

# Establishing a Regional Framework for Addressing Secessionist Conflicts in the Wider Black Sea Region

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## ABSTRACT

*Within the Black Sea region, some of the worlds most entrenched, or 'frozen' conflicts exist, causing layers of political and security problems which prevent the economic and social progression of the entire area. In order to better meet the challenges of international security, global economic integration and democratization, the nations of the Black Sea region must come together to enhance conflict resolution efforts on their territory. This paper argues that the establishment of a new conflict resolution organization which aims to facilitate intercommunity dialogue between citizens from all sixteen state and sub-state entities in the area should be the institutional role through which the wider region contributes to the peacebuilding process. The organization will not replace but rather complement formal conflict resolution efforts in Nagorno-Karabakh, Transnistria, Abkhazia and South Ossetia by promoting a discourse at the civic level to help redress barriers to peace in the region.*

## I. INTRODUCTION

The wider Black Sea region encompasses twelve countries that form the littoral area around the Sea, stretching from Eastern Europe to Central Asia to the Middle East.<sup>1</sup> The region is strategically significant due to its geographical location and possession of crucial natural energy resources, as well as its function as a crossroads for transport, movement and security links between Europe and Asia. Despite the important position of the region and the common history that many of its states share, there is limited cooperation between the nations of the Black Sea area.

The restricted nature of these relationships can be attributed to several factors. First, the region is composed of states that belong to other, more clearly defined regions, including the Caucasus, the Middle East, the Balkans, the Mediterranean, etc., thus the states have loyalties to those regions that likely come before any loyalties they may have to the Black Sea area. More importantly, the region is rife with disputes along border

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<sup>1</sup> The nations of the Black Sea Region include Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Serbia and Montenegro, Turkey and Ukraine.

lines, and four entrenched conflicts remain unresolved on the territory. Out of the twelve states in the area, each is either directly or indirectly involved in at least one of the four conflicts in Nagorno-Karabakh, Transnistria, Abkhazia and South Ossetia. Key actors in the disputes often overlap, further complicating efforts towards conflict resolution.

Despite considerable obstacles in the region, there are also significant incentives for enhancing cooperation efforts. Potential economic benefits are substantial, as are possibilities for EU collaboration and alignment. However, potential gains are conditional on the security situation, which is still highly unstable in many parts of the Black Sea region. The four de facto republics operate outside of the formal nation-state system, meaning they are not fully accountable to international criminal law, which has allowed some of these parts of the region to become hubs for crime. Additionally, although none of the conflicts are currently engaged in a period of active war, violence has been the norm in recent decades, and continues to undermine security throughout the region. The lack of security in the sizeable and strategically-located region destabilizes international security, so an improved situation in the Black Sea area would contribute to overall stabilization of international security.

While conditions in the area present major challenges, addressing the challenges can create significant opportunities for greater cooperation. The key to strengthening security in the region lies in the peaceful settlement of the frozen conflicts, which have gone unresolved for nearly two decades in each of the four territories. Negotiations which have thus far characterized conflict resolution efforts have come up short of acceptable solutions, largely because they have excluded local populations in the process, operating only at the highest level. Conflict mediation approaches have taken the form of concessions-trading according to the decisions of government leaders and diplomats, without ensuring that domestic populations are on board. Consequently, local communities have, for the most part, been opposed to making the concessions necessary to apply peace settlement plans. As such, a new mechanism of conflict resolution is needed to supplement the already-existing process. The creation of a community-based organization within the Black Sea region is crucial to achieving a more authentic peace by involving local populations and encouraging them to take ownership in the conflict resolution process. This paper argues that such an organization is the forum through

which the Black Sea region can play an institutional role in conflict resolution by facilitating a much-needed refocusing of efforts on intercommunity dialogue and civic participation in the interest of launching a more holistic and ultimately, more effective, effort towards conflict resolution in the region.

