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**The Use of Ambiguity in Mediated Agreements:
The Armenian-Turkish Protocols**

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The purpose of this paper is to study the concept of ambiguity in diplomatic language within the context of third-party mediated agreements, focusing on the case of Armenian-Turkish relations. The paper will study how the diplomatic language has evolved over the course of modern negotiation history between the Republic of Turkey and Republic of Armenia as reflected in bilateral talks and official statements since 1992 and finalized in the Swiss-mediated protocols on the establishment and development of diplomatic relations signed on October 10, 2009. In particular, the paper will look at ways in which mediators used ambiguity as a tool to reconcile interests through one-text procedure, and the promises and perils ambiguity engenders if used for several incompatible interpretations in future. The paper will start with a brief historical overview highlighting the development of the Armenian-Turkish relations starting from the first years of Armenia's independence, identifying the parties to the conflicts the two states have been involved in – both primary and secondary. The paper will then discuss how evolution in the diplomatic language has affected the ZOPAs for the parties, focusing on the role of the new language in shaping new political and geopolitical realities in the region.

Keywords

Armenian-Turkish relations, BATNA, ZOPA, negotiations, mediation

Introduction

On October 10, 2009, Armenian Foreign Minister Edward Nalbandian and his Turkish colleague Ahmet Davutoglu signed protocols in Zurich on the establishment of bilateral diplomatic relations and the opening of their land border. Turkey closed the border in solidarity with its close ally Azerbaijan after a conflict over a breakaway Armenian enclave Nagorno-Karabakh. Armenia, on its part, has long demanded Turkey to recognize the massacre of over a million Armenians in 1915 as genocide. The role of Russia, the US, France, and Switzerland was crucial in brokering the agreement.

The protocols provided a framework for the establishment and development of bilateral relations and set a timeframe for the steps to be undertaken upon the ratification of the protocols by the two countries' Parliaments. The countries would have to open their borders within two months after ratification, and establish a working group headed by the two Ministers of Foreign Affairs to prepare the working modalities of the intergovernmental commission and its sub – commissions. However, despite a great degree of precision in terms of the timeframe the protocols set, there was much room for ambiguity in the text of the protocols, which caused serious concerns in both countries, as well as within the Armenian Diaspora and Azerbaijan.

Thus, as part of the agreement, the two countries pledged to establish “an intergovernmental sub – commission on the historical dimension to implement a dialogue with the aim to restore mutual confidence”¹. Some Armenians had a fear that this would produce a revisionist history that calls into question the very fact of the genocide. This is why President Sargsyan received a most chilly reception among the Armenian Diaspora with noisy street protests during his tour to the Armenian communities in the US, France and Lebanon.

The statements regarding the synchronization of the Armenian-Turkish rapprochement and settlement of the Karabakh conflict repeatedly made by the Turkish officials provided yet another reason for strong resentment among the Armenians. This resentment was fueled by a certain degree of ambiguity in the language of the protocols, which, despite having no provision regarding the Nagorno – Karabakh conflict, nevertheless contain a number of allusive references to the principles of *non-intervention in internal affairs of other states* and commitment to the *peaceful settlement of regional and international disputes and conflicts*². Another reason why the language of the protocols had been harshly criticized in Armenia is that, despite Armenian government’s continuous reassurance that normalization of the Armenian – Turkish bilateral

¹ Protocol on Development of Relations Between the Republic of Turkey and Republic of Armenia, October 10, 2009, <http://www.mfa.gov.tr/data/DISPOLITIKA/turkiye-ermenistan-ingilizce.pdf> (29.03.2017).

² Ibid.

relations should take place *without preconditions*, the very phrase “without preconditions” is nowhere to be found in the text, as such.

Conversely, for Turkey, and for Azerbaijan in particular, the language of the protocols has raised a number of concerns over the absence of a clause on the Nagorno – Karabakh issue. Nevertheless, when asked whether Turkey has changed its policy again and will open the border unconditionally, Turkish Foreign Minister said that “Turkey was envisaging parallel tracks and it was impossible to sustain the normalization process without a comprehensive *reconciliation in the region*”³. To alleviate Azerbaijani concerns, Turkey kept promising that the protocols would in no way harm the national interests of Azerbaijan, however, Turkey did not entirely rule out the possibility of opening the border before *an interim solution* had been reached between Armenia and Azerbaijan⁴. In 2016, at the UNGA 69st session Armenian President Sargsyan, in response to Turkish side for not ratifying the Protocols, stated “In Armenia and Artsakh ordinary people often just retort to such preconditions: “To hell with you ratification.” This vernacular phrase concentrates the age – old struggle of the entire nation, and it unequivocally explains to those who attempt to bargain the others’ homeland that the motherland is sacrosanct, and they had better stay away from us with their bargain. It is in these circumstances that currently the official Yerevan is seriously considering the issue of recalling the Armenian-Turkish Protocols from the parliament”⁵.

Currently the Protocols are not in political or legal agenda in both countries which makes it easier to analyze the ambiguity and wording used in their texts.

The study will look at ways in which the mediators used ambiguity as a tool to reconcile interests through one – text procedure, and the promises and perils ambiguity engenders if used for several incompatible interpretations in future. First, it will explore the factors

³ Turkey, Armenia One Step Closer to Open the Border; *The Hurriyett Daily News*, September 1, 2009, <http://www.hurriyetdailynews.com/n.php?n=turkey-armenia-one-step-closer-to-the-border-2009-09-01> (12.04.2015).

⁴ Ibid.

⁵ Serzh Sargsyan, The Speech of the President in the UNGA session, [http://www.president.am/en/press-release/item/2014/09/24/President-Serzh-Sargsyan-New-York-speech/\(08.01.2017\)](http://www.president.am/en/press-release/item/2014/09/24/President-Serzh-Sargsyan-New-York-speech/(08.01.2017)).

leading to the "defining moment" that made the conflict "ripe for mediation⁶," analyze the negotiating goals and strategies used by mediators and the effect of their choices in terms of the ultimate interpretation and implementation of the agreement⁷. The study will then discuss how the protocols have affected the BATNAs for the parties, shaping new political and geopolitical realities in the region.

