Confidence building is an essential component for a lasting and peaceful solution to the Nagorno-Karabakh conflict

Report prepared by Armenian and Azerbaijani experts under the auspices of LINKS (DAR) in the framework of EPNK – a European Union initiative.

13 December 2018
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Confidence building is an essential component for a lasting and peaceful solution to the Nagorno-Karabakh conflict

Report prepared by Armenian and Azerbaijani experts under the auspices of LINKS (DAR) in the framework of EPNK – a European Union initiative.

I. Introduction

This report is the result of the work conducted by a Working Group made up of Armenian and Azerbaijani experts, working under the chairmanship of LINKS (DAR) in the framework of the European Union initiative, EPNK - The European Partnership for the peaceful settlement of the conflict over Nagorno-Karabakh.

We are pleased to present in this report some of the findings and conclusions of our work on confidence-building measures in the Nagorno-Karabakh context. This report is a contribution to a debate that has barely started, but which is absolutely necessary if a peaceful and lasting resolution of the Karabakh conflict is to become anything but an abstract aspiration and discussion.

The Working Group is grateful to all those who engaged with us in the process of our research on the topic, and in our outreach activities, as well as in the dozens of meetings conducted in the process of its preparation.

We are grateful to the former EU Special Representative for the South Caucasus, Herbert Salber, and to the current EU Special Representative, Toivo Klaar, and their teams, and other EU partners, for the constant support and timely advice as we took our work forward. We are also grateful to the Austrian 2017 Chairmanship of the OSCE for their encouragement to our work in the crucial initial stages.

This report would not have been possible if not for the engagement of different stakeholders from across the conflict divide as well as other international governmental and non-governmental organisations who gave us their time and their views, attended our meetings, reviewed some of our findings, and in all sorts of ways, engaged with our process.

To them all we are most grateful, although of course they are in no way responsible for any of the findings or conclusions of the report; responsibility for which remains entirely ours.

The members of the Working Group
II. Executive Summary

Introducing confidence-building measures (CBMs) in a situation of conflict or potential conflict is often considered a prerequisite to any resolution of the conflict itself. CBMs help to restore trust – a slow and incremental process that requires patience, and at least a minimum level of engagement by the relevant parties. Whilst CBMs are often designed primarily to stop the slide to conflict, or to help stop an ongoing one, their ultimate aim must always be to restore peace. CBMs are not a substitute for peace or for a proper peace process.

There have been many attempts to introduce CBMs in the context of the Nagorno-Karabakh conflict and conflict settlement process, but by and large, they have failed. This is often because they were premature, or they needed to be preceded by something else before they could be realistically implemented. This has allowed the sides of the conflict to dismiss various proposed CBMs as not possible, nor even desirable. For this reason, it is essential when discussing and designing CBMs in the Karabakh context to ensure that proper consideration is given to timing and sequencing. This includes the development of a phased approach that if not part of the peace process, accompanies it; also with the flexibility to nudge ahead if the opportunity arises. CBMs are a dynamic tool – to be used incrementally as engagement between the sides increases. It is now time to be ambitious and imaginative. But both in design and in the implementation of CBMs, no one should forget there is as yet a huge amount of work to be done for the concept to be even accepted – by governments and populations alike – and that the burden of history in the region is heavy. Thus, whilst we strongly support the implementation of CBMs in the Karabakh context, we also strongly urge prudence and caution. In some situations, though not all, a regional approach in the process of building confidence is desirable and can give good results. Overall, a delicate balance between a regional approach and a bilateral approach will work best.

- CBMs are an essential part of the process to peacefully resolve the Nagorno-Karabakh conflict. The sides to the conflict need to unambiguously embrace the concept and contribute to their design and implementation. They need to allow a safe space for different stakeholders to engage with CBMs, without prejudice, to the outcome of any negotiated solution. CBMs need to accompany the peace process, nudging ahead whenever possible, tagging along as much as necessary. It is not possible to be over ambitious in aspiring to what can be realistically achieved, but neither should there be a complete absence of vision and ambition.

- Just and lasting peace in Nagorno-Karabakh, and between the Armenians and Azerbaijanis generally, requires fresh thinking on how things can be in the future. Whilst this may be, and often is, dismissed as day dreaming, the ability to think creatively about a future Caucasus region is an important ingredient for getting out of the current impasse. Informed discussions on the economic benefits of peace need to become part of the broader discussion on conflict resolution, as well as way to incentivise engagement in confidence-building activities.

- There is a compelling argument for broadening the peace process going forward to involve other international actors. There is now a need for organisations with experience of CBMs, such as the EU and the UN, as well as the OSCE, to be given the space and the encouragement to bring their expertise into play. The Minsk Group co-Chairs need to urgently take steps to demystify the process that they lead.
The role of international and local civil society – including the media, think tanks and NGOs – in the resolution of the Nagorno-Karabakh conflict has often been ignored or misunderstood, sometimes maligned, and regularly underestimated by both sides of the conflict and the international community. Galvanising the energy and expertise of global and local civil society has eluded the sides in the conflict, and the international mediators. It is time that this is remedied.

Issues of land mines and unexploded ordinance, and cultural and historical heritage impacted by the conflict are difficult to discuss and to engage with, but are hugely important for the people directly impacted by the conflict. Discussion of these issues should no longer be avoided. The Working Group proposes a number of concrete measures that can be implemented in both spheres at various moments in the conflict resolution process.
III. Why confidence building matters

The Cold-War period was a time when the world faced the prospect of global destruction on an unimaginable scale. The real and high risk of global annihilation, due to misperception and lack of communication, led the sides to put aside some of their distrust and antagonism and develop confidence-building measures; initially starting with the hotline between the White House and the Kremlin, but eventually leading to more tangible and ambitious steps such as the 1975 Helsinki Final Act and the 1986 Stockholm Document on confidence and security building measures and disarmament in Europe.

Ever since, introducing confidence-building measures in a situation of conflict or potential conflict is often considered a pre-requisite to reducing tensions, averting possible military conflict and supporting the resolution of the conflict itself. Yet the term is also sometimes misused, adding to the usually already existing high level of distrust between conflicting sides. Confidence-building measures are therefore not universally welcome, and often rejected outright.

