

OSCE Minsk Group: Lessons from the Past and Tasks for the Future

*Philip Remler, Richard Giragosian, Marina Lorenzini, Sergei Rastoltsev**

Abstract

The international community, acting through the OSCE Minsk Group, has been unable to induce the leaders of Armenia and Azerbaijan to resolve the Karabakh conflict, which began in 1988 and burst into a new round of fighting in September 2020. Leaders and populations on both sides had become increasingly maximalist; any leader willing to compromise could be branded a traitor. The 2020 fighting drastically changed facts on the ground. With Turkey's assistance, Azerbaijan recovered much of the land it lost a generation previously. But Azerbaijan was compelled to permit Russia to deploy a large peacekeeping force, something it had resisted for 25 years. While its authority is diminished, the Minsk Group can play a role going forward in restoring confidence and communication between the sides, opening borders, and ultimately leading negotiations on the future status of the region.

Keywords

Karabakh, Azerbaijan, Armenia, Russia, Turkey, OSCE

To cite this publication: Philip Remler, Richard Giragosian, Marina Lorenzini, Sergei Rastoltsev, OSCE Minsk Group: Lessons from the Past and Tasks for the Future, OSCE Insights 6 (Baden-Baden: Nomos, 2020), at: <https://doi.org/10.5771/9783748922339-06>

Introduction¹

The fighting that engulfed Azerbaijan and Armenia on 27 September 2020 re-

minded the world – yet again – that for over thirty years the Karabakh conflict has defied efforts to find a solution.² Since 1992 the Minsk Group of the OSCE has been the international body officially mandated to mediate. It led serious negotiations throughout that time but proved unable to persuade the leaders of Azerbaijan and Armenia to make the mutual concessions necessary for peace. The recent intensive combat changed the situation on the ground, diminished the current role of the Minsk Group, and challenged its work in the future. This report seeks reasons for past failure and prospects for a future role.

* *Philip Remler* (principal drafter)
Carnegie Endowment for
International Peace

Dr Richard Giragosian
Regional Studies Center, Yerevan
director@regional-studies.org

Marina Dolcetta Lorenzini, M.A.
The Fletcher School, Tufts University
marina.lorenzini@tufts.edu

Sergei Rastoltsev
IMEMO, Moscow
sergej-ras@yandex.ru

The report is structured in four sections. The first analyses the strategies employed by the warring sides in the Minsk Group negotiations from the ceasefire in 1994 until the hostilities were renewed on 27 September 2020. The second discusses efforts by the Minsk Group during that period. The third section analyses the aims and reactions of the main stakeholders since 27 September. The fourth section lays out some parameters for future prospects.

Negotiating strategies after the 1994 ceasefire

To understand why Azerbaijan launched an offensive on 27 September 2020, we must understand the sides' aims in the hostilities of the early 1990s and their aims since the ceasefire.

Armenia

The initial aim of the Karabakh movement was “miatsum” – unification of Nagorny Karabakh with Soviet Armenia via official transfer from Soviet Azerbaijan. After the Soviet Union collapsed, the overt aim changed to independence from Azerbaijan, though desire for unification with Armenia remained. Armenian forces were victorious in the fighting that started in 1988 and grew by 1992 to include full-scale military operations. Armenians expelled Azerbaijani forces from Nagorny Karabakh, captured Shusha (for centuries the fortified

seat of Azerbaijani power in Karabakh), occupied a buffer zone surrounding the region, forced the inhabitants out, and repelled Azerbaijani counterattacks. Nagorny Karabakh achieved *de facto* separation, though the 1994 ceasefire (the Bishkek Protocols) brought no political settlement. United Nations (UN) Security Council Resolutions still consider Karabakh part of Azerbaijan.³

The provinces that Armenian forces captured surrounding Karabakh fell into three categories:

Provinces between Nagorny Karabakh and Armenia: Lachin and Kelbajar, the Soviet Red Kurdistan district of the 1920s. Lachin was occupied in May 1992, days after the capture of Shusha. Kelbajar was captured in a March–April 1993 operation. The fighting forced the Kurdish and Azerbaijani population out of both. Armenia and Nagorny Karabakh considered these provinces *existentially vital*, as they ensured land access between them.

Provinces between Nagorny Karabakh and Iran: The fall of Kelbajar led to revolution in Azerbaijan. Armenian forces launched a summer 1993 offensive that captured the provinces of Qubadli, Zangilan, and Jabrayil, forcing out the inhabitants. This region, south from Karabakh to the Aras River, borders Iran; it was considered *strategically important*.

Provinces east of Nagorny Karabakh: Also in summer 1993, Armenian forces captured the strategic town of Agdam and parts of Füzuli province. The towns were looted for construction materials; little infrastructure remained, and the front lines were mined to prevent an Azerbaijani counterattack. These

provinces were considered the Armenian side's easiest and cheapest *bargaining chips*.

