <https://bit.ly/3hNnLII>.

³⁴ “Nikol Pashinyan - Prime Minister of Armenia - BBC HARDtalk”, August 14, 2020, <https://bit.ly/3IIJB1Z>.

Today, a principled and consistent position of the Azerbaijani leadership on the Nagorno-Karabakh conflict resolution is leading to a completely new situation in the region. One of the main reasons for this is that Azerbaijan is not the same country Armenians fought with, in the early 1990s. At the same time, serious results have been achieved in conveying the truth about the Nagorno-Karabakh conflict to the world community. Thus, a new reality has emerged in the region in connection with the settlement of the Nagorno-Karabakh conflict. As the President Ilham Aliyev stated on May 26, 2017: *“Nagorno-Karabakh is a historical land of Azerbaijan. The Armenian-Azerbaijani Nagorno-Karabakh conflict should be resolved on the basis of the resolutions of the UN Security Council within the framework of the territorial integrity of Azerbaijan. The Azerbaijani state and people will never allow the creation of a second contrived Armenian state on our ancestral lands. The territorial integrity of our country is not and will never be the subject of negotiations”*.³⁵ Armenians have always referred to the right of self-determination of the Nagorno-Karabakh Armenians. It was apparent from the Compilation of General Comments and General Recommendations adopted by the Human Rights Treaty Bodies in 1997 that self-determination is a right that belongs to peoples, but not to ethnic minorities.³⁶ Armenians had this right and they used it in the early 1990s and established their own country – the Republic of Armenia. Now they do not have any right to create a second Armenian “republic” on the territory of another country. There are two million Armenians in the US³⁷ and 2.5 million in Russia.³⁸ More than 750.000 Armenians live in France.³⁹ Why don’t these people use their “right of self-determination” and create third, fourth Armenian “republics” in those countries? They cannot do it because this is intolerable, since these are ethnic minorities. However, they tried to do it for less than a hundred thousand Armenian minority in Azerbaijan. Milena Sterio has also proved that the principle of self-determination would not lead to the conclusion that Nagorno-Karabakh could legally secede from Azerbaijan.⁴⁰ The OSCE Minsk Group might pander to Armenia’s every whim. However, Azerbaijan won’t compromise its territorial integrity. A group seeking self-determination is one which feels that it has been unjustifiably excluded from the community of states recognized by the international law.⁴¹ It is an indisputable fact that Armenians had never been marginalized in Azerbaijan. They even occupied the most prestigious positions in different regions of the country, including Baku. However, they were exploited by external actors and became pawns in a geopolitical battle.

³⁵ Khayal Iskandarov, Sadi Sadiyev, op.cit.

³⁶ Hurst Hannum, “The Right of Self-Determination in the Twenty-First Century”, Summer 6-1-1998, Volume 55, Issue 3, <https://bit.ly/2F9zgvP>.

³⁷ Victor Kipro, “US States with the Largest Populations of Armenian Americans”, September 23, 2019, <https://bit.ly/33fXpc7>.

³⁸ Mokhammad Akhiyadov, “The Armenian Lobby in Russia and the Power of the Media”, 19 February, 2020, <https://bit.ly/2F38F2V>.

³⁹ Armenians in France, <https://bit.ly/31Zk0Ku>.

⁴⁰ Milena Sterio, “Self-Determination and Secession Under International Law: Nagorno-Karabakh”, <https://bit.ly/3hiZcSJ>.

⁴¹ Marija Batistich, “The Right to Self-Determination and International Law”, *AukULawRw* 7; (1995): 1013-1037.

Meanwhile, it is important to touch upon Levon Ter-Petrosian's views on the Nagorno-Karabakh problem. At the beginning of March 1992, Ter-Petrosian while speaking about the creation of a "system of security guarantees" and the demilitarization of the Nagorno-Karabakh region, proposed the following option: *"Full autonomy of Nagorno-Karabakh, lifting its blockade and ensuring the normal life of Nagorno-Karabakh. This decision today, I think, will be acceptable both for Karabakh and for Azerbaijan. If there is such an autonomy, where internal problems will be solved by local authorities, including personnel issues, the parties can come to an agreement. I think that the status of an autonomous republic within Azerbaijan would completely satisfy all parties, because at the same time Karabakh remains a part of Azerbaijan, the territorial integrity of the republic is preserved, and the people of Karabakh, in turn, have guaranteed livelihoods. Here is our position. We are ready to discuss it at any level"*.⁴² Apart from it, in 1997, Ter-Petrosian gave a clear answer to his political opponents who had populist promises about the Karabakh issue. He warned them of the possible catastrophic consequences for Armenia, including the Armenians of Nagorno-Karabakh: *"If we do not agree with what Azerbaijan is now proposing (full autonomy), the strengthened Azerbaijan in future, will not offer us that either. Armenia does not have the economic and demographic potential to keep up with Azerbaijan, so we will gradually lag behind Azerbaijan. And, as many times in history, the Armenians will be left with nothing in the end"*.⁴³ Today, Ter-Petrosian's rational prediction has already come true. Armenians should accept the reality, whether they like it or not.

