

THE TROJAN WAR AND THE “PORCELAIN OF PRAGUE”: A COMPARATIVE ANALYSIS BETWEEN THE CONFLICTS OF CYPRUS, NAGORNO-KARABAKH AND KOSOVO

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1. Introduction

It is obvious and has been proved throughout the history of humanity that the international system has been suffering from the historical, social, political and economic phenomenon of conflicts and wars. This is why the reasons of triggering a war are always pursued in order to work out a formula to prevent conflicts and wars (Singer 1980; Gilpin 1981). In attempting to give a short definition, it should be underlined that conflict is a confrontation between one or more entities or states, nations or even persons as in the occasion of divorce. For the purposes of this article we focus on the conflicts between nation-states, which are known as wars. In this respect, we examine the causes triggering a conflict and a war and how a solution to avoid conflict can be reached (Charalambides, 2011, pp.27-28; Curr cited in James, 2002, p.55). This article deals with the outstanding issues of Cyprus, Nagorno-Karabakh and Kosovo. Through a comparative analysis of the aforementioned conflicts we examine how international relations function in the global system and whether they swing or not between moralities on the one hand, and national interests on the other (Kaplan, 1961, p. 463). This

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analysis is also based on the strategy that nation -states design and put in practice in order to achieve a defined goal. Often a war is lost and the goal is never achieved due to a deficient strategy, or because there is no strategy at all.

1.1 Definitions

In an attempt to give a definition of strategy the following can be stated: it is a procedure in the context of which a certain aim is set. To achieve this aim one must also find means and define methods with alternative options in order to avoid surprising policies and/or strikes, particularly in cases of a conflict and war (Collins, 2002, P. 3). In the field of diplomacy actions should be carried out in a similar manner. As Clausewitz has noticed, war is the continuation of diplomacy with the use of other means (Clausewitz, 1989, p.53).

Conflict is not an abstract concept but by all means a belligerent process with legal, political, economic, social and geostrategic consequences which affect regional and global stability and peace, as well as bring to geopolitical and geostrategic changes. Nation-states or coalitions and alliances of nation-states act and strive in the international arena either for freedom or for the broadening of their power and zones of influence (Charalambides 2013, p. 3). In addition, it would be a great omission not to refer to the role that some International Organisations can play through the efforts that they undertake in order to prevent the eruption of a war with the purpose of resolving a conflict. Such Organisations are the UN, the EU and NATO. There are others nation-states, such as the Great Powers, which fight for global dominance or for securing their primary global role (Braumoelle, 2013). International law and recognition of states can bring various results, including conflicts

(Chhabra A, 2013, pp. 144-150). The issue is not only to observe how conflicts may bring about geo-political and other changes – comprising the emergence of new entities and/or states – but also how we can resolve a conflict and thus, reach a new state of affairs. To achieve this goal it is important to take into consideration such concepts as a defined goal and strategy, national interests, strength, the right of self-determination (Charter of the UN, 1945) and the UN as well as its Secretary General which seems to be the depositary of the UN Charter.

1.2 The Coin of War

At this point one should recall what William Lyon Phelps underlined: the only war which had a serious reason to be conducted was the Trojan War because the soldiers knew its cause and what they were striving for. They fought for a woman; the beautiful Helen (Mithchell 1989, p. 35). This is an ironic aspect of war which also predicts the ethical dimension of a conflict (Charalambides, 2011, pp. 23-26; Neibuhr, 1952, p. 40). The Greeks fought for their dignity. This is the one side of the coin of war. The other is that of interests, geostrategic and geopolitical purposes. The Greeks did not organise such an expedition only for the beautiful eyes of Helen, but also due to the fact that they intended to control the Dardanelles Strait, which is still of eminent strategic importance in our days. This is a classical case study through which the two sides of the same coin of the war are predicted. Therefore, the question is whether the right of self-determination falls under the ethical and legal phase of the war's coin or whether it is also a legal and methodological tool of advancing national interests. This is a procedure upon which the political concept of double standards is based on and appears as a permanent political phenomenon dominating international relations.

2. International system and conflicts

The Trojan War is a case study which can be used as historical background and a political method to connect the past with the current era and thus to examine how the international system functions. In this respect, we maintain that the international system is experiencing a quasi-Third World War (Charalambides, 2013 pp. 196-198). Various types of wars are underway, such as: 1. the conventional wars, which erupt among nation-states. In the context of these wars we underline the military, legal, economic and diplomatic means that are used. The measures imposed by the International Community on Iran (Charalambides, 2013 pp128-129; European Council 2012) constitute such means, drawing their legality from the relevant Resolutions issued by the UN Security Council. Within this category we also include civil and guerrilla wars. Such examples are the civil war in Syria (European Council, 2012a) and the War in Vietnam (Solheim, 2008 p. 206). 2. The war existing between markets and states is reflected in the current economic crisis (Charalambides, 2013, p.33; Tanzi, 2011). 3. The war on terrorism which is conducted everywhere and nowhere by Al Qaeda and other terrorist organisations (Charalambides, 2013, pp. 54-55; Bush, 2001). 4. The cyber-warfare, which is in fact an invisible war with visible results and consequences (Charalambides 2013, p. 36; Clark 2010, p.6). 5. The chemical or nuclear war, which never erupted, but its threat is always present in the global agenda as weapons of mass destruction still exist. On September 2013, the US came to the edge of a war with Syria, as the regime of Bashar Al Assad had been accused of using chemical weapons. An agreement was reached about the destruction of the regime's chemical weapons. The question is whether such agreement would have been signed or not without the American military strength being exercised in