The Armenian side's goal was to preserve as much of those territorial gains as possible. Rifts emerged between the strategy of then-president Levon Ter-Petrosyan and that of a harder-line group in both Nagornyy Karabakh and Armenia. Ter-Petrosyan and his group believed that success could only be ensured by trading some of the Armenian-occupied provinces in return for a peace agreement that would ensure the security and status of Nagornyy Karabakh against a potentially richer and more militarily powerful future Azerbaijan.⁴ The harder-line group believed that Armenia need not make concessions and that its task was to maintain the *status quo* while stalling until the international community and Azerbaijan recognized Nagornyy Karabakh's independence.

That internal rift made bargaining with Azerbaijan difficult for Armenian leaders. Large parts of the populace sympathized with the hard-line group and increasingly opposed compromise. Assassinations and threats of violence blocked moves toward compromise and sabotaged deals agreed by the leaders.⁵ Indeed, as Armenia's Prime Minister Nikol Pashinyan admitted after signing the ceasefire on 9 November 2020, "[...] when I signed that document, I realized that I was facing the threat of my personal death, not only in a political but also in a physical sense."⁶ In 1999 gunmen stormed the parliament and assassinated senior officials and key legislators, ensuring the failure of a peace plan. Thereafter,

Armenia's leaders temporized in negotiations, hoping the international community would eventually accept *de jure* the *de facto* situation.

Azerbaijan

Azerbaijani leaders faced the opposite dilemma. Whereas Armenia strove to drag out negotiations until facts on the ground were recognized *de jure*, Azerbaijan sought to change those facts and ensure that the existing situation never gained international recognition. Current President Ilham Aliyev, like his Armenian counterparts, feared domestic instability if he deviated from maximalist territorial demands.

The most direct way to change facts on the ground was through armed combat, and Azerbaijan consistently devoted substantial resources to its military with that end in mind. Another strategy for changing facts on the ground involved mobilizing international community pressure on Armenia to force concessions during negotiations. In the 1990s Azerbaijanis hoped their oil and gas resources would prompt the West to pressure Armenia. After disappointments in negotiations in the United States (US) (Key West, 2001) and France (Rambouillet, 2006), however, the Azerbaijani leadership apparently concluded that only Russia had the capacity to move the Armenians. Azerbaijan's sabre-rattling, its insistence on keeping snipers and heavy weaponry on the front lines, and its offensive of April 2016 were aimed at reminding the international community in general – but Russia in

particular – that the situation was unstable and that action was needed to force Armenian concessions. None of these tactics, however, bore the results Azerbaijan desired.

Minsk Group activity since 1992

Established in 1992, the OSCE Minsk Group's efforts comprised three phases. The first, 1992–98, was marked by Russian efforts to circumvent the OSCE and counter-efforts by Western powers to contain Russia. In 1994, when a military stalemate was reached, Russia's forceful first Minsk Group negotiator, Vladimir Kazimirov, bypassed Western mediators and set up ceasefire negotiations at a Commonwealth of Independent States (CIS) meeting in Bishkek, aiming to secure deployment of a Russian-led peace-keeping force over expected Western objections. Azerbaijan refused and signed the ceasefire document in Baku without any peacekeeping mechanism.

In 1997 France and the US joined Russia as Minsk Group Co-Chairs, and Kazimirov was replaced. Working together, the Co-Chairs drafted a peace plan in two documents, negotiating interim dispositions and final status separately (hence called the “step-by-step” plan). Armenian and Azerbaijani presidents Ter-Petrosyan and Heydar Aliyev accepted the plan when it was presented in July 1997. Neither had any illusions that a status agreement could be reached. Both believed that the agreement they would sign would give Armenia a permanent *de facto* protectorate over Nagornyy Karabakh in

exchange for returning occupied territories to Azerbaijan. Aliyev believed the deal would shelve the Karabakh problem, which had brought down the five previous leaders of his country. The deal suited Ter-Petrosyan's strategy of reaching a deal before Azerbaijan was able to deploy its oil wealth. But Ter-Petrosyan, facing internal opposition, had been compelled in March 1997 to accept Nagornyy Karabakh's leader, Robert Kocharyan, as prime minister. Ter-Petrosyan's last supporter wielding military force – Defense Minister Vazgen Sargsyan – abandoned him over the peace plan. In January 1998, the hard-line group, now controlling all levers of Armenian armed power, forced Ter-Petrosyan to resign. Kocharyan became president, Sargsyan became prime minister, and they rejected the OSCE plan.⁷

