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# THE NAGORNO-KARABAKH CONFLICT

Lessons from the mediation efforts

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March 2009

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# THE NAGORNO-KARABAKH CONFLICT

## AUTHOR PROFILE

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Isak Svensson, PhD, Associate Professor at the Department of Peace and Conflict Research, Uppsala University, has published several studies on international mediation in internal armed conflicts, focusing on issues of mediation bias, power and trust mediation, the relationship between mediation and third-party security guarantees, and exit strategies of mediation. Svensson is currently writing a book (together with Professor Peter Wallensteen) on the experiences of international mediation in Nagorno-Karabakh and other areas of conflicts by the Swedish Ambassador Jan Eliasson (who was chairman of the Minsk Group in 1994).

## ACKNOWLEDGMENTS

The author wishes to thank Riksbankens Jubileumsfond (Sweden) for partly funding the research on which this report has been written. In addition, the author gratefully acknowledges that the report has benefited from interviews with, among others, Jan Eliasson, Anders Bjurner, Jörn Beckman, Mathias Mossberg, and Per Thöresson, as well as discussion with Peter Wallensteen. Excellent research assistance has been provided by Mathilda Lindgren, and Monica Lundkvist has been very helpful and kind in assisting with documentation. Moreover, the author thanks the editor, Antje Herrberg, Initiative for Peacebuilding, for her help in this report. Any error, however, remains my own.

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## EXECUTIVE SUMMARY

The recent war in Georgia placed the unresolved conflicts in the South Caucasus in the spotlight of the EU. This paper aims to analyse the international mediation efforts in the conflict in Nagorno-Karabakh, with a particular focus on what lessons can be drawn from the period when the still ongoing cease-fire (1994) was reached. Building on insights from previous literature, but also drawing from an ongoing in-depth study on the Swedish-led OSCE mediation efforts in 1994, this study underlines five important issues that the European Union needs to take into account in future peacemaking efforts: 1) prevention of armed conflicts; 2) using the momentum and sense of urgency for conflict resolution; 3) the coordination of different mediation initiatives; 4) recognition as central to the resolution of internal armed conflict; and 5) the relationship between peacekeeping and mediation.

## INTRODUCTION

The conflicts in the Caucasus have gained renewed interest from the international community at large, and the European Union in particular, following the events in Georgia in the summer of 2008.<sup>1</sup> These recent developments have underlined the importance of trying to settle disputes through mediation, before they escalate into increased regional tensions and violence and develop into protracted, unresolved conflicts. It is therefore important to draw lessons from the previous efforts to mitigate and resolve conflicts through international mediation. This paper therefore aims to analyse the international mediation efforts in the conflict in Nagorno-Karabakh, with a particular focus on what lessons can be drawn from the period when the still ongoing cease-fire (1994) was reached.

Mediation is one form – or rather a cluster of forms – of third-party interventions in conflicts. It can be differentiated from other forms of third-party intervention in that it is not based on force (even though powerful mediators can use the threat of force in order to increase their leverage over the parties) and that the primary parties retain a certain degree of ownership over the outcome of the process (which is not the case with arbitration). There are different definitions of what exactly constitutes mediation. Some scholars include a certain degree of un-biasness or “all partiality” in the definition of mediation.<sup>2</sup> Others have a broader definition, including the possibility for mediators to be partial towards one or the other of the primary parties in conflict.<sup>3</sup> This report departs from the more inclusive definition of the concept of mediation. This is the most appropriate in the study of international mediation, since a large portion of the international mediation efforts are, in fact, done through biased mediators.<sup>4</sup>

It is important to point out that mediation can be performed by different types of actors, such as interstate organisations, individual countries, non-governmental organisations, and individuals. The techniques of mediation can also vary. Mediators can employ efforts ranging from pure facilitation of information exchange, to efforts to re-shape the pattern of communication between the parties, to manipulation (adding or withdrawal) of resources in order to push or pull the parties towards a settlement.<sup>5</sup> Although mediation by other types of actors can be pivotal for sustainable peacemaking processes, the particular focus of this study is on *state-based* international mediation, that is, mediation by countries and interstate organisations, which can be of interest to the European Union.