the context of a preventive threat and under the argument of protecting innocent people and human rights. The truth is that the agreement would have never been signed, unless the US war machine had been mobilised with Washington publicly expressing its intention to use it.

2.1 Causes triggering a conflict

The international system is always stigmatized by bloody conflicts and wars. Despite the efforts that the international community undertakes, many conflicts remain unresolved worldwide. In this regard, we cannot analyse a conflict unless we refer to the classical reasons that trigger a war. In attempting to compile a list of reasons for triggering a conflict, the following ones should be underlined:

1. Conflicting National Interests (economic, commercial, social and military interests) (Dougherty and Phaltzgraff 1992 pp 53-54). These causes are relevant to the cohesion of a society, the type and structure of the political system and whether and to what extent a state suffers a deficit of democracy. In referring to national interests and the actors and/or the parties involved in a conflict, not only the internal, but also the external actors of a conflict have to be considered. In this respect, we should take into account the interests of the global and regional powers. Therefore, beyond the internal actors of the conflict, we observe that external players exert a decisive role and thereby we must examine their policies, goals and strategies as well. As to the political systems, we should study political, legal and geostrategic consequences resulting from a conflict and how they affect and are affected by the constitutional form upon which a state has been already structured. This information is important not only for the

examination of reasons causing a conflict – one of which is in fact the democratic deficit of a political system - but also for the constitutional form and structure of the solution. In other words, the reasons which caused the decline of a state can be an essential lesson and methodological instrument for the constitutional form upon which the viability of the solution could be based. This rationale refers to whether a political system is to take the constitutional form of a unitary state or that of united - states, which means establishment of a federation or a confederation.

2. Struggle for freedom, national independence and defence or wars with the aim of conquering new territories. This issue is relevant to a classic question, whether a conflict and war is just or not (Elsea, 2007, pp. 10-13) and whether a war can produce legal consequences and results. In referring to just war, we include in this certain category of war the right of a state to defend itself (self-defence). This is a right, legally enshrined in Article 51 of the UN Charter (Charter of the UN, 1945a). Furthermore, some other pertinent causes triggering a conflict exist as well: a) Protection of national groups which are under threat and risk. b) Prevention of secession and/or national catastrophe (the Azerbaijanis alleged that they were fighting to avert the cessation and the Armenians to prevent the occupation). c) The acquisition of sovereignty over a region (Dougherty and Pfaltzgraff, 1992a, p. 42).
3. Balance of power constitutes the main factor upon which the regional and global system is based on and this is a recipe for the states to hold the international system in stability and peace. This is a strategic concept that one should bear in mind in order to find a formula for the solution of a conflict. A solution usually results

from the balance or the imbalance of power existing between the parties involved in a conflict (Dougherty and Phaltzgraff 1992 pp. 57-59, Spykman pp. 21-22, Kaplan 1976, p. 22-36). If we accept that one of the main components of the viability of a solution is stability, then the construction of balance of power constitutes an indispensable variable of a viable and durable settlement. Accordingly, imbalance of power constitutes one of the main causes triggering a conflict (Dougherty and Phaltzgraff 1992a, p 74). When the Azerbaijanis will feel the superiority of power and their gas resources to be dramatically exhausted, the possibilities of an attack on Nagorno-Karabakh will be increased and will be higher compared to the current era. Certainly, there are other variables, such as the geopolitical and geostrategic interests of regional and Great Powers, which may come into play and avert the resumption of military operations and the ignition of existing “frozen” conflicts.

3. Comparing Conflicts

The Cyprus conflict constitutes one of the three conflicts that will be examined in this article. It is a conflict which has remained outstanding for many years, as it dates back to the decade of the 50^s when the Greek - Cypriots rose up to fight for self-determination and Union (Enosis) with Greece (Charalambides 2011, pp 42-48; Sarris, 1982, pp 65-66). It was a struggle against the British Colonialism which never reached the defined goal – that was “Union”. The parties involved came to a compromise and the establishment of a quasi-independent state under the guardianship of three guarantors, namely Greece, Turkey and the United Kingdom became a reality (Charalambides, 2011, 97-113; Papa-

georgiou, 1988, pp189-190 and 243; Ministry of Foreign Affairs of the Republic of Cyprus, 2013). The tiny state of Cyprus had a very snit life with the Turkish troops invading Cyprus in 1974. The Cyprus issue is the basis upon which we can work in order to compare it to the conflicts of Nagorno-Karabakh and Kosovo. The relevant question is whether the Cyprus issue is similar to that of Nagorno-Karabakh. In answering this question we should look into the facts and analyse the main characteristics of these specific conflicts. In this respect, one should highlight the following:

