

Hearing :: Conflicts in the Caucasus: Prospects for Resolution

Commission on Security & Cooperation in Europe: U.S. Helsinki Commission

Conflicts in the Caucasus: Prospects for Resolution

Witnesses:

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REPRESENTATIVE MICHAEL BURGESS (R-TX): I want to welcome everyone to this briefing of the Helsinki Commission. I especially want to thank our staff and our witnesses who are going to be providing us some information today. Chairman Smith is not able to join us. I'm Mike Burgess, member from Texas, and we will be hearing from Mr. Smith through the testimony he's prepared that Mr. Ochs is going to present to us. But again, let me welcome you all and thank you for being at the hearing.

The Helsinki Commission has an important role to play in advancing peace and democracy throughout the world. Unfortunately today, even in what might be considered an enlightened time, many people still face war and oppression in their homes. One of the regions that still witnesses much conflict is the Caucasus, with disputes in Georgia, Russia, Chechnya and others. The quest for peace is ongoing and certainly a worthwhile goal.

Today, I hope to hear from the witnesses about the latest developments in the Caucasus. I would like to hear about what actions the countries within the region are taking to ease tensions. I'd

also like to learn what the other Helsinki Commission countries are doing to help, as well as what the role the witnesses believe that us here in the United States House of Representatives, where we could be helpful.

Again, my thanks to Chairman Smith for organizing the briefing, and let me recognize then first Mr. Ochs for Mr. Smith's statement.

MICHAEL OCHS (policy adviser, Helsinki Commission): Thank you very much, Congressman, and welcome to this Helsinki Commission briefing on unresolved conflicts in the Caucasus.

2011 marks the 20th anniversary of the breakup of the USSR, and many institutes are examining the legacy of that historic event. Just last week, the Carnegie Endowment hosted an excellent conference on all aspects of the development of Armenia, Azerbaijan, and Georgia over the last two decades. Today, we'll be focusing on Nagorno-Karabakh, Abkhazia and South Ossetia.

You might be wondering where we're not looking at Transnistria. The answer is simple: The commission devoted a session to that issue in June, which leaves us free to spend all our time today on the Caucasus.

Let me start by noting that analysts have strong views about how to characterize these disputes. Some call them frozen, others prefer "protracted," and still others use other terms. Perhaps our witnesses today will elaborate on the differences among these terms and why the distinctions are important.

What is clear, however, is that they are unresolved. Despite the efforts of the OSCE Minsk Group and the occasional exuberant claims of imminent success, the Nagorno-Karabakh conflict looks little different than 15 years ago. Things are different in Abkhazia and South Ossetia, of course, where matters languished unchanged for many years until the 2008 Russia-Georgia war. Today, Moscow would claim that these conflicts are basically over because the two territories have become independent, but that is a decidedly minority view.

Apart from Russia, only Nicaragua, Venezuela and the tiny island statelets of Vanuatu and Nauru have recognized their independence. The rest of the international community has refused to do so. This includes all the members of the CIS, which have so far resisted Moscow's threats and blandishments. Obviously, they understand that if Russia, which has never implemented the cease-fire plan and instead established military bases in these territories, can truncate Georgia, it can do the same to them. As for the U.S. government, Washington echoes Tbilisi's view that Russia is occupying Georgian territory, so from that perspective, nothing has been resolved at all.

These conflicts, at least in their most recent incarnation, erupted in the late 1980s when the Soviet Union was breaking up and various minority groups decided they did not want to be part of the union republic they had been part of during the Soviet period. This created contradictions between two Helsinki principles: territorial integrity and self-determination. To this day, after two decades of mediation, the parties refer to these two principles as their guiding lights and

justification. Neither the negotiators nor the international community have been able to bridge the gap.

Meanwhile, the conflicts have threatened the stability and security of the entire region. The war of 2008 showed how quickly supposedly frozen conflicts can heat up, adding to the already huge number of refugees produced in the early 1990s. At the same time, all the countries and peoples of the Caucasus would benefit from economic integration and using natural and human resources for purposes of development. Instead, significant assets are being devoted to military purposes.

Maybe we shouldn't even expect a settlement, given how long disputes in other regions of the world have lasted. But we are bound to explore if there is a way out of what appears to be a dead end, especially if there's reason to worry about the possible resumption of military hostilities.

Are there approaches that have not been tried? Is it possible that the status quo, however awful, offers advantages to influential parties that outweigh the risks of compromise? In the case of Abkhazia and South Ossetia, there is an inescapable (inaudible). Are there circumstances under which Moscow would ever retract its recognition of their independence? In other words, would Russia ever permit a deal, even if Georgia, Abkhazia and South Ossetia could agree on one? Could other regional dynamics, short as escalating instability in the North Caucasus, affect the situation in South Ossetia and Abkhazia? And what can we say about the efforts of the OSCE and the international community to broker a resolution?

These are difficult questions, so we thought hard about who best could address them. We have not invited spokesmen for any government to testify today, including the U.S. government. Nobody would be willing to discuss the details of sensitive negotiations in any case, and besides, after many years of talks, everyone is very well familiar with the public positions of the parties. So we decided instead to hear the views of independent analysts, and thankfully, we've been able to assemble a truly expert group of witnesses. Their impressive bios can be found the Helsinki Commission website, so we're not going to read them out in full. Let me just say that Fiona, Tom and Wayne are not just highly regarded specialists who have been working these issues for many years, they are also old and good friends, so it's a special treat to have them here today.

REP. BURGESS: Thank you, Mr. Ochs. We are going to hear from our panelists.

Just briefly, Dr. Fiona Hill will be our first panelist, the director of the Center for (sic/on) the United States and Europe, and a senior fellow in the Foreign Policy Studies Program at the Brookings Institution. She is a frequent commentator on Russia and Eurasian affairs. Her book with Brookings senior fellow Clifford Gaddy, "The Siberian Curse: How Communist Planners Left Russia Out in the Cold," was published in 2003 and her monograph, "Energy Empire: Oil, Gas and Russia's Revival," came out in 2004. From 2006 to 2009, Dr. Hill was on leave from Brookings to serve as the national intelligence officer for Russia and Eurasia at the National Intelligence Council.

Tom de Waal is a senior associate with Russia and Eurasia program at the Carnegie Endowment for International Peace in Washington. A special (sic) on the Caucasus, Russia and the Black

Sea region, he is the author of the most – most recently, "The Caucasus: An Introduction," published in 2010. In addition, he's the author of "Black Garden: Armenia and Azerbaijan through Peace and War," an authoritative conflict of the conflict – an authoritative study of the conflict of a region which has been translated into Russian, Armenian and Azeri. Along with Carlotta Gall, he also wrote "Chechnya: A Small Victorious War." In the 1990s, Tom de Waal was a journalist in Moscow for The Moscow Times, The Times of London and The Economist. He has also worked as a reporter, editor and program manager for the BBC World Service.

Wayne Merry is a senior fellow for Europe and Eurasia at the American Foreign Policy Council in Washington. He's widely published and is a frequent speaker on topics relating to Russia, Central Asia and the Caucasus, the Balkans, European security and transatlantic regions. In 26 years in the United States Foreign Service, he worked as a diplomat and a political analyst in Moscow, East Berlin, Athens, New York and Tunis, and recently served in the State, Defense and Treasury departments, as well as on Capitol Hill and with the United States Marine Corps. He studied at the University of Wisconsin, Princeton University's Wilson School of Public and International Affairs, and the U.S. Army Russian Institute.

We'll begin with Dr. Fiona.

FIONA HILL: Thank you very much, Representative Burgess, and I'm delighted to be here today, and it's good to see that in spite of the very inclement weather outside, there are lots of people who have managed to make it for this hearing.

I want to begin my remarks by addressing directly the questions that the Helsinki Commission posed to us for the briefing. The questions, of course, were already distributed to all of you in the announcement. And Michael Ochs has already begun to frame the first part of those questions about where the conflicts stand today, and he posed the question about the differences in terms "frozen," "protracted," "still unresolved." And I think, you know, I can certainly speak on behalf of my other two colleagues here that we cannot call these conflicts frozen, and indeed, Michael said that himself; protracted most certainly, and yes, still unresolved.

But these are very dynamic conflicts, as all of you in the room know, and the situation on the ground, including in Nagorno-Karabakh, which Michael actually posed, has much changed in the last 15 years. In fact, yes, there's been some significant changes in all of these conflicts in their on-the-ground configuration. And it's not just been the outbreak of war in Georgia in 2008 that was the only event here, though perhaps this has been the most notable event. What we saw with the war in Georgia, of course, is that the configuration of contested boundaries changed as a result of that war. And we also got some new dimensions to that specific complex of conflicts with South Ossetia and Abkhazia. We have a controversial cease-fire document that has become itself a focal point of contestation. And the recognition of Abkhazia and South Ossetia by their handful of rather small states as well as Russia that Michael referred to has brought a whole new dimension to this conflict.

We've also had the introduction of new international actors into the broader conflict zone. Previously, of course, the U.N. and the OSCE were the principal international players, but now we have the EU, in the form of the EU Monitoring Mission in Georgia. And that also brings,

again, a whole array of different dimensions to the conflicts in the region.

Now, the only way in which the conflicts can be deemed frozen is that, as Michael also said, that the initial parameters for resolution that we laid out, which was this desire to try to bridge the demands for self-determination by the individual peoples on territories of the conflicted and contested regions, with the imperative of maintaining the territory integrity of the respective states, has reached an impasse. It's that concept that has become frozen, if anything is frozen at all.

And what we've seen over this last almost 20 years now in terms of thinking about these conflicts is that increasingly, and especially now given the obvious developments in 2008, Abkhazia and South Ossetia have rejected the increasingly elaborate attempts to find a proposal for ensuring their autonomy, while at the same time the two principal states that are involved on the other sides of the conflict, Azerbaijan and Georgia, have found it very difficult to accept proposals that seem, at least have the appearance of falling short of the full reintegration of the territories back into their states, all of them not seeming to come under their full sovereignty. So this is really what Michael was talking about, about the frozen aspects of it. And it's really impasse that we've reached, the inability to find this bridge.

Now, the other question that was posed here is, is the resumption of armed hostilities a serious threat? I think as we saw in 2008 and we've seen continuously since, there is always the risk of miscalculation and of seemingly isolated incidents of violence sparking out of control. Since the war in Georgia, we've seen repeated incidents of violence in Georgia itself and in the territories of South Ossetia and Abkhazia. We've also seen at many times what looks to be the result of deliberate provocation to up the political ante when we've reached critical junctures in negotiations, and that's been, unfortunately, very much the case in Nagorno-Karabakh, where we've seen consistently relatively large numbers of casualties in cease-fire violations and sniper attacks along the line of contact in Nagorno-Karabakh. And also, we've seen a great deal of bellicose rhetoric on all sides, especially at the state level in Azerbaijan and also in Armenia, that have further inflamed this situation and have increased the potential for violent incidents to get out of hand.

And then, as Michael mentioned, although this isn't the specific topic of our briefing today, but obviously it's an important component, we have the added complication of armed hostilities that are already under way in North Caucasus across the border. There, insurgency and violence are a fact; they're not just something of dispute. And as all of you in this room know, historically, the violence in the North Caucasus bled into violence in the South Caucasus. The two areas are intrinsically interlinked in terms of their populations and their shared history within both the Russian Empire and in the Soviet Union. And the fact that armed hostilities are ongoing in the North Caucasus really increases the level of tension in the South.