History of the Conflict: The Rise of Football Diplomacy

The Armenian-Turkish relations have long been characterized by bitter mistrust and tension due to a number of unresolved issues including the mass killings of the Armenians in 1915. Most scholars have qualified them as genocide although Turkey has denied that judgment, supporting prosecution of Turks who have spoken out about the issue⁸. Relations came to their worst peak in 1993 when Turkey sealed off its border with Armenia in solidarity with its close ally Azerbaijan after a conflict over a breakaway Armenian enclave Nagorno – Karabakh⁹. Tensions between Armenia and Turkey were furthermore aggravated by subsequent infrastructure projects bypassing Armenia, such as Baku–Tbilisi–Ceyhan pipeline and Baku–Tbilisi–Kars railroad¹⁰, as well as Armenia’s decision

⁶ **Bercovitch J.**, Mediation in International Conflict: An Overview of Theory, A Review of Practice, *Zartman I.W., Rasmussen J.L. (eds.), Peacemaking in International Conflict: Methods and Techniques*, Washington DC: United States Institute of Peace Press, 1997, pp. 125-154.

⁷ **Druckman D.**, Negotiating In the International Context, *Zartman I.W., Rasmussen J.L. (eds.), Peacemaking in International Conflict: Methods and Techniques*, Washington DC: United States Institute of Peace Press, 1997, pp. 81-124.

⁸ Turkey: Article 301 is a Threat to Freedom of Expression and must be repealed now, Public Statement, Amnesty International, December 1, 2005, <http://www.amnestyusa.org/document.php?lang=e&id=ENGEUR440352005> (08.10.2014).

⁹ Turkey, Armenia to Sign Peace Agreement, *CNN*, October 10, 2009, <http://www.cnn.com/2009/WORLD/europe/10/09/turkey.armenia.peace/index.html> (21.08.2016).

¹⁰ **Starr S. F., Cornell S.E.(edt.)**, The Baku-Tbilisi-Ceyhan Pipeline: Oil Window to the West, Central Asia-Caucasus Institute & Silk Road Studies Program – A Joint Transatlantic Research and Policy Center, Johns Hopkins University, 2005, https://www.silkroadstudies.org/resources/pdf/Monographs/2005_01_MONO_Starr-Cornell_BTC-Pipeline.pdf (17.01.2017).

to re-commission its nuclear plant located 16 km away from Turkey's border¹¹.

Among the scarce public contacts between the Turkish and Armenian officials, of most exemplary ones in terms of political rhetoric dominant in the Armenian–Turkish relations is the letter of the Turkish Prime Minister Erdogan sent to the Armenian President Kocharyan in 2005. It proposed the establishment of a “*commission of historians*” and experts to study the developments and events of 1915 not only in the archives of Turkey and Armenia but also in those of all relevant third countries and to share their findings with the international community”¹². Kocharyan answered with a counterproposal to establish diplomatic relations *without preconditions*, proposing that only in that context could there be an intergovernmental commission “to discuss any and all outstanding issues between our two nations, with the aim of resolving them and coming to an understanding”¹³. At that time, no agreement was reached whatsoever¹⁴.

Serzh Sargsyan's presidency opened new prospects for Turkish–Armenian relations. During a meeting with members of the Armenian Diaspora in Russia in 2008, Sargsyan made a groundbreaking statement inviting the Turkish president to visit Armenia to watch the World Cup qualifying match between Armenia and Turkey. Through what later came to be referred to as “football diplomacy”, Armenia and Turkey embarked on a road to formal negotiations to settle up their bilateral relations¹⁵.

¹¹ Nuclear power in Armenia, *World Nuclear Association*, October 2009, <http://www.world-nuclear.org/info/inf113.html> (03.02.2017).

¹² Armenia-Turkey: The Great Debate, 2009; *European Stability Initiative*, http://www.esiweb.org/index.php?lang=en&id=322&debate_ID=2&slide_ID=1 (21.08.2016).

¹³ Ibid.

¹⁴ An independent third-party examination of the events of 1915 was initiated in 2002 by a "reconciliation commission" composed of a group of prominent Armenians and Turks. In a report released in February 2003, the New York-based International Center for Transitional Justice (ICTJ) concluded that the killings and deportations of Armenians "include all of the elements of the crime of genocide" as defined by the UN convention, <http://www.ictj.org/images/content/7/5/759.pdf> (12.04.2015).

¹⁵ Armenia-Turkey: The Great..., Op. cit.

With talks between the Armenian and Turkish diplomats already underway for months, the Armenian–Turkish rapprochement became a subject of heated discussions in local and international media, as the Armenian and Turkish officials confessed that the two countries had never come this close to a plan regarding a final normalization¹⁶. According to the Turkish Foreign Minister Ahmet Davutoğlu, the move was in line with the government’s “Zero Problems with Neighbors” policy¹⁷.

Yet, there has been much controversy domestically, as well as internationally, over the cost of the rapprochement, as officials released contradictory statements about the reconciliation process. While Armenian side spoke about establishing relations without preconditions¹⁸, Turkish officials insisted that the Turkish-Armenian border could be opened only after Armenia “restores Azerbaijan's territorial integrity” and gives up “distorting history”¹⁹.

A shift in the Turkish political rhetoric was observed in April 2009, when Prime Minister Erdogan declared that Turkey would not sign a final agreement with Armenia “until an agreement on Nagorno–Karabakh is reached”, with his position repeatedly echoed by other ministers and institutions in Ankara in days to follow²⁰.

On 22 April, on the eve of the traditional U.S. presidential statement on the 1915 mass killings, Armenia and Turkey released a joint statement stating that Turkey and Armenia agreed to a road map and “a

¹⁶ Turkey, Armenia One Step Closer to Open the Border, *Hurriyett Daily News*, September 1, 2009; available from <http://www.hurriyetdailynews.com/n.php?n=turkey-armenia-one-step-closer-to-the-border-2009-09-01> (12.04.2015).

¹⁷ Armenia-Turkey: The Great.... Op. Cit.

¹⁸ Interview of the President of Armenia Serzh Sargsyan to BBC correspondent Gabriel Gatehouse, August 31, 2009, <http://www.president.am/events/press/eng/?id=33> (22.08.2016).

¹⁹ Turkey not to Open Armenia Border until Azerbaijan's Integrity Restored, *The Hurriyett Daily News*, December 4, 2008, <http://www.hurriyet.com.tr/english/world/10506578.asp> (12.04.2015)

²⁰ Armenia-Turkey: The Great.... Op. Cit.

comprehensive framework for the normalization of their bilateral relations”²¹.

Finally, on October 10, the protocols on normalization of the Armenian Turkish relations were signed in Zurich. Although the text of the protocols contains no provision regarding the Nagorno – Karabakh conflict resolution or the Genocide recognition, the signing of the protocols was about to be postponed due to a last-minute dispute over wording in the statement to be made by the Foreign Ministers. The U.S. State Secretary Clinton and other diplomats present at the ceremony acted immediately to mitigate the wording crisis, and, with a three – hour delay, the protocols were finally signed with no oral statements following the signing ceremony²². As Clinton explained, “people are free to say whatever else they want, but let the protocols be that statement”²³.