1. The people of Nagorno-Karabakh constitute an indigenous population which never accepted the status quo imposed by the Soviet Regime (Zürcher, 2007, p. 154; A Memorandum Prepared by the Public International Law & Policy Group and the New England Center for International Law & Policy, 2000). This political and legal status, provided for an autonomous region – that is Nagorno-Karabakh – belonging to Azerbaijan which constituted a part of the Federal Political System of the Soviet Union (Walker, 1990, pp. 285–90). It is historically and legally proven that the Federal System of the Soviet Union was an authoritarian regime and thus one may advocate that the territorial adjustments and political entities, compelled by such a regime, suffered a democratic deficit and lack of legality. They do not reflect the free will of the indigenous populations. In reality, when the Soviet empire declined, geopolitical and geostrategic changes occurred and new states emerged on the political scene. The criteria that these entities/states had to meet in order to be recognized are those which have been set out by the Montevideo Convention. Accordingly, the main preconditions that an entity should fulfill in order to be internationally recognised are: A.

Territory (land). B. People, which means a permanent population. C. Authority –Administration. D. Capacity of exercising constitutional power in a certain territory (Council on the European Relations) (capacity to enter into a relation with other state). Hereupon, we should add a criterion which is of utmost importance: that is legality, which is a relevant concept to the right of self-determination and the legal and political conditions and circumstances under which an entity results. Therefore, it is pertinent to the Jellinek's theory of the state and the inherent and primordial power of a people living in a certain country.

2. When the Soviet Union collapsed the Armenians of Nagorno-Karabakh attempted to exercise the right of self-determination. At this point we have to note that before the decline of the Soviet Union the Azerbaijanis put forward a policy of themselves to act against the Armenians of Nagorno-Karabakh (Martin, 2001, p.594). Also, atrocities had been organised and conducted on the Armenian population living in Azerbaijan and particularly in big cities such as Baku (Charalampidis, 2013 p. 3). The Armenians had no other choice, but to protect and defend their natural, biological and national existence. The conflict became brutal and spread over the entire region of the mountainous Karabakh. As the international community stood back, the Armenians fought for freedom and dignity. It was in fact a struggle for self-defence, legally grounded on Article 51 of the UN Charter. On the opposite, the Azerbaijanis fought to hold their state in cohesion.
3. In 1994 the Armenians ended the war victoriously and established the state of Nagorno-Karabakh, while they still claim the right of self-determination (article 1 paragraph 2 of the UN Charter). De-

spite the fact that the state of Nagorno-Karabakh can meet all the criteria required by the international law, it is recognized neither by the international community, nor by Armenia. What the Armenians are asking for is the right of self-determination, so that the state of Nagorno-Karabakh can be legalised and recognised or to become united with Armenia in the frame of, for example, a federation or a confederation. The UN Security Council issued a series of resolutions calling upon the parties involved in the conflict to respect the ceasefire and the Armenian government to withdraw its troops from Nagorno-Karabakh that is still considered by the international community as an autonomous region existing in the Azerbaijani political system (SCUN Resolutions 822,853,874, 884). In fact, the international community recognises the territorial and administrative boundaries mapped out by the authorities of the Soviet Union in the context of a federal system. In this respect 14%¹ of the Azerbaijani territory is under occupation and the Azerbaijani population, which used to live there and also constitutes inhabitants and the indigenous population who have the right to return to their houses and properties. Given the fact that we should respect the legality and the international law, no doubt exists that territories should be returned to Azerbaijan and that the Azerbaijanis should have the right to return back to their homes. However, what remains to be examined is whether the people of Nagorno-Karabakh have or not the right to exercise their self-determination. Accordingly, we should define what the right of self-determination provides for, what the legal basis of self-determination is and how this legal and political basis is

¹8,9% out of the 14% of the territories which are considered under the Armenian control are located out of the enclave of Nagorno-Karabakh. (De Waal, 2003, p. 286).

grounded by the international law. As article 1 paragraph 2 of the UN Charter provides for, the right of self-determination is defined as peoples having the right to decide about their destiny, future and self-governance (Charter of the United Nations). In accordance with George Jellinek's basic "theory of the state" (Tsatsos, 1985, pp. 62-72), when we refer to people we mean the indigenous population, having historical and cultural roots in a specific region and permanently living in this certain territory/country. This certain people bear inherent and primordial power (Jellinek cited in Tsatsos, 1985, p. 62). The UN gives a very accurate definition about indigenous populations and their right including that of self-determination: *"This historical continuity may consist of the continuation, for an extended period reaching into the present of one or more of the following factors:*

- *Occupation of ancestral lands, or at least of part of them;*
- *Common ancestry with the original occupants of these lands;*
- *Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.);*
- *Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);*
- *Residence on certain parts of the country, or in certain regions of the world;*
- *Other relevant factors.*
- *On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identifica-*

tion as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group). This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference” (United Nations, 2004, p. 2).

