

# OSCE Minsk Group: Proposals and Failure, the View from Azerbaijan

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**ABSTRACT** *The OSCE Minsk Group was created by the Conference on Security and Cooperation for finding a political and peaceful resolution to the Nagorno-Karabakh conflict. Since its creation, the Minsk Group organized several meetings and initiated various proposals. However, despite its “great efforts,” parties to the conflict have not come to an agreement and are still insisting on their position of ‘territorial integrity’ and right of ‘self-determination,’ therefore there has been no progress in the settlement of the conflict. The aim of this research paper is to give a general overview of the OSCE Minsk Group and investigate its mediation efforts, and analyze the question: Why does Azerbaijan accuse the OSCE Minsk Group of being biased in the settlement of the conflict?*

## Introduction

**T**he OSCE Minsk Group was created by the Conference on Security and Cooperation in 1992 to provide a political solution and a peaceful settlement to the dispute, over the Nagorno-Karabakh region, between Azerbaijan and Armenia. Since the involvement of the Minsk Group in the negotiation process, the parties to the conflict have placed great hopes on this negotiating institute. However, the “usefulness” of the Minsk Group, particularly the co-chair countries, namely; Russia, the U.S., and France, as peace brokers over the dispute of the Nagorno-Karabakh region, was brought up for discussion by the parties to the conflict as well as experts.<sup>1</sup> It was said that while assuming the role of the Minsk Group Co-Chairs, it became apparent that the aim of the OSCE “Troika” was to maintain the stability in order to preserve their national interests in the region rather than to provide a forum for the ongoing negotiation process and bring about a peaceful settlement of the conflict. In recent years, the President of Azerbaijan, Ilham Aliyev, and other officials of Azerbaijan have raised their concerns regarding the impartiality of the Minsk Group and increased their criticisms toward it for not help-

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ing Azerbaijan to regain the occupied territories of Nagorno-Karabakh and surrounding regions. Some officials have also accused the OSCE “Troika” of pro-Armenian bias. According to the spokesman of the Azerbaijani Foreign Ministry Hikmet Hajiyev the reason for the continuation of the Armenian military occupation of the territories of Azerbaijan “is the reconciliatory stance of the OSCE Minsk [Group] against the continuing occupation of Azerbaijani lands by Armenia.”<sup>2</sup> Regarding the position of the OSCE Minsk Group in the Parliamentary Assembly of the Council of Europe (PACE) report on the situation in the occupied territories of Azerbaijan, Hikmet Hajiyev highlighted that “The OSCE Minsk Group, which interferes with the activities of other international organizations that seek to contribute to the settlement of the conflict, as well as in the affairs of a sovereign state which appealed to international organizations with an issue of serious concern, with this statement brings into question the objectivity of mediation efforts by the OSCE Minsk Group, as well as undermining their credibility.” According to his speech, “The OSCE Minsk Group still falls short of a mandate issued by the UN Security Council, and for more than 20 years has not achieved any breakthrough in resolving the conflict... [Therefore, it does] not have any reasons to act as a monopolist in the negotiation process.”<sup>3</sup> Furthermore, in his address to the OSCE Permanent Council in Vienna on February 11, 2016 Azerbaijani Deputy Foreign Minister Araz Azimov spoke about current security challenges in the South Caucasus and said that “delay in the settlement of the Nagorno-Karabakh conflict and the remaining status-quo has a negative impact on regional security and the implementation of regional projects.”<sup>4</sup> Therefore, he stressed “the need to revitalize the Minsk Group for the peaceful settlement of the Nagorno-Karabakh conflict.”<sup>5</sup> According to Azimov, the current format of the Minsk Group creates a favorable political situation for Armenia to act conveniently to its wishes, which increases the concern of Azerbaijan regarding the position of the Minsk Group. Furthermore, he highlighted that the negotiation process that is carried out by three co-chair countries serves the national interests of these countries.<sup>6</sup> That is why he called “for a meeting of all members of the Minsk Group to be convened to ensure full use of this format in resolving the conflict.”<sup>7</sup>

Therefore, because of these issues, Azerbaijan raised its concerns about the impartiality of the Minsk Group that is co-chaired by Russia, the U.S., and France, countries where large Armenian communities exist and enjoy great influence on the governments. It was believed that the OSCE “Troika” must not be the only countries to spearhead international efforts in order to end the conflict between Azerbaijan and Armenia. This research paper will give a general overview of the Minsk Group and its peace-making attempts for the solution of the Nagorno-Karabakh conflict, and the attitudes of the co-chair countries of the Minsk Group; Russia, the U.S., and France towards the conflict. It will then address the question: Why does Azerbaijan accuse the Minsk Group of being biased in the settlement of the Nagorno-Karabakh conflict?

Coming to the research methodology, major qualitative research methods are going to be used for the implementation of this research, with secondary data analysis, being the most compatible. Hence, the primary method used to answer the research question is content analysis. The primary sources that are going to be used for this research are official documents, reports, official statements, and proposals by the Minsk Group. These primary sources will be supplemented by secondary sources, including books, periodical journals, and relevant websites.