Policy makers and practitioners sometimes make a distinction between confidence and security building measures (CSBMs) as referring to those measures related to military and security issues, and simply confidence-building measures (CBMs) – sometimes also referred to as civilian confidence building measures (CCBMs) – for those measures that are mainly non-military. In a situation where a conflict is ongoing, or simmering under the surface, the difference between military and non-military sometimes becomes very thin. This report deals mainly with confidence-building measures in the non-military sphere, although some of the issues discussed also have military undertones.

Building Trust

The slide towards conflict is often speedy, accompanied at each stage of escalation by violence, atrocities, pain and suffering. Rarely is any one side an entirely innocent party, for while often the cause is pure and good, those that pursue it are at different moments engulfed by passions and emotions, not to mention hatred and a quest for revenge. In such situations, trust between groups, communities and countries very easily and quickly breaks down. Restoring it takes much longer and is much harder. Confidence-building measures help to restore trust. It is a slow and incremental process that requires patience, and at least a minimum level of engagement by the relevant parties.

Avoiding Misperception

The fear of misperception when trust is low and non-existent, and when channels of communication are not working as well as they should, is often perceived as a major hazard to world peace. Some historians of World War I – the hundredth anniversary of the end of which we have just celebrated – often blame the leaders and politicians of the time of sleep walking into one of the most costly and disastrous conflicts of all time. In 1962, misperception and miscalculation was perceived as the main cause of the Cuban missile crisis. The risk of misperception remains high to this day, despite the availability of instant communication. The provisions of the Conventional Forces in Europe (CFE)
Treaty and the Vienna Document on Confidence and Security-Building Measures\(^1\) have contributed to, for example, increasing transparency and avoiding misperception during large-scale military manoeuvres. In the non-military sphere, multi-level political dialogue often helps to put into proper perspective statements that are often made to bolster internal morale and support, but that can be very easily wrongly understood on the other side of the conflict divide. Peace processes are rarely universally welcome. Often, rogue groups emerge trying to derail the process, including through acts of violence. Good communications between the sides, often at different levels, assist in ensuring that such incidents are defused quickly, and blame is attributed properly.

**Learning how to communicate**

Problems in communication between sides in a conflict are common, and they become more acute in times of crisis, or during low-points in conflict resolution processes. They can, and often do, occur when there are personality differences between key actors. All these factors usually lower the already weak level of trust, making communication difficult, if not outright impossible. Communication problems are sometimes due to technical issues. Whilst such a problem may seem outright impossible in this day and age, getting through quickly to “the right person” on the other side during a crisis has sometimes proven difficult when proper protocols are not in place. Lack of communication is often replaced by megaphone diplomacy – with statements, often full of vitriolic asides, broadcast on television. Confidence-building measures can therefore help improve communication by creating the right technical conditions and channels. But they can also be helpful by helping to develop the right discourse, which gives the sides some manoeuvrability within their established red lines.

**Building peace**

Whilst confidence-building measures are often designed primarily to stop the slide to conflict or to help stop an ongoing one, their ultimate aim must always be to restore peace. Historical experience shows that this in many ways is a much more difficult endeavour, not least because building genuine peace requires involving a much larger number of stakeholders than is usually required simply to stop hostilities. Here the non-military aspect of confidence building necessarily has to come into its own. There is often a reluctance on the part of governments to widen the participation of those engaged in the resolution of conflict through confidence building since they fear that the process may be manipulated by the other side, or by third parties. But at some point the necessity of this is recognised by all parties.

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\(^1\) https://www.osce.org/fsc/86597
Cold-War and post Cold-War confidence-building measures have been well discussed and documented. More recently, confidence-building measures played a crucial role in restoring peace in the Western Balkans, and continue to play a vital role there, given that the situation in some circumstances remains fragile. Confidence-building measures have also been an important tool in support of the Good Friday agreements in Northern Ireland, a proof of their versatility and value. Beyond Europe CBMs and CSBMs have been studied, proposed, adapted and adopted for different situations and scenarios in Asia and Latin America – from Colombia to Korea and beyond. Sometimes they are called CBMs and are implemented as part of a plan; sometimes they are adopted as ad hoc measures – CBMs in all but name.

Examples of how confidence building helped in different contexts

III. Why confidence building matters

Examples of how confidence building helped in different contexts

Cold-War and post Cold-War confidence-building measures have been well discussed and documented. More recently, confidence-building measures played a crucial role in restoring peace in the Western Balkans, and continue to play a vital role there, given that the situation in some circumstances remains fragile. Confidence-building measures have also been an important tool in support of the Good Friday agreements in Northern Ireland, a proof of their versatility and value. Beyond Europe CBMs and CSBMs have been studied, proposed, adapted and adopted for different situations and scenarios in Asia and Latin America – from Colombia to Korea and beyond. Sometimes they are called CBMs and are implemented as part of a plan; sometimes they are adopted as ad hoc measures – CBMs in all but name.
IV. Confidence building in the context of the Nagorno-Karabakh conflict and conflict resolution process – why so little?

The Nagorno-Karabakh conflict is one of the most serious unresolved conflicts on the continent of Europe; one of a number that had been simmering within the Soviet Union, but which exploded into larger violence during and immediately after its collapse. It is a costly conflict for the people living in and around the conflict zone and those displaced from it, and its lack of resolution has a negative impact, affecting the whole of Armenia and Azerbaijan, and the broader Caucasus region. The fragile cease fire in place since 1994 is violated regularly, with occasional more serious escalation in violence, as happened in August 2014 and April 2016. A peace process put in place in 1992 by the then Conference for Security and Co-operation in Europe (CSCE) has evolved into a tightly knit process, spearheaded by the three co-chair countries of the process: France, Russia and the United States. Over the years, there were some moments when a breakthrough in negotiations appeared likely, such as in Key West in 2001, Rambouillet in 2006, and ahead of the Kazan summit in 2011, but no tangible progress has been registered so far. There have been many attempts to introduce confidence-building measures in the context of the Nagorno-Karabakh conflict and conflict settlement process, but by and large, they failed.