This report builds on research on international mediation done within the Department of Peace and Conflict Research, Uppsala University in Sweden. The empirical basis of the research has been a set of interviews with Swedish key actors during the 1994 peace process, as well as a study of the archives of the files covering the Nagorno-Karabakh mediation effort of the Swedish Foreign Ministry. As Sweden was chairing the OSCE when the cease-fire agreement was reached in 1994, insights on international mediation and the OSCE's efforts can

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- 1 In the summer of 2008, the Georgian president Saakashvili tried to take control of the Tskhinvali, but Russian military intervened on the side of South Ossetia. The Georgian troops withdrew from the South Ossetian territory and EU, under the French chairmanship, mediated a cease-fire and sent observers to monitor it.
  - 2 See A. Herrberg (2008). *Understanding and perceptions of international peace mediation in the EU: A needs analysis*. Brussels: Initiative for Peacebuilding; M. C. Ott (1972). 'Mediation as a method of conflict resolution: Two cases', *International Organization*, 26:4, pp. 595-618. E. Jackson (1952). *Meeting of minds: A way to peace through mediation*. New York, McGraw-Hill Book Company, Inc.; Oran R. Young (1967). *The intermediaries: Third party in international crises*. Princeton, New Jersey: Princeton University Press.
  - 3 See S. Touval (1975). 'Biased intermediaries: Theoretical and historical considerations', *The Jerusalem Journal of International Relations*, 1:1; S. Touval and I. W. Zartman (2001). 'International mediation in the post-cold war era' in Crocker, Hampson and Aall (ed.) *Turbulent peace: The challenges of managing international conflict*. Washington, DC, United States Institute of Peace Press, pp. 427-443; A. Kydd (2003), 'Which side are you on? Bias, credibility, and mediation', *American Journal of Political Science*, 47:4, pp. 597-611.
  - 4 I. Svensson (2007). 'Bargaining, bias and peace brokers: How rebels commit to peace', *Journal of Peace Research*, 44:2, pp.177-194.
  - 5 For overview of mediation research, see J. A. Jr. Wall, J. B. Stark and R. L. Standifer (2001). 'Mediation: A current review and theory development', *Journal of Conflict Resolution*, 45:3, pp. 370-391.

be gained by exploring the Swedish experience. The study also builds on the research literature that explores the Nagorno-Karabakh conflict.

The paper will:

- **Explore** international mediation in the Nagorno-Karabakh conflict with a particular focus on the 1994 ceasefire agreement;
- **Discuss** the design and approach of the international mediation efforts, with a particular focus on the OSCE Minsk Group and the Russian mediation – drawing from the Swedish experience leading the OSCE at the time of the ceasefire;
- **Highlight** some obstacles and problems with regard to international mediation in this context; and
- **Make recommendations** concerning the role of the EU in this context.

There are some important lessons from the international mediation in Nagorno-Karabakh, relating to basic questions of international mediation. These are: *when* mediation efforts should be initiated (prevention of conflicts and using the sense of urgency); *who* should pursue the mediation efforts (the coordination of different mediation initiatives) and with whom they should talk (recognition as central to the resolution of internal armed conflicts); and *what* the mediators can do (the relationship between peacekeeping and mediation). The study addresses these questions below. The study ends by identifying the policy recommendations that can be drawn.

# WHEN

## IMPORTANCE OF CONFLICT PREVENTION

The Nagorno-Karabakh conflict is a state-formation conflict. The basic issue is competing claims on status of the Nagorno-Karabakh area, although several issues, such as internally displaced persons, competing territorial claims, refugees, responsibility for atrocities during the armed phase of the conflict, have increased the complexity of the situation. The conflict has long historical roots and violence has erupted at different times during its course. Armenia and the Soviet Union were involved in armed battle over the territory between the years 1990–1991. When the Soviet Union disintegrated, an armed conflict escalated between the Nagorno-Karabakh and the government of Azerbaijan. On 28th December 1991, in the wake of the collapse of the Soviet Union, Nagorno-Karabakh held elections to a parliament after unilaterally proclaiming itself a republic. In January 1992, the first violence between the self-proclaimed Nagorno-Karabakh republic and the Azerbaijani government broke out. Tensions escalated and led to intensive fighting and ethnic cleansing. There have been between 10,000–20,000 deaths and almost 1.5 million have been internally displaced in the wake of the conflict.<sup>6</sup>