**Since the involvement of the Minsk Group in the negotiation process the parties to the conflict held great hopes in this negotiating institute, as it consists of not only the regional countries, such as Russia and Turkey, but also European and North American countries, which inspired the belief that such a broad representation would end the conflict peacefully**

## **OSCE Minsk Group: General Overview and Peace Attempts**

The Minsk Group was created by the Conference on Security and Cooperation in Europe (CSCE, now OSCE-Organization for Security and Cooperation in Europe) in order to find a peaceful solution to the dispute over Nagorno-Karabakh.<sup>8</sup> On March 24, 1992, at the Helsinki meeting, the OSCE Council requested the chairman-in-office to call an immediate conference, under its auspices, to provide a peaceful and negotiated settlement of the Nagorno-Karabakh crisis on the basis of the OSCE's principles, commitments, and provisions. The Budapest Summit of Heads of State or Government decided to establish a co-chairmanship for the Minsk Group on December 6, 1994. And three months later, while implementing the Budapest decision on March 23, 1995, the chairman-in-office of OSCE issued the mandate for the co-chairmen of the Minsk Group.<sup>9</sup> According to the decision of the Budapest Summit, the name of the CSCE was changed to the OSCE (Organization for Security and Cooperation in Europe) from the beginning of the following year. One of the important decisions adopted during the summit was increasing the role of the CSCE in the direction of the restoration of peace and security in Europe.<sup>10</sup> In this regard, the Heads of States or Governments of the CSCE member states agreed on the establishment of the institute of the co-chairmanship of the CSCE Minsk Conference for coordinating all mediations between the countries of the CSCE, which "became the main settlement mechanism, while the Minsk Group was used as a platform for political consultations."<sup>11</sup> During the Summit, the Heads of States and Governments of the CSCE member states also discussed the issue of Nagorno-Karabakh and added the appropriate pro-

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and Turkey, but also European and North American countries, which inspired the belief that such a broad representation would end the conflict peacefully. Currently, the Minsk Group consists of the following permanent participating States: Belarus, Germany, Italy, Sweden, Finland, Turkey and the principal parties to the conflict, Azerbaijan and Armenia, and co-chairs of the group, Russia, the U.S., and France that are called the “Troika” of the Minsk Group. The main objectives of the Minsk Group are summarized as follows: (i) Providing an appropriate framework for conflict resolution in the way of assuring the negotiation process supported by the Minsk Group; (ii) Obtaining conclusion by the Parties of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference; (iii) Promoting the peace process by deploying OSCE multinational peacekeeping forces.

As per the OSCE, if the above-mentioned objectives of the Minsk Group are fully met then the process can be considered to be successfully concluded.<sup>13</sup> In this respect, since 1997, the Minsk Group has presented three proposals for the solution of the Nagorno-Karabakh conflict to the parties to the conflict, referred to as the “package deal,” “step-by-step deal,” and “common state deal” proposals.<sup>14</sup> Later on, the Minsk Group initiated the Prague Process and Madrid Principles. However, none of the options and methodologies presented by the Minsk Group was accepted by the conflicting parties and the representatives of the high-level negotiations failed to achieve the settlement of the conflict.<sup>15</sup> The only achievements that can be considered in the settlement of the dispute over Nagorno-Karabakh are the ceasefire agreement that was signed in May 1994 in Bishkek and the Moscow declaration of 2008. Yet, it should be emphasized that it was Russia alone that brokered the ceasefire and initiated the Moscow declaration not the Minsk Group.

### “Package Deal” Proposal of July 1997

The Comprehensive Agreement to Resolve the Nagorno-Karabakh Conflict of the Minsk Group, known as the “package deal” peace proposal, was introduced

vision to the document in this respect, which was called “Intensification of CSCE action in relation to the Nagorno-Karabakh conflict.”<sup>12</sup>

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Swiss FM Burkhalter poses with Azerbaijani President Aliyev, Armenian President Sargsyan and members of the OSCE Minsk Group before talks about Nagorno Karabakh in Bern on December 19, 2015.

AFP / GETTY IMAGES / PETER KLAUNZER

to the parties to conflict on July 18, 1997 in order to find an overall agreement for a basic framework for the peace plan on the Nagorno-Karabakh conflict. The proposal specified the solution of all aspects of the conflict at the same time, including the status of Nagorno-Karabakh.<sup>16</sup> According to the proposal, the parties were urged to cease the armed conflict and to re-establish normal relations, and then reach agreements on the final status of Nagorno-Karabakh. In Agreement I, parties to conflict are requested to solve the conflict by peaceful means. As it is indicated: “Renounce the use of armed force to settle disputes among them...and withdraw all armed forces.” However, Agreement II, deals with the status of Nagorno-Karabakh, calls the parties to conflict to recognize the territorial integrity and inviolability of the borders of Azerbaijan and Armenia; to create the administrative border of Nagorno-Karabakh within the borders of Azerbaijan in accordance with the borders of the former Nagorno-Karabakh Autonomous Oblast (NKAO), which should have its own constitution, flag, seal, and anthem.<sup>17</sup>

However, Armenia rejected the proposal due to pressure from the Nagorno-Karabakh Armenians and agreed to accept the so-called “step-by-step” peace proposal that was introduced to the parties to conflict in September 1997. This time, Nagorno-Karabakh also rejected the new proposal and insisted on returning to the first option, the package deal. Concerning the proposal of Nagorno-Karabakh to return to the package deal and Armenian rejection, Levon Ter-Petrosyan, the former president of Armenia, stated “we are convinced that an agreement between Karabakh and Azerbaijan over the package solution

will not be reached for a long time, perhaps ever. The proposal to return to the package deal, therefore, has as its object not solving the problem but gaining time.”<sup>18</sup> Consequently, the “package deal” proposal was nullified and lost its viability with the rejection of the Armenian authority.