The introduction to the paper “Strengthening Local Ownership of Non-Military Confidence-Building Measures (CBMs)”, published by the Conflict Prevention Centre of the Organisation for Security and Co-operation in Europe (OSCE) in April 2011, states that:

The success of CBMs is directly linked to the involvement of the parties to the conflict/crisis, for it is they who must agree the modalities of and should derive the benefit from the CBMs. Not only is local ownership the key to success, it is very often a main cause of failure (i.e., the lack of mutual political will to implement CBMs in good faith). While the international community cannot solve the parties’ lack of political will, it can at least play an important enabling role, including through assistance in the design of CBMs and capacity building, the provision of neutral verification and problem solving, administrative/logistical support and assistance in the implementation of complementary activities.²

In September 2016, LINKS (DAR) and the European Policy Centre (EPC) published a paper posing the question ‘Nagorno-Karabakh: Is it time to bring peacekeeping and confidence building back on the agenda?’³ In the paper the authors argue that:

CBMs in support of the Nagorno-Karabakh peace process have been under consideration for decades, although few have been implemented successfully. This is largely due to the positions of the parties in the conflict. Both sides are nominally in favour of CBMs, yet every time the subject is discussed they immediately introduce a number of caveats that make taking the issue forward difficult at best.

² OSCE, SEC.GAL/78/11, dated 28 April 2011
Opportunity is a word often used and discussed in this context, and much is always made of the proverbial “window of opportunity” – a time, be it a fleeting moment, or several years – when things that were not possible before, and maybe also after, can happen and can be done. These windows of opportunity are created sometimes because of a change in dynamic or circumstances – a moment of grief or tragedy brings communities or countries together; a change in the political circumstances which provides for time for reflection; or a need of both sides to be on their best behaviour because of some external circumstance. These are some of the reasons why windows of opportunity open and close; there are many others. Unfortunately very often windows of

The paper adds:

Neither the parties to the conflict, nor the international community, should be under any illusion that CBMs are a panacea that can solve the Karabakh conflict or, even worse, that they are somehow an alternative to such a solution. CBMs are simply a tool to assist and accelerate the process of resolution, to avoid misunderstandings, promote dialogue and help create the most conducive conditions for successful negotiations. Whilst for some this is stating the obvious, there has, in the past, been too much opaqueness between conflict management and conflict resolution in the Karabakh context, and the point must therefore be constantly repeated.4

The LINKS/EPC paper created a lot of discussion and some controversy, but it helped to bring CBMs and all the issues related to them back to centre stage in the wider debate on the conflict.

The delicate issue of timing and sequencing

A very important consideration when discussing CBMs in general, and CBMs in the Karabakh context in particular, is the issue of timing and sequencing. Initiatives often fail, or do not take off at all, simply because the timing is not right. Very often they are premature; sometimes they need to be preceded by something else before they can be realistically implemented. This has allowed the sides to say in different ways and in different circumstances that CBMs are not possible, nor even desirable.

It is therefore essential when discussing and designing CBMs in the Karabakh context to ensure that proper consideration is given to timing and sequencing – and how to develop a phased approach that accompanies the peace process, even if not part of it, but also with the flexibility to nudge ahead if the opportunity arises. The argument is often made that CBMs must be a step behind the peace process. This is not the case in all circumstances. There is a lot to be said for designing CBMs that are one step ahead of the peace process, preparing the way, charting possible dangers, and building trust.

The proverbial “window of opportunity”

Opportunity is a word often used and discussed in this context, and much is always made of the proverbial “window of opportunity” – a time, be it a fleeting moment, or several years – when things that were not possible before, and maybe also after, can happen and can be done. These windows of opportunity are created sometimes because of a change in dynamic or circumstances – a moment of grief or tragedy brings communities or countries together; a change in the political circumstances which provides for time for reflection; or a need of both sides to be on their best behaviour because of some external circumstance. These are some of the reasons why windows of opportunity open and close; there are many others. Unfortunately very often windows of

4 ibid
IV. Confidence building in the context of the Nagorno-Karabakh conflict and conflict resolution process – why so little?

opportunity open and close without all concerned realising. Sometime the parties to a conflict do recognise that there is a window of opportunity but lack the agility or political strength to act. Many opportunities are therefore missed.

Many things can help build confidence, but not all can be done at once

The list of things that can be done to build confidence between the sides in a conflict is endless. As long as they are taken in good faith, even small measures can send reassuring signals and help build trust. The approach needs to be that whilst not everything can be done, it does not mean that nothing can be done; and conversely, the fact that something can be done does not mean that everything can be done. CBMs are therefore a dynamic tool – to be used incrementally as engagement between the sides increases.

The role of the European Union

In its Global Strategy paper published in 2016, the European Union stated:

*The EU will engage in a practical and principled way in peacebuilding, concentrating our efforts in surrounding regions to the east and south, while considering engagement further afield on a case by case basis. The EU will foster human security through an integrated approach.*

*All of these conflicts feature multiple dimensions – from security to gender, from governance to the economy. Implementing a multi-dimensional approach through the use of all available policies and instruments aimed at conflict prevention, management and resolution is essential. But the scope of the ‘comprehensive approach’ will be expanded further. There are no quick fixes to any of these conflicts. Experience in Somalia, Mali, Afghanistan and elsewhere highlights their protracted nature. The EU will therefore pursue a multi-phased approach, acting at all stages of the conflict cycle. We will invest in prevention, resolution and stabilisation, and avoid premature disengagement when a new crisis erupts elsewhere. The EU will therefore engage further in the resolution of protracted conflicts in the Eastern Partnership countries.*

It is now time to bring the experience of the EU into play in the process of building confidence on the way to peacefully resolving the Nagorno-Karabakh conflict. On its part, the EU needs to show commitment and engagement, and a willingness to commit adequate political mileage and financial resources for it to be not simply a symbolic contributor but a crucial player.

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Time to be ambitious and imaginative, but always cautious

The Karabakh conflict resolution process has been in a state of stagnation for decades. The period 2011-18 can be seen with hindsight as a particularly depressing period where no tangible steps forward appear to have happened. However, as 2018 draws to an end, we cannot fail to be encouraged by a number of positive developments. In a statement issued after their visit to the region at the end of October 2018, the OSCE Minsk group co-Chairmen said,

… the leaders in both capitals confirmed that the level of violence has fallen significantly since they reaffirmed in Dushanbe their commitment to reduce tensions. In their consultations, the Co-Chairs received additional details about the implementation of the Dushanbe understanding, including with regard to the establishment of direct communication links. The Co-Chairs welcomed these developments, [and] commended the sides for implementing constructive measures in good faith...  