The Framework for Negotiations: Interests, Positions, BATNAs and ZOPAs

The Republic of Armenia: Interests and Positions. As a landlocked country, Armenia cannot afford in the long term to keep its borders closed. Armenia would benefit economically from an open border with Turkey; therefore, it has a direct interest in turning the page in the Armenian-Turkish history. The Republic of Armenia, as a primary party, comprises the following subgroups as they relate to Armenian-Turkish initiatives and policies:

1) Administration of the President

The President of the Republic of Armenia represents the state in international relations, executes the general guidance of the foreign policy, concludes international agreements, appoints and recalls from

²¹ No: 56, April 22, 2009, Joint Statement of The Ministries of Foreign Affairs of The Republic of Turkey, The Republic of Armenia and The Swiss Federal Department of Foreign Affairs, http://www.mfa.gov.tr/no_-56_-22-april-2009_-press-release-regarding-the-turkish-armenian-relations.en.mfa (24.10.2016).

²² **Landler M., Arsu S.**, After Hitch, Turkey and Armenia Normalize Ties, *The New York Times*, October 10, 2009, <http://www.nytimes.com/2009/10/11/world/europe/11armenia.html> (21.08.2016).

²³ **Ghattas K.**, Front Seat View of Clinton Diplomacy, *BBC News*, October 11, 2009, <http://news.bbc.co.uk/2/hi/europe/8301191.stm> (21.08.2016).

office the diplomatic representatives in foreign countries and international organizations²⁴. The President is advised by the Office of Foreign Relations of the Administration of the President.

2) *The Executive Branch (Prime Minister and Ministry of Foreign Affairs)*

The Government develops and implements the foreign policy of the Republic of Armenia jointly with the President of the Republic²⁵.

3) *The Legislative Branch (The National Assembly)*

Upon the recommendation of the President, the National Assembly (consisting of one hundred and thirty one MPs) ratifies, suspends or denounces international treaties of the Republic of Armenia²⁶. The parliamentary majority is represented by the Republican Party headed by the President. Opposition was represented by the Armenian Revolutionary Federation (Dashnaktsutyun) and Heritage Party, who opposed ratification of the protocols. According to the Member of Parliament for the nationalist Dashnaktsutyun Party Vahan Hovhannisyan, the protocols would hinder the international recognition of the Armenian genocide²⁷.

4) *Other subgroups* within the Republic of Armenia included the opposition forces as represented by the Armenian National Congress movement headed by the first President of Armenia, Ter-Petrosian, who has voiced harsh criticism for initiating developments that proceed “not so much as toward the Armenian – Turkish relations as toward the settlement of the Nagorno – Karabakh issue”, viewing the settlement of the Nagorno – Karabakh issue as a main condition in the Armenian–Turkish reconciliation process, as such²⁸. Moreover, the protocols were

²⁴ The Constitution of the Republic of Armenia, 1995, Article 55.

²⁵ Ibid, Article 85.

²⁶ Ibid, Article 81.

²⁷ Armenia and Turkey Normalize Ties, October 10, 2009, *BBC News*, <http://news.bbc.co.uk/2/hi/8299712.stm> (21.08.2016).

²⁸ Armenia-Turkey Rapprochement Possible Scenarios: Levon Ter-Petrosian Speaks, *Tert.am.*, November 11, 2009, <http://www.tert.am/en/news/2009/11/11/foresee/> (12.04.2015).

criticized by the second president's administration as represented in a statement made by the former Minister of Foreign Affairs Vartan Oskanian. According to Oskanian, "signing these documents will not solve Armenia's problems; on the contrary, they will bring on entirely new setbacks and problems that can only be tackled by a unified, free, hopeful society"²⁹.

The Republic of Turkey: Interests and Positions. As an aspiring regional mediator, Turkey is interested in stabilizing and reinforcing its influence in a volatile region. To speed up its accession to the European Union, the ruling AKP Party was sought peace process with Cyprus, ending the conflict in the eastern Kurdish region and mending ties with Armenia by pursuing "Zero Problems with Neighbors" Policy³⁰.

With regard to its relationship with Armenia, the Republic of Turkey, as a primary party, consisted of the following subgroups:

1) *The Executive Branch*

The Executive Branch was represented by President Abdullah Gul and the head of government, Prime Minister Recep Tayyip Erdogan (current president), the chairman of the Justice and Development Party (AKP), which held the majority of the seats in the Turkish Parliament by that time. According to the Turkish Constitution by that time the President represented the state in international relations, ratified and promulgated international treaties³¹.

2) *The Legislative Branch (The Grand National Assembly)*

According to the Constitution of Turkey, the Grand National Assembly (consisting of five hundred and fifty deputies) ratified the treaties concluded with foreign states and international organizations on behalf of the Republic of Turkey³². The parliamentary majority was

²⁹ Oskanian Rejects Armenia-Turkey Protocols, *Civilitas Foundation*, November 22, 2009, <http://www.civilitasfoundation.org/cf/discussions/227-oskanian-rejects-armenia-turkey-protocols.html> (12.04.2015).

³⁰ Speech delivered by Consul General of the Republic of Turkey in Melbourne, Australia on the occasion of 86th Anniversary of the Republic of Turkey, Melbourne, 29 October 2009, [http://melburn.bk.mfa.gov.tr/ShowSpeech.aspx?ID=152_\(21.08.2016\)](http://melburn.bk.mfa.gov.tr/ShowSpeech.aspx?ID=152_(21.08.2016)).

³¹ The Constitution of the Republic of Turkey, Article 104.

³² *Ibid*, Article 90.

represented by the AKP. Opposition was represented by the National Movement Party, or MHP, and the Republican People's Party, or CHP, who opposed the protocols³³. According to Republican People's Party, or CHP, vice president and retired ambassador Onur Öymen, Armenia had not sufficiently changed its policy nor implemented the necessary preconditions to allow such a reconciliation. Saying that Turkey does whatever the United States asks, even at the cost of losing its credibility and reliability, Öymen added: "It is incoherent politics and harms the reliability of the country. Armenia has promised nothing in response to this protocol and so what Turkey does will be a one-sided concession"³⁴. Deniz Bölükbaşı, a retired ambassador and deputy from the Nationalist Movement Party, or MHP, said: "Armenian constitutional law considers Eastern Turkey as part of the Armenian land. There is no item in the protocols to confirm that Armenia has given up this approach. Armenia neither promises to withdraw from Nagorno – Karabakh nor to resolve the problems with Turkey. So it is a one-sided step"³⁵.

Secondary Parties: Interests and Positions. The conflict also involved secondary parties. These include constituencies, which, territorially, are beyond the Republic of Armenia and Republic of Turkey, but whose interests matter to both governments for a number of political and historical reasons, and, as such, cannot be disregarded.