### **“Step-by-Step Deal” Proposal of September 1997**

The Agreement on the Cessation of the Nagorno-Karabakh Armed Conflict of the Minsk Group, the so-called “step-by-step” peace proposal, was introduced to the parties to conflict on September 19, 1997. The peace proposal outlined the solution of the Nagorno-Karabakh conflict in two stages. According to the proposal, in the first stage, the military forces of Armenia and Nagorno-Karabakh would withdraw to the 1988 boundaries of the NKAO, with the exception of the Lachin district of Azerbaijan and internally displaced persons of Azerbaijan would safely and voluntarily return to their former places of residence. Meanwhile, the parties to the conflict would undertake immediate measures for opening roads, railroads, power, communications, trade, and other links in accordance with the schedule and detailed provisions. In the second stage, the parties to the conflict would continue the negotiation for achieving resolution on the status of Nagorno-Karabakh and on Lachin district, Shusha, and Shaumyan district with the help of the Minsk Group after ending the military aspect of the conflict. The proposal indicates: “This Agreement shall enter into force upon signature and ratification and shall remain in force except as provided in the comprehensive settlement.”<sup>19</sup>

When the step-by-step peace deal was proposed, there was a hope that it would avoid ethnic hatred between the neighboring nations; bring them into a regional framework and territorial borders that would help to achieve peace easily, rather than fighting over a piece of land; soften myths and prejudice; lead to coexistence and cooperation between Armenia and Azerbaijan as well as between the Armenian and the Azerbaijan communities of Nagorno-Karabakh.<sup>20</sup> Therefore, both Azerbaijan and Armenia accepted the proposal in principle. It was the first time both sides of the conflict had supported a peace proposal. Furthermore, Armenian President Ter-Petrosyan made a realistic assessment and stated that either way Armenia would have to face the wealthy and powerful Azerbaijan. He had a concern that the economic blockade of his country due to the Nagorno-Karabakh conflict would damage the long-term economic viability of Armenia. According to him, this deal was a chance to guarantee security of Karabakh and political and economic well-being of Armenia.<sup>21</sup>

However, the “Nagorno-Karabakh leadership” and Robert Kocharian, the Armenian Prime Minister and former President of the so-called Nagorno-Karabakh Republic, opposed the proposal. They demanded that the previous “pack-

age deal” peace proposal should be implemented and the plan of the Minsk Group must be carried out at the same time or the final Status of Nagorno-Karabakh should be achieved before the withdrawal of occupying forces from the region.<sup>22</sup> There were several reasons why the Nagorno-Karabakh leadership rejected the proposal, such as: Karabakh Armenians had a concern that if they accept the proposal Nagorno-Karabakh would remain within the boundaries of Azerbaijan. It was also assumed that withdrawal of the forces from the occupied territories of Azerbaijan would result in losing direct access with Iran, a profitable trade partner of Nagorno-Karabakh, which would increase the dependence of Nagorno-Karabakh on the Armenian authority, particularly Ter-Petrosyan, the Armenian President, who had become a suspect in the eyes of the Nagorno-Karabakh Armenians. Additionally, opponents of the peace proposal thought that withdrawal from the occupied territories would result in losing leverage of Nagorno-Karabakh over the status questions.<sup>23</sup> Thus, the consequence of the political crisis between Armenia and Nagorno-Karabakh that culminated with the support of President Ter-Petrosyan for the step-by-step peace proposal resulted in a ‘constitutional coup d’état’ in Armenia against the president and on February 3, 1998, Ter-Petrosyan resigned from his presidential post. Prime Minister Robert Kocharian, a hard-liner from Nagorno-Karabakh and opponent of the step-by-step peace proposal of the Minsk Group, became president of Armenia.<sup>24</sup>

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### **“Common State” Peace Proposal of November 1998**

The Agreement on the Principles of Comprehensive Settlement of the Nagorno-Karabakh Armed Conflict, the so-called “common state” peace plan, proposed to the conflicting parties on November 7, 1998, provided for the creation of a common state between Azerbaijan and Nagorno-Karabakh. The proposal specified the agreements on the status of Nagorno-Karabakh, the status of the Lachin corridor, Shusha, and the former Shaumyan district of Azerbaijan, and on the cessation of the armed conflict between the parties to the conflict. The proposal was to confer upon Nagorno-Karabakh the status of a state or territorial entity in the form of a Republic, within the internationally accepted borders of Azerbaijan. It suggested that Nagorno-Karabakh constitutes a common state with Azerbaijan and establishes a Joint Committee, including