## **II. INCENTIVES FOR COOPERATION**

The establishment of an organization whose function is to facilitate dialogue on conflict resolution at the civic level necessarily requires the support and participation of every area in the region, including both recognized and unrecognized states. No genuine dialogue on the issues that the conflicts are based on, including sovereignty and secession, is possible without the participation of citizens and community leaders from the de facto states. Participation of people from opposing sides of the conflict is crucial, since the purpose of the organization is not to formally negotiate the solutions but to bring together inhabitants of the region who are ultimately responsible for either enabling or preventing the success of peace agreements. While bringing together members of communities which have hostile relations is no easy task, it is vital to the purpose of the organization. Moreover, there are compelling incentives for participation.

The first and perhaps strongest incentive is economic. Progress towards solving of the conflicts would trigger an end to the blockades and closed borders, which will enable drastically increased trade, travel, transport, resource exchange, and other methods of economic development. In fact, several important initiatives for economic cooperation within the Black Sea region already exist. The most notable such organization is Black Sea Economic Cooperation (BSEC), established in 1992, of which all twelve states are members. While the explicit goal of the organization is aimed at "the achievement of a higher degree of integration of the Participating States into the world economy through cooperation within BSEC," in fact, "BSEC is viewed as a means to add, first and foremost, to the restoration of peace and security in the region," thus acknowledging the inseparable connection between security and economic prosperity.<sup>2</sup> The second most

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<sup>2</sup> Serdar Sayan, "The Black Sea Economic Cooperation Project: A Substitute for or A Complement to Globalization Efforts in the Middle East and the Balkans?," p. 6.

inclusive association in the region is the Black Sea Forum (BSF) for Partnership and Dialogue, which is also economic-based. Other organizations exist but they cannot count all the nations of the region as participants. However, the founding of these organizations demonstrates that, despite their differences, the Black Sea countries recognize that working together to improve their economic well-being is central to increasing security in the region. Notably, however, the only partnerships that link all twelve of the Black Sea nations are aimed at economic cooperation, not conflict resolution, which is presumably a necessary condition for economic progress.

The second major incentive for participation in an organization which will enhance conflict resolution efforts is that the effort will definitely improve ties to the EU, which is carefully monitoring developments in the region. According to the Commission of European Communities:

The European Union has already made major efforts to stimulate democratic and economic reforms, to project stability and to support development in the Black Sea area through wide-ranging cooperation programmes. Three EU policies are relevant in this context: the pre-accession process in the case of Turkey, the European Neighbourhood Policy (with five eastern ENP partners also being active in Black Sea cooperation) and the Strategic Partnership with the Russian Federation.<sup>3</sup>

With the recent acquisition of EU membership of Bulgaria and Romania in early 2007, the link between the EU and the Black Sea region has been further strengthened. Indeed, the European Union has already demonstrated its interest in the region and, based on their goals of increasing ties to the organization, the Black Sea states must seize the opportunity to make themselves more attractive partners to the European community. Additionally, the participation of local populations in the conflict resolution process is an ideal characteristic of democratization efforts in the region, and will be looked upon highly favorably by the EU. The mutually reinforcing efforts towards conflict resolution, democratization and economic development will bring the Black Sea countries ever closer to their EU-related aspirations, and is therefore a strong incentive towards partaking in the conflict resolution organization advocated by this paper. Potential

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<sup>3</sup> Commission of the European Communities, "Black Sea Synergy: A New Regional Cooperation Initiative," 4 November 2007, p. 2.

economic gains and increased access to the European Union will override resistance to participating in an initiative that requires collaboration with adversaries.

### **III. CURRENT CONFLICT RESOLUTION EFFORTS & SHORTCOMINGS**

The most significant obstacle to cultivating economic and EU-based partnerships in the Black Sea region is the persistence of frozen hostilities over the conflicts in Nagorno-Karabakh, Transnistria, Abkhazia and South Ossetia. Each of the four disputes has been, at some point, negotiated formally within a high-level conflict resolution process, but no conclusive solutions have yet been reached. A number of negotiations are currently ongoing, while others are stalled without a concrete timeline for resuming discussions. In each case, the core issue that is being disputed is the final status of the de facto states. Nationally-delegated negotiators and mediators from OSCE and the UN are deadlocked on the incompatibility of the principles of territorial integrity and self-determination, which must be reconciled in order to determine the final status of the territories.