And I would say, unfortunately, the situation in the North Caucasus is likely to become more, rather than less, tense as we look ahead over the next couple of years. We're seeing now turbulent politics in Russia in the work of the recent Duma elections. We don't know how that is all going to unfold. We have next March's presidential election in Russia, and obviously there's going to be a lot of scrutiny on the various regions as to see how people are going to engage in

the election campaign over the next few months.

And then of course we have the impending event of the Sochi Winter Olympics in 2014, which has been designated a national priority project by the Russian government and has obviously become quite a focal point in the North Caucasus. Moscow is extremely concerned about the risks to the Olympic project from the ongoing insurgency. Moscow also, to some degree, was very concerned about the implications of Sochi of its ongoing disputes with Georgia, and we can say that Sochi was a factor in propelling Georgia and Russia toward war in 2008. And we could also, of course, point to many instances where cross-border insurgency, particularly spillover from Chechnya, has resulted in Russia's intervention directly in Georgia's internal affairs.

And the Georgian government's quite recent explicit support for North Caucasian groups, including those who are concentrated around in Sochi, the – (inaudible) – and their grievances against Moscow and against the Russian state have certainly caught Moscow's attention and raised the political tension even further. So I would say that unfortunately, over the next couple of years, we see potentially even more dangerous situation emanating where North and South Caucasus become intertwined.

Now, the other question was raised about what factors impede a settlement. And as I started to put together my bullets for this, I could have gone on perhaps for pages, and I know that Wayne – (laughs) – and Tom would also like something to say, so I've confined myself to I think it's sort of seven bullets here, which is of course not at all exhaustive of all of the different factors.

Michael already mentioned perhaps the primary fact, of the fact that the roots of the conflicts are very long and are intrinsic to the set of the administrative structures and the nationality policies of the Soviet Union. And as Michael said, the roots of most of the conflicts date back to the 1980s and, in some cases, some of the factors for conflict go back to the czarist era. So it makes it very difficult to basically disentangle some of the elements of conflict here.

But as most of us know, in any case, the independent modern states of Armenia, Azerbaijan and Georgia were never established in their administrative configuration to be independent. They were intended to be interdependent with each other, as well as dependent on Moscow, and that is primarily one of the problems that we see. And the Constitution of the Soviet Union in theory, at least, provided for autonomous regions like Abkhazia, South Ossetia and Nagorno-Karabakh to also appeal to Moscow for a change in their status. And as Michael alluded, some of that was already underway by the late '80s and certainly in the 1990s. And that also includes republics in the North Caucasus as well. So we have a very complicated situation to handle here.

Also, none of the contested territories, or indeed the states themselves, have really had any independent existence outside of the framework of the Soviet Union or of the Russian Empire, with of course the exception of a very brief period of independence after the collapse of the Russian Empire and just after World War I.

The other fact that we need to bear in mind is that conflicts do not exist in a vacuum. And Michael already referred to Transnistria and said that that was not a subject of a discussion today. But in addition to strong parallels with Transnistria and the conflict obviously that also

involves Moldova, there are distinct parallels between these conflicts in the Caucasus and conflicts in the former Yugoslavia, such as Kosovo, and we could go on in a broader sense there, but also Cyprus and indeed the Middle East conflict between Israel and the territories of Palestine, the Palestinian territories.

And a lack of settlement in each of these other cases that I've listed here provides, in fact, a rather negative example, unfortunately, for the protracted conflicts in the South Caucasus. If there had been, say, a major breakthrough in Cyprus or elsewhere, we might have something positive to point to that might provide a different frame of reference. What we've seen instead, unfortunately, as of the attempts to resolve the conflict in Kosovo and the disputes between Kosovo and Serbia provided, in fact, yet another negative factor in the resolution of the South Caucasus' conflicts and can be said to also impede a settlement.

The United States government explicitly denied, of course, the existence of any parallels between Kosovo and the South Caucasus and the fact that this could possibly set a precedent for a Caucasus resolution. But in fact, what the international recognition of Kosovo did, because it was treated entirely separately from this, has greatly complicate the situation between Georgia, Abkhazia and South Ossetia, and Tom de Waal wrote very eloquently about this at various points just after that decision. The parallels and precedent were quite obvious, certainly to people on the ground, and they were explicitly used, of course, by the Russian government in its engagement of all the three parties to the Georgian complex of conflicts, and also explicitly used by the Russian government in their direct involvement in the conflicts and in the war.

Kosovo was used as the point of reference, in fact, for Russia's recognition of Abkhazia and South Ossetia's independence, and Abkhazia and South Ossetia now assert that, on the basis of the Kosovo precedent and Russia's recognition of their independence, even if it hasn't been picked up on an international level, that they should no longer be expected to negotiate their relationship with Georgia on the old terms. And clearly Georgia – because nobody else has recognized this, and in fact because of, you know, the long nature and details of the conflict – naturally refuses to engage with the territories on these terms in any way that might suggest some kind of implicit acknowledgement of any change whatsoever in their status. So we've got ourselves into another impasse as a result of what happened in Kosovo.

In even the convoluted way that I'm describing it here, you can see that it's become difficult for experts like myself to even talk about this without raising a whole host of additional questions that we have to prefigure everything with, seven or eight bullet points of caveats before we even mention the issue.

Now, notably, of course, Russia's not made the parallel between Kosovo and Nagorno-Karabakh, nor has it made any attempt to recognize its independence, which underscores how much bilateral political antipathy between Russia and Georgia has framed Moscow's response to the conflict and to the conflicts in general.

Now, another couple of factors just to mention before getting onto the last set of questions about the negotiating formats: One very important factor that we see now, and this is where things really have changed in Karabakh and elsewhere over the last 15 to 20 years is we've got a whole

generation of people who have grown up on both sides of each conflict without any experience of interaction with each other. And they obviously have very different attitudes, very different experiences, very different expectations and intentions from the generation before them. And new relationships have developed between populations in those outside the region. So we have a whole different dimension and a whole different outlook now on the conflicts from what we had 20 years ago.

Also, local governments, and I mean this both at the level of Abkhazia, South Ossetia, Nagorno-Karabakh and then Azerbaijan, Armenia and Georgia, have also had their own problems in establishing and consolidating and keeping a hold of their own legitimacy, and the conflicts have become part of this issue. And what we've seen is when there's been a lot of questions about democratic developments, whether there have been contested elections, whether there have been other questions about the legitimacy of local leaders, the governments have often resorted at all different levels to rhetoric about the conflicts to compensate for and deflect away from political failings. South Ossetia, which we may get into in the discussion, is a classic case in point, right now after a contested and rather disputed election just in the last month.

Now this, of course, has an impact on the negotiating format, this legitimacy issue on the part of local governments, because the international negotiating mechanisms that were to set up and respond to the armed conflicts of the 1990s have now become part of the domestic political scene in each case. They've been around, frankly, as long as the governments have been around, as long as the independent states have been around. They've almost evolved along with the conflicts and they're no longer seen as neutral. And they're often presented as different actors on different sides – by different actors on different sides in the Caucasus as part of the problem. They've become very politicized, not by the fault necessarily of those people involved in the negotiations, but just by being a fact of existing so long. They use bi-regional leaders frequently as an excuse for avoiding compromise. In the case of Karabakh, you know, for example, we frequently hear after failed rounds of negotiations, well, the Minsk Group didn't do their job properly. Nobody says, well, I, the leader of this or that entity, couldn't really reach a compromise this time because of X, Y domestic factors; this wasn't a good juncture. It's very easy to blame the Minsk Group for them, rather than air out all of the dirty laundry difficulties or all the difficulties of your domestic politics that have prevented you from being able to move forward in any way.

One of the other issues that we're currently facing also in the negotiations is the lack of time and resources on part of the international players. The Minsk Group has been around so long that the world has changed, and now we have the inevitable press of other international issues. And the impact of ongoing economic crises on diplomacy, people don't have the same time and effort or the same money to expend on these ventures as they did before.

And what we've also seen is the U.S., Europe and all the other international entities, the U.N. and OSCE, have all developed their own approaches to conflict. They've all put money into their individual mechanisms. And everyone is now facing the question of what to do with dwindling budgets and dwindling cadres of international diplomats about what can they do. So is it possible, for example, to join forces for a concerted effort to push things forward? That's one of the questions about, could we have a new negotiating format, and at different points,

people have suggested this.

However, I would say that it's not entirely clear, and Wayne and Tom I think will have a lot of opinions on this, as to whether setting something new up would actually solve the conflicts. We actually saw in the last year an intense personal push, and I would actually say quite a sincere personal push, by Russian President Dmitry Medvedev on Nagorno-Karabakh. He spent a lot of time and effort in bringing the leaders together and trying to push things forward. He didn't really get anywhere. And it wasn't really the lack of effort on his part or the resources that was the problem; it was simply that again, this was not the good juncture for the conflicting parties to reach a resolution.

So, and my final point is what can the United States or what can others do to facilitate a resolution is perhaps we need to go back to the drawing board about what do we mean by resolution, because there's not, as I said at the very beginning and as Michael has made clear, any status quo ante to refer back to or even to go back to, given the nature of the conflicts. The U.S. and everybody else has their own domestic political problems that make it difficult always to make a firm push on issues. We have as many problems in being an honest broker as the regional leaders do in really themselves being able to be honest about finding a path forward.

And by always pushing for the bridge, the final resolution that we've putting everything together, we always set ourselves up for failure. So the question is can we set ourselves a different set of goals, and Tom and Wayne and others have been engaged in efforts like this, and it would be good to hear directly from them about some of the things we could do.

But one thing where we have seen, where there has been a breakthrough is not on the conflicts itself but on (creative pollutions ?), but has been recently on WTO and the negotiations between Georgia and Russia. And maybe this is just something that we can think about for moving forward.

In the case of the WTO negotiations between Georgia and Russia, obviously the critical issue of status and the status of Karabakh – of, sorry, of South Ossetia and Abkhazia, was a critical issue. The Georgians are very worried that any agreement that they reached would somehow have an implication to the conflict. But what we saw instead was very creative mediation on the part of the Swiss. The United States wasn't out in front; we were leading from behind.

And the final resolution in this – for this very narrow thing was outsourcing of the customs monitoring to a private entity. So the question is, can private entities, can these kind of creative solutions play a role where the larger negotiation formats have failed?

MR. TOM DE WAAL: (Off mike.) That sounds better.

Thank you, Congressman, and thank you, Michael, and thank you all for coming. Inevitably, I will go over some of the same ground as Fiona, who I think has covered a lot of territory very well. But I'll try and do it in my own way.

As Michael told us, we're currently marking the 20th anniversary of the end of the Soviet Union,

when the three conflicts we're discussing, Abkhazia and South Ossetia and Nagorno-Karabakh, were already breaking out. That they're still unresolved 20 years on shows how intractable and complex they are. It's worth recalling that they all – all three conflicts began before the Soviet Union ended, something which makes it even harder to resolve them. The residents of the three conflict regions have never experienced life in independent Azerbaijan or Georgia, only in their Soviet-era predecessor republics. Generations are growing up ignorant of one another.