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representatives of the Presidents, Prime Ministers, and chairmen of the parliaments. According to the proposal, Nagorno-Karabakh would have its own constitution, flag, seal, and anthem and would have the right to establish direct relations with any state, regional or international organization in the field of economics, science, culture, sports, and humanitarian affairs. It would form its own legislative, executive, and judicial institutions as well as its National Guard and police. The laws, regulations, and executive decisions of Azerbaijan would be effective in Nagorno-Karabakh only if they would not oppose its constitution and laws. According to the peace proposal, neither Azerbaijan nor Nagorno-Karabakh had a right to change the provision of common state unilaterally. The proposal also gave the right to Nagorno-Karabakh to participate in the execution of Azerbaijan foreign policy if it related to its interests and to include its experts in the delegation of Azerbaijan to take part in any negotiation that touches on the interests of Nagorno-Karabakh.<sup>25</sup>

Armenia and the leadership of Nagorno-Karabakh endorsed the proposal as a basis for the peace negotiations. However, Azerbaijan strongly rejected the proposal, stating that it violated its sovereignty, territorial integrity, and the principles that were agreed by the Lisbon summit of the OSCE in December 1996.<sup>26</sup> According to the accusation of Azerbaijan, the acceptance of the proposal meant the ratification of the existing de facto independence of Nagorno-Karabakh for Baku and it saw “the common state principle as an attempt to legalize in a diplomatic manner what has been achieved by force.”<sup>27</sup> Thus, once again, the peace proposal of the Minsk Group failed, this time with the objection of Azerbaijan, because it represented the transition to full independence of Nagorno-Karabakh and ignored the territorial integrity of Azerbaijan.

### **So-called “Land Swap” Proposal and Key West Meeting**

The refusal of the Minsk Group peace proposals by the conflicting parties in 1997 and 1998 caused the spread of pessimism with respect to the peace negotiations on the Nagorno-Karabakh conflict and moved the process to the level of the Presidents in 1999. From April of that year, the Presidents of the two countries, Heydar Aliyev and Robert Kocharian committed themselves to pursue meetings in order to settle the Nagorno-Karabakh conflict peace-



fully. During the CIS Summit in Moscow on April 2, 1999, the leaders came to an agreement on having a series of meetings for reaching a settlement of the conflict. As a result in the same year, Presidents Aliyev and Kocharian met in Washington on April 24, twice in Geneva, on August 16 and 22, and in Yalta, Ukraine on September 10. During the meetings, the leaders agreed on the enforcement of the ceasefire regime, confidence building, and preventing of any border incidents. Parties also agreed on the resumption of the negotiations within the Minsk Group framework.<sup>28</sup>

The last meeting between Aliyev and Kocharian was convened on October 11, in Sadarak, an Azerbaijani city on the border between the Nakhichevan Autonomous Republic and Armenia. It was argued that this meeting, with its secrecy, probably pushed the sides to a mutual compromise for the solution of the conflict. Thus, the parties developed the so-called “land swap” proposal. It was expected that as a result of the confidential meeting between the two leaders an agreement on Nagorno-Karabakh would be reached at the OSCE İstanbul Summit meeting in November 1999.<sup>29</sup> However, the negotiation over the “land swap” was halted by the shocking incident in the parliament of Armenia, which resulted in the murder of eight prominent politicians, including the Prime Minister and the Speaker of Parliament, by a small group of gunmen.<sup>30</sup> According to a former employee of Russia’s Federal Security Service, Colonel Alexander Litvinenko, the incident was backed by the Russian Federation in order to prevent the signing of the agreement over Nagorno-Karabakh without the consent of Russia.<sup>31</sup> On this subject, Vafa Guluzadeh, former Foreign Policy Advisor to the President of Azerbaijan of that time, stated in an interview:

Who could be able to enter the Armenian parliament with Kalashnikovs and shoot the Prime Minister, the Speaker of Parliament by choice, and other politicians that were involved to the process of settlement of the Nagorno-Karabakh conflict? It is obvious evidence that Russia was behind this incident and everybody, the USA, France, and others knew this. Thus, Russia one more time demonstrated that it does not want any kind of peace in the region.<sup>32</sup>

However, the parties to the conflict did not give up on a solution that was based on the “land swap,” even though they could not manage to sign an agreement in the OSCE İstanbul Summit in November 1999. In this respect, the OSCE Minsk Group, particularly the U.S., pushed the convening of the negotiation process in Key West, Florida from April 3 to 6, 2001. The importance of this meeting was that unlike previous ones, in Key West for the first time the co-chairmen of the Minsk Group discussed the issue with both presidents in the same place.<sup>33</sup> It was believed that the Key West meeting was designed by the Minsk Group to finalize the meetings held between the presidents of Armenia and Azerbaijan in 1999. The co-chairmen of the Minsk Group were very