This is therefore the time to be ambitious and imaginative in thinking on what confidence-building measures can be implemented in the Nagorno-Karabakh context. But both in design and in the implementation of CBMs, no one should forget there is as yet a huge amount of work to be done for the concept to be even accepted by governments and populations alike, and that the burden of history in the region is heavy. Whilst we strongly support the implementation of CBMs in the Karabakh context, we also strongly urge prudence and caution.

A regional approach can often be helpful

In the South Caucasus the three countries are connected through people, through a shared – even if often troubled – history and geography. The region faces many common challenges that are best addressed through a common effort: natural disasters, environmental challenges, transnational crime, illegal migration and narcotics are just a few examples. Whilst the claim of a common Caucasian identity is a vague concept that is often overstated, there is no doubt that it offers a basis for initiating dialogue on common action for the common good.

In some situations, though not all, a regional approach in the process of building confidence region-wide, is desirable and can give good results. A delicate balance between a regional approach and a bilateral approach will work best.

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6 Press Statement by the Co-Chairs of the OSCE Minsk Group, 2 November 2018.
V. Our work – small and symbolic steps that are also significant

The Working Group, and its objectives

The European Partnership for the peaceful resolution of the conflict over Nagorno-Karabakh (EPNK) is a European Union initiative that has been ongoing since 2011. As one of the international implementing partners of EPNK, LINKS (Dialogue, Analysis and Research) has promoted awareness of the importance of CBMs in the Nagorno-Karabakh context, engaging with the sides at multiple levels.

The LINKS/EPC paper published in September 2016 helped to bring the debate to a wider audience than had been the case so far. Round table discussions in Brussels in December 2016, and in Vienna in June 2017, saw experts as well as diplomats from Armenia and Azerbaijan, debating the issue with colleagues from the international community. Encouraged by this experience in June 2017, LINKS (DAR) announced that it had established a Working Group to bring together experts from the region in order (i) to explore and study how confidence-building measures (CBMs) can contribute to lasting peace in Nagorno-Karabakh by building trust between Armenians and Azerbaijanis in the conflict area, in the wider region, and globally; (ii) to develop ideas and suggestions on different CBMs; (iii) to disseminate information on confidence-building measures among stakeholders, including through seminars and presentations in the region, through publications, through new media and through social media; (iv) to interact with governments, authorities and other stakeholders directly affected by the conflict; (v) to interact with the OSCE Minsk Group and other relevant international organisations on issues related to confidence building in the context of the Karabakh conflict and conflict resolution process; (vi) to help inform the policies of the European Union on the topic; (vii) to implement, if appropriate and feasible, confidence-building measures with the involvement of Armenians and Azerbaijanis.

The Working Group decided that its work should be time sensitive, and agreed to prepare an interim report on its work by the end of 2018.

Methodology and activity

The Working Group held three full meetings between October 2017 and November 2018. At its first meeting the WG agreed to set up two sub groups to explore in more detail how CBMs can be implemented in two difficult and contentious areas around the Karabakh conflict; namely, the problem of land mines and unexploded ordinance, and historical, religious and cultural heritage impacted by the conflict. The two sub groups held three meetings each.

In October 2017 the Working Group took their message to Baku and Yerevan where outreach meetings were held with interested stakeholders. In Vienna in November 2017 and in Oxford in November 2018, the Working Group shared perspectives with representatives of the OSCE, the UN and the EU. Other meetings with national and international, state and non-state stakeholders, have been held throughout the work of the WG.
The issue of land mines and unexploded ordinance - a deadly legacy

The problem of mine clearance and unexploded ordinance (UXOs) will remain a deadly legacy of the Nagorno-Karabakh conflict for many years to come. The problem has three elements: i) Mines and UXOs from the conflict period (1988-94), mainly mines laid in an effort to protect villages and communities. These are very often unmapped. ii) Mines and UXOs from the current line of contact, aimed at preventing infiltration by the other side. It is to be assumed that these are mostly mapped by the two sides. There are also UXOs from the daily cease-fire violations. iii) UXOs from prior to the conflict, in both the conflict zone and beyond, resulting from the fact that the region was always considered by the Soviets as a sensitive and vulnerable border region, and heavily armed. Whilst originally unrelated to the NK conflict, the clearance process is often impacted by the political complications resulting from the conflict and is therefore related. The issue of mine and UXOs clearance in the NK conflict zone is caught up in the controversy over the issue of status of NK. These fine political points often do not relate to the reality on the ground when it comes to the risk of mines and UXOs. Azerbaijan remains adamant in rejecting any activity in NK and other surrounding territories without its approval, criticising those organisations who do not respect this process.

CBMs in the sphere of land mines and unexploded ordinance will need to take into account both the political considerations, as well as the military reality on the ground. As the sides have found out, mine and UXOs clearance near the line of contact is highly dangerous due to the risk of sniper fire. Serious mine clearance can therefore only take place if both sides agree to it, even if tacitly.

The issue of historical, religious and cultural heritage impacted by the Nagorno-Karabakh conflict

The South Caucasus is a multi-ethnic region where different ethnicities have co-habited over centuries. The conflict of 1988-94 in and around Nagorno-Karabakh saw a mass displacement of people. Cultural and religious sites and burial grounds remained as a reminder of past co-habitation. In recent years, this patrimony has been used, however, not to prove the presence of different civilisations co-existing, but somehow to prove that only one side was present. In short, cultural sites and patrimony have been sometimes used as tools for political manipulation.

The problem can be divided in three categories:

i. Azerbaijani religious and cultural sites and patrimony in the Karabakh conflict zone currently under Armenian control through the self-declared NKR;
ii. Azerbaijani religious and cultural sites and patrimony in the Republic of Armenia;
iii. Armenian cultural and religious sites and patrimony in Azerbaijan beyond the conflict zone.
iv. No less important are burial sites and graves. In the culture and traditions of the Caucasus where people still visit regularly the burial sites of their ancestors, these are highly sensitive and hugely symbolic.
The issue of cultural and religious sites and patrimony is one of the more divisive issues in the public perception of Armenian-Azerbaijani relations. The importance of addressing this problem by using the symbolism in a positive rather than destructive manner is huge.