The second phase, 1998–2005, started with negotiations between Kocharyan and Aliyev that were secret not only from their publics but from their senior officials as well. In 1999 they orally agreed their own plan: a land swap that would annex Nagornyy Karabakh to Armenia *de jure* in exchange for Armenian territory along the Iranian border between Azerbaijan and its Nakhchivan exclave. In autumn 1999 they briefed the Minsk Group Co-Chairs on the plan and asked them to put it in writing. Just weeks later, on 27 October 1999, extremist gunmen took over the Armenian parliament and assassinated several officials, including prime minister Sargsyan and parliament president Karen Demirchyan. As a result, Kocharyan informed the Minsk Group that he could no longer sup-

port the peace deal. The Minsk Group Co-Chairs tried to keep the plan alive by skewing it towards Armenian interests – keeping the Armenian acquisition of Nagorny Karabakh but eliminating the land that Azerbaijan would receive in return, replacing it only with access to a road to Nakhchivan. This change was unacceptable to Azerbaijan; Aliyev rejected the plan at negotiations in Key West (2001). Aliyev, who spent a lifetime cementing his personal power base in Azerbaijan, died in 2003 and was succeeded by his son, Ilham Aliyev, who had little power base beyond his clan. The elder Aliyev could be confident of surviving popular unrest if he made concessions; the younger could not. Neither Azerbaijan nor Armenia was thereafter capable of real compromise.

The third phase, from 2005 to the present, saw a return to a scaled-down version of the step-by-step plan in a short document of “principles”, eventually codified and presented to the parties in Madrid at the end of 2007. The Madrid Principles, aimed at saving the negotiation process, mandated the return of some occupied territories, guarantees of interim protection for Nagorny Karabakh against Azerbaijani military action, and eventually an undefined “binding expression of popular will” to determine final status. Agreement on that status would unlock the return of remaining occupied territories.

Dmitry Medvedev, during his presidency of Russia (2008–2012), devoted great efforts to mediating between his Armenian and Azerbaijani counterparts, Serzh Sargsyan and Ilham Aliyev. Russia

began to dominate the negotiation process with the assent of the US and France, which could not invest such high-level political capital. After 1997, the Minsk Group was a rare example of Russia–West cooperation and remains an exception today despite tensions over Ukraine, Syria, and elsewhere. Part of the reason for that success, however, has been the willingness of the US and France since 2008 to cede Russia the initiative in the Group.

Sargsyan and Aliyev continued to meet to please Medvedev, but in reality neither was interested in negotiating a compromise that would cause unrest among their populaces. Despite Russian optimism before a summit in Kazan in 2011 – trying to persuade the presidents to sign an agreement on just a few of the principles – Aliyev and Sargsyan refused. The “Kazan Formula” (the final, heavily abridged iteration of the Madrid Principles), though often cited, became a dead letter, though some discrete points remain relevant. The Minsk Group went into a dormancy that lasted through the Azerbaijani offensive of 2016, the Armenian revolution of 2018, and the 2020 fighting. During these events, the main mediator was Russia, whose overriding aim appears to have been to deploy a Russian peacekeeping force, reviving the effort made in 1994.

Thus, for the last twenty years – since extremists sabotaged the deal reached between Kocharyan and Aliyev – the sides have engaged in what one Russian negotiator called a “simulacrum of negotiations”. Part of this charade was the ritual blaming of the Minsk Group for the sides’ own failure to compromise.

The Minsk Group accommodated this, knowing that providing political cover to those leaders would be essential to the compromises required for peace. In reality, however, by not pushing back against the leaders, the Group was providing them with political cover to *avoid* making peace. Mediators cannot make peace; warring parties must. Leaders on both sides had painted themselves into a corner: promising to deliver maximalist demands without compromise, they convinced their populations that compromise was treason. Leaders adapted accordingly. In early 1993 Heydar Aliyev, still exiled in his native Nakhchivan, could tell the American ambassador privately: “Even when we had Karabakh, it wasn’t ours.” Today, his son repeats a single slogan, “Karabakh is Azerbaijan,” and declares that Azerbaijan will not offer the “high degree of autonomy” it once proposed for the region.⁸

One other aspect of OSCE efforts: in 1996 the Chair-in-Office appointed a Personal Representative to be based in the region, as opposed to the Co-Chairs, who flew in on occasion. For 24 years, Ambassador Andrzej Kasprzyk has filled that role. In the absence of a peacekeeping force or permanent observation mission, Kasprzyk’s office carried out most of what little monitoring there has been, conducting brief observation missions on limited segments of both sides of the line of contact. Since these were only by advance permission from the sides, however, findings were of limited use.