When we refer to the people of Nagorno-Karabakh we do not include only the Armenians but also all other nationalities which are lawful inhabitants (Tsatsos 1985, p.66)¹. In this respect, the right of self-determination belongs to the people of Nagorno-Karabakh whose ethnic majority, legally living in a specific territory, are the Armenians. The minorities are usually legally and politically guaranteed through the constitutional order resulting from the solution. The UN Charter enshrines the right of self-determination in article 1 paragraph 2 and thereby it is a matter of principle and depends on a certain people or peoples to claim and fight for it. In a press release issued by the OSCE Minsk Group on October 17, 2013, it is obvious that the right of self-determination is of high priority in the agenda of negotiations (Minsk Group, 2013). Thus, the right of self-determination is one of the core issues regarding the solution of the conflict. Under these conditions, one may allege that a conflict exists between the interpretation of the international law and the facts that the conflict of Nagorno-Karabakh is composed of. If we take into consideration that the Armenian troops are not occupying but liberating forces – as Nagorno-Karabakh belongs to the Armenian nation – the resolution of the UN Security Council is in line with, but at the same time, in contrast with international legality. It is in line with international legality if we consider that Nagorno-

¹As Tsatsos underlined that the term people differs from that of nation as the term people may include more than one nation.

Karabakh is an integral part of Azerbaijan. However, if we deem that the Armenian population living in Nagorno-Karabakh never agreed to the political system imposed by the authoritarian Soviet regime, the resolution of the UN Security Council provides for the withdrawal of the Armenian troops which is in contrast with international legality. This view is based on the concept that the war in Nagorno-Karabakh was a liberating one and that the troops are stationed there in order to protect the Armenian indigenous population still struggling for their right of self-determination. Furthermore, one may allege that the Azerbaijani troops attempted to do what the Serbian forces did in Kosovo and NATO intervened and punished the regime of Slobodan Milosevic. The question is why on the one hand the international community punished the Serbian regime under the pretext of restoring the human rights violated by Milosevic's government, whilst on the other, the international community refused during the war in Nagorno-Karabakh to protect and defend the Armenians of Nagorno-Karabakh? Thus, beyond what the international law provides for, we must examine the national interests as political and economic instruments, through which the political and legal position of the Great Powers and the international community is defined. Regarding the Cyprus issue in comparison to that of Nagorno-Karabakh, we may maintain the following: the liberation of Nagorno-Karabakh by the Armenians is as liberating the northern part of Cyprus, which is currently under the occupation of Turkish troops. In this respect, the Greek and Greek Cypriot forces cannot be seen or considered as occupying but only as a liberating army restoring their historical and national vested interests as well as the Constitutional Order still violated by the Turkish military forces.

3.1. The state of Manchukuo

The presence of the Armenian troops in Nagorno-Karabakh has an extremely different legal status than that of the Turkish military forces illegally stationed in Cyprus. With respect to the Cyprus conflict we should note that, the Turkish troops invaded Cyprus in 1974 under the pretext of restoring the Constitutional Order. In accordance with the Turkish allegation, the Constitutional Order of the Republic of Cyprus had been breached by a coup d'état organised and conducted by the Greek Junta which collapsed only three days after the Turkish invasion. However, the Turkish troops never restored the Constitutional Order as they had committed themselves to do. In contrast, they established in the northern part of the island a separate "state" not recognized by the international community. With the proclamation of such a separate "state", the Turkish government put forward a strategic plan with the aim of establishing a federation or a confederation and thereby legalising the fait accompli created by the Turkish troops in 1974. Accordingly, the UN Security Council issued two relevant resolutions (541 and 550) which flatly state that the so called "Turkish Republic of Northern Cyprus" is not valid and thus it cannot be recognised by the international community. These resolutions are based on article 2 paragraph 4 of the UN Charter which provides that no state, entity and authority can be recognized as a result of the use of force (UN Charter, 1945b, p. 3). This article is based on the case of Manchukuo and the Stimson doctrine. In 1931, when the Chinese protested to the League of Nations that the Japanese set up a "puppet state" in Manchukuo, the League of Nations sent a mission to examine on the ground what had really happened. The mission went to Manchuria and after concluding the investigation, it issued a report based on the "Stimson Doctrine", which was a strategy developed by Henry Lewis