1) Armenian Diaspora

The protocols mentioned no pre-conditions for Turkey to officially recognize Genocide before ratifying it. That has struck a nerve with those in the wider Armenian Diaspora, sparking huge protests in cities with big Armenian populations. For the Armenian Diaspora, it seem that the Armenians do not gain much by opening the borders, but lose a lot by opening a debate over the tragic events of 1915, which is an unforgivable betrayal. The Armenian National Committee of the US, the largest and most influential Armenian American grassroots organization,

³³ Armenia-Turkey Protocols Severely Criticized at Home, *The Hurriyett Daily News*, Septembe 1, 2009, <http://www.hurriyettailynews.com/n.php?n=armenian-turkish-protocols-targeted-by-severe-criticism-at-home-2009-09-01> (12.04.2015).

³⁴ Ibid.

³⁵ Ibid

voiced concerns that Armenia, blockaded by Turkey and under intense economic and diplomatic pressure, is being forced to accept terms that threaten its interests, rights, safety, and future, referring to the proposed historical commission as “a tactic long pursued by Ankara to cast doubt on the historical record of the Armenian Genocide, intended to serve Turkey’s drive to roll back the growing tide of international recognition of this crime against humanity”³⁶. According to the statement released by ANCA, the protocols undermined the right to freedom and self-determination of the Nagorno-Karabakh Republic, surrender the historical rights of the Armenian nation to a just resolution of the Armenian Genocide. For these, and other reasons noted in the ANCA’s point-by-point analysis of the Protocols, the ANCA opposed what it believes is a results of pressure applied upon Armenia to accept a set of “reckless and destructive concessions”³⁷.

2) *Republic of Azerbaijan*

When, in 1993, Armenian forces took control of large swathes of territory around the Nagorno-Karabakh enclave, Turkey closed the border with Armenia. In 1993, Turkey joined Azerbaijan in imposing a blockade on Armenia in the attempt to force Yerevan to abandon its military and political support of the Nagorno – Karabakh authorities. Turkey later added two new preconditions before it would consider establishing diplomatic relations and raising the blockade: that Armenia accepted the 1921 treaty of Kars between Kemalist Turkey and Soviet Russia (which established the current state borders), and that Armenia ceased pursuing international recognition of the genocide. Turkish government has promised the Azeri government that the border will not be reopened until the conflict is resolved, and the Armenian forces withdraw from the territories outside the enclave. However, in practice, Turkish negotiators have put the issue aside, viewing it as a parallel process handled through mediation by the Organization for Security and Co-operation in Europe

³⁶ ANCA Warns Capitol Hill about Dangers of Turkey-Armenia “Protocols”; Alerts Legislators about Pressure on Yerevan to Accept Terms that Threaten Armenia’s Security, Press Release, *Armenian National Committee of America*, <https://anca.org/press-release/anca-warns-capitol-hill-about-dangers-of-turkey-armenia-protocols/> (21.01.2017).

³⁷ Ibid.

(OSCE). Withdrawal of the Armenian troops is not mentioned as a condition in the protocols for establishing formal diplomatic relations and opening the border, which, according to the BBC South Caucasus analyst, Tom Esslemont, is a move that has left Azerbaijan feeling isolated³⁸.

Third Parties: Interests, Positions and their Value to the Negotiation Process. As a historic geopolitical deal, the Armenian-Turkish agreement involved number of other stakeholders, whose interests, perceptions and positions are likely to affect both the behavior of the immediate parties and the outcome of the negotiation process. The major stakeholders are:

1) Switzerland as a Formal Mediator

As a neutral state, Switzerland received the mandate from the parties to assist them in reaching an agreement, which would allow them to normalize relations. Yet, there has been much concern in the Turkish press over the propriety of the choice of Switzerland as a mediator insofar as the principle of neutrality is concerned as Switzerland is among the countries that have formally recognized the Armenian genocide³⁹. Some Turks fear that by entering the negotiation process as a mediator, Switzerland was likely to bring its own perceptions and interests to the table.

However, analysts point out that while Switzerland has been announced to serve as a formal mediator and the United States and Russia initially had claimed no public role, the signing ceremony in Zurich showed that both the US and Russia had the most considerable contribution to the settlement of the Armenian – Turkish deal. Despite the delay due to last – minute disagreements, Turkey and Armenia signed two landmark protocols after the US Secretary Clinton used her “cell-phone” diplomacy, widely covered by international news⁴⁰. Meanwhile, the Russian daily Kommersant gave credit for “saving the day” to Russia's Foreign Minister Sergei Lavrov, who wrote a short note to Mr.

³⁸ How Turks and Armenians See New Ties, *BBC News*, October 10, 2009, <http://news.bbc.co.uk/2/mobile/europe/8299996.stm> (21.08.2016).

³⁹ Turkey Rewards Switzerland by Giving the Role of Mediation, *The Hurriyett Daily News*, October 21, 2009, <http://www.hurriyettailynews.com/n.php?n=turkey-rewards-switzerland-by-giving-the-role-of-mediation-2009-10-21> (12.04.2015).

⁴⁰ **Ghattas K.**, Op. Cit.

Nalbandian. It had six words “Edward! Agree to ceremony without statements,” *Kommersant* reported⁴¹.

As for Switzerland’s role in the last – minute talks, Turkish media extensively quoted a Turkish diplomat saying that the Swiss Foreign Minister was meanwhile hectically busy during those three hours of delay, “rushing around like a third secretary”⁴². It can be inferred then, from the signing ceremony incident, that the role of Switzerland was that of a “pure” mediator⁴³, in which the mediator has no interests at stake (except an interest in seeking a solution). Involved as formal mediator, Switzerland acted more like a facilitator of the talks employing the first two strategies identified by Touval and Zartman⁴⁴ – communication and formulation, while manipulation strategy was left to powers like the US and Russia.

2) *The US as a Global Superpower*

The US ties with Turkey, a key American ally, have repeatedly come under strain because of the draft resolution in the US Congress lobbied by the American Armenians to name the World War I killings as genocide. Retreating from his campaign promise, Barack Obama, in his 24 April address, avoided the juridical “genocide” by using the Armenian term “*Meds Yeghern*” (Great Calamity). Considering the current developments, Obama would thus have a legitimate excuse to defuse the demands of the Armenian Diaspora who want the American Congress to pass a resolution on the 1915 events by highlighting the progressing relations between Armenia and Turkey. Also, the US will clearly benefit from a more stabilized region and Armenia, freed from the status of Russia’s pawn, and thus becoming a viable candidate to be part of an alternative energy route for the allies in Europe.