Political effects of the recent fighting

The offensive *Azerbaijan* began in September 2020 was a continuation of the two policies it pursued for years to change facts on the ground: reclaiming territory and concentrating international pressure on Armenia. By recapturing occupied territory, Azerbaijan could deny Armenia bargaining chips in subsequent negotiations. With Turkish military assistance, Azerbaijan met with greater than expected success. Rapidly advancing through four provinces, on 7 November the Azerbaijani army recaptured the mountain fortress of Shusha in the heart of Nagorny Karabakh, making it capable of shelling the capital Stepanakert and interdicting the Lachin Corridor, with its road connecting Stepanakert with Armenia.⁹

The second prong of Azerbaijan’s strategy was marshalling international pressure. By threatening a wider war and greater instability close to Russia’s borders, the Azerbaijani leadership hoped to push Russia into putting meaningful pressure on Armenia. The success of the military campaign accomplished this. Both strategies were enabled by the support of Turkey, which provided military assistance, including the Bayraktar TB2 combat drones that tipped the balance in the fighting, plus diplomatic support to reinforce Aliyev’s pressure on Russia.¹⁰ Turkey transported mercenaries from Syria to Azerbaijan and placed F-16s in Ganja; their presence had little significance in military terms but spoke loudly to Russia of what could happen if things got out of control.¹¹

Russia's counter, embodied in Foreign Minister Lavrov's statement of 14 October,¹² offered only to freeze the sides in place with the promise of handing back five provinces in which Azerbaijan was already advancing rapidly and which it was close to regaining anyway, while leaving the fate of Lachin, Kelbajar, and Shusha to the final political solution. Lavrov made clear that the price for this would be the deployment of Russian peacekeepers.

For over 25 years Azerbaijan had rejected Russian peacekeepers. Deploying a Russian peacekeeping contingent would preserve the regime in Nagornyy Karabakh and freeze the conflict for another generation. The advantage given to Azerbaijan by the full support of Turkey would be squandered, along with the advanced weaponry that brought success. Aliyev did not bother to respond to Lavrov's offer. Negotiations sequentially hosted by the Russians, French, and Americans resulted in "humanitarian" ceasefires that collapsed, sometimes in minutes, as Azerbaijan pressed ahead with its offensive. Aliyev dismissed international concerns by stating that he was merely enforcing UN Security Council Resolutions on the books since 1993, when Armenian offensives captured large parts of Azerbaijan and displaced the populations.¹³

Armenia and Nagornyy Karabakh, which for many years ignored improving Azerbaijani military capabilities, never found an effective response to the rapid Azerbaijani advance. Prime Minister Pashinyan appealed to Putin for help but on 31 October received a cold reply,

not from Putin, but in a statement by the Russian Foreign Ministry, which repeated the stock position that, were Armenia itself to be attacked, Russia would fulfil its alliance obligations under the Collective Security Treaty. Meanwhile, Russia called on all sides in the conflict to observe the ceasefire they agreed in Moscow on 10 October.¹⁴ Russia had been left with its frequent dilemma in the South Caucasus: how to balance between Armenia and Azerbaijan, maintaining influence on both while minimizing destabilization by either.

Russia has appeared unwilling to support Pashinyan, who is unpopular in Russian media for leading a "colour revolution". On coming to power, Pashinyan tried to reassure Putin that "he viewed democracy as a firm belief, rather than a geopolitical orientation".¹⁵ Although that distinction may not have mollified Putin, it is hard to believe that disapproval of one leader could upend a generations-long Russian–Armenian alliance. It is more likely that Putin believed a greater prize was within reach: strategic partnership with Azerbaijan gained by granting Aliyev some of his war aims. If that shattered Nagornyy Karabakh's hopes of unification with Armenia or independence, Armenia would be left in a bind. Its security remained dependent on Russia, as Turkey's military venture in Azerbaijan conveniently demonstrated. Putin had already created a precedent: in 2003 he was willing to sacrifice his Transdniestrian clients when Moldova offered Russia military basing rights and geopolitical orientation through the Kozak Memorandum.

Turkey's involvement in the Karabakh war was a sharp break with past policy: former president Süleyman Demirel used to say it would take minutes to be drawn into Karabakh but years to get back out. Despite speculation about President Recep Tayyip Erdoğan's "neo-Ottoman" strategy, his interventions appear to be opportunistic, triggered whenever the prospect of enlarging Turkey's footprint and influence beckons. There is strong public support for Azerbaijan in Turkey. Armenian statements in August 2020 seeking to revive the Treaty of Sèvres (1920) may have prompted Erdoğan to action.¹⁶ There was little else at stake for Turkey, which already had direct road and rail access to Armenia, Azerbaijan, and Central Asia through Georgia. Turkey's yearly \$248 million in exports to Armenia are unlikely to expand noticeably – or to be noticed if they cease.¹⁷

France and the US, the Minsk Group's Western Co-Chairs, which had ceded the initiative to Russia, attempted to mediate ceasefires but did little after they broke down. The passivity of the Western powers allowed both Russia and Turkey more room to manoeuvre.