Conclusion

The most recent processes taking place both between Armenia and Azerbaijan, as well as within those countries show that Azerbaijan will not tolerate Armenia's unconstructive approach against the settlement of the Nagorno-Karabakh conflict. The Madrid Principles may not be updated until Armenians are satisfied. The activities of the OSCE Minsk Group have proved inefficient. Armenian leadership has defied the international resolutions and calls. The most recent escalation in Tovuz in July 2020, demonstrated that Armenians were not interested in the peaceful resolution of the conflict. For the time being, the Madrid Principles are the best way for conflict resolution, while Azerbaijan's territorial integrity should be maintained throughout all stages towards a peaceful settlement of the conflict. If Armenia disagreed over the sequence of the implementation of the Madrid Principles and proposed that the final status of Nagorno-Karabakh should be determined first, they should also put forward an implementation mechanism based on constructive suggestions, rather than behave mischievously. Since Armenia did not offer any plausible options for conflict resolution and tried to simply preserve the status quo, Azerbaijan has the inalienable right to restore its internationally recognized territorial integrity through any means. Azerbaijan is ready to provide the Nagorno-Karabakh with full autonomy and

⁴² "Президент Армении был готов на автономию Карабаха в составе Азербайджана. Экскурс в историю", 15 Сентябрь 2018, <https://bit.ly/2dсрutk>.

⁴³ "Вниманию Пашипяна: Статья Тер-Петросяна, которая лишила его власти", 21 Мая, 2018, <https://bit.ly/3byOLc8>; "Левон Тер-Петросян: Война, или мир? Пора стать серьезнее" 26.12.2018, <https://bit.ly/2FaxSbV>.

can ensure the security of its population – which is the most important element of peaceful conflict resolution. However, Baku does not have to put up with the shenanigans of the Armenian government. A final point is that if we consider that all three countries currently co-chairing the OSCE Minsk Group lacked the will to solve the problem upgrading Turkey as the fourth co-chair state within the OSCE Minsk Group might maintain the equilibrium between the parties, which has been tilted towards Armenia for decades, and might subsequently contribute to the overall settlement of the Nagorno-Karabakh conflict.

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TIME TO CHANGE THE NAGORNO-KARABAKH SETTLEMENT PARADIGM: FROM “LAND FOR PROMISE” TO “INDEPENDENCE FOR REGIONAL PEACE AND DEVELOPMENT”

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The recent escalation along Armenia – Azerbaijan border has once more brought the Karabakh conflict into the focus of international media and triggered a plethora of publications seeking to understand the reasons behind the clashes as well as to make a guess on future developments. There are plenty explanations of what happened and who were the culprits for the last July 12 -16 events. I believe the key reason of the escalation was Azerbaijan’s decision to return to the policy of military pressure against Armenia, which has been actively used by Baku since the August 2014 and culminated in April 2016 war. This decision itself might be explained by the fact that Azerbaijani leadership was frustrated by a perceived lack of “flexibility” in the negotiation process of the new Armenian leadership, which came into power after the 2018 “Velvet revolution”.

In mid-May 2020, the Azerbaijani army conducted large scale drills along the line of contact, which involved around 10,000 soldiers, hundreds of tanks and artillery systems, and dozens of warplanes and helicopters. On July 6, 2020, just a week prior to the escalation, President Aliyev reiterated that the Karabakh conflict must be resolved within the territorial integrity of Azerbaijan. Meanwhile, he criticized the OSCE Minsk Group for not putting enough pressure on Armenia and for excluding a military solution for the conflict. He argued that the UN Charter provided countries with the right to self-defense and thus Azerbaijan might resume hostilities at any moment.⁴⁴

Azerbaijani experts would also agree that in 2018 there were expectations in Baku that Nikol Pashinyan's coming to power might open a new chapter in the conflict settlement process. Meanwhile, they argued that Pashinyan's statement, "Karabakh is Armenia. Full stop" marked the demise of the peaceful settlement of the Nagorno-Karabakh conflict and caused significant frustration in the Azerbaijani society.⁴⁵

The scenarios for the future are divergent too. One of them is the continuation of negotiations based on the “Madrid Principles” and the ensuing phased approach formula.

⁴⁴ Benyamin Poghosyan- “The July Escalation Along Armenia-Azerbaijan Border”, <https://www.institutfuersicherheit.at/isp-working-paper-the-july-escalation-along-armenia-azerbaijan-border>; Benyamin Poghosyan- “Escalation along Armenia – Azerbaijan Border: Key Reasons and Possible Scenarios”, <http://gpf-europe.com/context/publications/?id=63758>.

⁴⁵ Ahmad Alili, Secret diplomacy has failed and it is now time to think of new approaches, https://commonsense.eu/index.php?m=23&news_id=5632.