Russian President  
Putin meets  
with Armenian  
President  
Sargsyan and  
Azerbaijani  
President Aliyev  
for talks about  
Nagorno-  
Karabakh in Saint  
Petersburg, Russia  
on June 20, 2016.  
AA PHOTO

optimistic about the Key West talks in Florida. The next meeting was planned by the Minsk Group for Geneva, Switzerland in June, and it was also said that a peace agreement would be signed by the end of the year. However, during the 5-day meeting, it seemed that the proposal for peace was unacceptable to the respective parties.<sup>34</sup> The Armenian president stepped back from the proposal and according to Libaridian, Kocharian “then offered passageway rights to Azerbaijan through or over Meghri in return for full sovereignty over the disputed territory. Aliyev had had enough trouble selling the initial exchange and was not in a position to accept the revised formula.”<sup>35</sup> Therefore, the final peace effort of the parties to the conflict failed to reach any positive result in Key West in April 2001.

## Prague Process and Madrid Principles

After the failure of the Key West meeting of the Presidents in the U.S., the Minsk Group initiated the Prague Process, called the “basic principles” in 2002, the Madrid Principles in 2007, and Updated Madrid Principles in 2009. The intention of the Minsk Group with the Prague Process, which was a series of negotiations between the Personal Representatives of the President of Armenia and Azerbaijan, was to fill the gaps within the ongoing meeting between the presidents of the two countries. According to the co-chair of the Minsk Group, a new method was agreed on: “no agenda, no commitment, no negotiation, but a free discussion, on any issue proposed by Armenia, by Azerbaijan, or by the co-chairs.”<sup>36</sup>

**The co-chairmen of the Minsk Group drafted the updated version of the Madrid Principles in 2009, which presented a reasonable compromise between the arguments on the final status of Nagorno-Karabakh of both sides; self-determination on the one hand, and territorial integrity on the other, without use of force**

Generally speaking, at the beginning, the Prague Process raised optimism on the comprehensive settlement of the Nagorno-Karabakh conflict. The negotiation process was based on, withdrawal of the Armenian military forces from the five occupied territories of Azerbaijan that are situated outside of Nagorno-Karabakh and the return of the IDP to their historical places, if a settlement was reached. However, the parties once again failed to come to an agreement on the final status of Nagorno-Karabakh. According to negotiations between the parties within the Prague Process the final status would be determined by vote. Armenia was looking for either international recognition or unifying the Armenians through the vote. On the other hand, Azerbaijan was against any attempt that violates its territorial integrity and stated that it was ready to grant Nagorno-Karabakh with the highest autonomous status.<sup>37</sup> Another sticking point was the issue on the occupied Lachin and Kelbajar region of Azerbaijan, which connects Nagorno-Karabakh to Armenia. Armenia demanded demilitarization of both regions in order to set up a secure corridor. However, Azerbaijan demanded the withdrawal of all Armenian forces from these territories and insisted on granting a full right to the IDP that were displaced from these regions during the conflict. The issues seemed difficult to solve at the negotiation table, if Armenia did not accept the rule of Azerbaijan over Nagorno-Karabakh and Azerbaijan did not have a positive look on the secession of Nagorno-Karabakh. Due to these controversial issues, during the direct meetings between Ilham Aliyev and Robert Kocharian in Rambouillet in February, Bucharest in June, and Minsk in November of 2006 the parties again failed to reach an agreement.<sup>38</sup> Thus, the lack of political will and mistrust hampered the negotiations within the framework of the Prague Process, which was followed later by the Madrid Principles.

The Madrid Principles is a framework agreement that was presented by the co-chairmen of the Minsk Group to the foreign ministers of Armenia and Azerbaijan at the OSCE ministerial conference in the capital city of Spain, Madrid, in November 2007. The Madrid Principles were considered as a continuation of the peace initiative retrieved from the so-called Prague Process and originated

from the Basic Principles for the Peaceful Solution of the Nagorno-Karabakh conflict that were made public in June 2006.<sup>39</sup> It is the only document to emerge as a result of peace negotiation since the ceasefire agreement of 1994 that is based on the provisions of the governing legal document of the OSCE-Helsinki Final Act, the main document of international law that serves as a basis for treaties and agreements between states.<sup>40</sup> The Principles comprises a “phased-package” peace proposal, which indicates that the following actions be applied: (i) The phased withdrawal of Armenian forces from Azerbaijani territories contiguous to Nagorno-Karabakh, including the district of Kelbajar and the strategic Lachin corridor that links Armenia and the so-called Nagorno-Karabakh Republic; (ii) The demilitarization of those previously occupied territories; (iii) The deployment of an international peacekeeping force; (iv) Demining, reconstruction, and other measures to address the impact of the conflict and expedite the return to their homes of displaced persons; (v) A referendum among the Nagorno-Karabakh population to determine the region’s future status *vis-à-vis* the central Azerbaijani government in Baku.<sup>41</sup>