The ceasefire and its aftermath

For decades, Azerbaijan rejected Russian demands for a peacekeeping force. Why, then, did Aliyev accept the Russian ceasefire plan on 9 November, which included the deployment of 1,960 heavily armed peacekeepers?¹⁸ From a military point of view the Azerbaijani army could have

pushed on to capture both Lachin – thereby cutting Nagorny Karabakh off from Armenia – and Stepanakert, the capital. The prospect of creating another 80,000 Armenian refugees could hardly have been daunting to Aliyev, who must still deal with about 850,000 Azerbaijani refugees and persons internally displaced by the fighting over Karabakh in the early 1990s.¹⁹

To answer this question we must first examine what the peacekeepers accomplish. First, they provide a five-year (or more) security guarantee for Nagorny Karabakh, whether or not agreement is reached on status. Second, they project Russian power throughout the South Caucasus, a longstanding Russian objective. Third, Russian peacekeepers will oversee transport between Nagorny Karabakh and Armenia. Russian border guards will oversee transport between the Azerbaijani exclave of Nakhchivan and the rest of Azerbaijan through Armenia's Meghri region; they could potentially also control Armenian trains headed to and from Iran through the bridge rail link over the Aras River at Julfa, in Nakhchivan. These functions will increase Russian influence over the commerce and economy of the region.

Why, then, did Aliyev stop his offensive and agree to this expansion of Russian power? We infer that Putin (and possibly Erdoğan) exerted enough pressure on him. It is possible that Putin already had an understanding with Erdoğan. It is probable that Putin made promises to Aliyev to gain his compliance. The ceasefire's stability will depend on how well Russia honours those secret promises and

understandings, but that is *ipso facto* impossible for us to ascertain. We can deduce that there is disagreement over the role of Turkey. Aliyev clearly envisioned a Turkish role equal to Russia's; Russia envisioned minor Turkish technical assistance.²⁰ Russia and Turkey are still working out whatever understandings they had. Russia has gotten its way so far, but if Erdoğan believes he is not being allowed an appropriate role, he is unlikely to remain passive.

Lavrov has made clear that Russia will seek UN Security Council endorsement of the ceasefire, which would at a minimum imply endorsement of the Russian peacekeeping force, preventing changes in its composition.²¹ From the time of Medvedev's initiative until 2016, including in the "Kazan Formula", Russia had seemed to accept the prospect of a multinational, neutral peacekeeping force under OSCE auspices that would mandate troop and command limits to prevent any one country from monopolizing the peacekeeping function. After the Azerbaijani offensive of April 2016, however, Lavrov tried to pressure Azerbaijan and Armenia into accepting a Russian peacekeeping force. It is indicative of Russia's priorities that the most fully elaborated clauses of the current ceasefire plan are those which establish the Russian armed presence in the region and which do not provide for a peacekeeping role for the OSCE. One potential effect of the enlarged Russian role, which freezes the new front line: whereas leaders previously found in the Minsk Group a scapegoat to take public blame for their own failure to achieve peace, now (especially in Azer-

baijan) they may shift that blame onto Russia and its peacekeepers instead.

Prospects for negotiations

There is nothing in the ceasefire agreement about future negotiations on the status of Nagornyy Karabakh, as Aliyev triumphantly made clear in his 10 November address to the nation.²² Ultimately, however, it is courting future trouble to leave a reduced Nagornyy Karabakh sitting there indefinitely without any status. Azerbaijan may not yet wish to welcome Karabakhis back into the fold with "a high degree of autonomy", and the Karabakhis may be too embittered to want interaction with Azerbaijan, but ultimately re-opening transportation and commercial links will raise practical questions that must be answered through negotiations. Azerbaijan could argue that, since the war with Armenia is over, this is now a domestic question for Azerbaijan (using as a precedent Russia's ending the mandate of the OSCE Assistance Group to Chechnya after imposing a military solution in that war). Russia and others, however, may press Azerbaijan to open negotiations with international mediation.

If such negotiations take place, Russia has already made clear that it will not allow changes to the Minsk Group negotiating format.²³ As mentioned above, Russia has dominated that format for over a decade. Russia's clear intent, by keeping the current format, is to maintain that dominance. Keeping that format is preferable to the alternatives most fre-

quently proposed: replacing current Co-Chairs with other, unspecified countries, creating a separate seat at the table for the Karabakh Armenians, or making Turkey a Co-Chair. Any of these would hinder negotiations:

- New Co-Chairs would face a steep and time-consuming learning curve. The Co-Chairs should maintain closer links with other Minsk Group countries, including both Turkey and Sweden, which will chair the OSCE in 2021. Closer contact may improve transparency, but the balance of power within the Group is unlikely to shift.
- Karabakh Armenians, whose leaders ruled Armenia from 1998 to 2018, were well-represented in negotiations during that time. Armenia has repeatedly demanded inclusion of Nagorny Karabakh in negotiations as a separate side, not to promote a settlement but to bolster the case for international recognition and to spare Armenia the onus of rejecting compromises. Under new negotiations the Karabakhis could either replace Armenia (if parties accept that this is an internal dispute with international ramifications) or take places within the Armenian delegation (signalling that this remains an international dispute).
- Turkey's inclusion as Co-Chair would have a toxic effect, giving irredentist hardliners among the Armenian diaspora in the West – whose ancestors underwent the Genocide at the hands of the Ottoman Turks – a moral veto

over Armenian positions in the negotiations.