In this scenario, a growing number of military incidents along the line of contact and along the Armenia -Azerbaijan international border might be expected, as it was the case in the August 2014 - March 2016 period. They might peak like in April 2016, or tensions might linger for several years without peaks.

Another scenario is the change of the balance of power through some sort of Russia – Turkey agreement over the South Caucasus. In this case, we might expect joint Russia – Turkey pressure on Armenia, Nagorno Karabakh Republic (NKR) and Azerbaijan to accept a version of the “Madrid Principles”. In this case, the conflict would not be settled, but it would be effectively frozen.

There is also a scenario which anticipated that both sides would accept the fact that the “Madrid Principles” and the phased solution approach, which has lasted for sixteen years, has exhausted itself and the time has come to bid it farewell and to start elaborating a new formula for negotiations. This would be a difficult option and would take some time to see it through. However, it is the only option that might break the vicious circle of "escalation - relative calm - escalation", and re-open the prospects of conflict settlement.⁴⁶

In this sea of contradicting assessments and predictions only one thing is commonly accepted by almost everyone. The negotiation process over the Karabakh conflict settlement has been in deadlock in the wake of the June 2011 Kazan summit, and the April 2016 four days war simply made this impasse even deadlier. What are the key reasons for this situation? We may come up with plenty of explanations, but I believe that the cornerstone of the current deadlock is in the phased approach solution codified by the “Madrid principles”. It is not necessary here to review the detailed description of these very well-known principles, as well as the history of the negotiations focused on them: from the 2006 summits in Rambouillet and Bucharest, the 2011 gathering in Kazan, to the Vienna and Saint Petersburg meetings in May and June 2016, and the famous February 2020 Pashinyan – Aliyev public debate during the Munich security conference.⁴⁷ I would simply like to briefly summarize what does the phased approach solution mean and why it will not bring negotiations to anywhere.

The key pillar of the phased approach is the requirement towards the NKR to immediately give up to Azerbaijan more than 50 percent of its current territories in exchange for the promise of international recognition of its independence following a referendum to be organized in an indefinite future.⁴⁸ Such a radical contraction of the NKR territory would

⁴⁶ Benyamin Poghosyan, The July Escalation Along Armenia-Azerbaijan Border, <https://www.institutfuersicherheit.at/isp-working-paper-the-july-escalation-along-armenia-azerbaijan-border>.

⁴⁷ For more information please see, Statement by the OSCE Minsk Group Co-Chairs, 6 July, 2006, <https://www.osce.org/mg/47496>; Aliyev, Sarkisian Fail to Finalize Karabakh Agreement, <https://www.azatutyun.am/a/24245898.html>; Conversation “An update on Nagorno Karabakh”, <https://securityconference.org/en/medialibrary/asset/conversation-an-update-on-nagorno-karabakh-20200215-1830>.

⁴⁸ Statement by the OSCE Minsk Group Co-Chair countries, July 10, 2009, <https://www.osce.org/mg/51152>.

make it effectively defenseless against any possible future Azerbaijani attack, while the OSCE Minsk Group Co-chairs promise to provide it with security guarantees in the form of deploying a peacekeeping force. A potential benefit for the NKR and Armenia would be the opening of transport routes to Russia and Iran via Azerbaijan and to the Mediterranean and Middle East via Turkey, though it's obvious that these communication lines could be shut down again if either Ankara or Baku would deem it necessary.

These parameters of the settlement were the basis of the Kazan document, which was rejected during the June 2011 summit. I may only guess that the key reason behind the Azerbaijani negative approach was the even theoretical possibility to recognize the independence of the NKR albeit with significantly reduced territories. As for Armenia and the NKR, the reasons for a rejection were plenty: NKR would lose much of its territory, become defenseless and thus totally dependent on international security guarantees, and it would be given only a promise for a referendum with unclear timeframes and vague modalities. Obviously, this option equaled to the capitulation of Armenia and NKR, and we all know when and under what circumstances states would usually agree to capitulate.

There was a widespread negative attitude towards the “Madrid principles” immediately after their publication by the OSCE Co-chair countries Presidents in July 2009. After the April 2016 four days war it would be really hard to find anyone either in Armenia or in NKR who were ready to accept them.⁴⁹ Thus, if the mediators continue to insist upon these principles, as they did in their March and December 2019 statements,⁵⁰ the conflict settlement process will bring no tangible results.

Some might argue that the absence of a large-scale war is already a significant outcome, and that negotiations should be continued simply as an effective means to prevent war. This approach might have some logic in it. However, in this case, the OSCE mediators should stop making calls upon the sides to re-launch substantive negotiations aiming to find a solution based on the “Madrid Principles” and should concentrate their efforts only on security and confidence building measures. Otherwise, the repeated references to the Madrid principles as the only base for a just and durable conflict settlement do nothing but raise tensions in Armenia and NKR and trigger baseless hopes in Azerbaijan. I assume that the end of the oil boom of 2007-2014, the 2015 economic crisis and the following economic stagnation have made Azerbaijan think about the Madrid Principles and the phased approach as the best solution which Baku would be able to reach in the foreseeable future.