Each of the four peace settlement processes has progressed to varying degrees only to hit an impasse at the status issue. With each of the separatist states calling for independence rather than some form of autonomy, they are attempting to formally secede from their parent states. This claim is based on the principle of self-determination, which enshrines peoples' right to self-govern within the international community. While every 'peoples' has the right to self-determination, enumerated in the Charter of the United Nations, the Helsinki Final Act of 1975, and several other of the most significant UN and OSCE documents that regulate state-to-state relations, these documents do not clarify the exact meaning of self-determination or whether and under what circumstances self-determination might extend to secession. In fact, the right to secession is extremely restricted, and national borders are protected in all of the same international law documents under the right of territorial integrity.<sup>4</sup> Both principles are enshrined in international law within the exact same texts, and neither is officially given precedence over the other; thus the laws must be seen as equally significant and neither principle can negate the legitimacy or importance of the other. However, the two laws meet at the issue

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<sup>4</sup> The international law documents in which self-determination and territorial integrity are enshrined are listed in the bibliography.

of secession, where self-determination and territorial integrity come head-to-head. In practice, then, the laws are unclear and contradictory on the matter of secession, since international law does not grant the right to secede, and it also does not deny such a right.<sup>5</sup>

Within the Black Sea region, separatist groups base their claims to independence on the right of self-determination, while parent states base their claims to national sovereignty on the right of territorial integrity. The debate on the two international law principles takes place at the high-level, where negotiating parties dispute the merits of both laws and their application to the conflicts. Government officials who participate in these talks do so under the guise of trying to negotiate peace settlements, but often in their home countries, they promote an entirely different rhetoric of unwillingness to make concessions for the purpose of achieving peace. The result is societies that are equally, if not more, reluctant to discussing peace than their leaders. In fact, within each of the four conflicts in the region, the lack of public discussion, debate and diplomacy is a key factor in the stalled negotiations and failed peace plans that have been attempted over the years. This has been hugely problematic, since without support from civil society, no peace agreement will be lasting.

The purpose of the organization proposed by this paper is precisely to bring in the neglected element of people-to-people contact and intercommunity dialogue. Instead of simply waiting for news from the OSCE, for example, members of the public should be engaged in their own dialogue about implications of both achieving peace and remaining in deadlocked status. The goal is to allow members of society in the Black Sea region to take ownership and responsibility in both progress and lack of progress, since they are essential components of either outcome. A brief examination of public involvement in the conflict negotiations efforts will provide valuable insight into the link between civic dialogue and success of peace processes.

The Nagorno-Karabakh conflict discussions between Armenia and Azerbaijan are being facilitated by the OSCE-authorized Minsk Group, in which the co-chairs are France, Russia and the U.S. Negotiations are attended by presidents, foreign ministers

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<sup>5</sup> Dajena Kumbaro, "The Kosovo Crisis in an International Law Perspective: Self-Determination, Territorial Integrity and the NATO Intervention," 16 June 2001, p. 27.

and ambassadors and have been, until recently, highly confidential.<sup>6</sup> Both current governments in Armenia and Azerbaijan promote hard-line propaganda against the opposing side, and support the marginalization and even targeting of citizens who assert alternative opinions or advocate for peace. Such an approach discourages dialogue among the people and alienates them from the discussion on settlement of the conflict. The International Crisis Group found the following:

A profound flaw in the peace process is that it has not involved broad elements in society.... Contacts between Armenians and Azerbaijanis are rare, and animosity is strong. Azeri and Armenian leaders have failed to engage their constituents in discussion of the merits of peace.... [Determining that] funds should be allocated to conflict transformation activities, such as public debates, awareness raising, strengthening of civil society and cross-border media work.<sup>7</sup>

The lack of any widespread public debate or credible political movement that supports compromise in either Armenia or Azerbaijan has further polarized the two societies, thus alienating them from a process that requires compromise.