It's important to stress an obvious point in our title, which we may run over as we move to the content. These are conflicts, with conflicting sides and narratives. I do not see a moral bias in them towards one side or the other. In the case of Abkhazia and South Ossetia, the Georgian side basically started the conflict in 1990 in South Ossetia and in Abkhazia in 1992. But both sides did terrible things in those two conflicts, and the vast majority of displaced people from the conflicts are ethnic Georgians.

For both sides in those conflicts, the experience has been a huge national trauma. Consider that the Abkhaz lost around 4 percent of their entire ethnic population in the war of 1992 to 1993 and that around 80 percent of Georgians living in Abkhazia before the war are still displaced from their homeland.

When it comes to Nagorno-Karabakh, the Armenians emerged the victor on the ground in the 1991 to (199)4 conflict, but both sides paid a heavy price. Both sides have a long list of "black dates," quote-unquote, commemorating what is in effect attempts of each to destroy the other. The Armenian side recalls the pogroms in Sumgait and Baku, deportation of Armenians from Azerbaijan, the shelling of civilians in Stepanakert, the massacre at Maraga. Azerbaijanis recall the deportations of Azerbaijanis from Armenia, the massacre at Khojaly, the expulsion of half a million Azerbaijanis from the seven territories around Karabakh in 1992 to (199)4.

So there are no angels here, and it would be a mistake for the United States to assert the morality of one side over the other in any of these conflicts.

A few words about the situation with Georgia's conflicts after the war of 2008: Recognition as independent states by Russia has obviously dramatically changed the situation of both Abkhazia and South Ossetia. From their point of view, a Russian military presence means protection from Georgia. But it has also meant de facto annexation by Russia, which makes many people in Abkhazia in particular resentful. In some ways, you could argue that in fact Abkhazia and South Ossetia were de facto independent before 2008, are now more dependent, even though they've been recognized by Russia.

The trajectories of the two territories are also diverging. South Ossetia is barely viable as a self-governing territory, let alone a state, having a population of barely 30,000 people. Abkhazia is more viable with a population of more than 200,000, has working institutions and media, but it obviously lacks legitimacy if only, as also in South Ossetia, because of the issue of its missing Georgian population.

That means that the policy of nonrecognition of Abkhazia and South Ossetia is definitely the right one. But within that framework, I would urge greater pragmatism. The current residents of

these territories are not second-class human beings. Their aspirations and insecurities are genuine, if not their sovereignty. They will not go away. And by their power status, they also basically hold hostage the fate of the Georgian IDPs.

South Ossetia is both more isolated and more liable in the future to do a deal with Georgia. It was part of Georgia's economic space up until 2004. Simply opening the border would be a catalyst for normalization.

Abkhazia is more complex. People there are more aggressive in setting their independence but also genuinely seek engagement with the world beyond Russia and Georgia. A deal with them will be a very long-term process. Pragmatic, status-neutral ways of allowing young Abkhaz to travel and study abroad and engage with the outside world would be a win-win arrangement for all. The current Georgian strategy on engagement, despite promising much, has failed to deliver that.

A more pragmatic strategy on elections would also be beneficial. In April 2010, the United States congratulated, quote, "Mr. Dervis Eroglu for his victory in elections held to select the leader of the Turkish Cypriot community," unquote. What is right for one unrecognized entity should be right for others. Recognition of Abkhazia – Abkhaz, Ossetian and Karabakh Armenian leaders as local governments is a good step, which will increase engagement and leverage. If Western governments had taken that approach with South Ossetia, they would now be able to exert leverage to voice support for the candidate there, who has popular backing but whose election was recently stolen, Alla Jioeva.

When it comes to Nagorno-Karabakh, the situation gets harder and harder. There is a small but growing risk of renewed conflict, of which I think Wayne will tell us a lot more. In large part, this is because of a growing problem of perception. Armenians believe they have built a de facto state on the ground in Karabakh. There's a new generation that's growing up that has never met an Azerbaijani, and there is no going back. The recognitions of Kosovo, Abkhazia and South Ossetia give them hope that their turn may come in the future.

Azerbaijan, by contrast, sees that its economy is six times bigger than in the 1990s, that it now spends more on its military than Armenia does on its entire government budget, and that Azerbaijan is now an international player, which will – who will soon be a member of the U.N. Security Council in January. All this makes it much harder to forge a peace than a decade ago. There's nothing wrong in principle with the OSCE Minsk process and the mediation of three important global actors, France, Russia and the United States. But the Minsk process also lacks the authority it had in the 1990s, when both sides were much weaker. Changing the Minsk Group format would be a distraction, in my view. It would not change the nature of the problem. Content is more important than form, and it is – and the content is defined by the two presidents, who are the conductors of the process. Currently, they basically prefer the status quo to the risk of changing it.

A few basic problems why – a few basic explanations why this is so: The presidents prefer a closed process that does not involve Armenia or Azerbaijani societies. This means that the two societies are still stuck in a no-compromise mentality, and the presidents have no peace

constituency supporting them if they want to do a deal. Important players with a stake in the outcome of negotiations – for example, the Karabakh Armenians and their elected authorities and also Azerbaijani IDPs – do not have a proper voice in the process.

The discourse on the conflict is dominated by two aggressive, competing Armenian and Azerbaijani narratives. A third narrative of peace, compromise and peaceful coexistence is not being expressed or heard either locally or internationally. The conflict is the second order of priority of the international community, which is reluctant to invest major resources in it without an obvious hope of a good result. Compare the situation to the crisis in the Balkans in the 1990s, when both the EU and the U.S. could not ignore it. Finally, there is a lack of clarity as to who will provide peacekeeping and post-conflict reconstruction when peace is finally agreed. This makes the parties even more cautious.

So a final recommendation for the Karabakh peace process that paradoxically the Minsk Group co-chair countries should offer both less and more. By less, I mean that the mediators must stress that they – must stress that they alone cannot solve the conflict and it is fundamentally up to the parties on the ground. This means that they should encourage Armenians and Azerbaijanis to take greater ownership of their own conflict in the search for a mutually acceptable deal through bilateral negotiations. The mediators can emphasize that they are available for advice and support and will still keep their seats by a monitoring function, but they will also take a step back and give more responsibility to the parties in crafting the actual nature of the deal. By more, I mean that simultaneously the mediators, led by the U.S. but supported by other international bodies such as the EU, U.N. and World Bank, should pledge more by more publicly asserting that they will provide the necessary resources in terms of peacekeeping, policing and reconstruction to underpin an eventual peace settlement.

Thank you.

REP. BURGESS: Thank you.

We'll hear from Mr. Merry now.

WAYNE MERRY: Congressman, thank you very much for taking some of your very busy day to focus your attention on these issues. As a former staff member of the Helsinki Commission, let me also say it's always a pleasure to return to this venue.

I would like to use this opportunity to sound a genuine note of alarm about the potential for renewed war over Karabakh. Whoever came up with the phrase "frozen conflicts" has much to answer for. These conflicts are anything but stable. They are volatile and they are dangerous.

In the months leading up to the August 2008 war, many observers, myself included, believed that the Georgian president would resort to military means in either Abkhazia or South Ossetia, and the Russian government would respond with overwhelming and disproportionate force. Yet when the war came, our own government and many others purported to be surprised by it. I would hope that our government and others would be very conscious of the increasing momentum toward conflict in another part of the Caucasus, Karabakh.

In my former official capacities in – starting in 1991 with the State Department, the Pentagon and here at the Helsinki Commission, I had what I might call vestigial involvement with the Karabakh issue. Since leaving the government, I've certainly maintained an interest in it. Two years ago, I published a somewhat longish article in the British openDemocracy.net vehicle discussing the security and military aspects of Karabakh, based in part on what I had learned in my Pentagon years.

In recent months, however, I have noted in conversations both with private observers here in Washington and with some government officials an increased concern that the momentum toward armed conflict is accelerating and the danger of a new – of a new war is becoming more real. With this in mind, I used the opportunity of a trip last month to Armenia for an international conference to make a trip to Nagorno-Karabakh to see the local situation for myself.

I introduce two important provisos: first, this trip had no official status whatsoever, did not in any way represent a gesture by any official entity of the United States; second, the trip was in no way partisan. I made it clear to the Azerbaijani embassy that I would be delighted to make a parallel visit to their side of a line of contact. But I was using the opportunity of my visit to Armenia to visit Karabakh simply because I felt I should no longer be in a position of writing and talking about this issue without actually seeing it with my own eyes.

The focus of my visit to Karabakh, even though I did meet with senior political and – political figures and with members of civil society, was on security questions. I spent most of the day with the Karabakh army and was allowed to see a great deal, no state secrets but to see a great deal. I was actually in the very front trench on the Aghdam front, less than 200 meters from the Azerbaijani front trench. I saw the Aghdam region, which is, I can tell you, a battlefield in the waiting with multiple layers of echelon defenses in depth, mine fields, anti-tank barriers, prepared artillery positions, and on and on and on. Most of these things that I saw I was already familiar with from satellite photography. It is quite a different experience to visit a former and potential future battlefield at the ground level and to meet some of the young men who might become casualties in a renewed war.

My concern about the increased probability of war over Karabakh has five components: first, that the "no war, no peace" situation since 1994 has not evolved in anything resembling peace. The estrangement between the two communities has deepened. The sense of dehumanization of the other side has I think become extremely dangerous. And what we see now is not a quasi-peace; it is a quasi-war.

Second, the failure of the mediation efforts by the Minsk Group have led to a great deal of frustration on both sides, more understandably, of course, on the Azerbaijani side. Now, being acquainted with diplomacy myself and with most of the American participants in the Minsk Group, I understand the fundamental problem, that mediators do not negotiate; mediators mediate. Only parties negotiate. And the parties to this conflict have used the mediation process largely to avoid their responsibilities to negotiate and to avoid their responsibilities to educate and inform their own populations about the compromises that would be necessary to achieve

peace. Nonetheless, the expectation among populations on both sides that international mediation by three great powers could or should result in peace has obviously led to a very great deal of frustration on both sides and a temptation to resort to arms as an alternative.

Third, there is a very substantial arms race under way, fueled on the Azerbaijani side by its oil and gas revenues, fueled on the Armenian side by transfers from the Russian Federation. This arms race is continuing and is reaching, in my view, very, very worrisome proportions, which leads to the fourth point, which is the continuing level of cease-fire violations, which have become so routine that they are not even reported in the West anymore. And yet I can tell you that they have become a normal part of the line of contact on both sides and have led to many casualties, many of them civilians. Cease-fire violations are something which can get out of hand in a big hurry if not better controlled. The lack of any kind of confidence-building measures, the most minimal means of communication across the line of control, are lacking. Things that we regarded as fundamental in the Cold War between the United States and the Soviet Union in places like Germany do not exist here at all.

And finally, to me the most worrisome thing of all is the increasing level of expectations, which I observed on both sides, that a war is inevitable and may even be desirable, a view that the war is coming and a view increasingly to be heard on both sides that the war would, whatever its cost, resolve the Karabakh issue on terms desirable to that side. Now, clearly, both sides cannot be correct in this evaluation, but both can be wrong. I believe both are wrong. I believe they are wrong if for no other reason than the probable nature of a renewed war.