⁴⁹ Benyamin Poghosyan, Why “The Land for Promise” Formula Will Never be Accepted by Armenia & Nagorno Karabakh, <https://www.indrastra.com/2020/05/Land-for-promise-Armenia-Nagorno-006-06-2020-0007.html>

⁵⁰ Press Statement by the Co-Chairs of the OSCE Minsk Group on the Upcoming Meeting of President Aliyev and Prime Minister Pashinyan, <https://www.osce.org/minsk-group/413813>, March 9, 2019, Joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair countries, <https://www.osce.org/minskgroup/441242>, December 9, 2019

Meanwhile, any real progress is less likely without participation in negotiations of representatives of NKR. It should be noted that representatives of Abkhazia and South Ossetia participate, alongside with Russia, Georgia and the United States, in the Geneva International discussions on the conflicts in Georgia co-chaired by the UN, OSCE and the EU. Representatives of Transdnistria, alongside with Moldova, Russia, the United States, Ukraine, OSCE and EU, participate in the “5+2 format” negotiations on the Transdnistrian settlement process. These are clear examples of the fact that any conflict cannot be solved without the inclusion of all conflicting sides within the negotiation process. Another way to boost the negotiation process could be the launch of separate track of negotiations on the issue of Armenian and Azerbaijani refugees with participation of relevant NGOs representing the interests of those communities.

The last 16 years of failed diplomacy have proved that the phased approach solution is not going to work for the settlement of the NK conflict. However, refocusing negotiations on security and confidence building measures is not the only option available. Another possibility would be to finally bid a farewell to the phased approach solution and the “Madrid Principles” and seek to elaborate a new framework for negotiations.

I strongly believe that the only workable solution is a package deal. The main advantage of the package deal is the fact that it would not put the solutions of key issues in the shelves and would not make them dependent on future geopolitical developments. The unraveling of the post-Cold War order and the start of a transition period driven by a growing rivalry between great powers has made the contours of the future new world order less predictable. In such circumstances, any long term guarantees and promises to undertake significant actions, some of them in an indefinite future, lack any sustainability, and, in reality, they might result in the resumption of the conflict over potential disagreements regarding the timing and modalities of the future steps. In the case of Karabakh, conflict might easily erupt over the future referendum – when it should be organized, by whom and what might happen if the results were rejected by any of the sides. Meanwhile, a package deal would solve all issues and would not postpone the solution of the most difficult issues by relocating the pressure on the shoulders of the next generations.

Given the strategic ambiguity veiling over the future global and regional order, Armenia and the NKR simply cannot afford to accept a deal which would simply provide them with promises which should be realized in an indefinite future by indefinite actors. The main issues at stake are the status and the territory of Nagorno-Karabakh and their solution cannot be postponed indefinitely. The package deal should tackle those issues and, obviously, any offers to return to the reality of Soviet times were not viable. The only working option is the recognition by Azerbaijan and the international community of the independence of NKR, while providing the right to unite with Republic of Armenia, if a majority of the population would decide so. As for the border demarcation issues between Azerbaijan and the NKR, any territorial swaps should be agreed upon and identified in the package deal.

At the end of the day, the sides to the Nagorno-Karabakh conflict and the Co-chairs of the OSCE Minks Group should make the transition from the failed “Land for promise” paradigm to a new “Independence for regional peace and development” paradigm. Both the April 2016 war and the July 2020 escalation have proved that the adherence to the “Madrid Principles” and the phased approach solution have put the conflict settlement process into a dangerous “escalation – calm – escalation” vicious circle. Meanwhile, given the constant flow of modern weaponry into Armenia and Azerbaijan, any new escalation might bring the region to the brink of a large-scale war with potential for a spillover effect and for the involvement of Turkey and Russia. The growing threat of a large-scale war has been recently pointed out by several international experts dealing with South Caucasus.⁵¹

I honestly believe that South Caucasus region deserves a better future than the current vicious circle of escalations and wars. The adoption by Armenia, Azerbaijan, NKR and the international mediators of a new conflict settlement paradigm - “Independence for regional peace and development” – would present a unique opportunity to overcome that vicious circle and put the region on the path to regional development. The settlement of the Nagorno-Karabakh conflict would unleash the full potential of the region as a significant bridge between East and West, North and South multiplying the amounts of necessary foreign direct investments. It would bring tangible benefits to all people living in the South Caucasus, significantly boosting their life standards and by putting an end to the concerning trends of depopulation.

In parallel to the peace process another important realm of the Karabakh conflict settlement is the peace context featuring several Track 2 diplomacy initiatives aiming to facilitate the dialogue between different parts of the societies – the young generation, women, etc. Track 2 diplomacy has been employed almost immediately after the signature of the ceasefire agreement. Several international and local actors have organized numerous workshops, seminars, expert meetings, etc. involving civil society and expert community representatives of Armenia, Azerbaijan and NKR. However, as for now these efforts have achieved little and their influence on the Track 1 diplomacy was small, if any.