Rehabilitating cultural and religious sites, and eventually using them as a symbol of a new spirit of coexistence in the region, will greatly re-enforce any effort to break down enemy images and bring the region to some semblance of normality. Until this becomes possible, preparatory work needs to be done to understand the problem and its extent. Going forward, if territory is to change hands, or there is mass movement of people, considerations will need to be given to the changing context. If ever a peace-keeping force is deployed, its role vis-a-vis sites and patrimony needs to be defined.
VI. Conclusions and recommendations

(a) CBMs and the sides to the conflict

Confidence-building measures are an essential part of the process to peacefully resolve the Nagorno-Karabakh conflict. The sides to the conflict need to unambiguously embrace the concept, and contribute to their design and implementation.

Confidence-building measures should never be seen an alternative to a peace process, much less an alternative to a mutually agreed and durable peaceful resolution.

What the sides need to do now

There are some actions that the sides in the conflict need to start implementing immediately:

- There is clearly a need to explain what CBMs are - not only to the wider public, but also to key stakeholders who keep interpreting them through very narrow perspectives. This requires patient engagement, and space for discussion. It also requires engagement with a wide range of actors at different levels of the decision-making process, including officials, parliamentarians and political activists, as well as the media and civil society. The process is not, and cannot be, the monopoly of one sector only. There is a necessity to outreach and inform, whilst enabling key stakeholders to learn from best practices in other situations, and to share this knowledge within their networks and societies.

- CBMs work best if they are inclusive. In the Nagorno-Karabakh context, this means particularly the Armenians in Nagorno-Karabakh, the Azerbaijanis displaced from Nagorno Karabakh, IDPs and refugees from both sides, diaspora communities and other relevant stakeholders. It is up to the sides in the conflict and the international mediators to create a safe space for this engagement with CBMs to happen, without any prejudice to the outcome of a negotiated solution.

- As the sides move to step up their efforts to resolve the conflict, the challenge of how to manage the rhetoric around the conflict becomes a priority. The conflict is ongoing on the airwaves and on the Internet, and here restraint needs to be exercised.

- The Working Group emphasises the need for humanitarian work to be prioritised as the process to resolve the conflict evolves. In this regard the Working group highlights the important work that has been done with patience, perseverance and discretion by the International Committee of the Red Cross (ICRC), including on issues of persons missing in the conflict, repatriation of the bodies of deceased persons and in facilitating prisoner exchanges. These processes need to continue, and whenever possible and appropriate it should involve other international bodies and organisations. The sides in the conflict should make legal proceedings against prisoners from the other side as transparent as possible, lessening the risk that these issues may become an impediment to progress on the peace process.
VI. Conclusions and recommendations

What the sides need to plan to do soon

CBMs need to accompany the peace process, nudging ahead whenever possible, tagging along as much as necessary. It is not possible to be over ambitious in aspiring to what can be realistically achieved, and neither should there be a complete absence of vision and ambition.

How to deal with mistrust?

- The level of mistrust surrounding the Karabakh conflict and conflict resolution process needs to be tackled early on, once proper discussions on the resolution of the conflict starts. This can take the form of a statement by the leaders of the two sides that any final agreement needs to be endorsed by wider society through an expression of will. The way this can be organised should be a topic of discussion earlier rather than later.

Expanding the peace process to a broader set of stakeholders

- The Nagorno-Karabakh Peace process has, for the last twenty years at least, been conducted as a very narrow affair, involving the leaders of Armenia and Azerbaijan, their foreign ministers and the mediators. As soon as possible the process needs to be expanded – slowly at first, by creating several Working Groups under the auspices of the co-Chairs, but more ambitiously, as soon as possible, involving representatives of communities close to the line of contact, as well as relevant non-state actors and advisors. Whilst there are obvious risks in the widening of the peace process to what could eventually be several hundred people, this will help to make the process more transparent, increase the buy-in from political and societal elites, and prepare the way for a popular vote on any final deal.

What the sides need to plan to do later

Exponents of the more hard line positions in the Karabakh conflict often cite the Latin adage *Si vis pacem, para bellum*, translated as “If you want peace, prepare for war”, attributed to the Latin author Publius Flavius Vegetius Renatus writing in the 4th century AD. This Working Group however adheres to the philosophy of *Si vis pacem, para pacem*, “If you want peace, prepare for peace”.

Just and lasting peace in Nagorno-Karabakh, and between the Armenians and Azerbaijanis generally, requires fresh thinking on how things can be in the future. Whilst this may be, and often is, dismissed as day dreaming, the ability to think ambitiously about a future Caucasus region is an important ingredient for getting out of the current impasse.

- Ongoing research on the economic benefits of a Karabakh peace offers the sides in the conflict some stark options. It needs to be properly evaluated;
- The sides should allow space for, and engage with, activities that would see the rehabilitation of strategic objects and facilities impacted by the conflict, and explore ambitious new ideas of projects that can bring the region closer together. Turning such initiatives from being purely economic into confidence-building measures will succeed only if all sides benefit from them.
VI. Conclusions and recommendations

- The sides working with the international community, should start exploring ways they can work together to ensure safety and security for all in the case of a peaceful solution. Problems should be expected and anticipated. In the absence of proper preparation and contingency, incidents can easily derail what in the beginning is likely to be a fragile peace process. If incidents can be dealt with swiftly, justly and transparently; this will increase the trust in the peace process. These scenarios need to be anticipated.

(b) CBMs and the international mediators

The international mediators engaged with the Karabakh conflict and conflict resolution process – the three co-Chairs of the OSCE Minsk process, assisted by the SR of the CiO dealing with the conflict – are well-aware of the importance of CBMs to their work. They have, however, found it necessary to prioritise a handful of very specific, largely military, initiatives that contribute towards security on the line of contact. The reason is likely that they see a process on CBMs as possibly complicating their own already difficult task to get the sides to focus on the resolution of the conflict. They are also aware of the, at best, ambivalence of the sides on the topic. The co-chairs have similarly engaged very sporadically with initiatives coming from third parties such as parliamentary assemblies.