The Organisation for Security and Cooperation in Europe (OSCE) has been the main organisation leading the mediation efforts.<sup>7</sup> The OSCE initiated its efforts in 1992 with the decision to arrange an international conference to settle the conflict. Since the conference was to be held in Minsk (Belarus), the conference was called the “Minsk-conference”. In order to prepare to for this conference, a group of concerned countries were formed, including representatives of Sweden, the Russian Federation, Italy, and other third parties as well as representatives from Azerbaijan and Armenia.<sup>8</sup> Yet, the Minsk Process has so far been unsuccessful in reaching a settlement to the conflict. An important opportunity was lost at this beginning of the intervention, in part because of internal dynamics (since both Azerbaijan and the self-proclaimed Nagorno-Karabakh republic at this point in time had ambitions of winning through the battlefield and none of the two sides were consolidated enough internally to make concessions) and partly because of external dynamics – in particular lack of active, focused and united engagement from the international community, not least the Western powers.<sup>9</sup>

## USING THE SENSE OF URGENCY IN CONFLICT RESOLUTION

The main achievement of the international mediation efforts by OSCE and the Russian Federation was the ceasefire agreement of 1994. The parties have largely respected this ceasefire, in the sense that we did not witness a return to full-scale war. The main explanation for the ceasefire agreement of 1994 was the primary parties' perception that the armed conflict led to unacceptable costs, with little gain. Through the military offensive in the fall of 1993, forces of the self-proclaimed Nagorno-Karabakh state were able to take control over a large

6 S. E. Cornell (1999). *The Nagorno-Karabakh conflict*. Uppsala: Department of East European Studies, Uppsala University; Erik Melander (2001), 'The Nagorno-Karabakh conflict revisited: Was the war inevitable?' *Journal of Cold War Studies*, 3:2 pp.48–75. Note that the Sipri yearbook 1995 estimated the casualty figures at approximately 10,000 deaths while Keesing's record of world events estimates a total of 18,000 deaths during the war.

7 On OSCE intervention, see R. Dehdashti (1997). 'Nagorno-Karabakh: A case-study of OSCE conflict settlement' in M. Bothe, Ronzitti N. and Rosas A. (Eds.). *The OSCE in the maintenance of peace and security: Conflict prevention, crisis management and peaceful settlement of disputes*. The Hague / London / Boston: Kluwer Law International, pp.459–478. See also B. Bahar (2008). 'Third party mediation in Nagorno-Karabakh: Part of the cure or part of the disease?' *Journal of Central Asian & Caucasian Studies*, 3:5, pp.86–114.

8 J. Eliasson and M. Mossberg (1998). 'Nagorno-Karabakh: Den glömda konflikten', *Internationella Studier*, 2, pp.2–11.

9 J. J. Maresca (1996). 'Resolving the conflict over Nagorno-Karabakh: Lost opportunities for international conflict resolution' in C. A. Crocker, F. O. Hampson and P. Aall (Eds.). *Managing global chaos: Sources of and responses to international conflict*. Washington DC, United States Institute of Peace Press. pp.255–273.

part of Azerbaijan, both south and west of the territory of the former Nagorno-Karabakh Autonomous Oblast. Azerbaijan experienced substantial battle losses in the spring of 1994, in addition to more than 1,000 battle-related deaths during the four first months of 1994. It was the intensity and cost of the fighting that drew the parties to the negotiation table. Although international mediators still can persuade conflicting parties to end the conflict by pointing to the future costs of continuous conflict and the possibilities of a peaceful solution, the Nagorno-Karabakh conflict is an example where the settlement was reached primarily due to the push from the battlefield.<sup>10</sup>

The Swedish mediation team as chairs of the OSCE tried to design the peace process to include a step-by-step approach with strong “links” between the different steps. The rationale behind a step-by-step approach to mediation is that it can address situations where the hostility and mistrust between the parties are high. The approach was to design a process where the parties would be able to agree on smaller and less sensitive issues in the beginning of the process, and thereby build up a degree of trust, in order to constructively handle more substantial issues. In Nagorno-Karabakh, this step-by-step approach got stuck in the first phases of the process and the mediators failed to create strong links between the different steps.

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10 M. Mooradian and D. Druckman (1999). ‘Hurting stalemate or mediation? The conflict over Nagorno-Karabach, 1990–95’, *Journal of Peace Research*, 36:6. pp.709–727.