One of the key features of past Track 2 diplomacy activities was the almost unchanged participants’ list. A small group of Armenian and Azerbaijani experts have been permanent participants of such events de facto monopolizing the field. They all knew each other personally and they were well informed about the others’ positions. They were all witnesses and some even participants to the military conflict in 1992-1994, and this has significantly influenced their mindsets. The establishment of a “closed club of experts”

⁵¹ Philip Röhrs-Weist- “Caucasus: Trending towards War”,
https://caucasuswatch.de/news/3089.html?fbclid=IwAR05z0mpFzuyb7GFyFDPi-kqons-JaI_DfKbyegB8iu56SDYRwTvy9ShfUg.

effectively prevented the younger generation from possibly being actively and seriously engaged in Track 2 diplomacy activities.

Meanwhile, the voices of the young experts are becoming more and more influential within their societies. They have much more possibilities to reach larger audiences and shape their perceptions due to their proficiency in using the new digital media technologies. Simultaneously, a gradual change of generations in the political and economic establishments is underway in Armenia, Azerbaijan and NKR with young and middle-aged professionals gradually pushing aside the political behemoths.

In conclusion, alongside the farewell to the phased approach solution and the “Madrid principles”, more efforts to bring significant changes to the Track 2 diplomacy activities should also be made. More initiatives are needed to launch trilateral - Armenia, Azerbaijan, NKR - young generation dialogue aiming to help finding new ways for overcoming the current deadlock in negotiations.

NAGORNO-KARABAKH: MADRID PRINCIPLES – YESTERDAY’S REALITY

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The preparation and conduct of presidential and parliamentary elections in the Nagorno-Karabakh Republic (the Republic of Artsakh), as well as the subsequent period, were marked by another escalation of the militaristic rhetoric and unprecedented military preparations from neighboring Azerbaijan. In mid-May 2020, in the areas bordering with Armenia and Artsakh, exercises of the Azerbaijani army were conducted with missile systems and tests of modern systems of offensive weapons, de facto belonging to the category of “weapons of mass destruction.” The culmination of these maneuvers occurred on May 21 - the day of the inauguration of the new President of the Nagorno-Karabakh Republic, Araiik Harutyunyan, accompanied by provocative media publications outside the region about the likelihood of a large-scale provocation against the leadership of Armenia and Artsakh. At the end of the exercises, Azerbaijani Defense Minister Zakir Hasanov once again announced his readiness to resolve the “Karabakh issue” by military means. As the tragic events of the “four-day war” of 2016 have shown, this meant war, first of all, against a defenseless civilian population - children, women, and old people. In particular, the attack of the Special Forces of the Azerbaijani army on the village of Talish in the Martakert region was marked by gross violations of European and international humanitarian law.

After the unsuccessful escalation of the conflict, when Azerbaijan tried to seize, if not the entire territory of the Nagorno-Karabakh Republic, then at least a significant part of it, agreements were reached in Vienna and St. Petersburg in May and June 2016 on measures for technical monitoring and building confidence in the conflict region. However, as evidenced by the events of recent years, the authorities of the Republic of Azerbaijan have consistently torpedoed any efforts to resolve the conflict peacefully. This circumstance inevitably raised the question of the necessity of (and perhaps the lack of an alternative to) having a new look at the negotiation process, based, as it is known, on the so-called “Madrid principles.”

Since the independence of the former Soviet Union Republics of the South Caucasus in 1991 (we note here that Nagorno-Karabakh’s right to secede from Azerbaijan cannot be lower than the latter’s right to secede from the Soviet Union), the negotiation process has gone through several stages. The basic armistice agreement was sealed by the signatures of the defense ministers of Azerbaijan, Armenia and the Nagorno-Karabakh Republic. The decisions of the Budapest Summit (December 1994) confirmed the “trilateral” nature of the conflict, which fully corresponded to the international practice. As the Russian diplomat, the head of the mediation mission on Nagorno-Karabakh (1992-1996) Vladimir Kazimirov noted in the book “Peace to Karabakh,” Hungarian Foreign Minister Laszlo Kovacs officially answered with an affirmation on March 31, 1995, to Baku’s belated

objections to the OSCE decisions on the status of parties. The diplomat emphasized: *“The participation of the two participating States, as well as a third party in the conflict (Nagorno-Karabakh) in the entire negotiation process, including the Minsk Conference.”*