Stimson, the US deputy Secretary of State (1929-1933). According to this strategy, the US was against the expansionist and imperialistic policy that Japan had put in practice in Asia (United States Department of States, 2009). As the Lytton report (this is the name of the British reporter¹) set out, Manchukuo was a “puppet state” established by the use of Japanese force and it was in fact under their military control (Ferrell, 1955, pp. 66-72). This is one of the landmark cases that the international legal order has relied on in order to legally establish why the international community cannot accept that an illegal action resulting from the use of force could produce legal consequences and thereby the establishment of a state. This is the legal rationale and what the judges of the European Court of Human Rights had in mind when they issued a decision on the case of Republic of Cyprus vs. Turkey (European Court of Human Rights, 2001). As the decision provides for, the so-called “Turkish Republic of Northern Cyprus” is a “puppet state” and the Turkish government bears the responsibility for the violation of property and other human rights in the northern occupied part of the island. The legal argument, upon which this view is based, is that the “authority existing at the north” is under the control of the Turkish troops illegally stationed on the island. On the contrary, the case of the Nagorno-Karabakh is not the same as the Cyprus conflict. From a historical, national and cultural point of view, Nagorno-Karabakh is an Armenian territory. Therefore, the Armenian troops stationed there are not foreign occupying forces, but a liberating army. On the contrary, the Turkish troops stationed in the northern part of the Republic of Cyprus are occupying forces.

¹ The Lytton Commission was headed by V. A. G. R. Bulwer-Lytton, the second Earl of Lytton of the United Kingdom, and included four other men, one each from the US (Major General Frank Ross McCoy), Germany (Dr. Heinrich Schnee), Italy (Count Aldrovandi-Marescotti), and France (General Henri Claudel).

3.2. The Sword Theory and self-determination

Under these circumstances, we also underscore that the majority of the lawful inhabitants of the northern part of Cyprus 82% (Cuco 1992, p. 5)¹ were forced to abandon their homeland as a result of an illegal action; that is the invasion of the Turkish troops and the violation of human rights. The invasion was the first stage of the Turkish strategy, which was formulated with the British in 1956 and aimed at the partitioning of the island (Sarris 1982, p. 65-66 and 128-134; Dikerdem 1977, p. 125). The second stage of the Turkish strategy is reflected in the establishment of the so called “Turkish Republic of Northern Cyprus” (15/11/1983). This political action shows that the aim of the Turkish troops’ invasion was not to restore the Constitutional Order in Cyprus, but to establish a separate entity. Initially, the Turkish government forced the Turkish Cypriots to leave from the southern part of the island to the north and put in practice a strategy of colonization, by transferring population from the Turkish mainland to Cyprus in order to dramatically alter the demographic character of not only the northern part of Cyprus, but of the entire island (Charalambides, 2011, p.133; Gavriil, 2007). This is a classical Turkish strategy dating back to the Ottoman era. In that period, when the Turks conquered a specific region, they forced the indigenous population to change its faith, become Muslims; otherwise, an ethnic cleansing was to be organised and executed, whilst the region would have been already flooded by Turkish population transferred from elsewhere. This strategic practice is called, “Sword Theory” (Sarris 1983; Sarris 1990). Colonization is a crime of war and the current population living in the northern part of Cyprus is illegal (4th Geneva Convention 1949) and a clock bomb on the foundation of

¹ This figure of the 82% of the population includes people belonging to Cyprus Republic from other religious groups which opted to belong to the Greek Cypriot Community at a rate of 1.8%.

the solution (Laasco 2003, articles 42-44). Neither the Turkish Cypriots nor the Turkish settlers constitute an indigenous population of the northern part of the island. Therefore, they do not have the right of self-determination. However, the Turkish strategy pursues to attain the third stage of its strategic goal through the legalisation of the fait accompli caused by the Turkish troops in 1974 in the frame of a bi-zonal, bi-communal federal system (Charalambides 2011, pp.128-134). On the contrary, the population living in Nagorno-Karabakh is indigenous, permanent and a legal one. The Armenians inhabiting there constitute the legal majority of the entire population and they have the right of self-determination. As already mentioned, the right of self-determination belongs and can be legally granted to an indigenous population having historical roots and permanently living in a certain territory. These are the criteria of legality set out by the International Law and the UN, "The Concept of Indigenous People", (United Nations, 2004, p.2). Accordingly, the Armenians of Nagorno-Karabakh meet the criteria set out by the international legal order regarding the right of self-determination, but not the population which currently lives in the northern occupied part of Cyprus. Under these circumstances we maintain that illegality cannot produce law and legal status, unless those to whom the legal and vested interests belong repulse their rights through which the violated legality can be restored. In the case of Nagorno-Karabakh, a liberating war had been conducted by the Armenians in contrast to Cyprus's case where a conquering war organised and carried out by Turkey.