Some have suggested shifting the negotiating forum to the UN to give the process new impetus. There are a number of obstacles to overcome, including the opposition of some stakeholders and the existence of four UN Security Council Resolutions that, Azerbaijan argues, justify its military actions.²⁴ Russia would be strengthened in its quest for another UNSC Resolution endorsing its deployment of peacekeepers, cementing Russia's regional footprint into international law. There is no evidence that the UN might find more success in persuading the leaders of Armenia and Azerbaijan than did the Minsk Group Co-Chairs, all of whose countries are permanent members of the Security Council.

There have been calls to convene the Minsk Conference (in which the entire Minsk Group would participate), originally scheduled for 1992 but blocked by successive objections from the sides. The inability to convene the Conference led to the Co-Chair structure of today. It is generally held that convening the Conference would make sense only to finalize the text of a political solution on which the sides had already made sufficient progress and to serve as a venue for a donors' conference to promote post-war stability. If the Conference convenes prematurely, we might expect the unproductive mutual recriminations already seen in the OSCE Permanent Council. Another perennially proposed move is Armenian recognition of Nagorny Karabakh's independence. This

might affect Armenian morale but would be a gesture without impact outside that context.²⁵

The Minsk Group going forward

Finally, then, we see a prospective role for the OSCE Minsk Group in the Russian-brokered ceasefire with regard to the following: the negotiations on confidence- and security-building measures (CSBMs) between the sides; the future status of Nagornyy Karabakh; and the mechanics of a regional peace agreement.

CSBMs need to start with rendering the region secure for current residents and returning displaced persons. The US and the European Union are unlikely either to put large civilian assistance presences on the ground or to provide finances without oversight to Russia, Armenia, or Azerbaijan. The OSCE should establish a presence to negotiate and implement the projects necessary for both remaining and returning populations. This presence could be a continuation of or successor to the current office of the Personal Representative of the Chairperson-in-Office. In addition to general humanitarian relief for reconstruction of homes and other vital infrastructure, these include:

- demining;
- force/heavy weapons disengagement/withdrawal;
- police/police training;
- a future OSCE role in military/civilian observation of the ceasefire;

- establishment of communications infrastructure for civilian contact between the sides, including for sustainable transport access between Armenia and Nagornyy Karabakh;
- dialogue through UNHCR/ICRC for a humanitarian needs assessment for remaining Karabakh Armenians and returning Azerbaijani IDPs;
- protection and restoration of the religious and cultural heritage of the region;²⁶
- establishment of markets for each side, aiming later to establish markets accessible to both sides;
- establishment of joint working groups to perform necessary cooperation on infrastructure, health, and such economic functions as banking; and efforts, including through civil society, to restrain hostile rhetoric. The prospects of success at first are dim, but every little bit helps. These efforts may eventually expand to include joint civil society programmes, e.g., for young leaders.

Negotiations on the future status of Nagornyy Karabakh and its inhabitants will be long and hard. The ceasefire has set new lines of contact in concrete. Both sides – which have just seen once more that it is possible to change facts on the ground through combat – will take time to come to terms with the new equilibrium. But that does not mean a respite for the Western powers in the Minsk Group – not only the US and France, but also Germany, Turkey, and Sweden. They need to work together to come up with an alternative to a prospective

Russian plan, which will inevitably contain clauses cementing Russia's footprint in the region. The most essential preparation for that effort is to listen to the concerns of affected populations throughout the region. Decision-makers of all outside powers (including Turks and Russians) require a better understanding of the history, culture, and people of these countries.

A *regional peace agreement* is needed to normalize relations, in the first instance between Armenia and Azerbaijan, and to open international borders, e.g., between Turkey and Armenia. By signing the Alma-Ata Protocols of 21 December 1991, which founded the CIS, Armenia, and Azerbaijan, along with other Soviet Union Republics, agreed to recognize one another as independent within Soviet-era borders. But the Karabakh conflict was already entering its full combat phase, and the two countries never established relations or agreed borders. Azerbaijan considered the Karabakh war aggression by Armenia, and Armenia considered it Azerbaijani aggression against the populace of Nagornyy Karabakh. Russia's 2014 actions in Crimea and eastern Ukraine, with their implications for the Alma-Ata Protocols, further complicated these considerations.