The fundamental essence of the “Nagorno-Karabakh issue” is the desire of the Armenian population to defend their right to life and other inalienable human rights. In the conditions of the collapse of the Soviet Union and the war imposed on Nagorno-Karabakh, it became possible to achieve this by creating effective military and capable state structures. The involvement in 1992 of the Conference on Security and Cooperation in Europe (now the OSCE) in the attempts to resolve the Nagorno-Karabakh conflict (the term is mainly used in Western and Russian political science literature) was due to radical geopolitical changes in the former Soviet Transcaucasia. The initial decision of the OSCE Council of Ministers of Foreign Affairs in Helsinki to convene a conference in Minsk in summer with the participation of 11 states, as well as “the elected and other representatives of Nagorno-Karabakh,” has failed to be implemented. The large-scale offensive of Azerbaijani armed forces in the summer of 1992 led to the occupation of Shahumyan and the temporary capture of most of the Martakert region of the Nagorno-Karabakh Republic. The conclusion in May 1994 with the active participation of the Russian mediation mission of an indefinite ceasefire was largely determined by the impossibility of the parties to conduct active offensive actions. In particular, Baku actively saturated the areas along the perimeter of the Nagorno-Karabakh Republic with manpower and technicians, trying to provoke a humanitarian catastrophe and a mass exodus of refugees. In 1992-1993, the border areas of Armenia were subjected to active shelling, resulting in numerous destruction and casualties. The Azerbaijani authorities did not go to a ceasefire, believing that Armenia and the associated Nagorno-Karabakh could not withstand the harsh winter, almost complete blockade, and constant military pressure. However, these arrogant hopes did not materialize, and in May 1994, the then Minister of Defense of Azerbaijan M. Mammadov, after several months of almost continuous fighting, had to ask for a truce.

The truce achieved (albeit extremely shaky) would seem to create more favorable conditions for the activities of diplomats. In February 1997, the tripartite “co-chairing” of the OSCE Minsk Group (Russia, the USA, and France), known to us today, was formed. Around this time, various proposals were formulated and submitted for consideration by the parties to the conflict, which received the conventional names of “package,” “phased,” or “mixed” plans based upon the fundamental principles enshrined in the 1975 Helsinki Final Act (some of whose key “signatories” have disappeared long time ago in the haze of history). Considering these proposals in the context of their common logic and the expected results, some authors made explicit and implicit analogies with the Alexandroupoli Treaty of 1920 (which did not enter into force in connection with the Sovietization of Armenia), which essentially turned Armenia into a Turkish appendage.⁵²

⁵² See *Мелик-Шахназаров А.* Арцах. Старые песни о новом // Армянский вестник. 2001, № 6.

In April-July 2006, the co-chairs of the OSCE Minsk Group put forward proposals for resolving the Nagorno-Karabakh problem, including:

- the phased withdrawal of the Armenian armed forces and the demilitarization of the territories surrounding Nagorno-Karabakh, and the return of internally displaced persons there;
- the introduction of a special regime for the Lachin and Kelbajar regions, including the creation of a transport corridor between Nagorno-Karabakh and Armenia;
- holding a referendum, which was supposed to finally determine the status of Nagorno-Karabakh;
- deployment of peacekeepers in the conflict region and the provision of international assistance in mine clearing and restoration of territories affected by the war.

These proposals in the form of principles for resolving the conflict were presented to the warring parties in Madrid (November 2007), from where came their name as “Madrid Principles.” A year later, on November 2, 2008, the presidents of Azerbaijan, Armenia, and Russia signed the Mayendorf Declaration, confirming the *“importance of continued mediation efforts by the OSCE Minsk Group co-chairs, taking into account their meeting with the parties in Madrid on November 29, 2007, and subsequent discussions to further develop the basic principles of a political settlement.”*

Since the original version of the Madrid Principles turned out to be unachievable, on July 10, 2009, at the G8 summit the presidents of the OSCE Minsk Group co-chair countries adopted a joint statement in which they instructed their representatives to submit an updated version of this document to Baku and Yerevan. Despite demonstrative optimism, the uncompromising position of actively increasing the military power of Azerbaijan did not allow any progress, in particular, during a tripartite meeting in June 2011 in Kazan with the participation of the Russian president.

The latest publicly voiced version of the Madrid Principles is known, in particular, from the statement made by the American co-chair of the OSCE Minsk Group ambassador J. Warlick on May 7, 2014, at the Carnegie Endowment for International Peace.⁵³ In an effort to replace the other co-chairs, on behalf of his government, he presented six elements of a settlement that constitute “the basis of US policy regarding the Minsk Group and the Nagorno-Karabakh conflict”:

1. The final status of Nagorno-Karabakh should be determined by the will of the local population. Here we should note that on August 1, 2008, one of Mr. Warlick’s predecessors, Matthew Bryza, commenting on the “Madrid Principles”, announced the holding of a referendum in which *“the inhabitants of Nagorno-Karabakh themselves will*

⁵³ James Collins, James Warlick. Nagorny Karabakh: Keys to a Settlement // <https://carnegieendowment.org/2014/05/07/nagorny-karabakh-keys-to-settlement-event-4429>

decide whether the republic will fall under the jurisdiction of Azerbaijan or gain independence.”