# WHO

## MEDIATION COORDINATION

One of the main obstacles for an effective international mediation effort was the lack of a coherent approach from the different actors engaging themselves in the conflict resolution process. The international mediation efforts in Nagorno-Karabakh have therefore partly suffered from a lack of coordination between the different mediation initiatives. This was most problematic during the intensive armed phase of the conflict. Although attempts were made to increase the coordination between OSCE and the Russian Federation, the level of coordination was far from sufficient. In particular, the Russian Federation at certain critical moments in the process tried to monopolise the mediation efforts and marginalise the OSCE.<sup>11</sup> After 1995, the coordination between the main mediators – Russia, US and France – has been enhanced by the institutionalisation of a tripartite chairmanship, the so-called troika.

When there are many mediators available, the belligerents can play out the different mediators against each other. There is therefore a risk that the primary parties engage in “forum shopping”, selecting the mediation channel which at the moment seems to be as beneficial for their side as possible. Consequently, the possibility for the third parties to exert leverage – to push and pull the parties towards peace – will be decreased if there is less coordination of the mediation efforts.<sup>12</sup>

## THE ISSUE OF RECOGNITION IN INTERNAL ARMED CONFLICTS

One of the questions that permeated the whole international mediation process has been the question of recognition. The conflict involves sovereign state (Azerbaijan) versus a non-recognised entity with state aspirations (Nagorno-Karabakh) that historically has been supported by a neighbouring sovereign state (Armenia). Like many other cases of internal armed conflicts, the government of Azerbaijan has been extremely reluctant to take any measures, of practical or symbolic character, that would signal recognition to Nagorno-Karabakh. Armenia did not perceive itself as main conflict actor and regarded the Nagorno-Karabakh conflict as an internal armed conflict, whereas Azerbaijan took the position that the conflict was an interstate conflict between Armenia and Azerbaijan. One of the obstacles in the 1994 process was therefore Azerbaijan’s refusal to take any measures that would imply recognition of Nagorno-Karabakh. By putting the representatives from the Nagorno-Karabakh on equal footing, the government would implicitly recognise their claims to represent a state. This influenced the design of the process, from its major structure to the procedural details.

## THE RELATIONSHIP BETWEEN PEACEKEEPING AND MEDIATION

One of the most important subjects that were discussed during the 1994 negotiations was the question of international monitoring of the cease-fire. There was a high degree of mistrust and fear that could have led to the eruption of renewed fighting between the parties. The mediation effort in the Nagorno-Karabakh conflict is therefore an example of the connectedness between mediation and peacekeeping. This illustrated a general

11 E. Fuller (1994). ‘The Karabakh mediation process: Grachev versus the OSCE?’ *RFE/RL Research Report*, 3:23, pp.13–17.

12 On the problems of multiple mediators in Nagorno Karabakh, see W. Betts (1999). ‘Third party mediation: An obstacle to peace in Nagorno Karabakh’, *SAIS Review*, 19:2, pp.161–183.

dynamic of internal armed conflicts. Parties in conflict oftentimes need international actors that can help them to guarantee any peace settlement between them. Given that there were possibilities for exploitation – for example, using the pause in fighting in order to gain a better position – the parties could not by themselves credibly commit to a peace settlement. They needed third-party guarantees that could make sure that the parties respected their agreement.<sup>13</sup>

However, one of the main issues discussed during the mediation efforts of OSCE and the Russian Federation in bringing the fighting to an end in 1994 was the question of international monitoring of an agreement. In fact, this was one of the main contentious issues that divided the OSCE and the Russian mediators. Whereas the OSCE foresaw an international peacekeeping mission that could pave the way for durable peace, the Russians were anxious that they were about to lose control over their own backyard. Their proposals for peace stipulated a substantially larger role for Russian peacekeeping forces on the ground, in comparison to the proposals that the OSCE were working on. However, the OSCE faced problems in convincing the parties that they would be able to provide peacekeeping forces to the parties if they were to agree to a settlement. The Swedish mediation team made a lot of effort in building the peacekeeping capability of the OSCE so that it could be used when the parties were ready to de-escalate their conflict. However, the parties (as well as the mediators) could not agree to accept peacekeeping, which has led to the situation where the peace has been kept by a balance of power between the sides. Currently, there are no peacekeepers in the Nagorno-Karabakh context, which is in sharp contrast to the Georgian-Abkhaz and Georgian-South Ossetian conflicts.