Likewise in Transnistria, public debate on the dispute is restricted. Helping to ensure the absence of civic participation in conflict resolution is the lack of developed democracy and the extremely limited press freedom or political opposition.

In 1999 there were many local and foreign NGOs sponsoring human contacts, exchanges, travel, etc. between the two sides. Through lack of support and active discouragement from both [capital of Moldova] Chisinau and [capital of Transnistria] Tiraspol during the current decade, many of these NGOs have gone out of business, or have greatly reduced their activities. This desperately needs to be reversed.<sup>8</sup>

The overlooked element of human-to-human contact on either side of the conflict line in Transnistria can be linked to the increasing intractability of the dispute. Similarly in Georgia, President Saakashvili has called for increased dialogue between Georgians and the separatist Abkhaz and Ossetian groups, but such a discourse has been nearly impossible to facilitate due to the sides' intense distrust of each other. The lack of resolve to include community-based dialogue in efforts towards conflict resolution continues to undermine those efforts. As such, increased public diplomacy is an express aim of the

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<sup>6</sup> International Crisis Group, "Nagorno-Karabakh: Risking War," 14 November 2007, p.3. ICG asserts that confidentiality was insisted upon by the co-chairs.

<sup>7</sup> Ibid.

<sup>8</sup> International Crisis Group, "Moldova's Uncertain Future," 17 August 2006, p. 18.

Black Sea conflict resolution organization. The purpose is not only to encourage dialogue between members of different societies, but also to provide tools for the enhancement of dialogue between members of the same societies, so that diverse political opinions will be increasingly tolerated and valued on the local level. Enhancing public debate and discussion is essential to fostering a more inclusive and effective peace process. An effort towards confidence-building and public diplomacy is crucial to resolving the conflicts, so that, in the case that a settlement is reached, the peace agreement will resonate with domestic populations. Without these measures, the likelihood that a settlement will be lasting is extremely improbable. The region's new conflict resolution organization will help lead the effort to increase public discussion and diplomacy.

#### **IV. A NEW CONFLICT RESOLUTION ORGANIZATION**

In response to a lack of security in the Black Sea region, which hinders efforts towards economic development and democratization, and in light of ever-increasing incentives for cooperation between the nations of the Black Sea, there is a distinct need to address the greatest challenge to security in the region: frozen conflicts. While of course each of the conflicts in Nagorno-Karabakh, Transnistria, Abkhazia and South Ossetia have their own particular set of circumstances that make them unique, there are several fundamental characteristics that link the four conflict resolution processes. First, each conflict is being negotiated by high-level authorities from national governments and international diplomatic organizations. Second, each set of negotiations is deadlocked around the central issue of the competing rights to self-determination and territorial integrity. Third, all four conflict resolution processes are undermined by the same absence of a genuine public dialogue at both the local and intrastate level. Proposed peace settlements have repeatedly failed in the eyes of national leaders who find the obligatory compromises unacceptable, and who mobilize their societies to maintain hard-line and non-conciliatory positions. Consequently, none of the four disputes have been brought to a peaceful or conclusive end despite dedicated efforts by the negotiating parties. The methods of conflict resolution have been incomplete and thus ineffective without the element of domestic involvement, and the unfortunate result has been further entrenchment of seemingly irreconcilable differences.

The reality is that, for nearly twenty years, each of the four frozen conflicts in the Black Sea region has gone unresolved despite intense efforts by high-level negotiators and mediators. Within the conflict resolution process, the extremely important factor of intercommunity dialogue and domestic involvement in the objective of achieving peace is fundamentally lacking. However, the failure to sufficiently involve local populations in the peace process cannot be blamed on any single organization or leader. Indeed, it is crucial to recognize that disputes start and end with individuals; thus while formal peace negotiations must be settled between leaders, they must be carried out by individuals on the ground. Efforts to resolve conflicts between domestic populations will be futile without support and participation from those populations, because the success of any peace agreement depends largely on the will of citizens to abide by and adhere to obligations laid out in the settlement. Within conflict resolution processes, confidence-building measures are always advocated, since the importance of relations on the ground is indisputable. However, high-level negotiators, although they acknowledge the propensity of people-to-people contact to function as a confidence-builder, are not necessarily willing or able to promote it within the scope of their mandate. For example, political leaders may give lip service to the role of domestic populations in conflict resolution, but they may undermine that role outside of the formal negotiations process. Therefore, a mechanism is needed to assist conflict negotiators and mediators in getting domestic populations to support and participate in peace efforts.