2. The territory of the former Nagorno-Karabakh Autonomous Oblast not controlled by Baku should receive a temporary transitional status with certain guarantees for security and self-governance.
3. Occupied territories surrounding Nagorno-Karabakh (obviously, this refers to the territory along the perimeter of the former NKOR of the Azerbaijani SSR) is returned to Azerbaijan. Thus, the key element of both the security and development of the NKR, but also the source of the highest risk for the resumption of hostilities would cease to exist.
4. The functioning of the transport corridor between Armenia and Nagorno-Karabakh should remain, which could not include the entire Lachin (Berdzor) region.
5. Recognition of the right of displaced persons to return to their homes.
6. The settlement should be ensured by international guarantees, including on the basis of an appropriate peacekeeping operation.

Thus, in fact, Ambassador J. Warlick proposed only a tweaked version of the Madrid Principles, which had already been rejected earlier by the parties to the conflict. It is difficult to understand from the contradictory statements of the Minsk Group co-chairmen how their drafters saw the role of the people of Nagorno-Karabakh in determining their future in the wake of the consistent denial of their right to elect their own authorities during parliamentary and presidential elections. The vague messages of mediators speak about the lack of clear vision on how to settle the conflict.

The strengthening of US interests in the Caucasus was dictated by the desire to gain a dominant influence in a strategically important region bordering the Turkish-speaking regions of Iran in the south and the potentially problematic Russian Caucasus in the north. The key role of Azerbaijan on the East-West energy transportation routes was indicated in the works of the classic American geopolitician Zbigniew Brzezinski. The Caucasus and the post-Soviet space are often described in terms of the confrontation between Russia, on the one hand, and the USA and the European Union on the other (China has recently been added to them). At the same time, unlike other conflicts in the post-Soviet space, in the case of Nagorno-Karabakh, the approaches of the American partners obviously did not find fundamental objections from Russian diplomacy.

In April 2020, Russian Foreign Minister Sergei Lavrov spoke about the negotiations *“on the basis of a phased approach, suggesting at the first stage the solution of the most pressing problems, the liberation of a number of areas around Nagorno-Karabakh and the unblocking of transport, economic, and other communications.”* At the same time, Moscow insisted that the parties themselves must come to an agreement, and international mediators were not able to carry out their work for them, and this seemed quite logical. *“Russia cannot have concrete plans to resolve the Karabakh conflict, because only the parties*

themselves can solve the problem,” the head of Russian diplomacy said at the beginning of 2018. “We have made intensive efforts in recent years to summarize all the positions of the parties, try to isolate from them the same approaches to certain aspects of the conflict, try to suggest compromises that can lead the parties to a common denominator in matters in which they differ.”⁵⁴

However, there has not been any “compromise” in the statements and practical actions of the Azerbaijani authorities. So, in the memorandum of the Ministry of Foreign Affairs of Azerbaijan dated December 3, 2019 (formally initiated by a number of embassies of this country) it stated its intention to negotiate *“only on the basis of its position”* and that *“the first step should be the complete and unconditional withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan.”⁵⁵*

The active lobbying activity of the Azerbaijani government in third countries and in international organizations is not a secret for the European media.⁵⁶ The recent statement by a number of members of the European Parliament regarding the construction of a new road between Nagorno-Karabakh and Armenia has been further evidence of this. The usage of politically motivated phrases by European MPs does not contribute to the settlement of the conflict based on the international and European humanitarian law.

It is naive to believe that everything will go unnoticed by the people of Artsakh, who are forced to defend their rights against the everyday threat of physical destruction. So, in 2014, after the announcement of the aforementioned “Warlick principles,” the visit of the co-chairs of the OSCE Minsk Group to the Nagorno-Karabakh Republic was accompanied by mass protests by its citizens. So, the youth activists of Berdzor (Lachin) blocked the road while expressing dissatisfaction with one of the statements of the mediators which spoke about the need to resolve the conflict on the basis of the Madrid Principles. Participants in an impromptu rally spoke out for changing the logic of conflict resolution and bringing it closer to existing realities. The idea of inadequacy of the term “occupied territories,” as well as the inadmissibility of territorial concessions as a subject of negotiations marked the speeches. *“The six points I presented are not news. Presidents of the USA, Russia and France have spoken about them. But this is not the final option, they need to be discussed. However, they can become the basis for a further settlement. It would be wrong to conceal the problems; the people of Nagorno-Karabakh have the right to know about them, to express their consent or disagreement. I think this is the basis of an unbiased dialogue,”* James Warlick tried to justify himself, emphasizing that the status of Nagorno-

⁵⁴ Лавров: проблему Карабаха не решить в одном документе // <https://ru.armeniasputnik.am/karabah/20180115/10156031/lavrov-problemu-karabaha-ne-reshit-v-odnom-dokumente.html>