A renewed war would not look anything like the 1991-94 conflict. That war was a series of interlocking, basically infantry battles with some degree of armored and artillery support. Since that time, Nagorno-Karabakh has become a fortress, a combination of its natural topography, which is often very formidable, but also very thoroughly prepared, echeloned defenses in depth. Therefore, a battle over Karabakh again would be a siege.

Throughout human history, sieges have been notorious for brutality, bloodshed and their costs to civilian populations. A siege battle has two components, usually sequential: bombardment and assault or engagement. The two parties have been preparing extensively for a major bombardment war, buying or acquiring by other means large inventories of multi-launch rocket systems and long-range artillery and very extensive munitions. It is quite clear to me that a bombardment war between the two sides would very, very quickly involve major civilian casualties. Indeed, I was told quite clearly by a counterpart in Yerevan that the targeting on their side would be, as he put it, "counter value," which is to say targeting civilian installations, civilian infrastructure. And I have no doubt that would be the case on both sides.

I think it unlikely that such a brutal bombardment war would remain static for long. Both sides have very significant mobile operational capabilities. I think the Armenian side should not underestimate the extent of improvement in the Azerbaijani order of battle and in its operational capabilities. Likewise, the Azerbaijanis should not underestimate the capabilities of their opponents. Just to give one example, the Nagorno-Karabakh Republic, as it proclaims itself to be, has, I believe, the highest ratio of mobile armor equipment per capita of any entity on the face of the Earth. With a population of under 150,000, Karabakh maintains, depending on

whose sources you believe, something like 300 main battle tanks and comparable levels of armored personnel systems, mobile artillery and so forth. A mobile war battle could start from either side or both sides and become very, very bloody very, very quickly.

Now, the problem is not just Armenians and Azerbaijanis killing each other; the problem is that both sides have regional great-power sponsors. Russia has a treaty-based alliance with Armenia. This does not cover Karabakh. But in the scenario I have just sketched, I think that would quickly become a distinction without a difference. Turkey does not have a legal obligation to Azerbaijan, but the political impetus in the Turkish Republic to support their cousins in Azerbaijan in such a conflict would become very, very strong I – indeed. I am certainly not predicting that Turkey and Russia would come to blows over Karabakh. But a proxy war fed and supported by regional great powers can assume proportions much greater than those that would be calculated by the participants themselves. The consequences of this are, quite literally, unpredictable.

I am not predicting that war is inevitable much less that it is imminent, what I am saying that the momentum toward renewed conflict over Karabakh, which has been present for several years, is continuing and even accelerating. It should be the subject for genuine concern.

In 2008, the United States government attempted diplomatic jawboning to try to prevent a conflict between Russia and Georgia. That policy failed. My view is that the focus not just of American policy but of the policies of other interested powers should focus on real settlement, negotiation not mediation, and the fact that great powers have responsibilities to themselves and to each other to prevent client states from engaging in behavior which is deleterious to the interests of the region and the world as a whole.

In a previous article, I speculated that Karabakh could actually be a productive venue for traditional great-power collusion between Russia and the United States. Today, I would add Turkey to that equation. But regardless of the methods undertaken, I would urge that in Washington, Paris, Brussels, Ankara, Moscow, even Tehran, complacency should be avoided. This is a very dangerous situation, and it should – and it requires serious attention.

Thank you, sir.

REP. BURGESS: And thank you, Mr. Merry, certainly very compelling testimony on your first-person visit to the Karabakh. Obviously, I have to say as a first-term congressman here in 2004 after a shooting in Beslan, I accompanied another congressman from Colorado on a trip over there because we wanted to offer just support to the people who were going through that. And I was absolutely unprepared for the level of interference. As a member of Congress, you can't just slip in and slip out of places unknown, but the actual official opposition to us even being around was something for which I was unprepared, so certainly, kudos to you for getting in and getting us that firsthand, on-the-ground report, because that's pretty compelling testimony that you've provided for us.

You know, in 2008, in this country we were kind of riveted on a presidential election in the summer; stock market hadn't yet melted down. So what happened between Georgia and Russia

as a member of Congress, yeah, I could say that I – that was a surprise to me. I guess I didn't appreciate the level of what you described as jawboning that was going on between the administration and the Russians at that point. But what is the status of the discussions that are occurring presently? You describe a fairly stark scenario of conflict that may be inevitable and, by some parties, even desired. What is going on right now between U.S. and Russian governments to prevent that from happening?

MR. MERRY: Congressman, as a nonofficial I can't give you any authoritative answer to that. The easy would be to say that that question should be addressed to the State Department and the White House.

I will, however, say that I have spoken with some quite senior people in the U.S. government since I returned from this trip and found that their concern parallels my own. I am not saying that I think that there is ignorance or acquiescence to a continuation of the status quo in the U.S. government. I do feel, however, and in this I must take a different view than my colleague Tom de Waal, that the current mechanisms of mediation and negotiation are inadequate, that I think that a fundamentally different approach to problem resolution on Karabakh is called for.

My own view is that this should involve a negotiation which would lead to final resolution of status and rectification of international frontiers. I'm not saying that would be – I'm not saying it would be easy. I – as a former diplomat, I understand that. I do think, however, that the rather incremental step-by-step approach that has been pursued at – with great effort and often with the involvement of very senior political levels in the three governments of the Minsk Group co-chairs has proven unproductive till now. And therefore, I think one should seriously consider a different approach.

REP. BURGESS: Tom, in fairness, I need to give you a chance to respond.

MR. DE WAAL: Yes. I mean, I would half agree with Wayne. I think if you listen carefully to my testimony, what I am saying is that what the Karabakh peace process doesn't need is a redesign with another international organization such as the U.N. being brought in, nor a Norwegian mediator and so on. What it does need is reinvigoration. And my last two recommendations mean, one, the negotiators – mediators taking a step back and facilitating more genuine negotiations between the parties, as indeed Wayne has just said, and also that the – to use a rather Bolshevik word, that the Minsk Group should be at the vanguard of a much bigger process with other international organizations, EU, U.N., World Bank, many others, offering their resources to support the process. It's a much too narrow process at the moment. I think we can all agree on that.

REP. BURGESS: Well, thank you very much.

And again, I want to thank all of our witnesses for their testimony. I, unfortunately, have a phone call with a hard time that I have to make, so I'm going to turn the questioning over to Mr. Ochs and Ms. Packer for follow-up. Thank you.

MR. OCHS: Thank you, Congressman.

Before we proceed, I'd like to ask if – well, Tom has just responded to Wayne's remarks. I wonder if anyone else on the panel has something to say about your colleagues' statements, if there are any statements you'd like to make before we begin formal questions and answers.

MR. DE WAAL: Just one thing: While I think Wayne spoke very eloquently and I would not in any way downplay the long-term trend that he has analyzed about a drift towards conflict, I would just add one nuance, which is – was that having been in – on the Azerbaijani side in Baku in the summer, there – very much the rhetoric there is that the military buildup is not about going to war; it is about the metaphor use – and I'm not ascribing anything to this; I'm just relaying what I heard in Azerbaijan – the metaphor they use is Reagan and the Soviet Union. It's a military buildup as a way of economically weakening the Armenian side in order to extract more concessions out of them. I noticed that there was a distinct lack of war rhetoric in Azerbaijan in the summer.

Now, that could change, and one could argue that there's a kind of structural problem there, which is inherently dangerous. And I would agree with that. However, I would say that – and I think Wayne would probably agree with me – we're not talking about imminent war; we're just talking about a long-term trend which is dangerous.

MS. HILL: Yeah. I just wanted to add one thing to this because I think that Tom and Wayne have shown that they're not actually in really extreme disagreement here but that there's of elements of things that they're both saying that we should pay attention to. I think our biggest problem is institutionalizing the reinvigoration of the process of trying to facilitate new negotiations, because what we've seen, and both of you have referred to this, has been rather the personalization of some of these efforts because it's been very much focused on both the presidents, in the case of Karabakh of Armenia and Azerbaijan, and of the leaders, but it's also required, as you both have said, the intercession of senior figures associated with the Minsk Group players. So we saw President Medvedev, who took a major role in the course of this year. We've seen intercession by Secretary Clinton. We've seen, in other words, larger figures from all the Minsk Group countries stepping up.

And the problem is when you demand this kind of attention from the senior figures, you run into the problem of, as Wayne pointed out, second-order considerations here, that Nagorno-Karabakh, unless it looks like the imminent breakout of a war tomorrow, doesn't get the attention then that it deserves. And I think what Tom was speaking out in favor of there was finding a way of institutionalizing this, and that's the real dilemma that we have.

And we're going to be facing in Minsk Group countries, all three of them, Russia, France and the United States, elections in 2012. So we're going to have a major problem here. And we need to then think, how are we going to get ourselves through the French, the Russian and the U.S. elections? And that is going to be a real challenge for us, because although we don't see Nagorno-Karabakh rising to a first-order election issue, the facts of elections and domestic politics and all of the baggage that will be brought out in the election campaigns will have an unfortunate affect, no doubt, on Karabakh.

MR. MERRY: I would note that arms races have a tendency of creating their own logic. During

his most recent visit to Washington, I suggested to Azerbaijani Foreign Minister Mammadyarov that while an arms buildup can contribute to the effectiveness of diplomacy, at some point it becomes counterproductive to diplomacy because it creates such a perception of threat on the other side that it creates the danger of either preemption from the other side or a felt need on the other side to respond to that arms race proportionally or disproportionately.

My own view is that the arms race has probably passed that point and that further arms buildup on either side, let alone both, do not contribute to stability but erode it. I am also conscious, having been a former professional diplomat, that in any environment in which foreign ministries are in competition with defense ministries, foreign ministries tend to be overwhelmed by the resources and the priorities of military institutions. It is extremely difficult for diplomacy to prevail when you have a momentum of arms buildup.

I would note that it certainly has not been for lack of very senior-level involvement from the French republic, from the United States, from the Russian Federation that these mediation efforts have not failed. I quite agree with Fiona Hill that President Medvedev invested a very great deal of his time in the run-up to the meeting at Kazan. Both the French and American presidents in – were involved in making phone calls. I can tell you from my own experience how difficult it is to get the president of the United States to make an international phone call. This is not a trivial commitment of time and effort by a government like ours.

It is my concern, however, that just – that these, once having been engaged in and been unproductive, that the frustration with the unproductiveness of the process affects not just the peoples on the respective side of the conflict, but invest the governments of the three mediating parties themselves, especially as they are all going into political election years.

I would think it very, very difficult to get the kind of high-level involvement that was present at Kazan any time in the next 18 months. And a year or two from now, the environment on the ground could become much more, much more difficult.

MR. OCHS: Let me follow up and take the issue that we've been discussing in a somewhat different direction. You've all talked about the danger of renewed military hostilities. Could you talk about what factors are working in the opposite direction?

For example, surely both sides – or all the sides involved understand the dangers of renewed military hostilities. Everyone knows that once you start a war, you never know where it might go and everyone has a lot to lose, however awful the status quo may seem to people.

Is this, you think, not enough to keep war from – to stop the renewed hostilities?