The function of a new conflict resolution organization is to do exactly that – to supplement formal peace negotiations by facilitating intercommunity involvement in the process so that outcomes will be organically-driven. To ensure that organizational activities are high-impact and are able to effect positive change within the conflict resolution process in the region, desired participants must be clearly identified. It is extremely important that each of the twelve recognized and four unrecognized nations within the Black Sea region pledge membership to the organization and undertake the task of sending and supporting representative participants from their territories. The aims of the organization will not be achievable without membership from all sixteen state and sub-state entities. Every individual in the region must realize both their role and responsibility to partake in the peace process. Without the participation of inhabitants of

de facto states, the necessary intercommunity dialogue would not be possible, since the goal is to promote understanding between individuals with diverse and even opposing viewpoints. Each society within the organization should have grassroots-based representatives and participants, including individuals from NGOs, political movements, community associations, economic and social development organizations, and community leaders who have the ability to influence public perceptions on important issues. The purpose of this stipulation is to avoid gatherings attended only by political and economic elites who may not relate to or represent the majority of the population. It is important also that the governments of the region, both de jure and de facto, encourage and help facilitate the participation of community representatives. This will require both financial support of attendees' participation in the organization's activities, as well as a commitment that they will protect the principles of political tolerance and freedom of speech and expression within their home communities.

The format of the organization should be regular gatherings of at least one representative from all sixteen societies in any of the more neutral countries of the region (perhaps Romania or Bulgaria). The gatherings will take the form of conferences and discussions that focus on awareness-raising through debates, trainings, and simulations. Representatives can share how they personally have been affected by the conflicts and how their societies perceive the past, present and future situations within their territory. Participants will gain perspective not only on adversarial positions but on shared experiences throughout the region. There should be discussion on specific conflicts and points of disagreement within particular conflicts, principles and strategies of peace agreements, the tension between international law principles that regulate disputes over secession, and grassroots approaches to conflict resolution such as community exchange ideas and economic cooperation. For example, participants can enable the reestablishment of trade relations across conflict lines by discussing reopening markets and bazaars that existed in border areas before the conflicts.

Participants should exchange ideas for transmitting the topics discussed within the forum to their local communities. To this end, representatives who work within or have connections to local media associations can use their contacts to disseminate information about the importance of cross-border media work. Also, representatives of the press can

play a key role in influencing public perceptions towards particular aspects of conflict resolution, such as concessions or power-sharing concepts. The media can also help to promote community-exchange initiatives such as awareness-raising campaigns and exchange programs through which societies can learn about other communities in the region and on the other side of the conflicts.

One focal activity of the organization is to simulate conflict negotiations. The following is a concrete example that could be facilitated by the organization: members of communities from Georgia (proper) and Abkhazia could participate in an exercise in which each person must assume the position of someone from the opposing side of the conflict and articulate their positions accordingly. They could provide accounts of what happened before and during the war to shape their positions, or discuss aspects of the formal conflict negotiations, or talk about how their home communities feel about specific issues. Such an exercise would allow citizens with contrasting viewpoints to gain insight into the opposing side and would have the impact of humanizing the ‘other’. This type of experience is crucial to promoting acceptance that compromises on hard-line positions must be made in order for peace to be attained.

In addition to simulations, conflict resolution trainings should be provided by the organization so that attendees will develop personal conflict resolution skills and will learn what goes into the negotiations process. The concepts and strategies learned at the organization gatherings should be something that attendees can transmit and communicate to their home communities. Essentially, the organization is a large-scale mechanism through which conflict resolution strategies can be discussed and put into practice by members of the general public from all areas of the Black Sea region. Attendees of the organization’s gatherings are expected to represent their local communities and be the medium through which news about organizational activities are transferred back to domestic populations.