⁵⁵ Azerbaijan presented its position with regard to the peaceful settlement of the conflict in and around the Nagorno-Karabakh region of Azerbaijan at the OSCE Ministerial Council in Bratislava // <https://twitter.com/AzEmbAustria/status/1201949740520366080>

⁵⁶ How Azerbaijan buys Western sympathies (ENG video) // <https://belsat.eu/en/programs/how-azerbaijan-buys-western-sympathies-eng-video/>

Karabakh is one of the points for the settlement of the conflict, and that it was impossible to implement individual points in isolation.⁵⁷

However, all this is mostly empty rhetoric. Ignoring the inalienable right of the people to freedom of expression (no matter how those are camouflaged verbally) is not only arrogant, but also short-sighted. More than justified suspicions of the desire to primarily satisfy the interests of one of the parties (the one that constantly rattles arms) obviously undermine the credibility of international mediation as such, making it more important to maintain the military-political balance in the conflict region. Baku's actual refusal to discuss the political and legal aspects of resolving the conflict within the framework of the Madrid Principles, against the backdrop of massive arms purchases (not only from Russia, but also from Turkey, the US, Israel and other countries) leaves not so much room for maneuver.

Despite disagreements on some other issues in Armenia and Nagorno-Karabakh, the prevailing opinion is that the so-called "phased" solution offered by the Madrid Principles is unacceptable. As Benyamin Poghosyan rightly pointed out, it is proposed to Yerevan and Stepanakert once again to destroy the security zone around Karabakh in exchange for promises to open communications and hold a referendum in the uncertain future to determine the final legal status of Karabakh. In other words, the Armenian republics were invited to surrender.⁵⁸

Despite the objective economic difficulties caused by the trade blockade, and in recent months also by the outbreak of coronavirus infection, the Armed Forces of the Republic of Armenia and the Defense Army of the Nagorno-Karabakh Republic are actively rearming.⁵⁹ Arms renewal, as through the purchase of new equipment, is complemented by the modernization of existing armaments, as well as the development and production of their own models. Despite the active militarization of Azerbaijan, whose authorities have consistently rejected some of the fundamental principles of international law, Baku cannot hope for a successful "blitzkrieg."

The July 2020 escalation along the Armenia – Azerbaijan international border initiated by Azerbaijan (as well as the April 2016 "four day war" against the Nagorno Karabakh) proves that the permanent threat of the resumption of active hostilities dictate the need to change the logic of the negotiation process with an emphasis on confidence-building measures, monitoring of incidents, and creating conditions for demilitarizing the conflict region (at least partially). Until international mediators will put forward more balanced approaches, Armenia and Nagorno-Karabakh will be forced to take the measures necessary to deter a potential aggressor.

⁵⁷ *Бегларян А.* Визит сопредседателей Минской группы ОБСЕ: Нагорный Карабах против каких-либо территориальных уступок // <http://www.kavkazoved.info/news/2014/05/20/vizit-obse-nagorny-karabah-protiv-territorialnyh-ustupok.html>

⁵⁸ *Погосян Б.* Россия и Турция на Южном Кавказе // <https://regnum.ru/news/polit/2975553.html>

⁵⁹ *Петросян Д.* Армянская армия обновляет вооружения // <http://russia-armenia.info/node/67846>

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About EGF

The European Geopolitical Forum (EGF) was established in Brussels, Belgium, in early 2010 by several independently minded practitioners of European geopolitics, who saw a certain vacuum in the information flow leading into the European geopolitical discussion. EGF is dedicated, therefore, towards the promotion of an objective pan-European geopolitical debate incorporating the views of wider-European opinion shapers rather than simply those from the mainstream European Union (EU) member states. EGF seeks to elaborate upon European decision makers' and other relevant stakeholders' appreciation of European geopolitics by encouraging and effectively expanding the information flow from East to West, from South to North.

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In 2012, the European Geopolitical Forum-EGF published a working paper on '[***A Pragmatic Review of Nagorno-Karabakh Conflict Resolution: Could Economic Incentives Help Break the Deadlock?***](#)'. The findings of our research highlighted that economic incentives could play a key role in enabling mutual trust by committing the stakeholders to economic inter-dependence and to build regionalism, which could eventually move the sides towards political compromise.

In 2014-2015, the EGF conducted a series of successful seminars aiming to further explore the use of '[***Economic Incentives as Conflict Resolution Tools in The South Caucasus: The Case of Nagorno-Karabakh***](#)'. Our aim was to develop an alternative narrative on NK conflict resolution through 'Track 2 diplomacy'. The outcome of this research was meant to offer a necessary element of flexibility to help decision makers on both sides work towards a political compromise by highlighting the commercial and economic value of peace. It was in this context where the idea of creating a platform for exchange of information between Armenian and Azerbaijani experts on energy, transport, trade issues, the rehabilitation of the territories affected by the conflict, and the return of IDPs to their homeland emerged. It was deemed that such an economic dialogue could lead to the development of post-conflict scenarios for the entire region, based on a roadmap leading towards an economically integrated South Caucasus.

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