⁴¹ Armeniya i Turtsiya dogovorilis' molcha, po sovetu Sergeya Lavrova, *Kommersant Daily*, October 12, 2009 (In Russian) <http://www.kommersant.ru/doc-rss.aspx?DocsID=1254378> (21.08.2016).

⁴² Nalbandian Signed Deal at Lavrov’s Insistence, *Today’s Zaman With Wires*, October 13, 2009, <http://www.todayzaman.com/tz-web/news-189734-report-nalbandian-signed-deal-at-lavrovs-insistence.html> (11.07.2015).

⁴³ **Touval S., Zartman I.W. (eds.)**, *International Mediation in Theory and Practice*, SAIS Papers in International Affairs, Boulder Westview Press, 1985, pp 11-13.

⁴⁴ *Ibid.*

3) *Russia as a Regional Superpower*

Russia also stands to gain from the Turkish – Armenian deal. The war between Russia and Georgia in August 2008 made the opening of the Armenian – Turkish border look more attractive to both Moscow and Ankara for economic and security reasons. The protocols would help Russia get Turkey’s support on energy projects and put a wedge in the relations between the U.S. and Turkey. However, the protocols have undermined Azerbaijan’s position, making it easier for Russia to enlist Azerbaijan’s support for its South Stream scheme and halt the Western-backed Nabucco project. Azerbaijan already agreed to sell Russia 500 million cubic meters of gas annually, beginning in 2010, after the protocols were signed. Aliyev also stated there was “no upper limit” to gas amounts in the future⁴⁵. Thus, the enhanced Russia–Turkey–Armenia partnership could draw Azerbaijan closer to Russia, undermine Georgia’s influence, possibly weakening EU’s energy diversification plans and making Turkey–West relations more vulnerable.

An important reason why Russia had both been enjoying better relations with Turkey and supported the protocols was Turkey's position during the war between Georgia and Russia in August 2008. During the war, Turkey showed a clear unwillingness to take an anti-Russian position along with the Western alliance, which was a turning point bringing Russia and Turkey closer than ever before. During the Russian–Georgian war, Turkey denied the passage of two U.S. ships through the Turkish Straits into the Black Sea, arguing that the ships violated the Montreux Convention which governs the traffic of military ships to the Black Sea. According to the Convention, the tonnages of both of the two US ships well exceeded the limits allowed; as such, they were ineligible for passage⁴⁶. Thus, in addition to an increasingly strong trade partnership, a strategic understanding between the two countries had been

⁴⁵ **Whitmore A. B.**, Azerbaijan Could Scuttle Nabucco Over Turkey-Armenian Deal, *Global policy Forum*, October 19, 2009, <http://www.globalpolicy.org/component/content/article/198-natural-resources/48323-azerbaijan-could-scuttle-nabucco-over-turkey-armenia-deal-.html> (10.12.2016).

⁴⁶ Win-Win Protocol, *The Hurriyett Daily News*, October 19, 2009, <http://www.hurriyetdailynews.com/n.php?n=win-win-protocol-ii--2009-10-19> (12.04.2015).

achieved, solidified by the Russian and Turkish leaders' numerous meetings both in Moscow and Ankara. And, in the energy context, Russia saw the protocol results as a win-win situation, as the strategically important project Nabucco would have a bigger chance of passing through Armenia rather than Georgia, which was clearly being missed out of this convergence of interests. Although formally, Georgian government has welcomed the agreement, the status of Georgia as a transport monopolist for Armenia would be undermined if the border was opened, and its importance as an energy bridge and focus of the attention of great powers could diminish, especially if Armenia-Azerbaijan relations improved.

Clearly, the Armenian – Turkish deal has become the point of convergence for the US and Russia, which, for someone closely following the international affairs in the region may seem unusual. After all, it is not everyday that traditionally competing powers agree on strategically important geopolitical matters like Armenia – Turkey reconciliation.

It follows then, that the Armenian – Turkish stalemate has reached the life cycle when, according to Zartman, conflicts become “ripe for mediation”⁴⁷.

As extensively discussed in negotiations and mediation literature, neither premature nor belated mediations are especially likely to be effective⁴⁸. Most scholars agree that the timing of mediation is a crucial factor affecting the chances of its success. Conflicts, like all other social processes, have their own life cycles. There are times when a conflict reaches its “ripeness”⁴⁹ and comes to what is known as the “defining moment”, and times when mediation can only make a conflict worse and harm the credibility of the mediators⁵⁰. The best benchmark for deciding when to initiate mediation is the existence of a “*Mutually Hurting*

⁴⁷ **Zartman I. W.**, *Ripe for Resolution: Conflict and Intervention in Africa*, Oxford University Press, 1989.

⁴⁸ **Bercovitch J.**, *Op. Cit.*

⁴⁹ **Haas R. N.**, *Conflicts Unending*. New Haven, Conn., Yale University Press, 1990.

⁵⁰ *Ibid.*

Stalemate”⁵¹ often determined by a military setback or a change in power relations, as is the case with the Armenian-Turkish relations. With a shift in the regional balance of power, the parties reach a hurting stalemate when the opportunity costs of preserving a stalemate began to mount.

Best Alternatives to Negotiated Agreement of the Parties (Interests and Opportunity Cost)

Armenia has been in economic isolation from two of its nearest neighbors since 1993. Currently, trade with Turkey relies heavily on Georgia for transit. The disruption of transit into Armenia during the Georgia–Russia conflict in August 2008 highlighted how vulnerable Armenia's supply chains for key goods – such as gasoline - are to instances of regional instability.

Despite all economic and geopolitical limitations, Armenia's economy imbalance has been somewhat mitigated by its large Diaspora, widely dispersed throughout the world, which excelled in generating international support for Armenia in the development, funding and implementation of humanitarian aid programs, as well as in mobilizing private transfers, remittances and foreign investment. In general, there has been a broad consensus that the Diaspora is one of the most invaluable and fundamental resources for the economic, social and political development of Armenia⁵².

However, there are some political considerations that need to be taken into account in understanding the Armenian government's wish to pursue rapprochement, given all the controversy. Harshly criticized by the West in 2008 after the violent crackdown on opposition demonstrators in Yerevan following the presidential election, even before entering the office, Armenian President – elect Sargsyan needed a foreign policy success to increase confidence in his leadership and external legitimacy through fence-mending initiatives with its neighbors, on the

⁵¹ **Zartman I.W.**, The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments, *The Global Review of Ethnopolitics*, September 2001, 1, 1, 8-18.