After the Principles were presented by the Minsk Group the parties agreed on some of these points. However, the gridlock was the last issue related to the final status of Nagorno-Karabakh. Azerbaijan was completely against the secession of Nagorno-Karabakh from Azerbaijan and only agreed with granting it a high-level of autonomy.<sup>42</sup> On the other hand, Armenia was arguing that the solution of the conflict is possible only with the recognition of the right of self-determination for the Nagorno-Karabakh Armenians.<sup>43</sup> Concerning the position of Armenia and Azerbaijan on the final status of Nagorno-Karabakh within the framework of the Madrid Principles, Bernard Fassier, the French co-chair of the Minsk Group, said during the Azerbaijani-Armenian Peace Forum, held on March 24-27 in Vienna that “The status of Nagorno-Karabakh cannot be agreed on now, as both suggested solutions –international recognition of Karabakh as an independent state, and its return back into Azerbaijan– are now impossible.”<sup>44</sup> Therefore, the co-chairmen of the Minsk Group drafted the updated version of the Madrid Principles in 2009, which presented a reasonable compromise between the arguments on the final status of Nagorno-Karabakh of both sides; self-determination on the one hand, and territorial integrity on the other, without use of force.

The Updated Madrid Principles refer to one of the peace initiative presented by the Minsk Group, which is based on the Basic Principles introduced to the Foreign Ministers of Azerbaijan and Armenia in November 2007. It was at the Group of Eight (G8) Summit in L’Aquila, Italy, on July 10, 2009, that the Presidents of the Minsk Group’s Co-Chair countries made a joint statement on the Nagorno-Karabakh conflict, where they expressed their agreement for the necessity of the next step in the negotiation process and completion of the work that will enable the draft of a comprehensive peace treaty to be

initiated. Through the joint statement, they urged the Armenian and Azerbaijani presidents “to resolve the few differences remaining between them and finalize their agreement on these Basic Principles, which will outline a comprehensive settlement.”<sup>45</sup> The updated Madrid Principles are: (i) Return of the territories surrounding Nagorno-Karabakh to Azerbaijani control; (ii) An interim status for Nagorno-Karabakh providing guarantees for security and self-governance; (iii) A corridor linking Armenia to Nagorno-Karabakh; (iv) Future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will; (v) The right of all internally displaced persons and refugees to return to their former places of residence; and (vi) International security guarantees that would include a peacekeeping operation.<sup>46</sup>

The differences between the updated Madrid Principles and original version were very slight, but significant for the conflicting parties. The original Madrid Principles referred to *the phased withdrawal of Armenian forces from occupied territories of Azerbaijan*, but in the new one the term *phased* is absent. Meanwhile, the first document indicated that the final status of Nagorno-Karabakh should be determined by *referendum*, but according to the updated Madrid Principles the final status should be decided by *a legally binding expression of will*.<sup>47</sup>

According to the joint statement of the Presidents of the Minsk Group’s Co-Chair countries, the endorsement of these Principles by the parties will allow the drafting of a comprehensive settlement that enables the establishment of regional peace, stability, and prosperity for the future. Even though the parties to the conflict have had various meetings at the presidential and ministerial level, since the release of the Updated Madrid Principles in 2009 the parties still insist on their positions of territorial integrity and right of self-determination and there has not been any progress in the settlement of the conflict.

### **Why Does Azerbaijan Accuse the OSCE Minsk Group of Being Biased in the Settlement of the Nagorno-Karabakh Conflict?**

For two decades, the mediation efforts of the Minsk group helped to avoid a resumption of military hostilities between the parties, but failed to bring them into a closer compromise on the settlement of the conflict due to various

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reasons. After a variety of meetings at the presidential and ministerial level the negotiation process gradually faded and entered into gridlock and, as it was stated, “the exchange of the shootings and violations of ceasefire in the Line of Contact were intensified which brought about many human losses.”<sup>48</sup> Therefore, the usefulness of the OSCE Minsk Group, particularly the co-chair countries: Russia, the U.S., and France, as the peace broker over the dispute of Nagorno-Karabakh was brought up for discussion by the parties of the conflict, particularly Azerbaijan, and academicians. It was asserted that while assuming the role of the Minsk Group Co-Chairs, it became apparent that the aim of the OSCE “Troika” was to keep the stability in order to preserve their national interests in the region rather than to provide a forum for the ongoing negotiation process and bring about a peaceful settlement of the conflict.

By participating in the negotiation process Russia wanted to strengthen its hegemony as one of the main regional players and play an active role in the regional issues in order to persuade national interests in its “Near Abroad.”<sup>49</sup> It became particularly apparent from the beginning that while being involved in the mediation process of the Minsk Group, Russia intended to not let any international institution or state hamper its interest in the region. The conduction of unilateral mediation attempts and signing of the ceasefire under the auspice of Russia are clear examples of this aim.<sup>50</sup> On the other hand, the interests of the U.S. in the region connected with the hope to expand its political and economic influence there too, in order to diversify its oil productions and transportation routes.<sup>51</sup> After 9/11, the U.S. saw the region as a significant no hyphen (standardized) area for its position in the Middle East. Therefore, it began to intensify its military presence and undertake military cooperation with the new independent states of the region.<sup>52</sup> France in its turn supported the interests of the European Union since “some kind of European intercession was required to resolve the region’s major economic problems.”<sup>53</sup>