There is a need for a new approach. Organisations with experience of CBMs, such as the EU and the UN, not to mention the OSCE itself, need to be given the space and the encouragement to bring their expertise into play. Whilst not doing so may have been explainable up to now, not to do so going forward will not. Similarly, experienced civil society organisations have much to contribute at different phases of the conflict-resolution process and need to be engaged. The co-Chairs need to urgently take steps to demystify the process that they lead. It remains incomprehensible for the large part of those people who will ultimately be affected by the outcome of their work. Attitudes towards the Minsk process have over the years veered between unrealistic expectations, hope and optimism, to unfair criticism and utter distrust. Increasing trust in the Minsk process is itself a confidence-building measure. If the sides in the conflict need to widen the circle of those engaged with the peace process, so does the international community. The three co-Chair countries of the OSCE Minsk Process have protected their role and monopoly as mediators of the conflict. There are some valid arguments why this has been the case in the past – the need for confidentiality, the need to avoid forum-hopping, and the need not to give in to the whims of the sides, are some. But going forward the argument for broadening the process to involve other international actors becomes more compelling.

This broader international engagement can take different forms:

- More engagement of the three co-Chair to the group that they chair, through more regular briefings of the full Minsk Group;
- Redefining the role of the Special Representative of the OSCE CiO on the conflict to its original mandate, whilst consolidating other tasks that have emerged by practice over the last two decades to a separate, expanded co-ordination unit within the OSCE. The need for such a mechanism in support of the mediators and the negotiating parties, in case the rhythm of negotiations gathers pace, will be high;
VI. Conclusions and recommendations

- Recognising the role of the European Union in any future peace settlement, and as an experienced regional actor on issues related to confidence-building measures, through its inclusion, as appropriate, in the peace process;
- Recognising the role of the United Nations as the global forum that must eventually underpin any peace settlement through its inclusion, as appropriate, in the peace process.

(c) CBMs and local and international civil society

The role of international and local civil society, including the media, think tanks and NGOs, in the resolution of the Nagorno-Karabakh conflict has been often ignored or misunderstood, sometimes maligned, and regularly underestimated by both sides to the conflict and by the international community. A question is often put: has any conflict ever been solved by an NGO? To which the answer must surely be, has any conflict been resolved peacefully without the buy-in and support of civil society?

Civil society in the past has been perceived as fractious and unreliable, even subversive, by either or both sides in the conflict. The space for civil society activity in support of the Karabakh peace process, in its different forms, was always narrow. It has incrementally grown narrower but it has never disappeared, although it has gone through various phases of metamorphosis. Track 2 and Track 1.5 initiatives spearheaded by international groups have kept lines of communication open; international and local think tanks have judiciously worked on reports and studies that have kept the conflict in the attention of the international community despite a complex and busy international environment; and media outlets have regularly reported issues around the conflict, with varying levels of professionalism and independence, but overall one can say that all narratives get an airing. Galvanising the energy and expertise of global and international civil society has eluded the sides in the conflict and the international mediators. It is time that this is remedied.

We recommend:

- That the OSCE Secretariat initiates a closed consultation process to which it invites the governments of Armenia and Azerbaijan; the OSCE co-Chair countries; leading international civil society agencies; international organisations such as the UN, EU and the ICRC; and civil society organisations from across the conflict divide to discuss the issue and draw a unified joint appeal;
- Pursuant to this, the governments of Armenia and Azerbaijan openly endorse bona fide civil society activity;
- The European Union’s EPNK initiative, which is by far the largest and most comprehensive programme enabling civil society engagement in support of a peaceful resolution of the Nagorno-Karabakh conflict, needs to evolve to the next stage where it needs to be better resourced, more flexible and agile, more connected to the track 1 process, and more in tune with the changing realities around the conflict and the conflict resolution process.
VI. Conclusions and recommendations

(d) Specific recommendations in the area of demining and clearance of unexploded ordinance

At the start of its work, the Working Group identified this sector as a difficult but important area where CBMs can and should be implemented. The Working Group conducted research on the topic and spoke to a wide range of stakeholders.

The Working Group held a consultation meeting with stakeholders on the issue of demining and unexploded ordinance in the South Caucasus in Tbilisi on 16 October 2018, attended by representatives of the main de-mining agencies of Armenia and Azerbaijan (ACHDE and ANAMA), representatives of the Georgian government and relevant international agencies. The meeting followed a wider consultation process with stakeholders in 2018. The Working Group proposes the following next steps:

**Early Measures: Time frame - Starting early 2019**

- A baseline study of the problem that can help inform the discussion going forward, work on which is ongoing, should be finalised and published.
- Another meeting of agencies dealing with the issue of land mines and unexploded UXOs in Armenia, Azerbaijan and Georgia, and relevant NGOs and agencies should be held as soon as possible to share experiences of relevant international agencies on best practices of confidence-building measures in the area of mine clearance and UXOs;
- To hold the first region-wide awareness campaign highlighting the risk to lives, with a focus on educating children and young people; in Georgian, Armenian, Azerbaijani and Russian, to take place in April 2019;
- To develop an online tool where technical information and data can be shared between stakeholders; To facilitate contacts between relevant stakeholders on the issue of land mines near the Red Bridge (in Georgia).
- To facilitate contacts between relevant stakeholders on the issue of land mines near the Red Bridge (in Georgia).

**Intermediate Measures: Time frame – Starting as soon as reasonable progress is registered in the framework of the OSCE MG peace process (Go ahead to be given by the Governments of Armenia and Azerbaijan)**

- To encourage the sides to develop a joint action plan, identifying priority areas and a time table for common and joint action; Implementing the Joint Action Plan;
- Governments agree to simultaneously start steps to adhere to the International land Mines Convention (Ottawa Convention) and other international frameworks (to work in tandem with progress in the peace process);
VI. Conclusions and recommendations

At the start of its work, the Working Group identified this sector as a difficult but important area where CBMs can and should be implemented. The Working Group conducted research on the topic, and spoke to a wide range of stakeholders.

The Working Group is aware of the sensitivity of this topic, and the importance attached to it by ordinary people in the region. The Working Group has been able to conduct considerable research on the ground in the conflict zone and beyond, and through published sources, but is acutely aware that more needs to be done for a complete picture.

The Working Group has a number of proposals which are hereby listed, and which it recommends should be discussed with civil society in the region more comprehensively before they are taken forward:

Enhanced Measures: Time frame – to come into play once a peace agreement has been signed;

• Resources pooled, and joint action taken, according to an agreed plan and time table, to address the core problem of clearing the NK conflict zone, and raise awareness among the local population of risks and dangers;
• Agencies accorded access across the conflict divide as per an agreed plan; Co-ordinated response mechanism for dealing with incidents and accidents;
• Armenia, Azerbaijan and Georgia start adhering to, and implementing, the International Land Mine Convention and other related international commitments.