As a first step, the Minsk Group should try to mediate a formal ceasefire along Azerbaijan's border with Armenia – especially necessary in view of the prospective return of Azerbaijani displaced persons to their former homes in Kelbajar and Lachin provinces, which border Armenia. Clashes have occurred along the border, most recently in July

2020. A ceasefire there might create opportunities for developing relations further.

A regional agreement could also include fully opening the land border between Armenia and Turkey. Since Soviet times, a weekly train had run between Kars in Turkey and Leninakan (now Gyumri) in Armenia. In 1993 Turkey budgeted funds to open the road border, too, to automobile and truck traffic. However, the March 1993 offensive against Kelbajar, in part staged from Armenia, led Turkey to stop train service and cancel its plans for the road border. Attempts in 2009 to normalize relations, strongly backed by the US, met opposition from key constituencies. With the reversion of Kelbajar to Azerbaijani control, the events that led to the closure of this border have been reversed. Re-establishing border communications may produce an opportunity to pursue overall normalization.

Conclusion

The recent combat marked a break with the psychology of the last 26 years: for the first time since the ceasefire of 1994, both Baku and Yerevan now realize that military force can achieve political goals. Both capitals had been accustomed to military stalemate and adapted their strategies to that mindset. Military actions were demonstrative, not strategic, meant to impress a domestic and/or international audience, not materially to change facts on the ground. There is no going back to that mindset. Russian

peacekeepers may keep armed hostilities from breaking out again, but they cannot extinguish the idea on both sides that resuming combat might in future change the balance again.

It is therefore imperative that multi-lateral negotiations re-start. Negotiations run unilaterally – e.g., by Russia – or by secret collaborations – e.g., with Turkey – will not serve the interests of either combatant side or their people. It is for the Minsk Group – all Co-Chairs, supported by all other members – to step up to their responsibilities, build confidence and security between the combatants, and together formulate and negotiate new plans to deliver a just and lasting peace to the entire region.

Notes

- 1 The authors wish to thank the members of the peer review panel, colleagues in member institutions, and other trusted colleagues with whom we shared drafts of this report, and who provided valuable insights at every stage.
- 2 A note on terminology: following de Waal, the term “Nagorny Karabakh” designates the polity named Montane-Karabakh Autonomous District (NKAO – “Nagorno-Karabakhskaya Avtonomnaya Oblast”) in Soviet times, known today in Armenian as Artsakh (Thomas de Waal, *Black Garden*, New York and London: New York University Press, 2003). “Armenia” designates the Republic of Armenia. “Karabakh conflict” designates the conflict that broke out in 1988 after the NKAO Supreme Soviet petitioned Soviet authorities to transfer the NKAO from Soviet Azerbaijan to Soviet Armenia. For reasons of space, place names

in Armenian have been transliterated; in Azeri place names, only the non-Latin characters have been changed for comprehensibility. Translated titles in footnotes are marked “(TR)”.

- 3 UNSC Resolutions 822 (30 April 1993), 853 (29 July 1993), 874 (14 October 1993), and 884 (12 November 1993).
- 4 Jirair Libaridian, *Why Negotiations Failed*, *Armenian Mirror-Spectator*, 2 November 2020, at: <https://mirrorspectator.com/2020/11/02/why-negotiations-failed/>.
- 5 See, e.g., Philip Remler, *Chained to the Caucasus*, IPI, 2016, at: <https://www.ipinst.org/wp-content/uploads/2016/05/1605-Chained-to-the-Caucasus.pdf>.
- 6 “PM addresses the nation”, Office to the Prime Minister of the Republic of Armenia, 12 November 2020, at: <https://www.primeminister.am/en/statements-and-messages/item/2020/11/12/Nikol-Pashinyan-Speech/>.
- 7 “The step-by-step approach [...] cannot serve as a basis for resolution.” Robert Kocharyan, undated letter to Minsk Group Co-Chairs, early 1998.
- 8 “Aliyev excluded any special status for Nagorny Karabakh” (TR), TASS, 17 November 2020, at: <https://tass.ru/mezhdunarodnaya-panorama/10023751?noredir=true>.
- 9 Ilham Aliyev, Facebook post, 8 November 2020, at: <https://www.facebook.com/PresidentIlhamAliyev/photos/a.10151996474470315/10164122626875315/>.
- 10 On drones: “After the Karabakh conflict everyone is talking about the ‘drone revolution’” (TR), Meduza, 19 November 2020, at: <https://meduza.io/feature/2020/11/19/posle-karabahskogo-konfliktka-vse-govoryat-o-revoljutsii-dronov>. On diplomatic support: “Erdoğan: Time to resolve Nagorny Karabakh” (TR), *Deutsche Welle Türkçe*, 29 September 2020, at: <https://www.dw.com/tr/er>