MR. DE WAAL: Well I'm aware that in the spring of 2001, there was a concern that one side might be planning – the Azerbaijani side in fact might be planning to retake one of the regions outside Karabakh. This was identified both by the Russians and the Americans – I'm told – via satellite photographs. And they did concerted diplomacy to stop this happening.

There is obviously a presumption that something similar would happen again – that there's a

shared international interest in this – in war not breaking out.

However – and one could argue that this could be the moment in fact when, by a bit of brinkmanship, the international powers came together to forge a final peace, that crisis might forge a final peace. But that's not something I would want to bet my house on.

And we also remember what happens in 2008 when there was also monitors on the ground, there was international attention, and yet also war did break out.

So I think there's definitely a need for a stronger early warning system.

MR. MERRY: Michael, I cannot help but note that today is Pearl Harbor Day. Seven decades ago, Japan engaged in a war which its naval staff had carefully assessed and knew they could not win.

This is also the 150th anniversary of the beginning of the American Civil War, a conflict which also got out of hand in a hurry. We are approaching the centennial of the beginning of the First World War

The notion that rationality will prevail in an area of intense conflict – by conflict I don't just mean armed conflict, but I mean rivalry, historical hatreds, desire for retribution for past ills – is one that does not make me optimistic.

Let me mention one other point from my recent trip. As people who are familiar with the Karabakh conflict will be aware, there was a very great emptying of much of the territory now occupied by Nagorno-Karabakh previously occupied by predominately Azerbaijani populations who are now living, and have been living for most of 20 years, as refugees in Azerbaijan.

It was striking to me, in traveling through some of these regions, how utterly empty, how utterly desolate, how utterly wasteful was the emptying out of what is some of the best agricultural land in the Caucasus region, where no one now lives, which are occupied today merely by mine fields and by trenches and by barbed wire.

To go through the town of Aghdam, which had 40,000 people living in it, where now there is not a soul living – where it is nothing but empty shells of former houses where people lived – is to get a sense of the incredible waste that war – on almost any scale – brings to human beings and the continuing waste of these lands, these potentially rebuilt homes that have been left without occupancy for so long.

I will say only one positive word, and it's to do justice to my host in Karabakh, is that I also had the opportunity to visit three of the Muslim cemeteries in – on the outskirts of – in the neighborhood of Beslan. And I can testify that while they did suffer some war damage, they have not been systematically vandalized. They have not been destroyed. Those cemeteries are intact, and that may provide at least some symbolic basis for the notion of what a future of those territories might look like.

MS. HILL: I think we have a problem in here, as been articulated, about when do people decide to change things because they either think they have nothing to lose or something to gain from this? And I think as Wayne and Tom have made it clear, it's very hard to gauge that.

I think our past – the classic example of this is Cyprus. We have had multiple opportunities to resolve the conflict in Cyprus since the 1970s. And at each time, the calculation of the people on the ground has been quite different from what we anticipated internationally and on the outside.

And in fact, every step that we've made in the mediation there seems to have hardened various positions and made it more difficult because we've introduced new elements into the frame of the conflict to resolve things. Cyprus has now become an internal problem of the EU.

And the Cyprus presidency is coming up within the EU, making it virtually impossible now to conceive of the EU playing a role as honest broker within that conflict. And there's now a push in this next few months before Cyprus takes over the rotating presidency to try to make something move in Cyprus.

And Cyprus, in some respects, is the closest – (inaudible) – in Nagorno-Karabakh, although with some interesting twists in the conflicting parties. The Greek Cypriots are in fact more like Azaris than they are like Armenians. And so you have – but you have a very similar structural set of problems here.

And frankly, if we can't make any move forward in Cyprus, it's very difficult to envision how we can really change things on the ground in Karabakh – not withstanding all of the problems. And if you think back into the 1990s, we've reached a very critical juncture with Cyprus as well, when it looked very likely that there was going to be an outbreak of conflict.

If you remember, there was a serious of really quite nasty provocations on the ground. And I was in Cyprus on many of these occasions and heard Greek Cypriots literally say – Greek Cypriots, you would think, had everything to lose. They had shown themselves to be capable of turning around the economy of the Greek part of Cyprus, who was one of the most prosperous parts in the per capita income level of the newly would-be accession states to the European Union, who literally said we've got to fight now, it's worth losing everything, you know, a better view for our national pride and for regaining, again, also the West for the lost territories, because they withstand – were able to stand on the line of contact with northern Cyprus and look over to the famous city of Famagusta and see the place lying in ruins and, you know, very little basically happening there. So the correlate with Ogaden – and obviously not as devastated as Ogaden is.

And what it took there was a shift in the international context by them suddenly accelerating toward the EU accession to change this. Now the EU, of course, has buyer's remorse. They made a big mistake. They felt that this would be a positive effect – a positive decision that would have a positive effect on the conflict. It hasn't had that at all.

So I think this is, again, another cautionary tale here.

Now if per chance there is some kind of breakthrough in Cyprus – and I'm afraid I'm not holding my breath on this – in the next several months, it might actually give us some impetus. And that's what I was referring to when I talked about the Swiss mediation in WTO. There may be some other suggestions, some other ideas out there that fall far short of what Wayne is calling for. But they might create a sort of sense of a different perspective on this.

This was actually quite an ingenious solution that was reached. We'll of course see how it works. But this idea of outsourcing some of the monitoring to private entities that don't have any of the great-power connotations – it's hard to imagine how that could be foreseen in Karabakh, but it may be, you know, be one of the various prospects.

So, you know, I think we've got to be really creative here, because as Wayne is saying, time is not on our side. And that goes for all of the conflicts, not just for Karabakh.

MR. OCHS: We actually have a fair bit of time for questions and answers. And one of the distinguishing features of a briefing, as opposed to a hearing, is that members of the audience can pose – oh, excuse me.

We'll start with Winsome Packer of the Helsinki Commission.

Q: Thank you, Michael.

The depictions of ethnic hatred and violence, both in the Caucasus and the Balkans and other regions of the OSCE – other states of the OSCE, clearly had a strong role in the origins of these conflicts. You haven't given a lot of focus to that.

In your statements, greater power interests and broader geopolitical interests have seemed to have overtaken the issue of ethnic – inter-ethnic tensions. I'd like to ask you to speak a bit a bit about any recommendations – policy prescriptions that you might offer in terms of addressing this issue in a broader context.

Also, this speaks to the issue of the origin – I mean, the cause of the 2008 Russia-Georgia conflict. Russian President Medvedev recently made the following statement: If we had faltered in 2008, geopolitical arrangement would be different now and number of countries in respect of which attempts were made to artificially drag them into the North Atlantic Alliance would have probably been in NATO now. We have simply calmed some of our neighbors down by showing them that they should behave correctly in respect of Russia and in respect of neighboring small states. And for some of our partners, including for the North Atlantic Alliance, it was a signal that before taking a decision about expansion of the alliance, one should first think about the geopolitical stability. I deem these issues to be the major lessons of those developments of 2008.

In the past, the Kremlin officials have said that the war – that they went to war to stop Tbilisi's genocide in South Ossetia. But Medvedev indicates that the war was designed to prevent Georgia from joining NATO. How would you assess this admission? Thank you.

MR. DE WAAL: Let me – to your first point about the ethnic hatred. I would venture to say I do believe, sort of, ancient hatreds is a bit of a myth that I do – I think in the Caucasus, I think most of these conflicts, they're about – probably no more than about 100 years old and based on political insecurity considerations which have set two different groups against each other, but nothing to do with some kind of primordial ethnic reasons.

Certainly, religion plays no factor in the conflicts of the Caucasus. You only have to see that Armenia is on much better terms with a Shi'ite state – the Islamic Republic of Iran, than another Shi'ite state – Azerbaijan is – to make that point.

Last month I was in Georgia and I visited a village called – (name inaudible) – it's just a few miles from the Armenian-Georgian border and it has a mixed population – about three-quarters Armenian, one-quarter Azerbaijani. They live in one village. They speak each other's languages. Their first – they're all bilingual in Armenian and Azeri. They're third language is Russian and their fourth language is Georgian.

Even though they're on the territory of Georgia, they live in absolute harmony. They go to each others' shops. They go to each others' weddings and funerals. There's absolutely no problem on the territory of Georgia, which tells you that it's all about the political context in which these peoples are – so anything that facilitate people-to-people contact underneath the kind of big radar of big politics I think should be encouraged.

I think Georgia is certainly an underused resource when it comes to the Armenian-Azerbaijani conflict.

And anything that can also be done within the Georgian conflicts simple to open those borders – reopen those borders – there's (administrative words ?) – (inaudible) – in South Ossetia to trade, and more people-to-people contact should be encouraged.

MR. MERRY: I would note that by far the most prescient discussion of the origins of the Karabakh conflict is Thomas de Waal's own "Black Garden," New York University Press, which I recommend highly.

I would note that conflicts don't have to be ancient to be pretty bloody. The American Civil War started within living memory of the foundation of the Republic. It is, however, I think a responsibility of larger states to involve themselves sometimes in conflicts which may be marginal to their own direct interests, if only because regional conflicts can spread and have a multiplier effect.

I think one of the biggest differences today, from not just 20 years ago but even from 10 years ago, is the increasing role in the region, as a whole, of Turkey. And I think no future resolution of either the Karabakh conflict or of Abkhazia or South Ossetia will take place without the active involvement of Turkey. Turkey, as a Caucasian state, is playing a role similar to the role that Russia plays as a Caucasian state.

At some point, Iran might play a more positive role as a Caucasian state. It plays a very

important economic role today for Armenia, a vital role, I would say. But the rivalry between Tehran and Baku is a point of stress within the region. In many respects, I think a good deal of Washington's diplomacy should be focused on Moscow and Tehran, not as adversaries in this region but as countries which have roles which we cannot duplicate. We are not a Caucasian regional state. They both are. They both have history there. They both have equities there which we do not share. So in many respects, a collaborative relationship between the United States and Turkey and Russia in dealing with all of these conflicts I think is an absolute essential starting point for any positive contribution the United States should make.

The idea that the United States can be positive by engaging with Georgia or Armenia or Azerbaijan or any of them in some way, as an adversary vis-à-vis Turkey and/or Russia I think is totally counterproductive.

MS. HILL: What Wayne has just done now is, I guess, what all of us have been doing, which is responding to the question that you put about the great powers in rather a bleak way, because what we're all showing here, one way or another, we have actually already answered your question, is that policy powers in the region, external powers, bring their own baggage to these conflicts. What you saw in the response from Medvedev, which is another re-articulation, reinterpretation of why the war in Georgia took place, three years on from the conflict, is an example of great-power baggage and everybody else's neuroses that we bring to this table.

Another factor, as Wayne has pointed out, you can't get a resolution without any of the regional great powers being involved and the U.S. can't possibly also help to play an entirely independent role, because we also have our own baggage in this. We have a large Armenian Diaspora, so we're not exactly a neutral party in Nagorno-Karabakh. And you've had plenty of hearings about this over the period of time.

We have interests in the energy exploration in the Caspian Sea, which makes us also a party in a different way, with deep commercial interests in the future development of the region. And of course, in Georgia – in the relationship with Georgia, there isn't a particularly large Georgian Diaspora. It was really a question of the symbolism of Georgia, of Georgia's aspirations for wanting to join essentially the Western alliance, the transatlantic alliance, NATO, and also its EU aspirations, which were secondary to this.