⁵² **Minoian V., Freinkman L.**, Diaspora’s Contribution to Armenia’s Economic Development: What Drives the First Movers and How their Efforts Could be Scaled Up? *Washington DC: The World Bank*, <http://documents.worldbank.org/curated/en/301351468206660466/pdf/393810AM0Diasporas0contribution01PUBLIC1.pdf> (11.07.2016).

one hand, and to improve his internal legitimacy by boosting economy and trade, on the other hand. Besides, there has long been a mounting pressure from the EU and the US to normalize relations with Turkey, and now, even Russia has joined them.

For Armenia, the Best Alternative to Negotiated Agreement⁵³ (BATNA) with Turkey was to continue to rely on Iranian and Georgian roads for land transportation, which means a great deal of extra cost for foreign trade. Not only Armenia suffered from the high cost of transportation but also from political uncertainty surrounding Georgia and Iran, the stability of which was often questioned in light of the Russian-Georgian war, as well as the US – Iran conflict over the latter's nuclear ambitions.

Failure to come to an agreement with Turkey meant isolation from regional energy and transportation projects bypassing Armenia, while Azerbaijan's economy and military budget, on the contrary, would continue to grow and surpass the Armenian capacities. The increasing gap between the two countries' capacities would, most likely, lead to escalation of the Nagorno – Karabakh conflict with a possible outbreak of war, which, at this time, Armenia might not have better position, considering the large asymmetry in resources. On the other hand, should the stalemate go on any longer, chances are the Armenian lobbyist organizations would successfully pass the Genocide resolution in the US Congress and ensure stronger pressure on Turkey on the part of the Western powers.

For Turkey, political considerations were primary in its deal with Armenia. By pursuing the reconciliation policy with Armenia, it hoped to push the EU to play fair when it comes to Turkey's EU membership plans. The EU demanded that border conflicts among its member states were eliminated, and many EU members have also pressed Turkey to recognize the 1915 massacres as genocide.

Yet, there were also certain economic benefits that Turkey would most probably gain from an open border with Armenia, including a rise in the volume trade and development of the Armenian tourism visiting Turkey to see the villages and towns where their ancestors lived. The

⁵³**Fisher R., Ury W.**, *Getting to Yes: Negotiating Agreement Without Giving In*, New York: Penguin Books, 1983, pp. 100-103.

BATNA for Turkey was thus to maintain the stalemate and to seek other ways of coping with Europe's hesitance and reluctance as far as its EU accession is concerned – perhaps, through mitigation of other conflicts it was involved in, such as the Northern Cyprus or the Kurdish issue. However, by preserving the stalemate, Turkey was running the risk of coming under strong pressure related to the Armenian Genocide recognition, particularly, if the US Congress passed the Genocide resolution.

On the other hand, Azerbaijan has many times warned Turkey that, should it improve relations with Yerevan before the Nagorno-Karabakh issue is resolved, Azerbaijan would look for alternative energy routes and increase the price of gas for Turkey, which it has been selling at one-third of market prices for many years. By choosing not to improve relations with Armenia, Turkey would enjoy all benefits of its fraternity with Azerbaijan, preserving the “one nation, two states” concept of relations.

The Positions of the Parties in the ZOPA. Table 1 below shows the Zone of Potential Agreement for the parties as defined by their positions on the flexibility scale, which measures the willingness of each party to negotiate a particular issue. According to Dean G. Pruitt, in conflict episodes, if the relationships are fragile there is a tendency to emphasize flexibility over firmness⁵⁴. The positions that are flexible are thus placed in the center column, indicating a greater degree of consensus.

⁵⁴**Pruitt D. G.**, Flexibility in Conflict Episodes, *The Annals of the American Academy of Political and Social Science*, 1995, **542**, 1, 100-115.

Table 1

Position of the Armenian Diaspora and Opposition	Armenian Government's Position		Turkish Government's Position	Position of Azerbaijan and Turkish Opposition
Recognition of the Armenian genocide by the international community and Turkey, reparations and return of Western Armenia	Opening the border without preconditions	Establishment of diplomatic relations, opening the common border, initiation of a dialog on issues of mutual concern, including a dialog on historical dimension	Normalization of bilateral relations, establishment of a commission of historians, synchronization of the normalization process with NK conflict resolution	Withdrawal of Armenian troops from Nagorno-Karabakh, return of territories, renunciation of the Genocide claims
No Flexibility from the Turkish Govern.	Firm Flexibility from the Turkish Govern.	Flexible ZOPA	Firm Flexibility from the Armenian Govern.	No Flexibility from the Armenian Govern.

Use of “Constructive Ambiguity” as a Mediation Tool

The term “constructive ambiguity” (also known as “fudging”⁵⁵) is often attributed to Henry Kissinger following the October 1973 Arab–Israeli war⁵⁶, implying a negotiating tactic used to cover up areas of disagreement or sensitive issues in order to advance some political purpose, including face–saving of those taking part in negotiations. By using deliberately vague language around areas of contention,

⁵⁵ **Berridge G.R., James A.**, A Dictionary of Diplomacy, Palgrave Macmillan, 2004, p. 316.

⁵⁶ **Klieman A.**, Constructive Ambiguity in Middle East Peace-Making, Tel Aviv University, 1999, <http://www.foreignaffairs.com/articles/55552/1-carl-brown/constructive-ambiguity-in-middle-east-peace-making> (21.08.2016).

constructive ambiguity allows diametrically opposed parties to a dispute to interpret an agreement or a position in different ways. In a negotiation, constructive ambiguity might be employed not only to disguise an inability to resolve a question on which the parties remain far apart but to do so in a manner that enables each to claim that some concession on it has actually been obtained. Ambiguous formulations are thus used in diplomacy to allow for a degree of consensus when parties to a negotiation cannot reach an agreement. Drazen Pehar explains: “If two parties have strong and contradictory interests, and if it seems that neither side is ready to concede a part of its maximum demand, and/or if the negotiations are running short of time and the parties can not discuss such concessions in more detail, then the issue of conflicting interests can be resolved by, so to speak, simulating a compromise in a very rudimentary form. The mediators may come up with a formula which is open to at least two different interpretations; which can carry at least two meanings, A and B, one to gratify the interests of party A and another to gratify the interests of party B...ambiguities make sure that, on the one hand, the parties retain their own individual perceptions as to “how things should proceed” and that, on the other, one common language is adopted, which both parties may later equally use”⁵⁷.

Arguments can be found both against and for the use of ambiguity in diplomacy. Some point out that an ambiguous formulation in a treaty or agreement does not actually resolve a problem but simply puts it off until a later time. According to Scott⁵⁸, in conference diplomacy ambiguity is usually used by parties seeking to avoid obligations, and that “in the drafting of legal documents such as contracts strenuous efforts are usually made to eschew ambiguity because their survival in the document improves the chances of one or other of the parties raising a successful challenge in court and thereby escaping fulfillment of ambiguous provisions...it is easier to hold a party to an agreement to a specific commitment than to a vague or ambiguous one”.