(e) Specific recommendations in the area of historical, cultural and religious heritage impacted by the conflict

At the start of its work, the Working Group identified this sector as a difficult but important area where CBMs can and should be implemented. The Working Group conducted research on the topic, and spoke to a wide range of stakeholders.

The Working Group is aware of the sensitivity of this topic, and the importance attached to it by ordinary people in the region. The Working Group has been able to conduct considerable research on the ground in the conflict zone and beyond, and through published sources, but is acutely aware that more needs to be done for a complete picture.

The Working group has a number of proposals which are hereby listed, and which it recommends should be discussed with civil society in the region more comprehensively before they are taken forward:

Early measures: Starting early in 2019

• A baseline study that can help inform the discussion going forward, work on which is ongoing, should be finalised and published.
• To conduct a small workshop with experts from across the conflict divide.
• The Working Group proposes that the outreach work starts with a positive note by identifying a small number of Armenian and Azerbaijani sites, impacted by the conflict but which have been properly looked after and can therefore be cited as an example of tolerance. Whilst this would not be a correct complete picture by far, it would challenge the black and white narrative on this issue that is currently prevalent.
VI. Conclusions and recommendations

The Working Group is acutely aware that popular sensitivity on this topic is not merely limited to the current state/condition of large Churches or Mosques. Many Armenians and Azerbaijanis have ancestors buried “on the other side”. In the cultures of the Caucasus, due respect to these burial grounds is hugely important. Whilst this makes the work more difficult, it does provide an opportunity for a much wider engagement by the populations on this issue, given the right conditions.

The Working Group proposes using the example of the peaceful population exchange that took place in 1989, when Azerbaijanis from Kyzyl Shafag in the Tashir (Kalinin) District of Armenia and Armenians from Kerkendi, in the Shamkhi district of Azerbaijan, voluntarily switched places. The agreement between the sides was not only that they would exchange their homes peacefully, but also to show respect to their respective cemeteries in their absence. By and large this arrangement has been respected, despite the last three decades of conflict, and this can be an example of what may be possible in the future in other locations.

With the agreement of the sides, and under the auspices of the OSCE, an international commission should conduct a fact-finding mission focusing on the topic of historical and cultural heritage impacted by the conflict – in the Nagorno-Karabakh conflict zone and in the wider space of Armenia and Azerbaijan. This mission could be formed by historians and civil society members, and could include one Armenian and one Azerbaijani member.

The process of cataloguing historical and cultural sites impacted by the conflict needs to be put on a stronger and less partisan footing, and information released in the public domain as the work develops.

Intermediate Measures: Time frame – Starting as soon as reasonable progress is registered in the framework of the OSCE MG peace process (Go ahead to be given by the Governments of Armenia and Azerbaijan)

A joint commission should be established between the Armenian and Azerbaijani sides with international mediation to start looking into the more problematic cases (where monuments, graves or other heritage have been damaged or destroyed). The Commission will be empowered to recommend concrete steps for specific sites.

Enhanced Measures: Time frame – to come into play once a peace agreement has been signed

Much can and will need to be done if and when a peace agreement on Karabakh is agreed. This will be both an opportunity, and a risk. A peace agreement will allow people to travel “to the other side”, even if in the beginning, this may be a gradual process. This will address one of the key problems of present – the inability to do so. However, what they may find on the other side is not always going to be pleasant.

A general plan needs to be worked out, with the help of UNESCO and the Council of Europe for the rehabilitation of heritage that has been damaged, and for dignity to be restored where heritage has been destroyed. An international fund should be established to help finance this endeavour.
VII. The next steps

The Working Group on confidence-building measures in the Nagorno Karabakh context, established under the auspices of LINKS in the framework of the European Union’s EPNK initiative, is pleased to present this report for the consideration of the governments of Armenia and Azerbaijan, other stakeholders in the conflict, the OSCE Minsk Group co-Chair, the EU, the OSCE and the UN, and to the wider public.

We encourage all stakeholders to reflect on the recommendations and find ways of helping implement them.

The Working Group asks LINKS to engage with the general public on both sides of the conflict divide in an open discussion of this report and its recommendations.

The Working Group thanks the European Union for its support for this work, and urges continued and intensified engagement going forward.

The Working Group will dissolve on 31 December 2018 but its members remain available to continue the work going forward.
VIII. About the Working Group and its members

The Working group on confidence-building measures in the context of the Nagorno-Karabakh conflict and conflict resolution process was established in June 2017 in the framework of the work of LINKS (DAR). Mr Eduard Abarahamyan joined the group in September 2018. Ms Lusine Kharatyan joined the group in May 2018 as an Associate member to assist the subgroup on cultural and religious heritage. Mr Benyamin Poghosyan and Mr Richard Giragosian participated in the work of the Working Group in the first year, and made an important contribution to its proceedings. All members of the working group served in a personal capacity and the views expressed in their reports and work do not necessarily reflect the views of the entities or organisations that they are affiliated with.

The Working Group

Mr Eduard Abrahanyan (Member)

Eduard Abrahanyan is a defence policy and regional security analyst focusing on the Black Sea, Caucasus and Central Asia. He is Doctoral Research Fellow at the University of Leicester, UK, studying the adaptation of NATO Partnership Policy in the Black Sea-Caucasus region amidst an evolving security environment (2008-2017). Eduard Abrahanyan is also a regular contributor to the IHS Markit (Jane’s Military Capabilities), The Jamestown Foundation, The National Interest, Foreign Policy Research Institute and the Central Asia–Caucasus Institute at the American Foreign Policy Council.

Mr Ahmad Alili (Member)

Ahmad Alili is a geopolitical and international public policy researcher. His main area of expertise is the foreign policy of the countries of South Caucasus – regional security issues, economy of conflicts, and the role of neighbouring regional actors in the South Caucasus. He is currently employed by the Center for Economic and Social Development and Academy of Public Administration. He also engaged different peacebuilding incentives in the South Caucasus.