Meanwhile, the large Armenian Diaspora, which exists in these co-chair countries, plays a significantly crucial role in the policy and commitment of them toward the resolution of the Nagorno-Karabakh conflict. Thomas de Waal on this subject states that, “powerful Armenian lobbies in France, Russia and the United States also make relations with Yerevan a matter of domestic politics and not just foreign policy in each country.”<sup>54</sup> Along with possessing large Armenian Diaspora, these countries also sided with Armenia during the Nagorno-Karabakh war. Russia, which is the main political and military ally of Armenia, was not only the main supporter during the Nagorno-Karabakh war, but also directly involved in the occupation of the territories of Azerbaijan and the massacre of civilian Azerbaijanis in Khojali.<sup>55</sup> It is also noteworthy to mention that Armenia is a member of the Collective Security Treaty Organization (CSTO), an intergovernmental military alliance that was initiated by Russia after the collapse of Soviet Union with the target of maintaining

its political and military interests in the region. Moreover, Russia possesses a military base in the Gyumri region of Armenia, situated next to the border of Azerbaijan. It is said that Russia will set up a joint air force in Armenia within the framework of the CSTO<sup>56</sup> and Yerevan “frequently claimed to have de facto protectorate-metropolis relations with Moscow.”<sup>57</sup> In this regard, Armenia is literally joining its military forces with Russia. Therefore, at the end of November 2016, Armenian Defense Minister Vigen Sargsyan was in Moscow, where he and his Russian counterpart Sergei Shoigu were expected to sign an updated military task force agreement between Russia and Armenia. According to this agreement, “Russia will legally be able to use its military to ostensibly protect Armenia” against any foreign threats.<sup>58</sup> On the other hand, the U.S. government-backed Armenia during the Nagorno-Karabakh war and accepted Azerbaijan as an “aggressor” country. With the support of the Armenian Diaspora, the U.S. Congress approved the Section 907 that restricted governmental assistance by the U.S. to Azerbaijan through the Freedom Support Act. This unfair decision of the U.S. Congress continued until 2001, when the American president George W. Bush decided to waive it due to its military cooperation with Azerbaijan. However, it does not mean that the Congress will not reassert its policy on Section 907 of the Freedom Support Act. Coming to France, it has set itself up as the strongest supporter of Armenia in its “holy war” for the recognition of the events of 1915 in the Ottoman Empire as “genocide.”



**The national interests of the Minsk Group’s Co-Chair countries toward the region and lack of commitment have prolonged the peace process and pushed it into deadlock**

## Conclusion

International mediation has been one of the most effective methods for the resolution of various conflicts in the modern era. It is considered as the extension of negotiation where conflicting parties seek assistance or help from the neutral (third) party to resolve their differences without calling on the authority of law<sup>59</sup> and is defined as a technique where a third party assists conflicting parties to find a solution for their dispute without resorting to force.<sup>60</sup> In comparison to other conflict resolution methods mediation has attracted more interest and there are a number of works that have focused on conceptualization,<sup>61</sup> extending theoretical framework,<sup>62</sup> and empirical findings.<sup>63</sup> Bercovitch, while explaining the beginning of mediation, argues that it is initiated when a dispute becomes complex, conflicting parties reach a deadlock, neither side wants the escalation of the dispute, and both sides are ready for contact and communication. He identifies third-party intervention as voluntary, peaceful



Then U.S. Secretary of State Kerry and Russian FM Lavrov meet with Azerbaijani President Aliyev and Armenian President Sargsyan on May 16, 2016 in Austria for the first time since fighting erupted over Nagorno-Karabakh.  
AFP / GETTY IMAGES  
LEONHARD FOEGER

activity, which aims to enter the conflict in order to affect, change, influence and modify it in some way without considering whether it will be successful or not in the resolution of the conflict.<sup>64</sup>

It is believed that impartiality is one of the most significant factors when dealing with the effectiveness and failure of international mediation, which evokes intense debate among scholars. The generally accepted thesis of impartiality is that it is crucial for the mediators in order to reach a successful result and for the parties to the conflict to be confident in the mediators.<sup>65</sup> The central argument is that there is a strong correlation between impartiality and effective mediation. The impartiality of the mediator makes it more preferable for both conflicting parties; thus, if the mediator is impartial and acts in this manner then it may provide more positive and attractive incentives for the parties to the conflict and push them to communicate with each other in order to reach a successful result. The communication between the parties to the conflict through impartial mediation increases their confidence and gives them assurance that “their opinions and messages will be relayed back and forth between themselves and the other disputants in the purest form, without fear that the information will be manipulated in the enemy’s favour.”<sup>66</sup> In this regard, Young argues that impartiality “refers to situations in which the intermediary has no biases or preferences in favor of one or other of the original players. That is, impartiality is a condition in which the intermediary has no personal interest in the relative distribution of payoffs among the original players.”<sup>67</sup>



Thus, in short, the international mediator should be able to engage in the trust of both parties to the conflict with impartiality and interpret their motives toward each other. In this sense, the confidence-building measures and mechanism of the Minsk Group have not been put in