⁵⁷ **Pehar D.**, Use of Ambiguities in Peace Agreements, *Language and Diplomacy*, Malta: DiploFoundation, 2001.

⁵⁸ **Scott N.**, Ambiguity vs. Precision: The Changing Role of Terminology in Conference Diplomacy, *Language and Diplomacy*, Malta: DiploFoundation, 2001.

In particular, ambiguity is found most deceptive when used in peace agreements. The use of this tactics in peace agreements brings only temporary satisfaction, which, according to Pehar⁵⁹, is deceptive because both parties have the right to interpret ambiguities in their own irreconcilable ways – a right they will, sooner or later, start exploiting. That is also why ambiguous agreements may quickly lead to arguments, and turn into disagreements. The implementation of such an agreement is then very likely to fail.

Yet, Pehar also brings several factors in favor of the use of ambiguities, despite the fact that ambiguous agreements do pose a risk. First, “if an ambiguity makes it easier for negotiating parties to accept an agreement and therewith put a close to a war, or to a situation of increased friction or hostility, this should be taken as an argument supporting the use of ambiguities. Even if an ambiguous provision may later generate a conflict in opinion, the fact that the relationship of physical hostility gave way to the relationship of merely verbal conflict must be taken as a sign of progress”⁶⁰. Second, “ambiguity offers great potential for cooperative conflict resolution. It generates further conflict only when parties insist on their own, unilateral interpretation of an ambiguous provision and do not recognize ambiguity qua ambiguity. If they recognize an ambiguous provision for what it actually is, a sentence or a text open to several incompatible interpretations, the argument over interpretations would in all likelihood give way to the relationship of a joint cooperative effort in the search for a third impartial reading of the provision”⁶¹. Third, “they make the conflict of interpretation predictable. In other words, start from the premise that the parties to an agreement will continue fighting politically even after they sign a treaty. However, this process of political fight will be more channeled, more orderly and predictable if one knows in advance which provisions of the jointly adopted text will give rise to a conflict in opinion or interpretation”⁶².

Also, scholars point out that while the effects of ambiguity are most likely to be negative if used in peace agreements, the use of

⁵⁹ Pehar D., Op. Cit.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

ambiguity as a mediation tool may be justified if it serves the purpose of opening or reopening a dialog between parties that have heated recriminations about past actions, rather than disagreement about the way forward⁶³.

It follows, then, that while ambiguity alone does not suffice to develop a shared agreement about the future relationships, yet, it does provide a route around the blockage caused by disagreement about past events. Using ambiguity as a mediation tool in the Armenian-Turkish deal provided an opportunity to paper over sensitive issues (recognition of the Armenian Genocide and settlement of the Nagorno Karabakh conflict) while helping the two parties to save face. This choice of the mediators allowed some degree of consensus between the parties by adopting “one common language”.

The negotiation and mediation efforts have affected the development of the political discourse between Yerevan and Ankara, resulting in a softer, less explicit language. The strategic goal of using ambiguity in the Armenian-Turkish relations was to create a new political discourse that shapes new political and geopolitical realities in the region. Certainly, the strategy chosen by the mediators does engender certain perils in terms of the future implementation of the agreement, should the parties fail to arrive at a mutually acceptable interpretation. Lacking the desire to come to a compromise puts at risk the prospects of the protocols’ ratification and their successful implementation in future, unless the mediators bring clarity by delivering a third, well-measured interpretation. Yet, the use of ambiguity as a mediation tool has served the strategic intent of shaping new geopolitical realities in the region, with narrower zones of potential agreement and different BATNAs, respectively.

2009-2010 witnessed increased attention, condemnations, and justifications to the rapid developments in the Armenian –Turkish relations, with media from all around the world covering the process closely. Whether ratified by the two states’ Parliaments or not, the Armenian – Turkish protocols did play a role in changing realities in the region by initiating extensive discussion in press around the issues

⁶³**Donaghy B.**, *Constructive Ambiguity In Neighbour – Neighbour Mediation*, October 2008, <http://www.mediate.com/articles/donaghyB3.cfm> (21.08.2016).

surrounding the relations between the two states. The effects of media are diverse in magnitude and manifold in character. The scope of the impact that media produce ranges from providing factual information to stressing the salience of the topic and, ultimately, setting priorities of the public. In general, what we know about the world largely depends on the information received from mass media. By covering sensitive issues like Armenian Genocide, Article 301 of the Turkish Penal Code and Nagorno–Karabakh conflict, the media has raised the salience of these problems, bringing them into a new level, and thus, shaping and setting the public agenda – both domestically and internationally.

The Armenian-Turkish initiative, mediated by the global powers, influenced the perceptions of the parties and public, by and large, about the framing of the issue – about what defines the conflict, who is involved in it, and how issues are presented. According to Lewicki, frames structure disputants' conceptions of the conflict influence their behavior, strategizing and choice of tactics, and thus, should not be disregarded⁶⁴.

With the press and international community closely watching the Armenian-Turkish developments of those years, both Armenia and Turkey, more than ever, had to be careful not only about the way they look in the eyes of their domestic constituencies, but also in the eyes of the international community at large. This created certain limitations on the new, post-Zurich BATNAs for both Armenia and Turkey, respectively.

Shaping New BATNAs: Game Theory Approach

In modeling the change of BATNAs in the post-Zurich relations between the government of Armenia and Turkey, game theory is appropriate to describe the situation, in which strategic interdependence plays a key role and in determining the outcome. Game theory is used in multi-agent situations with strategic interdependence, where agents are concerned with strategy and winning (maximizing their profit) in much the same way of that of a multilateral negotiation, with the payoff that each player

⁶⁴ **Lewicki R. J., et al.**, *Essentials of Negotiation*, Boston, Mass: Irwin/McGraw-Hill, 2001.

receives depending not only on his own actions but also on those of other players taken in the past or future⁶⁵.

