

Nagorno-Karabakh: between vote and reality

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On 10 December 2006, Nagorno-Karabakh held a referendum in which close to 75,000 people, or 83% of voters, approved the entity's first constitution. The document calls Nagorno-Karabakh a "sovereign democratic" state. The date of its approval is significant: the [poll](#) [1] took place fifteen years to the day after the mountainous Caucasian enclave's Armenian population voted overwhelmingly for independence.

But neither the 1991 referendum nor that of 2006 is recognised as legitimate abroad. [Nagorno-Karabakh](#) [2] may have been establishing state-like institutions since 1991, but it continues to be internationally considered as part of Azerbaijan, and no state - not even Armenia - has ever recognised its statehood.

The long-running Nagorno-Karabakh [conflict](#) [3] is the most significant obstacle to peace and regional cooperation in the south Caucasus. Fighting from 1992 to 1994, when a ceasefire came into effect, caused at least 30,000 deaths and over a million Azeris and Armenians were displaced. Ceasefire violations and casualties continue to occur monthly along the line of contact. Exiles from Nagorno-Karabakh and seven other occupied territories around the [enclave](#) [4] have been unable to return to their homes and continue to live in miserable conditions elsewhere in Azerbaijan.

Today, Nagorno-Karabakh's *de facto* authorities demand independence and international recognition, citing their right to national self-determination. Azerbaijan pledges that Nagorno-Karabakh's population will be provided with the highest form of self-government but within the country's frontiers. It claims the sanctity of international borders and its right to preserve its territorial integrity. It also blames Armenia for supporting Nagorno-Karabakh militarily and economically, in effect participating in the annexation of Azerbaijani land.

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A year of stasis

Since 1992, Azerbaijan and Armenia have been negotiating to find a solution. Talks have been facilitated by the Organisation for Security and Cooperation in Europe (OSCE) Minsk group [10], chaired by France, Russia and the United States. In 1997, 1998 and 2001 it seemed as though the sides were close to agreeing on a comprehensive settlement. However, each time, hopes were dashed [11].

The same occurred in 2006. Two summit meetings between Azerbaijani president Ilham Aliyev and Armenian president Robert Kocharian [12] were held in the first half [13] of the year. The two were supposed to sign a short agreement on principles to launch more substantial talks on the details of a full accord. They failed to do so. In the summer, the Minsk group co-chairs expressed their deep frustration, issuing a hard-hitting statement announcing they saw no point in continuing their intensive shuttle diplomacy or initiating further meetings between the presidents. They called on both leaders to summon the political will necessary to clinch a deal and sell it to their deeply sceptical publics.

Despite the difficulties [14], the building blocks of the potential settlement are well-known. The International Crisis Group spelled them out in two reports [15] in 2005, and the mediators' summer statement confirmed the details: all sides would renounce the use of force; Armenian troops would withdraw from parts of Azerbaijan surrounding Nagorno-Karabakh; displaced persons would be allowed to return; and both sides would commit to holding a referendum - whose results would be recognised by all - in Nagorno-Karabakh on final status, with the participation of Karabakh Armenians and Azeris. In the meantime, the entity would have an interim status, and the international community would provide substantial assistance, including peacekeepers - for this, the only "frozen conflict" in Europe without international monitors.

The Montenegro example

In a surprise turnaround after a brief meeting between the Azerbaijani and Armenian presidents on the sidelines of the CIS summit in Minsk [16] on 28 November, President Aliyev optimistically declared, "we are approaching the final stage" of the negotiations process. Azerbaijani foreign minister Elmar Mammadyarov [17] added that only one matter remains a source of disagreement.

What could this be? In the past, negotiations have stalled over several issues [18], including the future of two land corridors linking Nagorno-Karabakh with Armenia (Lachin and Kelbajar), and the modalities of the future referendum and its conditioning on refugee return. After the Minsk meeting, Aliyev also stated "Azerbaijan's negotiating position remains unchanged." As Baku has refused to consider granting Nagorno-Karabakh any status outside Azerbaijan, the remaining sticking-point in the negotiations is likely to be the modalities of the referendum; and more specifically whether it would allow Nagorno-Karabakh to gain independence and international recognition or not.

(On 5 December 2006 the OSCE ministerial council issued a statement [19] on Nagorno-Karabakh saying: "we are encouraged that negotiations in 2006... have brought the sides closer to agreement on the basic principles for the resolution of the Nagorno-Karabakh conflict... We urge the Presidents of Armenia and Azerbaijan to redouble their efforts in the coming year to finalise these basic principles as soon as possible.")

Allowing Nagorno-Karabakh to hold an internationally accepted referendum on its future status, with the participation of Karabakh Azeris [20] and Armenians, is a key element in any resolution to the Nagorno-Karabakh conflict. Such a deal would be comparable to what Serbia agreed to in signing the Belgrade agreement in 2002, which created the "State Union of Serbia and Montenegro". A clause was inserted into the Belgrade agreement stating that Montenegro could begin independence procedures in 2006, culminating in a referendum.

During those four years, Montenegro did not waste time: it set up a multi-ethnic government, established good relations with its neighbours, founded a self-sufficient economy, engaged in a serious fight against organised crime, strengthened the rule of law, and began "stabilisation and association" talks with the European Union. Most importantly, it obtained Belgrade's consent that if 55% of Montenegro residents voted in favour of independence, Serbia would accept the result. When the referendum was held on 21 May 2006 [21], all sides had agreed on its modalities and pro- and anti-independence groups were given equal rights to campaign.