4. Political systems: unitary state and federations

Another difference also exists between the issues of Cyprus and Nagorno-Karabakh. Cyprus is a unitary state and not a federal or a quasi-federal political system composed of more than one state unit and/or

autonomous regions. In the case of Cyprus, the Turkish Cypriots never lived in the north and never had an autonomous region as it happens to be in the case of Nagorno-Karabakh. Therefore, the Turkish Cypriots and the settlers currently living in the north have never been recognised as a separate entity. The question is whether a constitutional recipe exists or not, upon which the legalisation and facilitation of the secession and partition of Cyprus could be based. In the international relations, national interests and power games create fertile ground and formulate political systems to legalise even an illegal status quo. Such political systems are those of the federation or confederation through which the existing illegal status quo in Cyprus will turn into a legal one, as the unitary state will be split in two “constituent states” with the hope of co-existing in the frame of composite political system. If the existing illegal status of the Turkish Cypriots is legalised through a federal solution, the Turkish Cypriots could be easier seceded and recognized in the future by proclaiming an independent state. In the case where a constitutional or any other type of crisis erupts, the Turkish side will have the opportunity to legally meet the criteria of a state much easier in the context of a declining federal system, than in the frame of a unitary state such as the Republic of Cyprus. The legalisation of the criteria that the Turkish Cypriot should meet for their independence will be based on and result from an agreement providing for the establishment of a federation consisting of two constituent states or units. What is illegal today, it will be legal tomorrow. Thus, the type of the political system that will be used by the parties involved in order to resolve a conflict is pertinent to the viability of the solution. A federation or a quasi-confederation might be the source of partition as it happened in the Soviet Union, Czechoslovakia and Former Federal Republic of Yugoslavia,

where the secession of Kosovo was the outcome of a negative domino effect which induced the dismantling of the Yugoslav Federal System. Kosovo constitutes an autonomous entity/region within the territory of Serbia, which was a federated state of the former Federal Republic of Yugoslavia. Since a huge part of international community recognised the right of self-determination to the Albanians living in Kosovo, why did it refuse the right of self-determination to the indigenous Armenians inhabiting in Nagorno-Karabakh? Besides, one may argue that albeit Albanians living in Kosovo are the majority of the local population, but they are inhabitants of a specific territory where the Serbs produced rich civilization with a Serbian minority still inhabiting in the north of Kosovo, which is considered an integral territorial, cultural and historical part of Serbia. Kosovo is a Serbian holy place full of Christian Orthodox churches and monasteries. The city of Pech constitutes the beacon of the Serbian civilization as it is the locus where the first Serbian Orthodox Church had been set up (The Soul of Europe, 2012). The Serbian population was interspersed all over Kosovo, but in the current era it mainly inhabits in the north, controlling four municipalities and the 13,75% of the entire territory of Kosovo (Research of the Helsinki Committee for Human Rights in Serbia, 2012). The Serbs claim of the cultural and historical identity of Kosovo as their legal ownership stems not only from the former political system of the Federal Republic of Yugoslavia, but also from the historical and cultural heritage. This is one of the reasons that Kosovo was an autonomous region in the sense of a privileged regime. However, one may allege that the "elite" of Yugoslavia had no intention to increase the role of the Albanians in the political system, although it upgraded the legal status in the constitutional amendments in 1974. What is the difference between the case of

Kosovo and that of Nagorno-Karabakh? The Armenians of Nagorno-Karabakh have been living permanently in a territory the historical and cultural identity of which never lost its Armenian character (Ministry of Foreign Affairs of the Republic of Armenia, 2013) and their inherent and primordial power the right of self-determination can be grounded on that. Furthermore, this specific region never belonged to Azerbaijan either historically or culturally. On the contrary, from a historical and cultural perspective, Kosovo is a region which belongs to the wider Serbian history and civilisation. However, one may allege that the Albanians currently constitute a legal majority in Kosovo and therefore, they have the right of self-determination. In addition, they could meet all the criteria required by the international law for the establishment of their own independent state. On the other hand, the Albanians of Kosovo did not establish their state alone, but with the support and use of force exerted by the US, some EU member-states and NATO. Albeit the Albanians of Kosovo are the majority in this certain region, they are a minority in the frame of a wider geographical region with a Serbian historical and cultural identity, where the Serbs are the majority. This is the concept which the administration and the leadership of the former Federal Republic of Yugoslavia based upon to enact an autonomous legal status for Kosovo, which, still belonged to the wider Serbian constituent state of the Yugoslav Federation. Thus, one may argue that Kosovo cannot be cut off from its historical and cultural mainland. In contrast, one may allege that we cannot turn a blind eye and that the Albanian majority has the legal rights to take its own decisions. The relevant question is whether the Basques and/or the Catalans should have the same right. In the case of Nagorno-Karabakh, this historical and cultural mainland is Armenia and not Azerbaijan. Similarly, the historical

and cultural mainland of Cyprus was and still is Greece. The Turkish Cypriot Community did not inhabit the northern part of the island. The fact that Greece is the cultural and national mainland of Cyprus constitutes the legal, political and cultural rationale from which the historical demand for Union with Greece derived. The Greek Cypriots – being the majority of about 82% of the entire people of the island – met all the criteria to claim the right of self-determination, including a permanent population with historical and cultural identity, which had been consolidated throughout the centuries in a specific territory, the island of Cyprus. However, after the Turkish invasion the Greek Cypriots accepted in the sense of an “honourable compromise” to reach a solution on the basis of the Turkish strategic goal of the federation, which means that the illegal action of the Turkish invasion cannot only induce geostrategic and geopolitical consequences in favour of Turkey, but it can also produce legal results predicted on a federal political system.