And of course, that is an issue that got Russia's attention. But Russia already had a great deal of baggage in the relationship with Georgia. So Medvedev is highlighting the NATO issue for a particular perspective of Russian domestic politics at this juncture, because this was in the run-up to the election in the Duma, which is always very good, frankly, to fly the flag, the anti-NATO, the anti-U.S. flag, because that plays very well in Russian domestic politics.

But as I mentioned in my overview, Russia was concerned about the Sochi Winter Olympics. Sochi is simply a few kilometers away from the border with Abkhazia. Russia wanted the issue of Abkhazia resolved because it was intrinsic to the development of the territory of Sochi in preparation for the Winter Olympics, which is going to be a great showcase of Russia's sporting prowess and Russia's role in the international arena.

Russia is greatly concerned about the relationships between all of the Caucasus countries and their counterparts in the North Caucasus. It's not just the Abkhars and the South Ossetians or, frankly, North Caucasian peoples that they're concerned about, it's the spill-over populations and the politics, with also Azerbaijan and with Armenia.

And we also have Russia's own older rivalries with the old empires in the region, which Wayne has already talked about with Turkey, the old Ottoman Empire, and Iran as the old Persian Empire. This is an area where all three of them have been picking off the territory for a couple of hundred years.

And that's what I meant by some of the roots of the conflicts, because the great powers have come in, as Thomas said, these are not ancient (territories ?), but the great powers have certainly come at a different point and stirred things up among the peoples of the region for their own purposes. The questions – the various national questions that have been posed in the region have largely been enflamed by great powers wanting territory or wanting other gains, either for commercial, mercantile or other purposes. So this is a very complex situation.

There are no angels – as Tom said, there are no angels in the international community either, and we have to be very honest with ourselves when we approach these conflicts about our own baggage and our own difficulties in tackling them.

MR. OCHS: As I said, if members of the audience would like to pose questions to the panelists, please approach the microphone and identify yourself.

Q: Hello, my name's Nassim Aguyev (ph). I'm counselor with the embassy of Azerbaijan. Thank you, first of all, for very interesting insights into these very painful conflicts in our region. I'll be very brief.

I would like to touch up on the – (inaudible) – proposal tabled by Tom de Waal about engaging the separatist leaders in these conflicts. I will talk about Nagorno-Karabakh. I think it will be just helpful to entrench the current status quo in Nagorno-Karabakh, engagement of the separatist leaders in this region, because as we all know, a long-standing strategy of Armenia has been the preservation of the current status quo by all means.

And I support, as engagement of separatist leaders would entail – actual engagement of the separatist leaders would be understood as a support of the Western countries or the international community for the policies they have been pursuing since years for the occupation of territories, for the attempts to change the internationally recognized borders of Azerbaijan.

Therefore, I think such an engagement would, of course, bring about a kind of legitimacy, which they have been yearning for for years. And that will make them more resisting and intransigent to any peace deal, agreement. I think that, at the moment, what we need the most is the establishment, actually – I would say resuscitation of dialogue between the two communities of Nagorno-Karabakh, Armenian and Azerbaijan communities of Nagorno-Karabakh.

Tom de Waal mentioned the expulsion of ethnic Azerbaijanis from territories around Nagorno-

Karabakh. But the fact is that Nagorno-Karabakh had a 40,000-strong Azerbaijani community, which was also expelled. So we need that dialogue very much in order to mitigate the peace process, and that would be very, of course, helpful to the whole peace talks.

The Azerbaijan side has recently put forward some initiatives to reestablish such a dialogue. For example, there was an initiative to hold a meeting between representatives of two communities of Nagorno-Karabakh in Berlin. Our representatives went there, but regrettably, the authorities on the Armenian side did not allow their Armenian representatives to show up in Berlin. So the hope now is that we'll be able to overcome those barriers and we'll be able to engage in such a track-two or track-one dialogue in the years to come. Thank you.

MR. DE WAAL: Thank you, Mr. Aguyev (ph). It's certainly, I think – and we have two representatives from the Nagorno-Karabakh Armenian office here as well, who doubtless will have their own say – and also from the Armenian Embassy. But it's a conceptual mine field. There are real mine fields in the Karabakh conflict and there are conceptual mine fields. And you can build an argument that Karabakh – Nagorno-Karabakh and Armenia are basically one and the same, that Nagorno-Karabakh, as it stands, could not survive without Armenia. And that's, in many ways, valid.

But having said that, there are also differences between the Karabakh-Armenians and the Republic of Armenia. And these people are serious. I mean, these people are so serious that they have, in fact – and I'm only being half-joking when they say they've taken over Armenia as well. These people are very serious about fighting for their rights and their right to be different.

So how do we get around these conceptual mine fields? Well, my approach to this is that there are many stakeholders in this conflict, in this peace process. There's Yerevan and Baku, which are the two sovereign states. But there are also the Karabakh-Armenian who have elected officials and they have a certain power and possessions on the ground. And also, as you say, the Karabakh-Azerbaijanis who were the minority in Soviet times inside Karabakh who have been displaced.

And I think the only way to get around this is issue by issue. There are certain issues in which Yerevan and Baku should be at the table. There are certain issues, for example, on water sharing or some incidents in the line of contact that it would make sense for the Karabakh-Armenians in Baku to be at the table. Certain issues – for example, on the issue of – (inaudible) – in which Karabakh-Armenians and Karabakh-Azerbaijanis should be at the table. And it should be done issue by issue. We should try and avoid complete and categorical categorization of who should be in the talks, but deal with it issue by issue.

Q: I thank you, Mr. Moderator, both the Helsinki Commission and all three prominent – by the way, my name is Valjean Nassesia (ph) and I represent the Armenian embassy here – and all three prominent experts on this subject, independent experts. And I very much appreciate all of your in-depth analysis about the situation in the region, about the potential pitfalls and inherent dangers in this situation.

Well, the good news is that – speaking about the recent situation on Nagorno-Karabakh, perhaps

the good news is that at their latest OSCE ministerial council in Vilnius, just a couple of days ago, the heads of delegation of three co-chairs, there was a great deal of criticism toward co-chairs, not only here but recently, in this town, on their activities. But the co-chairs and the foreign ministers of Armenia and Azerbaijan signed a statement whereby we can witness certain progress in a sense that the parties agreed to return to the work, on finishing the work – the remaining work on the basic principles document, which is extremely important, because we're in this vacuum in post-Kazan situation.

And in addition, the ministers stressed that there cannot be a military solution to the Nagorno-Karabakh conflict. And also, the foreign ministers of Armenia and Azerbaijan indicated that their leaders will be ready in the near future to get together and continue the negotiations over the basic principles document. So I think this, by itself, is a very positive fact, in terms of Nagorno-Karabakh resolution. And it has a certain possibility.

So in the sense of the Minsk Group, I think the Minsk Group is doing a great job. They have been, throughout these past years, a mechanism of conflict prevention in a way, because in the absence of negotiations, one can imagine that what Mr. Merry just mentioned, the inherent possibilities of the conflict. I can imagine, if there is no negotiations, what are the dangers in this kind of situation?

So there is – the responsibility is absolutely up to the parties. And in this case, I think there shouldn't be any maximalist expectations, as one of the parties is trying now to push, based on certain, you know, incomes, inflows of world oil prices, whatever, trying to impose certain maximalist perceptions, which is, by the way, no way getting kind of a response based on this, because Armenia has been clear so far. And I don't think it ever – our position on the fundamental issue of Nagorno-Karabakh, right to self-determination, would ever change, because this is the root cause of the conflict, and this conflict can be resolved only if there is a solution to the fundamental issue. And this is being dealt by with the Minsk Group within the basic principle document.

I think there is – the co-chairs have found a quite equitable solution to this issue based, again, on mutual compromises.

Now, as regards to the issue just touched upon, I'll briefly touch upon the issue that Tom de Waal raised regarding the participation of the authorities of Nagorno-Karabakh or about the formats.

Absolutely, this is a part of the negotiations and it has been acknowledged by the Minsk group co-chairs that there cannot be a solution to Nagorno-Karabakh conflict without the consent of the Nagorno-Karabakh authorities and its population, because this conflict is about Nagorno-Karabakh. Without full respect to the former Azer residents of Nagorno-Karabakh and their rights – which is, by the way, again dealt by in the basic principal documents – there is absolutely no parallel trying to put together these bi-communal arrangements, talks. If there can be any negotiations, this is between the authorities of Nagorno-Karabakh and the authorities of Azerbaijan. This is the way to resolve this conflict.

The bi-communal arrangements can only just help in the terms of confidence-building measures on the line of contact, et cetera, et cetera. But in the terms of negotiations and – (inaudible) – there is one way to deal with the authorities of Nagorno-Karabakh.

Now as to the way forward, if negotiations succeed, one recommendation that came out of just, you know, my own observations is there should be harmonization between the negotiating process, the letter of spirit of negotiating process, the letter of spirit of compromises and, you know, broader processes, broader, you know, perceptions in the societies.

Without this, it's impossible. In this environment of mutual accusations and, you know, hate speech and hate campaign that is being instigated by one party and responded by the opponent parties, it's impossible, even if we have the best deal.

So in this sense, perhaps the idea that Tom de Waal put forward once again, the rhetoric cease-fire combined with imposed measures on the line of contact of, for instance, such measures as withdrawal of snipers. This cannot be done voluntarily. This should be imposed by the international community and the confidence-building measures should be in a way also imposed. Otherwise, if this is left to the parties it's obvious that in one or another instance, one of the parties is going to reject bringing forward all kind of pretexts.

So thank you very much. I'm sorry if I was too extended. Thank you.

MR. OCHS: No, thank you.

Does any of the panelists want to respond?

MR. DE WAAL: Just briefly, just to say confidence-building measures, absolutely, but I think it's important when the Armenian side engages in confidence-building measures, it's obviously easier for them as the winning side in the conflict to be more generous on confidence-building measures.

They need to do so in the spirit they are measures with the aim of changing the status quo. I think there needs to be, that commitment needs to be made that the Armenian side is not just engaging in confidence-building measures to perpetuate the status quo but to change it. And if the Armenian side engages in measures in that spirit, I think they should be met with equal generosity by the Azerbaijani side.

Q: (Name inaudible) – from the U.S.-Azeris Network. I haven't heard in the presentations anything about the four U.N. Security Council resolutions, which were passed in '93 and have the status of international law and are mandatory and are calling for many of the same things which some of the people were asking, like withdrawal of all the snipers. More specifically they're asking for withdrawal of all occupying forces, and since the only occupying forces are the Armenian forces, whichever ones we call, whether Republic of Armenia or Martian or whatever, they have to be withdrawn and then there you go, the conflict there is resolved. And U.N. has been of that opinion four times in a row in just one year.

But more importantly, I wanted to address a question to Mr. Merry, because he referred to the Nagorno-Karabakh forces occupying, you know, those lands in Azerbaijani. Since he has security clearances and plus, you know, he probably read the WikiLeaks, he's seen the memo in September of 2006 when U.S. General William Ward was visiting Armenia, and so the U.S. embassy cabled that to all the interested parties that in the exchange that took place between the general and the defense minister at the time in Armenia, Serzh Sargsyan, who is now the president and therefore is probably the most qualified person on Armenian military capabilities by far, he admitted that 80 percent of Armenia's army is in the trenches in Azerbaijan in Karabakh – 80 percent.