Ms Ashken Grigorian (Member and co-Rapporteur)

Ashkhen Grigorian is an analyst specialising in business and economics, including risk assessment, corporate and sectoral due diligence, and investment and trade assessments. Ms. Grigoryan has over ten years of experience in the private sector. An economist by training, she also assists with organisational development and financial strategy for the RSC.

Ms Lusine Kharatyan (Associate member)

Lusine Kharatyan is a Researcher at the Institute of Archaeology and Ethnography, National Academy of Sciences of Armenia. Her research deals with politics of memory in Armenia. Currently, she leads a research project on Azerbaijani cultural heritage in Armenia. In 2012-2017, Ms. Kharatyan
headed the DVV International (Institute for International Cooperation of German Adult Education Association) Armenia Country Office. She has been extensively involved in DVV-initiated Armenia-Turkey reconciliation project “Speaking to One Another: Adult Education and Oral History Contributing to Armenian-Turkish Reconciliation,” first as an expert, then coordinator, and finally becoming the main lead from Armenia. Through non-formal education, oral history research and student learning, the project has contributed to democratisation in both societies, and is widely recognized as one of the most successful civic initiatives in this field. Ms. Kharatyan’s past experience also includes research and practical work on civil society development in Armenia, education sector reforms, and integration issues of refugees. Her research focuses on the politics of memory, anthropology of borderline cultures, border symbolism, border-center relations and perception of motherland, refugee culture and migrant populations, social/cultural impact of policy reforms, civil society formation in Armenia, and value systems and their transformation. Ms. Kharatyan holds a Master’s degree in Public Policy from the University of Minnesota (2004), a General Diploma in Demography from the Cairo Demographic Center (2000), and a Diploma with distinction from the History Department of Yerevan State University (1999).

Mr Ramazan Samadov (Member and co-Rapporteur)

Ramazan Samadov is Business and project development expert with 8 years of experience working in the emerging-markets, retail banking sector, combined with 6 years of consulting services rendered to various European institutions, including European Parliament, European Policy Centre and bilateral diplomatic missions. He is currently a consultant of EU Solutions - a small Brussels/Rotterdam based multinational consultancy company. He has led planning and establishment of various entities, branches and divisions and has managed several large EU funded projects. He has experience in the non-profit sector with the focus on event management, marketing-communication and fundraising, and holds an MBA degree from the Rotterdam School of Management.

Mr Dennis Sammut (Chairman and co-Rapporteur)

Dennis Sammut is the Director of LINKS (Dialogue, Analysis and Research) and Managing Editor of the web portal commonspace.eu. He has a Masters Degree in International Relations from the London School of Economics and a Doctorate in History from the University of Oxford, where he researched the end of the British presence in South Arabia and the Gulf (1952-72). In 2006, Dennis Sammut served with the United Nations in Afghanistan where he was part of a four-person team that helped set up the new Afghan Parliament. In 2008/9 he served on the EU’s Tagliavini Commission that investigated the Georgia-Russia War. Dennis Sammut is SCR member at St Antony’s College, Oxford, and a member of the Strategic Council of the European Policy Centre in Brussels. From 2003-8 he was Special Advisor to the South Caucasus Parliamentary Initiative. In 2006 he was awarded the OBE in the New Year’s Honours List for his contribution to the peaceful resolution of conflicts in the South Caucasus.
Zaur Shiriyev is an International Crisis Group Europe Fellow. Based in Baku, he produces analyses and reports on security and foreign policy issues, including the protracted conflicts in the South Caucasus region. He focuses in particular on the Nagorno-Karabakh conflict, as well as Azerbaijan’s relations with regional actors, including Turkey, Russia and Iran. Zaur Shiriyev has more than ten years of experience in academia and think tanks, with expertise in security, conflict resolution, and foreign policy issues pertaining to the broader South Caucasus region. His areas of expertise are in Foreign and national security policies of the South Caucasus states; Security, conflict resolution and energy issues in the post-Soviet space; and Azerbaijan and Turkish foreign policy.
In Vienna, in June 2017 LINKS announced the establishment of the working group on confidence-building measures in the Karabakh context at a discussion meeting which was also addressed by the Special Representative for the South Caucasus of the OSCE Austrian Chairmanship.

The working group held meetings with stakeholders in Yerevan and Baku in October and November 2017 respectively.
VIII. About the Working Group and its members

Participants at the Baku meeting on 7 November 2017

Participants at the Yerevan meeting on 16 October 2017
VIII. About the Working Group and its members

Representatives of the Armenian Centre for Humanitarian Demining and Expertise (ACHDE), the Azerbaijan National Agency for Mine Action (ANAMA) and the State Ministry for Reconciliation and Civic Equality of Georgia participated in a meeting organised by the Working group to discuss the issue of mines and unexploded ordinance in the South Caucasus, held in Tbilisi on 16 October 2018.

Representatives of the EU, OSCE and UN met members of the Working group in Oxford on 13 November 2018 on the margins of the conference on regional co-operation in the South Caucasus organised by LINKS and Oxford University.
IX. About LINKS (DAR) and EPNK

About LINKS (Dialogue, Analysis and Research)

LINKS was established in London in July 1997 as an independent, not-for-profit, think tank, working on areas of conflict and conflict prevention, governance, global security and international relations. Until 2012 it was known as “The London Information Network on Conflicts and State-building”, or simply as LINKS. Over the last two decades it implemented a wide range of activities in support of its basic aims: the peaceful resolution of conflicts and the promotion of democracy in societies in transition, working most of the time through innovative, ground breaking projects.

We believe that many of the issues we are concerned with can be solved through genuine dialogue involving all the parties that are interested. Understanding any situation depends on an accurate analysis of what the problems are and the solutions required to deal with them. Neither dialogue nor analysis is possible unless backed up by continuous research that help inform both.

About The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK)

The European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK) is a European Union initiative that brings together a number of European civil society organisations seeking to positively impact the Nagorno-Karabakh conflict settlement process. It works with local partners in the South Caucasus on a wide range of innovative peacebuilding activities to contribute to lasting peace in the region.

The partnership has five member organisations: Conciliation Resources (UK), Crisis Management Initiative (Finland), International Alert (lead agency, UK), the Kvinna till Kvinna Foundation (Sweden) and LINKS (UK). More information on EPNK is available at www.epnk.org
For further information about LINKS or the work of the Working Group please contact

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