4.1 Dissimilarities

Which are the elements that make the three conflicts mentioned above (Cyprus, Nagorno-Karabakh and Kosovo) seem dissimilar regarding the right of self-determination? In this sense we may underline the following:

- In the cases of Cyprus and Nagorno-Karabakh we observe that the Greeks and Armenians met both the criteria of majority and geography which also includes the cultural and historical character of a certain region.
- In the case of Kosovo the Albanians live in a region where both the cultural and historical identity belongs to the Serbs, but the Albanians are the majority and thereby the International Court of Justice issued a legal not binding opinion, which underlines that the

declaration of independence “did not violate the international law” (International Court of Justice, 2010). However, the Serbs provide the argument that Kosovo is an integral part of Serbia and that the Albanians living there are only a minority in the frame of the entire population of which the Serbian state consists of. In the current period both sides put in practice a procedure with the aim of improving their relations, albeit Serbia, for the time being, does not intend to concede and recognise the independence of Kosovo. On the other hand, no improvement has been achieved regarding the relations between the Armenians of Nagorno-Karabakh and the Azerbaijanis, neither in the relations between Turkey and the Republic of Cyprus. The Cypriot government proposed to return of the enclosed city of Famagusta as the relevant resolutions 550 of the Security Council of the UN and the High Level Agreements of 1977 provide for (Ministry of the Foreign Affairs of the Republic of Cyprus, 2013). This is a formula which can improve the relations between the two communities and facilitate the efforts for the solution and the Turkish accession to the EU. If Turkey accepts the proposal of the Cypriot government and implements the “additional protocol” (European Commission, 2013), then eight accession chapters which have been blocked by the European Council will be unblocked and the relations between the two countries will be ameliorated (European Commission, 2013a). Furthermore, the so called “Turkish Cypriot isolation” will be lifted, as the port of Famagusta will re-operate under the supervision of the European Commission and thereby the Turkish Cypriots will be able to operate freely their commercial and other businesses and also communicate with the external world and particularly the EU.

4.2 Double standards

After comparing the three conflicts (Cyprus, Nagorno-Karabakh and Kosovo) the following points are inferred: Firstly, the double standards upon which the international system functions. Secondly, the internal and external balance of power, which means the strength that each one of the parties involved in the conflicts disposes. This strength affects the negotiations and defines the solution. Thirdly, the significance that results and the consequences stemming from a war play a catalytic role in shaping and establishing a new status quo. Before the Turkish invasion, the Greek Cypriots never stopped claiming for the right of self-determination. Since the Greeks had been defeated in the war of 1974, they changed their policy and are ready to compromise and find a solution on the basis of on a bi-zonal, bi-communal federation which is however, a dichotomous British and Turkish strategic goal since 1956 (Sarris 1982, p 65-66, ; Dikerdem 1977, p 125). In contrast, the victory Armenians achieved in the battlefield facilitated their political task of exercising the right of self-determination. As regards Kosovo, in 1999 the NATO troops punished the authoritarian regime of Slobodan Milosevic with a bombing campaign, forfeiting of typical legal ground as no resolution was issued by the UN Security Council. The establishment of an Albanian state in Kosovo results from an external action, which was attempted to legalize by the states that accepted the recognition of Kosovo. The situation in Kosovo is problematic. Before NATO's intervention the Albanians constituted a minority in the context of the Serbian Republic as a result of the decline of the Federal Republic of Yugoslavia. After NATO's intervention the Albanians consolidated their majority in Kosovo where the Serbs turned into minority. What is the concept of this sentence? The Serbs of Kosovo along with their Serbian compatriots

constituted a wider majority in the frame of the constitutional boundaries of the Serbian Republic. As the territorial boundaries become more restricted, the Serbians of Kosovo run the risk of becoming prisoners within the state of Kosovo with the international community not being as sensitive about the minority rights of Serbians as in the case of the Albanians some years ago. This is the risk that the Armenians of Nagorno-Karabakh would have to face if they had not defeated the Azerbaijanis in the battlefield and if they stopped claiming the right of self-determination; or if they became powerless.

4.3 Military strength

Through the conflict analysis we can obviously observe the significance that national and particularly military strength plays in exercising the right of self-determination, which is in fact one of the main principles of international law. Military strength helped the Armenians to come closer to the right of self-determination. In parallel, when the Turkish military strength and the Greek weakness came together, the Greek Cypriots were towed away from the right of self-determination. However, international law and its principles constitute the shelters of the defeated Greek Cypriots and deduct from the Turkish Cypriots the right of self-determination. As to the issue of Kosovo, in accordance with the US and a number of EU member states, the right of self-determination is granted to the Albanians by the use of military force against the background of a belligerent external intervention conducted by NATO under the argument of defending the human rights and the international legal order, which had been violated by the regime of Slobodan Milosevic.