- doğan-dağlık-karabağda-çözüm-vakti-geldi/a-55079318.
- 11 Kareem Fahim/Isabelle Khurshudyan/Zakaria Zakaria, “Deaths of Syrian mercenaries show how Turkey, Russia could get sucked into Nagorno-Karabakh conflict”, *Washington Post*, 14 October 2020, at: https://www.washingtonpost.com/world/middle_east/azerbaijan-armenia-turkey-nagorno-karabakh/2020/10/13/2cdca1e6-08bf-11eb-8719-0df159d14794_story.html.
 - 12 “Lavrov called for Russian peacekeepers in Nagorny Karabakh” (TR), *Regnum.ru*, 14 October 2020, at: <https://regnum.ru/news/polit/3089582.html>; “Foreign Minister Sergey Lavrov’s interview with Russian and foreign media on current international issues, Moscow, November 12, 2020”, Ministry of Foreign Affairs, 14 October 2020, at: https://www.mid.ru/ru/press_service/minister_speeches/-/asset_publisher/7OvQR5KJWVmr/content/id/4381977.
 - 13 Ilham Aliyev, Facebook post, 31 October 2020, at: <https://www.facebook.com/PresidentIlhamAliyev/photos/a.10151996474470315/10164085858605315/>.
 - 14 “Statement of the Russian MFA on the appeal by the Prime Minister of the Republic of Armenia...”, RF Ministry of Foreign Affairs, 31 October 2020, at: https://www.mid.ru/ru/press_service/spokesman/official_statement/-/asset_publisher/t2GCdmD8RNlr/content/id/4411939.
 - 15 Mikayel Zolyan, “Can ‘New Armenia’ disentangle democratic change from geopolitics?”, *OC Media*, 25 July 2018, at: <https://oc-media.org/features/analysis-can-new-armenia-disentangle-democratic-change-from-geopolitics/>.
 - 16 Jirair Libaridian, “A step, this time a big step, backwards”, *Aravot*, 1 September 2020, at: <https://www.aravot-en.am/2020/09/01/263436/?fbclid=IwAR0Fxx9xluqFMxcvcLu3JNqtuERdX4Oxca5B5o7EjUrp94tPBABlStLUbyg>. With the Treaty of Sèvres, the victorious allies of World War I intended to partition the Ottoman Empire. The treaty was never ratified. Subsequent treaties signed variously by parties to Sèvres, including Armenia (Treaty of Kars, 1921), rendered it moot. The 1923 Treaty of Lausanne between Turkey and the Allies replaced Sèvres for its signatories and became a founding document of the Republic of Turkey.
 - 17 “Armenia”, *Observation of Economic Complexity*, at: <https://oec.world/en/profile/country/arm>.
 - 18 “Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation” (TR), President of Russia, 10 November 2020, at: <http://kremlin.ru/events/president/news/64384>.
 - 19 UNHCR, *Azerbaijan: Analysis of gaps in the protection of internally displaced persons (IDPs)*, October 2009, p. 3, at: <https://www.unhcr.org/4bd7edbd9.pdf>.
 - 20 Ilham Aliyev, “Ilham Aliyev and President of Russia Vladimir Putin met by videoconference” (TR), Facebook post, 10 November 2020, at: <https://www.facebook.com/PresidentIlhamAliyev/videos/831550284329696>; Lavrov 12 November 2020 press conference, cited above (note 12).
 - 21 Lavrov 12 November 2020 press conference, cited above (note 12).
 - 22 Ilham Aliyev, “Ilham Aliyev addressed the people” (TR), Facebook post, 10 November 2020, at: <https://www.facebook.com/PresidentIlhamAliyev/videos/402316387790506>.
 - 23 See, e.g., Lavrov 12 November 2020 press conference, cited above (note 12).
 - 24 Ilham Aliyev, Facebook post, 31 October 2020, at: <https://www.facebook.com/PresidentIlhamAliyev/photos/a.10151996474470315/10164085858605315/>.

- 25 Russia's President Putin, answering questions from the press on 17 November 2020, chided Armenia for not having followed Russia's example in Crimea by recognizing Nagorny Karabakh's independence, then achieving unification and presenting the international community with a fait accompli. However, much of the international community has branded Russia's actions violations of international law and imposed severe sanctions, which Armenia's much smaller economy would have been ill-equipped to weather.
- 26 "Answers to media on the situation in Nagorno-Karabakh" (TR), President of Russia, 17 November 2020, at: <http://kremlin.ru/events/president/news/64431>.
- "Foreign Minister Sergey Lavrov's telephone conversation with Foreign Minister of the Republic of Azerbaijan Jeyhun Bayramov" (TR), RF Ministry of Foreign Affairs, 15 November 2020, at: https://www.mid.ru/en/telefonnye-razgovory-ministra/-/asset_publisher/KLX3tiYzsCLY/content/id/4434452.