Since we know that Armenian army, the Republic of Armenia army is about 40(,000) or so, 45,000 people, according to CFE 1-A Treaty, we can very quickly estimate, therefore, the size of the Armenian troops sitting there. And by the way, he also said that if those troops would be withdrawn, if 80 percent of Armenia's army would be withdrawn from occupying Azerbaijan, which they have been doing illegally, those remaining Nagorno-Karabakh so-called forces would be overrun by Azerbaijan within hours.

This is what Serzh Sargsyan said, so this is not Azerbaijani analysts or propaganda or something. This is the defense minister of Armenia and the current president who admitted that, that the majority of troops there are from the Republic of Armenia, and we know that, by the way, from all the casualties, because every week one or two Armenian soldiers and officers are dying and then we found out that they've been buried back at home somewhere in whether Yerevan or Lori or – (inaudible) – or whatever.

So it would be interesting to address that – why do we keep on referring to some mysterious Nagorno-Karabakh forces when even the Armenian defense minister at the time and current president and the person who has been the power broker since the very beginning of Armenia's independence admits clearly that this is not so and that this is really Republic of Armenia?

Thank you.

MR. MERRY: Thank you.

Let me say that I've never been under any misapprehension, going back even to my role as an observer of this conflict from the American embassy in Moscow in 1991 to 1994, that this was a conflict between Armenia and Azerbaijan. That's never been in doubt in my mind. The role of Armenian forces in the conflict from beginning to the present day is, I think, quite clear.

I would not, however, underestimate the operational control which the Karabakh armed forces have over the defense of the territories they know control, and I wouldn't underestimate the extent to which they're prepared and very echeloned defenses in depth could inflict extraordinarily high losses on an attacking force, even with relatively little manpower on their own side.

I emphasize again that a future conflict would be a siege conflict, and the history of siege warfare is a rather woeful one for attackers and for defenders. I would note that almost all of the

island battles the United States fought during the Second World War were sieges in which the United States had colossally overwhelming manpower in both bombardment and in assault, and yet, without exception, those siege battles, victorious though they ultimately were for the United States, the very names of them are names of pain and loss for the United States as the winning country.

I have before publicly and privately urged both sides not to engage in war, but I would very much urge no one to assume that an assessment, particularly one that's five years old, is in any way a rationale for the notion that, well, now we can win. Winning is a very dubious proposition in a conflict, in a situation of this kind. And I will say that while I do not currently hold security clearances, which is one of the reasons why I legally can read WikiLeaks' messages – anyone in the United States government who has a security clearance is legally prohibited from reading WikiLeaks, even if the WikiLeak is of something they themselves wrote. (Laughter.) It's true.

MR. OCHS: That is true.

MR. MERRY: That is true.

MR. OCHS: That is true.

MR. MERRY: But I would simply note that being aware of the views of relevant people in the American military and intelligence communities who have assessed this situation carefully and contemporaneously, that I think my views concerning the probable nature of renewed conflict reflect a generalized consensus view among American expertise.

MR. OCHS: Misha (ph)?

MR. : Thank you very much. Misha (ph) – (inaudible) – from the Embassy of Georgia.

First of all, thanks for the Helsinki Commission for hosting this very important briefing, and I want to thank all witnesses for their very interesting presentations, though I found it very controversial, and we can argue, of course, endlessly on the issues brought up here.

Let me be very brief and say that the conflict in Georgia has never been about Abkhazia or South Ossetia. These conflicts were always about Georgia's sovereignty, independence and the freedom of choice, and the latest statement made by President Medvedev was a clear statement of that, that the war in 2008 was started to block Georgia's NATO membership, and these are undeniable facts.

Whether we can argue or not, these were not brought to the table for only election purposes. These were undeniable facts, and as Dr. Hill underlined, Russia is bringing its baggage to the region, and Georgia is not going to change its course of development, democratic development in its course towards Euro-Atlantic integration and closer ties with the United States. So how we could put all the elements together to find the resolution of this conflict, which is really about

Georgia and Russia.

Second element is the issues related to the internally displaced persons. I was a little bit surprised that I had not heard the need for the immediate return of the half-million indigenous populations which have been ethnically cleansed and forced to leave from the Abkhazia and South Ossetian territories and just recent resolution of the European Parliament was quite clearly underlining this urgent need.

So what would be your assessment how United States and other responsible players of the international community could, how to say, press or force the Russian Federation to allow the indigenous population to be (back ?)?

And then my last point, I've heard the recommendation about engaging separatist leaders in the dialogue and to give some carrots to them. Do you really believe that they are independent in their decision-making?

Thank you.

MS. HILL: I think, you know, this point about the refugees, let's start with this, is a very important one, and it's one that is consistent across all of the conflicts, unfortunately.

You refer to the EU and the EU parliament resolutions. (Inaudible) – referred to U.N. Security Council resolutions. I think we could just go on and on in referring to the number of resolutions that have called for the return of refugees, the change in the stance of the parties. You mentioned, you know, removal of snipers, you name it.

We have more resolutions, you know, almost at times than, you know, we have people involved in the conflict, so it seems, and these resolutions clearly get us nowhere, because ultimately it's all about the politics on the ground and different people's attitudes, and as you've said yourself, all of these issues become very contentious.

And, you know, I think while we still have the issue of the lack of resolution in the Middle East peace process, for example, where a huge question there is about the right to return, while in the case of Cyprus we still have no resolution, while yet again the big question there is the right of the return of the various displaced populations from either north or south Cyprus.

The same set of issues in Transnistria on a much larger scale, of course, in terms of people who were displaced from that conflict, and the same issues across the board. We need to really see a larger push on the international context for changing the way that we approach these conflicts, and unfortunately right now we don't have a very good mechanism for this.

You mentioned, you know, this requires pressing Russia. Russia would of course argue that no, it requires pressing – and this gets to your question about the independent authorities in South Ossetia and Abkhazia.

As I think Tom outlined quite clearly in his opening presentation, independence is always in the

eyes of the beholder, and South Ossetia clearly, and I think we can say it really without much argument, does not have much of an independent role in this matter. We've seen that from the recent manipulation of the elections in South Ossetia, where ironically Russia did not like the outcome of the election and declared it fraudulent.

In the case of Abkhazia, however, there is independence of action there, and there's a great deal of resentment on the part of the Abkhaz authorities on community about heavy-handed intervention of Russia into their affairs.

And of course we had the classic case of the former now-deceased leader of Abkhazia, who was married to an ethnic Georgian and who had, you know, a relatively different perception of what should happen with IDPs, but constraints within his own ways of resolving this because of internal domestic Abkhaz politics, and then of course his larger not so, let's say, cordial relationship with Russia itself.

So we have so many levels of complication here that it becomes very difficult. We can't come up with pat answers, and this is, you know, the dilemma that we all have in these briefings – if only there was the miracle solution, if only we could – we can say of course, yes, these resolutions should all, every single one of them, be enforced.

Now, of course, we've had some new resolutions and they often contradict each other. They don't always pick up from the last resolution, which then enables anybody who wants to block this from having us move forward.

And I think, you know, your point that you made about Georgia not changing its decision, this goes down also to the level of the conflicting parties as well, because as Tom and Wayne have both made out, and Tom made this very clear, in the case of each of the peoples of their respective – (inaudible) – they also want to exert their own freedom of choice.

I can't remember exactly how you put it, Tom, but everyone is fighting for the right to make their own freedom of decision here. And it's very difficult to the outside community in that regard to impose something. I mean, the idea now that the United States could impose anything in the region now is frankly rather farfetched. We often can't impose things in our own politics, as we're seeing in gridlock in these august buildings that we sit in the midst of right now.

So we have an incredible difficulty here. So I'm afraid that I personally don't have any great solutions here. Everything that everybody's said has its own validity and its own basis, and we're going to have a very difficult time.

My best bet is that if we do have a breakthrough, and again, I said I wasn't holding my breath about this, on something like Cyprus, that they could change their way of thinking, and the best change in the way of thinking that we've had so far is frankly the breakthrough on WTO – not related to the conflict, but everything about the conflict.

What the Georgian government did here I think was quite inspired, and I have to say that nobody expected this breakthrough. It was an extraordinarily enlightened one. It was very creative, it

was very modern, and the whole idea of outsourcing basically the supervision and the oversight of the customs, and if we could have more of that modern thinking outside of the box, then maybe we might be able to find some way of moving forward on all these resolutions we've had.

MR. DE WAAL: I would just add you say, Mr. – (inaudible) – really that the conflict has never been about Abkhazia or South Ossetia, are these people really independent. My fear is that this becomes a self-fulfilling prophecy. Clearly there's a Russian dimension here, but there is also a local dimension and that goes way back to the early 20th century.

We know that through 1918 to '21, there were conflicts between the government in Tbilisi and Abkhazia and South Ossetia. And I think the Georgian task should be to – the motivation for the Georgian side to engage – (inaudible) – is precisely to lessen the influence of the Russians in order to get greater leverage with Abkhazia and South Ossetia.

MR. MERRY: Since we are looking back on the 20 years, I would note that in the summer of 1991, then-President George Herbert Walker Bush made a speech in which he warned against suicidal nationalism in the former Soviet Union.

The press guidance prepared for that speech told American reporters that that phrase was specifically motivated by the Georgian siege at Tskhinvali going on at that time. Of course it was difficult to explain to most of these reporters where Georgia was, let alone where Ossetia was, let alone where Tskhinvali was, but 20 years ago, before there was a breakup of the Soviet Union, this was a concern for the United States as a humanitarian issue.

I would also just simply note on a broader sort of philosophical note that wars change borders and move populations. I don't say it's right, I don't say it's good, I don't say it's just, but war has always moved borders and moved populations.

To my way of thinking, the worst consequence of a war is a renewed war, because it simply makes for more displaced populations and even more difficult problems to solve. I speak coming from a background in diplomacy, which is in the business of trying to avoid wars and to solidify peace, but I emphasize a point I made a little earlier that in almost any competition, bureaucratic or policy competition, between diplomacy and war, war wins. Therefore, it is terribly important for policymakers not to go down that road.

MR. OCHS: We have less than 10 minutes left and we have one, two, three people who would like to ask questions.

I'm not sure, frankly, if at 4:30 we have to liberate this room, so what I'd like to ask the three of you to do who would like to ask questions, why don't you ask them all at once and then we'll get our panelists to give brief responses to them so that we can wrap up on time.

So I'd like to invite you, sir.

MR. : Thank you very much. My name is – (inaudible). I work for the Armenian TV

company.

I would like to refer to Azerbaijani community or minority of Nagorno-Karabakh to this point, about 20 years ago almost these days there was a referendum of independence on December 10th of 1991 in Nagorno-Karabakh, and the Azerbaijani people of Nagorno-Karabakh were invited to participate into this referendum. I have seen the archives, the video of this referendum where the questions were printed in three languages.