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13 B. F. Walter (2002). *Committing to peace: The successful settlement of civil wars*. Princeton and Oxford: Princeton University Press.

## POLICY RECOMMENDATIONS

### WHEN

The European Union needs to emphasise prevention of armed conflicts, in particular intrastate conflict. Instead of waiting to engage after conflicts have escalated, preventive measures should be explored and employed to a greater extent. Early warning signals must be taken seriously and acted upon in a decisive and efficient manner. The international community has so far generally failed to act on signals of escalation and have not taken action to prevent armed conflicts. When a mediation initiative is initiated, it is pivotal to capitalise on early opportunities for resolving the issues, de-escalating tensions and building peaceful relationships and procedures for conflict management.

The European Union can develop its institutional capabilities for making correct diagnoses to different conflict situations. It is when the parties are stuck in costly deadlocks that they have incentives to reach solutions to their conflict. Phasing the peace process may be needed in order to gradually build confidence, but it should also be noted that this would remove some of the incentives for conflict resolution. It is therefore important to capitalise on those situations in the conflict dynamics when the parties are open for resolving the conflict. Otherwise, there is then a risk that conflicts are stuck in the process and remain frozen. Through such institutional mechanisms for conflict diagnosis, the right remedy for each conflict phase can be applied. Moreover, when peace processes are designed to be carried out through gradual processes it is important to develop strong links between the different steps so that conflicts are not left unresolved. For instance, one such link can be to establish the working code during the negotiations that nothing is agreed until everything is agreed.

### WHO

The issue of recognition is essential in conflict resolution processes in general, but in internal armed conflicts in particular.<sup>14</sup> The European Union needs to incorporate this in its strategic thinking on conflict resolution. Mediating with non-recognised entities – such as representatives of territories with state aspirations – will to some extent confer legitimacy and international recognition. The mediation process will inevitably therefore be drawn into the struggle for and against recognition. In order to enable conflict resolution processes where the question of recognition is the main obstacle, the European Union can actively support initiatives from NGOs and civil society actors that can facilitate dialogue without conferring official recognition. Moreover, when the European Union is involved in negotiation in state-formation conflicts, it can be useful to try to construct mediation processes through which the interaction around the negotiation table between the parties does not have to imply recognition of each others' claims.

The European Union needs to emphasise the need for institutional coordination between different international actors in conflict settings. There is commonly a plethora of international mediators – countries, interstate organisations, NGOs and individuals – involved in conflict situations. Special attention should therefore be paid to the question of how different initiatives can be coordinated, so that these initiatives contribute to, rather than impede resolution of the conflict.

14 I. William Zartman (1995). 'Dynamics and constraints in negotiations in internal conflicts' in I. W. Zartman (Ed.) *Elusive peace: Negotiating an end to civil wars*. Washington DC: The Brookings Institution, pp.3–29; C. R. Mitchell (1993). 'External peace-making initiatives and intra-national conflict' in M. Midlarsky (Ed.). *The internationalization of communal strife*. London & New York: Routledge, pp.274–296; Saadia Touval (1993). 'Gaining entry to mediation in communal strife' in M. Midlarsky (Ed.). *The internationalization of communal strife*. London & New York: Routledge, pp.255–273.

## WHAT

The European Union has started the processes of building peacekeeping capabilities. It can be fruitful to link this capability to mediation efforts in order to develop a comprehensive approach to peacebuilding. Having the capability to monitor agreements can be an important tool when the EU is acting as a mediator, but it can also enhance the likelihood of success of other mediation efforts (as shown by the case of Nobel-prize winner Ahtisaari's mediation efforts between the Indonesian government and the rebel-group GAM, where the EU monitored the agreement).

Much can be learned by examining individual cases of interstate mediation, in order to draw out the possible lessons from these cases. This study represents one such effort. However, we will not get any solid understanding of the conditions for success unless we systematically compare successful and unsuccessful cases of mediation. Although some efforts have been done in this regard on interstate conflicts, much less have been done on peace processes in intrastate conflicts. Given the importance of peacemaking processes in intrastate conflicts, the lack of systematic research on this area is troublesome. This gap in research leaves policy-makers with little guidance except from evidence from case studies and conceptual tools. The European Union should therefore prioritise research in this area.

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