First and foremost, the purpose of creating a new conflict resolution organization in the Black Sea region is to facilitate understanding of issues that mutually affect the nations in the area and facilitate the discovery of common values, which can help unite the people of the region despite their differences. The focus of the organization is on providing tools for the inclusion of civil society in the conflict resolution process, since

average citizens are the determining factor in the ultimate effectiveness of peace agreements. The format of the organization will allow people from societies that have limited and/or hostile contact to meet face-to-face and discuss barriers to and opportunities for peace between their societies without the pressure of being in their home countries. It will allow people to engage in the key issues of the disputes in a tolerant and intellectual environment, where the goal is to encourage debate that leads to enhanced mutual understanding. Also, it will allow societal representatives to act as transmitters of information and ideas to their home communities so that the number of people who have a stake in the goal of peace gets increasingly larger. The organization's most important objective is to simply involve the public in the process of conflict resolution by refocusing on intercommunity dialogue, which has been lost in the high-level peace negotiations.

In addition to enhancing public diplomacy, which is an important component of confidence-building measures within conflict resolution strategies, the new organization will help the public to reclaim ownership for achieving peace. It will give the region's citizens the tools for active and effective involvement in conflict resolution processes, helping to bring about a more inclusive peace process. With each of the Black Sea nations joining the organization and pledging support, they will demonstrate their commitment to regional security and peace, and exhibit their conviction that domestic populations can and must play a key role in promoting security. This will help change public perceptions about the role of average citizens in conflict resolution and will encourage them to make the most of that responsibility. By addressing the need for dialogue at the civic level, the organization can complement the efforts of the high-level negotiators, and positively impact stability, security, and the quest for peace in the Black Sea region.

## **VI. CONCLUSIONS**

The Black Sea region is a historically and strategically significant area that would be one of the world's most important trade and transport junctures were the security situation more stable. The region suffers from a lack of security largely due to the frozen conflicts which have remained unresolved in Nagorno-Karabakh, Transnistria, Abkhazia and

South Ossetia for nearly two decades. Incentives for resolving the conflicts are compelling; increased regional cooperation would have significant economic benefits for every part of the territory, and would greatly improve the image of the region in the eyes of the EU, which most nations in the area aspire to join. However, conflict resolution strategies have, thus far, been unsuccessful within the four disputes, due to the crucial missing component of intercommunity discourse. The need for dialogue at the civic level presents both a considerable challenge, since societies continue to be intentionally excluded or misled by their leaders, as well as a considerable opportunity to improve the situation. This paper argues that the Black Sea region can play a central role in conflict resolution by establishing a new conflict resolution organization that aims to reincorporate and institutionalize the role of the people in the conflict resolution process. The organization will bring together representatives from each of the sixteen states and sub-states in the region, and will consist of public debates, discussions, simulations and trainings. Media and community representatives will be expected to relay the outcomes of dialogue and activities to their local communities in the interest of involving as many people as possible in the less official but no less important human aspect of conflict resolution.

By adding the element of intercommunity dialogue to the already-existing high-level peace settlement negotiations, the Black Sea nations will be enhancing democracy on the most basic level. The conflict resolution process will quickly become more organic and thus, more effective. The breaking down of barriers among the people will help facilitate trade and other forms of economic cooperation, and peacebuilding and economic partnerships go hand-in-hand with security. An improvement in security in the Black Sea region will inevitably contribute to international security. Even if relations between people on either side of just one of the conflicts in the region is significantly impacted by the work of the organization, the unfreezing of one conflict could be the start to the solution of all the other entrenched conflicts in the area, since the domino effect could be a very likely reality in this case. While the establishment of this organization is not a fix-all strategy or a substitution for formal negotiations, it is a necessary component to the already-existing efforts. It adds the human component to a process that has lost sight of the most important factor in achieving peace: the people.

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