In the light of what has been mentioned above we underline the following:

1. One may argue that it is irrational that a huge part of the international community and most of the member states of the EU granted the right of self-determination to the Albanians living in Kosovo, yet refusing the same right for the Armenians living in Nagorno-Karabakh or the Basques and the Catalans in Spain.
2. If Greece for example recognizes Kosovo as an entity seceded from Serbia, a similar problem is likely to be generated by the Muslim minority in Thrace considered by Ankara as a population belonging to the Turkish nation (Treaty of Lausanne, 1923, Chapter VI, article 2). The next step might be the claim for the right of self-determination based on the model of Kosovo albeit the EU confirmed that the case of Kosovo is unique and thereby Kosovo cannot be used as model of secession in the future. This is why both Spain and Cyprus refused to recognise Kosovo. Under these conditions, it is obvious that the international system is not based only on what the international law provides for, but also on the national interests and power. In this respect, international law is used by the nation-states as methodological tool to advance and serve their national interests and goals. This is the political interpretation that we give to the phenomenon of “double standards”.

5. Conclusions: pillars and viability of solutions

Certainly, the main question is whether a formula exists, upon which the solutions of the various outstanding issues can be achieved. There is not a certain recipe but only principles about a solution as each conflict has its own characteristics. Therefore, we could maintain that the solution of a conflict always reflects the balance of power existing between the parties involved. The resolution of a conflict can be based on a set of

political, legal, economic social and military instruments. The strategy and the methods we may use to reach a solution are the following:

1. Bottom up and not top down, which means that we should firstly put as a basis of the solution the democratic values and principles upon which a solution can be founded (Charalambides 2011, 561-562; Charalambides 2013, p. 113).
2. Good knowledge and evaluation of the regional and global environment as the solution is relevant to and depends on power games and conflicting and convergent national interest of regional and global powers.
3. Strength and balance of power, existing between the internal and external parties involved in a conflict, constitute main pillars upon which a solution can be built. In the case of Cyprus the internal parties of the conflict are the Greek and the Turkish Cypriots and the external ones are the three guarantors, namely Greece, Cyprus and Turkey. The US plays also a catalytic role with Russia and the EU to be always part of the game. Regarding the international dimension of the conflict, Turkey became in fact the core of the conflict since it invaded Cyprus and still keeps the island under military occupation. As to Nagorno-Karabakh, the internal parties of the conflicts were the Armenians of Nagorno-Karabakh and the Azerbaijanis. In fact, Armenia is also part of the conflict and got involved into negotiations with Azerbaijan in order to reach a solution in the context of the Minsk Group. In parallel, Serbs and Albanians living in Kosovo are the parties involved in the conflict and NATO constitutes an external actor that played a leading role to the end of the conflict and the establishment of the Albanian Kosovar Authorities with the support of the UN.

4. Alliances which can be constructed by the parties involved in the conflict. These alliances, which are likely to be established between external and international actors of a conflict, aim at changing the balance of power, which is a decisive factor upon which the solution can be shaped.
5. Democracy and type of political system. The democratic character of the solution is pertinent to its viability. In comparing the issues of Cyprus to those of Kosovo and Nagorno-Karabakh, we may stress the following: a tiny state such as Nagorno-Karabakh cannot survive alone, but under the protection of Armenia. Otherwise, it will be under a continuous Azerbaijani threat, even if a solution is to be found. If Cyprus were to be united with Greece in the 1960s, the Turkish threat would have been effectively prevented and the invasion averted. If Cyprus were to be under the Greek sovereignty, then any Turkish attack would have turned into a Greco – Turkish war and the south-eastern wing of NATO would be blown up. This is the key which could open the door to the US in order to play a preventive role as it occurred in the crisis erupted in Kokkina during the summer of 1964 (Charalambides, 2011, p 231-278). Besides, the Armenian preventive policy on the Turkish threat is based on the Russian troops based outside Yerevan and the Kosovars could not feel comfortable and would also be an easy prey for the Serbian forces without NATO's protection.

5. Epilogue

Morality cannot be consolidated and thus it cannot become a pillar upon which a solution can be based, unless a state or a coalition of states disposes adequate military strength. Military strength – which coexists

with technological and/or economic power – paves the path to morality. Democracy and security issues are pertinent to the viability. Therefore, viability is a key factor related to a strategy with the aim of averting the fragility of a solution. This is a method inherent to the theory of “porcelain of Prague”. This theory implies that when a solution is not in line and is not relied on balance of power and on democratic values and principles, when there is not adequate security, the risk is high for the resultant political system to collapse and thus to be broken into pieces like a vulnerable and fragile “porcelain of Prague”.

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