## **There are also internal factors in both countries that have led to the failure of international mediation in the resolution of the Nagorno-Karabakh conflict**

place in order to come to a successful outcome. In the early stages, the OSCE Minsk Group was perceived as a multinational body that lacked direct interest toward the region, which may play an impartial mediator role between parties to the conflict. Therefore, it was mentioned in the Mandate of the Co-Chairmen of the Minsk Group that the co-chairs should resolve the Nagorno-Karabakh conflict on the basis of full parity and impartiality.<sup>68</sup> However, the impartiality of the Minsk Group has been a matter of question since that time. The national interests of the Minsk Group's Co-Chair countries toward the region and lack of commitment have prolonged the peace process and pushed it into deadlock. The prioritization of the interests of the co-chair countries in the region has led to the ineffectiveness of the Minsk Group's mediation efforts. If, as was mentioned above, in the early stages the involvement of the OSCE Minsk Group to the negotiation process was seen to be impartial, today its actions are monopolized by the co-chair countries. The OSCE has effectively no influence over the Minsk Group which is under the full control of the Co-Chair countries. They have their regional and geo-political interests in the region, which "hampers the prospect of successful negotiations."<sup>69</sup> Therefore, it may be stated that the co-chair countries do not have any intention to solve the Nagorno-Karabakh conflict and during the last two decades they have tried to preserve the status quo in order to preserve their national interests rather than to heal the problem.

Here it is important to briefly mention that there are also internal factors in both countries that have led to the failure of international mediation in the resolution of the Nagorno-Karabakh conflict. It was believed that the constructivist approach of informal diplomacy is significant for long-term regional stability and a lasting peace, which may provide mutual understanding between the conflicting parties. In this regard, Phil Gameghelyan highlights that "the Armenian- Azerbaijani conflict is intractable not because its root causes cannot be resolved, but rather because they have hardly been understood or articulated, let alone addressed."<sup>70</sup> According to him "the identity needs of Armenians and Azerbaijanis, however, are neglected in the current official Nagorno-Karabakh peace process. The policymakers and negotiators hardly even acknowledge the presence of such a factor. The road to resolution, however, requires them to address the underlying identity fears along with the interests of the parties involved."<sup>71</sup> Meanwhile, independent civil society and democratic government in the conflicting countries is also important for lasting peace. Thus, without

mutual understanding and trust between government and population in both conflicting countries it is almost impossible to reach peace and compromise through international mediation. Therefore, the scholars that study international mediation argue that multiparty states and democratic governments are “slightly more amenable to mediation than those involving other regime types.”<sup>72</sup> However, these are discussion topics for another research paper and delving into the internal factors that have led to the failure of the peace process may change the scope and aim of this research paper.

Thus, referring to the above-given external factors that have been analyzed throughout this research paper, Azerbaijan raised the issue about the impartiality of the Minsk Group Co-Chair countries that have a divergent position in the prolongation of the conflict. Baku sees the co-chair countries as “backstabbing” and siding with Armenia.<sup>73</sup> In this vein, Azerbaijan urges the Minsk Group either to reassert the need for co-chair countries to avoid bias in conflict-resolution and assure impartiality of the mediator countries, which is one of the main principles of mediation, or provide an equal balance for the preservation of the interests of the conflicting countries. ■

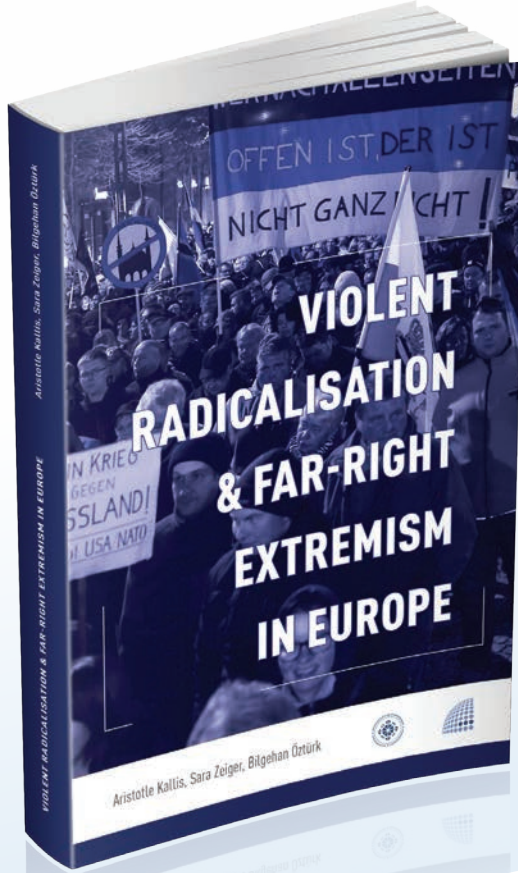
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## Violent Radicalisation & Far-Right Extremism in Europe

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*Emerging trends in the European political context, including the rise of nativist nationalism and the emergence of hostile public discourses on immigration, have brought ideas traditionally attributed to the far-right into mainstream discussion, in the process popularising and in some cases 'normalising' them in the eyes of particular audiences.*