Montenegro's successful referendum has helped launch a series of copycat efforts in non-recognised entities [22] in the post-Soviet space, including the breakaway Moldovan region of Transdniestria [23], South Ossetia (a splinter of Georgia), and now Nagorno-Karabakh. On 17 September, Transdniestria voted on independence. It was followed by presidential elections the same weekend as Nagorno-Karabakh's vote. On 12 November, two parallel referendums were organised in South Ossetia [23], one backed by the *de facto* authorities in the breakaway capital of Tskhinvali, the other by Tbilisi. In the first, South Ossetians voted overwhelmingly for independence; in the second, voters called for a resumption of dialogue with Georgia on the creation of a federal state. Two parallel presidential elections were also held.

Amongst the region's non-recognised entities, only Abkhazia [23] has abstained from the holding a referendum on independence in 2006. According to Abkhazia's *de facto* minister of foreign affairs, Sergei Shamba, it has no need to repeat an exercise it already held in 1999. At that time, a referendum adopting the constitution of Abkhazia as a "sovereign, democratic and legally based state" passed with a large majority of current Abkhazia residents, though it failed to include those forced to flee the province during the 1992-93 war, and the vote [24] was never recognised internationally.

These post-Soviet referenda, like Nagorno-Karabakh on 10 December, are in no way comparable to Montenegro's [24]. They did not meet the same conditions: most importantly, Azerbaijan, Georgia and Moldova never gave their consent for them to occur. The Azerbaijani ministry of foreign affairs said that the Nagorno-Karabakh referendum "interferes with an ongoing peace process", and the vote could not be considered legitimate until the area's ethnic Azeris were able to return.

Also in openDemocracy on conflicts in the Caucasus:

Zeyno Baran, Thomas de Waal, "Abkhazia-Georgia, Kosovo-Serbia: parallel worlds? [25]"
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Donald Rayfield, "Georgia and Russia: with you, without you [26]"
(3 October 2006)

George Hewitt, "Abkhazia: land in limbo [27]"
(10 October 2006)

Daria Vaisman & Shaun Walker, "Nagorno-Karabakh's referendum [28]"
(14 December 2006)

An agreement for all

But there is another aspect to the Nagorno-Karabakh vote. It was after all a referendum [29] on a constitution, a basic law which will govern the state, help assure democracy and human-rights protection. In an interview with the Associated Press, Nagorno-Karabakh's *de facto* deputy foreign minister Masis Mayilian suggested [30] that the constitutional referendum was "necessary to formalise the already existing foundations of state system and relations between the state and its citizens." As a vote on how self-government will be temporarily exercised in Nagorno-Karabakh until there is a comprehensive settlement to the conflict [31], the referendum has at least internal legitimacy and utility.

Since the early 1990s, Nagorno-Karabakh, Abkhazia [31], South Ossetia and Transdniestria have been left in limbo, isolated from the outside world, unsure of their future, with few contacts to their former metropolitan states. *De facto* authorities have been elected, have set up governmental institutions, have started providing social services, have organised defence forces, have tried to restart local economies, and in the Abkhaz case, have even allowed some 40,000 Georgian returnees and adopted the language of international minority rights protection. They should not be blamed for refusing to allow the lack of progress in international negotiations, especially on status, to stall democratisation and reform in their entities.

Ultimately, the people still living in Nagorno-Karabakh and the other non-recognised entities are better served by accountable government protecting the rule of law (according to the Freedom House Index [32], for example, Nagorno-Karabakh ranks as "partly free"). Only if they can demonstrate commitment to democratic values will the *de facto* authorities in Stepanakert, Sukhumi, Tskhinvali and Tiraspol be treated as legitimate partners in negotiations. It is also in the best interest of the international community and the metropolitan states to have responsible leaders in the entities to defuse instability and join in dialogue. Participatory and pluralist politics in the non-recognised entities will help build the peace constituency essential to the eventual implementation of any peace settlement.

But what of the Karabakh Azeris, who were unable to participate [33] on 10 December in deciding the future of Nagorno-Karabakh's internal arrangements? According to international norms, these former inhabitants of Nagorno-Karabakh should not be deprived of their right to participate in the entity's political life.

If Stepanakert wants to be gain legitimacy, it needs to show the international community not only that it can organise orderly and fair referendums, but also that it allows all those who should be eligible to vote to actually cast their ballots. In other words, they must begin to accept the return of the 40,000 Karabakh Azeris who were forced to flee in 1991-92.

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Links:

[1] <http://www.rferl.org/featuresarticle/2006/12/15d9442b-2b41-4132-9312-9a1f77fc92ac.html>

[2] http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3658938.stm

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[4] <http://www.c-r.org/our-work/accord/nagorny-karabakh/large-map.php>

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[9] http://www.opendemocracy.net/democracy-caucasus/armenia_3075.jsp

- [10] http://en.wikipedia.org/wiki/OSCE_Minsk_Group
- [11] <http://www.c-r.org/our-work/accord/nagorny-karabakh/last-chance-peace.php>
- [12] <http://www.president.am/president/eng/>
- [13] http://www.caucaz.com/home_eng/breve_contenu.php?id=231
- [14] http://www.flashpoints.info/countries-conflicts/Nagorno-Karabakh-web/Nagorno-Karabakh_briefing.html
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- [24] <http://www.cluborlov.com/apsny/>
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- [28] http://www.opendemocracy.net/democracy-caucasus/Nagorno_Karabakh_4182.jsp
- [29] <http://www.nkr.am/eng/news/index.htm>
- [30] <http://www.iht.com/bin/print.php?id=3844297>
- [31] http://www.nyupress.org/product_info.php?products_id=3252
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- [33] <http://www.eurasianet.org/departments/insight/articles/eav121206.shtml>