Do you agree that Karabakh should be part of Azerbaijan or independent? The question was printed in Armenian, Russian and Azerbaijani. And that was the Azerbaijani minority of Karabakh that refused to participate in this referendum following the instructions from Baku. So this was a break point, this referendum that was mentioned was undertaken according to Soviet laws, the Soviet Union was still there, the red flag was still in the Red Square of Moscow, and there was a Soviet law of April – (inaudible) – allowing any autonomous region to secede from the Republic of the Soviet Union to become independent, whether the population of that autonomous region votes in favor of that or not.

My question is the – (inaudible) – meeting was unfortunately not a breakthrough. It could be if Mr. – (inaudible) – hadn't bring nine or 10 amendments to – (inaudible). But we could maybe get closer to peace in – (inaudible) – following these principles of moderate and – (inaudible).

We were close to peace also in Key West. Before Key West we had 90, 88, 89 common state principles that Armenia accepted and Azerbaijani unfortunately refused.

Mr. Wayne Merry called for more active participation of the international community. My question is what kind of more active participation this should be? Should the international community, Washington, Moscow, Paris, Brussels, maybe new parties can be involved? Should they bring new offers and start from zero, or at some point maybe the international community should try to work more actively with a party that refuses the offers that are on the table and kind of just torpedoing the process.

This is my question. Thank you.

MR. OCHS: Thank you.

MS. : Hi. Elizabeth with the Armenian National Committee. One of the issues that I don't hear a lot about is the refugee situation as a result of the Karabakh situation. I guess I have a curious question, and a question as to what role the international community can play in helping alleviate this.

I mean, we read about the 500(,000), 600,000 army, excuse me, Azeris that are currently in Azerbaijan living in squalor in IDP camps, essentially, now, you know, 15, 16 years after the ceasefire has already been set.

You know, there's probably around 300,000 Armenians that were pushed out of Baku, that were pushed out of Sumgait, et cetera, at the same time who have been, you know, for good or bad

reintegrated into Armenia to the level that they can. I mean, the government doesn't have oil money, it doesn't have all these other things, but they've tried to.

I mean, December 7th, today, actually, along with being Pearl Harbor Day, is of course also the day of the Armenian earthquake back in 1988. So despite refugees from that, despite refugees from Karabakh, somehow they've Nagorno-Karabakh, you know, somehow they've been integrated.

Now, 16 years later in Azerbaijan, we're seeing, unfortunately, that they haven't been integrated, and in fact The New York Times wrote about sniper schools being put forth in these camps or whatnot in Azerbaijan.

You know, can they – I'm sorry. Can the international community, as part of these negotiations, do anything to perhaps get the Azeri government to maybe move some of the oil money they have to help these folks as we're moving through this process?

Thank you very much.

MR. OCHS: Thank you, and please ask a quick question.

MR. : Yeah, sure. I'm – (inaudible) – counselor of Nagorno-Karabakh – (inaudible).

Since I'm the last, I will ask just a brief question. Today, the only document which is still in force, where we can say that – (inaudible) – it's the 1994 ceasefire agreement, and the – (inaudible) – Minsk group often refer to this document, which was signed by the government, official representatives of Nagorno-Karabakh, Azerbaijan Republic and Armenian Republic.

So since this, we have a document which we are talking today a lot about the security issues, about the possibility of renewing the war, how we can avoid it. What kind of mechanism can you suggest that can enforce this ceasefire agreement between the conflicting parties since the Nagorno-Karabakh is a conflicted party and it's recorded by an international organization, some it's regardless what other countries, regardless of other countries' opinion on this issue.

Thank you.

MR. OCHS: Thank you very much.

MR. DE WAAL: Just briefly on the question of IDPs, I don't believe any of them are – I think the camps have all been closed. I don't think anyone's living in tents anymore. Some of them are living in, I think even in 2006 the last IDP camp was closed. Some of them are still living, obviously, in poor accommodation, but I do believe also the Azerbaijan oil fund does allocate money to IDPs.

I think there's a general problem about unemployment in Azerbaijan, unfortunately. Oil and gas gives a lot of wealth, but it doesn't give employment, and people like IDPs unfortunately suffer

greatly from that. But I wouldn't say that the IDPs in Azerbaijan particularly suffer more than much of the rural population, and I think there's a hidden secret here in both Armenia and Azerbaijan that most of the IDPs from the conflict or refugees from the conflict I believe are actually probably working in Russia.

I would actually – the Armenian population, I think, is full in its independence, and that implies that many of those refugees, Armenian refugees from the conflict just went through Armenia and ended up in Russia. Some of them are actually in the United States. I know at least one Baku Armenian in Washington, and I think that would be true of many of the Azerbaijanis as well.

Just briefly on the issue of the – yes, indeed, the ceasefire document is one of the few documents signed by the conflicting parties. This is something I would fault the Minsk group, that there's, for example, in March of this year there was also an agreement in – (inaudible) – to work on – investigate ceasefire violations, and that yesterday's declaration from Vilnius said that the parties agreed that further efforts should be made to work on the details of the mechanism to investigate ceasefire violations that resulted from the joint statements of presidents – (inaudible) – of the March 2011 OSCE summit.

I have questions about such a soft statement of this. If the three presidents issued a joint statement in March, why has a mechanism not been set up by December? Why has a statement that the OSCE summit still urging that? And I do think this is something that the international community should be more outspoken on, on trying to enforce the ceasefire and that indeed calling for increased OSCE monitoring, whether it be bodies on the ground or through satellites of the ceasefire.

MR. MERRY: I'm afraid the gentleman from Armenian television misquoted me when he said that I had suggested more offers from the international community. I would never have cited the international community, because I do not believe there is such a thing.

What I was talking about were the responsibilities of major powers to try to prevent a regional dispute resulting in conflict which could have deleterious impact for broader international interests.

I happen not to favor greater participation by more multilateral bodies. Being a veteran of the United Nations myself, I can well understand why the secretary general in New York wants to keep his organization out of Caucasian conflicts.

But for the most part, what I'm talking about is essentially a more traditional great power approach of even imposing at least a partial solution on some of these conflicts to prevent them flaring up into open conflict. To my way of thinking, one of the problems with any document like the 1994 ceasefire is that it creates a status quo that diplomacy is then in the business of trying to perpetuate. In almost any conflict situation, diplomacy can either try to resolve the conflict or to manage it.

In the overwhelming majority of cases, diplomacy gets in the business of managing the conflict, because resolving a conflict is so difficult. Usually if you're actually going to get a signed peace

agreement, you need to do it quickly after the shooting stops. The more time that is lost in managing a conflict, the more difficult it becomes to resolve the conflict.

However, there are times when resolving a conflict becomes possible, as with George Mitchell's efforts in Ireland, or becomes of overwhelming importance for other great power interests, and I would argue that the Caucasus is an area of such sensitivity that it's one where other great powers, in which I would include Turkey and potentially even at some point in the future Iran, have responsibilities as peacemakers and peace enforcers, and that it is along that line rather than a notion of a participation of the international community that my own thoughts run.

MS. HILL: I'll just pick up from where Wayne left off there. I mean, this issue of imposition, I already said that it's almost impossible for anyone to impose from the outside, unless you're already on the ground.

If you think about instances where there has been something of an imposed settlement, it's been somewhere like East Timor, where people were there on the ground trying to literally separate the warring parties, or in the Balkans for the same reasons. Kosovo, Bosnia-Herzegovina, everywhere else where there was an intervention that took place.

The interventions of sorts that took place in the Caucasus of – well, they've either been on the side of Russia, which has imposed a settlement of its own nature, or they've been long gone, in the case of 1994 and the ceasefire.

And as Wayne has made clear, ceasefires are very difficult documents. We know that in the case now with the 2008 ceasefire in Georgia, there's a lot of contention over that ceasefire document, because frankly, it was written on the back of a handkerchief and there isn't an extant version in any of the languages that anybody can agree on.

There is a Russian and a French version. There was not a signed Georgian version or even an English version. Everyone then has basically got their own versions and the French and the Russian versions actually say something different, because I've read both of them.

So there you are – you have a complication here. What version do you refer to? 1994 is a little clearer. It was enshrined in a different way with the basis of the Minsk group, but still, as Wayne has said, those become then the contentious documents, just like, frankly, U.N. resolutions or EU and other resolutions, people start to fight over and they lose sight of what the conflict itself is about and begin to fight on the documents.

We have a classic case, getting, you know, back, Elizabeth, to your point about pressing the party who doesn't go along – Greek Cypriots. The Turkish Cypriots signed on to the Annan plan, the Greek Cypriots didn't, and we haven't been able in any way to change their position on this. We're going to have another college try at what is no longer going to be the Annan plan. I don't know what we're going to call it, but I find it very hard to believe that we're going to be able to get both sides on that as well.

And you would think that the EU would be able to impose something as – (inaudible) – fact that

Cyprus is now a member of the EU, but with a Cyprus presidency and everything else it seems highly unlikely, and as we know, Turkey is infuriated by the inability of the EU to deal with this question, and it – (inaudible) – cast a pall over EU-Turkish relations, the whole accession issue of Turkey, it's blocked all of the various charters and chapters of the (AQI ?) for Turkish discussion. And now it's probably going to result in the whole disintegration of that relationship.

So all of these issues show the problems that we have in hand here.

And just to echo Tom's point and just to close here, I had, about the IDPs, I had a very strange encounter just last month. I was returning from Moscow via London to the United States and I got on a Transaero flight to Domodedovo, and I sat down next to a woman from Sumgait who I'd met in 1988. A woman called Raisa, who's half Russian, half Armenian. Her brother-in-law was Azeri. She spoke Russian, Azeri and Armenian.

She lives in Moscow. Her daughter is married to a BP and a G person who she met, you know, somewhere or other, and basically she was traveling to London to see her children and her grandchildren.

And she at the airport was trying to mediate in a little dispute with a group of Armenians and Azeris who were fighting about who got first to go towards the customs booth, because they were all going to miss their flights to Yerevan and Baku.

And I heard, saw this woman, with was very, you know, kind of blonde hair and big red glasses moving up forward and saying, you know – (inaudible) – she said in Russian, first of all, and then she started speaking to them both in Armenian and Azeri, resolved it, and helped move people first and then came back.

And then I looked at her and I thought, I've seen you before, and she said, "Yes, we met in Baku in 1988, I'm Raisa," and she'd met me when I was a student at the – (inaudible) – institute in Moscow, and she was a friend of the woman who was hosting me there. So, and I haven't seen her since 1988. And her experience is emblematic of the tragedy of the region – who is a Raisa? Good question, and she herself says she doesn't know who she is anymore.

She lives in Moscow, she spends most of her time in London and she misses Sumgait. So I think that that really kind of sums up, I mean, where we are, that the conflicts are very complicated, but an awful lot of people are not where they started out.

MR. OCHS: Well, we have run out of time, ladies and gentlemen, but if any concrete suggestion, though, comes out of this discussion, I wonder if we could not invite Raisa to join the Minsk group? (Laughter.)

MS. HILL: (Off mic.)

MR. OCHS: I'd like to thank our panelists, Fiona Hill, Tom de Waal and Wayne Merry, for providing not just expert and intelligent analysis but really stimulating and provocative

conversation on an issue that is of interest to not just everyone in this room but in many cases very much so to the people in this room for obvious reasons.

So again, many thanks to them on behalf of Chairman Smith. I'd like to thank the audience.

And now for the first time ever, I get to say this briefing is adjourned.

(Laughter.)

(END)