If placed into the context of strategic interaction, the negotiation between the government of Armenia and Turkey would be defined by the four main elements of the game – the players, the strategies, the outcomes and the payoffs. Players describe “who is involved,” and strategies refer to “who moves when, what do players know when they move, and what can players do”. Outcomes specify “what are the possible set of actions by the players, what is the outcome of the game,” and payoffs, describe “what are the players’ preferences over the possible outcomes”⁶⁶. The general layout of the game is, thus, the following:

The Players:

1. The Government of Armenia,
2. The Government of Turkey.

The Strategies for the Players:

1. Ratifying the Protocols ,
2. Not ratifying the Protocols.

The Outcomes Depending on the Choice of Strategies:

1. Opening the borders, if both parliaments ratify the protocols,
2. Entering a new cycle of stalemate, if both parties fail to ratify the protocols.
3. If the Turkish parliament alone failed to ratify the protocols, it would end up looking as an unfriendly state with Europe halting its EU accession and the Armenian Diaspora having better chances to pass the Genocide Resolution in Congress.
4. If the Armenian parliament alone failed to ratify the protocols, Armenia would gain a reputation of an aggressive state reluctant to come to terms with its neighbors. It would probably mend its ties with Diaspora, which would continue to push for the Genocide Recognition. However, it would lose in the eyes of the international community and would run the risk of coming under

⁶⁵ **Mas-Colell A., et al**, Microeconomic Theory, Oxford University Press, USA, 1995.

⁶⁶ Ibid.

mounting pressure and, ultimately, losing its positions in the Nagorno – Karabakh.

The Players’ Payoffs:

The players’ payoffs associated with each outcome according to their preferences can be represented by assigning number 1 to the most preferred outcome, 0 to the second preferred outcome, –1 to the third preferred outcome and –2 to the worst or least preferred outcome for each player, respectively. Table 2 illustrates the set of choices for each player and the respective outcomes and payoffs with the ratification process in the two countries’ Parliaments taking place simultaneously.

Table 2

Condition: The Players Act Simultaneously	Turkey ratifies the Protocols	Turkey doesn’t ratify the Protocols
Armenia ratifies the Protocols	Opened Border. Normalization of the relations. Initiation of a dialog. Upset Diaspora and Azerbaijan. Payoff: 0,0	Turkey viewed as an unfriendly state. Risk of Genocide recognition and suspended EU membership Payoff: 1,-2
Armenia doesn’t ratify the Protocols	Armenia viewed as an unfriendly state. Risk of losing the Nagorno-Karabakh. Payoff: -2, 1	A new cycle of stalemate Payoff: -1; -1

Assuming that the protocols ratification took place in both countries simultaneously, it was reasonable to expect that Armenia prefers opening the border to stalemate but prefers possible recognition of the Genocide to losing Nagorno–Karabakh. Similarly, Turkey prefers signing the agreement to stalemate, but prefers Armenia to lose Nagorno-Karabakh to running the possible risk of the Genocide recognition by the US. However, considering the national interests of the two states, it is also reasonable to assume that both prefer to “look good” in the eyes of the international community to promote their agenda. Armenia’s most preferred outcome was to gain more sympathy from the international community than Turkey, should Turkey fail to ratify the protocols, and Turkey’s most preferred outcome was to gain more sympathy from the

international community, should Armenia fail to ratify the protocols. The dominant strategy for the two parties would, thus, be to ratify the protocols in any case.

Table 3 and table 4 illustrate the set of choices for each player with the respective outcomes and payoffs should one of the players act first:

Table 3

Condition: Armenia acts first	Turkey ratifies the Protocols	Turkey doesn't ratify the Protocols
Armenia ratifies the Protocols	Opened Border. Normalization of the relations. Initiation of a dialog. Upset Diaspora and Azerbaijan. Payoff: 1; 1	Armenia viewed as trying to "play nice". Risk of escalating domestic resentment Payoff: -2;-1
Armenia doesn't ratify the Protocols	Turkey viewed as trying to "play nice". Risk of escalating domestic resentment. Payoff: -1; -2	A new cycle of stalemate Payoff: 0;0

Assuming that the protocols ratification took place in Armenia first, it is reasonable to expect that Armenia prefers opening the border to stalemate. However, considering that the ratification process takes place in succession, when the choice of the first party becomes known to the second party before it makes its move, it is clear that, by ratifying the protocols after the first party failed to ratify them will not render the same effect of "looking good" in the eyes of the international community. Rather, the second party would be viewed as trying to please the West, which is likely to provoke a new wave of domestic resentment. That was, should Armenia fail to ratify the protocols, Turkey's most preferred outcome would be to enter into a new cycle of a stalemate.

Table 4

<i>Condition: Turkey acts first</i>	Turkey ratifies the Protocols	Turkey doesn't ratify the Protocols
Armenia ratifies the Protocols	Opened Border. Normalization of the relations. Initiation of a dialog. Upset Diaspora and Azerbaijan Payoff: 1;1	Armenia viewed as trying to "play nice". Risk of escalating domestic resentment Payoff: -2,-1
Armenia doesn't ratify the Protocols	Turkey viewed as trying to "play nice". Risk of escalating domestic resentment Payoff: -1, -2	A new cycle of stalemate Payoff: 0;0

Assuming that the protocols ratification took place in Turkey first, it would be reasonable to expect that Turkey would prefer opening the border to entering a new cycle of a stalemate. However, considering that the ratification process takes place in succession, when the choice of the first party becomes known to the second party before it makes its move, it is clear that, by ratifying the protocols after the first party failed to ratify them, the second party would be viewed as trying to please the West. This is not going to improve the country's image in the eyes of the international community, and is also likely to provoke a new wave of domestic concerns. That is, should Turkey fail to ratify the protocols, Armenia's most preferred outcome would be to enter into a new cycle of a stalemate.

It follows then, that in a step-by-step situation, the most dominant strategy for the players acting first would be to ratify the protocols, and for the players acting second, to repeat the strategy of the first player.

Conclusion

The mediators' strategy in the Turkish-Armenian deal was to achieve a step-by-step agreement between the parties, starting with the Road Map published in April 2009, followed by the Protocols published in Zurich, with the next step being the ratification of the Protocols. Each agreement was thus locked in the subsequent one and made public, providing for an immediate follow-up.

The use of ambiguity in the way agreements were packaged allowed the mediators to achieve a common language in dealing with recriminations about the past, and to move forward, getting the parties to "Yes"⁶⁷, as they narrowed the zones of potential agreement and changed their BATNAs with each new agreement achieved. Ambiguity has thus served the purpose of reconciling the interests of the parties through one-text procedure, with relationship of physical hostility giving way to the relationship of a merely verbal conflict, resulting in a more orderly and predictable way of dealing with the conflict.

It is, however, important to note that the role of the third parties involved in mediating the agreement became increasingly important in the post-negotiation stage, as mediators are expected to bring clarity by delivering a third, mutually acceptable interpretation to the issues that have been papered over. In doing so, the mediators should keep in mind the general rule that "ambiguity implies moderation"⁶⁸.

⁶⁷ Fisher R., Ury W., Op. cit.

⁶⁸ Schneider A. K., Honeyman C. (eds), *The Negotiator's Fieldbook: The Desk Reference For The Experienced Negotiator*, Washington, DC: American Bar Association, p. 464, 2006.