OSCE Minsk Group in resolving the Karabakh conflict
(based on digital resources)

Introduction. In the history of the twentieth and twenty-first centuries, perhaps, there was not a single case when any country was able to reclaim the territories lost during this or that war after almost 30 years, except that the Sinai Peninsula, which was lost by Egypt during the Arab-Israel war 1956, and returned thanks to the historic visit of Anwar Sadat to Israel in 1977. However, it later cost the president his life, and some of the Arab League countries broke off diplomatic relations with Egypt, nevertheless, the country's integrity was restored. Unfortunately, in the event of an Armenian-Azerbaijani conflict, Azerbaijan did not manage to liberate its territories from the occupation of Armenian troops by peaceful means. On February 26, 2021, on the day of Commemoration of the Genocide in Khojaly, during a 4-hour press conference held by the President of Azerbaijan for representatives of local and foreign media, one of the journalists, asking a question, noted that Ilham Aliyev raised the issue of peace from the Azerbaijani side, a record number of times in the history of conflicts - "23 times". This once again emphasizes that the liberation of the occupied territories by military means was an extreme measure for Azerbaijan. It came at the cost of almost 3 thousand lives of Azerbaijani soldiers. What measures have been taken by international organizations over the course of 30 years in order to help resolve this issue peacefully? What measures were taken when at the turn of the 20th century one country committed open aggression against another, occupying 20% of its territory? What measures were taken when, since the end of 1987, the first refugees in the course of the conflict appeared - Azerbaijanis expelled from Armenia and Nagorno-Karabakh? Almost 1,000,000 innocent people fled from their homes without looking back, barefoot, through the snow-capped mountains, saving

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their lives? What measures were taken when crimes against humanity, unheard of in their cruelty, were committed in Askeran and Kafan in 1990? The majority of the refugees settled in Sumgait where KGB of USSR organized the special operation. What did international organizations do when the monstrous genocide in Khojaly took place in February 1992? When in October 2020 the sleeping innocent civilians of Ganja, Barda, Tartar, and other cities located far from the military zone were bombed? And, finally, what are international organizations doing now, when the infrastructure of 19 thousand square kilometers have been destroyed, and cultural monuments, once developing cities turned into the ruins?

In this article we will try to answer these questions.

The situation in NK on the edge of 1980-1990s and Azerbaijan's entry into the OSCE. Touching upon a brief background of this conflict, we will not go into details related to the resettlement policy of tsarist Russia in the 20s of 19th century and the settlement of Armenians from Turkey and Iran to the Caucasus as an outpost for Russia. There is a lot of information about this in Russian archives and in modern scientific historiography.

Let us note only one important point from the period of the early 20th century. Recently, especially during the Second Karabakh War, spread a distorted form of information around the fact that «after the end of World War I and the Bolshevik revolution in Russia, the new Soviet rulers, as part of their divide-and-rule policy in the region, established the Nagorno-Karabakh Autonomous Region (NKAO), with an ethnic Armenian majority, within the Soviet Socialist Republic of

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207 The events in Sumgait are still being investigated. Apparently, this was a provocation planned by the KGB, the purpose of which was the military operation of the Soviet troops in Baku, which went down in history as Black January. https://youtu.be/CxDmiFzQ6Mc
Some media outlets blamed the CIA Sumgait provocation as well. 27 people were killed, among whom were Azerbaijanis as well. "The first criminal act under the guise of an Azerbaijani was committed by a certain Grigoryan, who personally killed five Sumgait Armenians." [Григор Атанесиан, Магеррэм Зейналов. Как Азербайджан и Армения распространяют теории заговора о карабахском конфликте. BBC News, February 26, 2020. https://www.bbc.com/russian/features-51549094]


211 Information based on the official information of the report on the results of the resettlement activity made by L. Lazarev who led the resettlement organization, which he presented to the Minister of Internal Affairs, A.A. Zakrevsky (РИАФ. 383. От. 29. Д.539, л.12 (об)). The special decree of Nickolas I (March 21, 1828) on creating the so-called “Armenianoblast” on the territory of Irevan and Nakhichevan khanates with its center in Irevan (АКАК, т. VII, p.253). The reports of the Russian ethnographer and historian S.P. Zelinsky (Зелинский, С.П. Экономический быт государственных крестьян Загрестурского уезда Елизаветпольской губернии, (т.4, Тифлис:МИЭБГКЗК, 1886)); and etc. [See: Gozalova, Nigar. The Karabakh Issue in Relation with Armenia and Azerbaijan (1918-1920). AVIM Conference Book No: 24, 2019, pp. 39-40].
Azerbaijan in the early 1920s. Many mass media tried to present this case as if before that the territory of NK was independent, and only after 1920 it became a part of Azerbaijan. In fact, according to Stalin's decree of 1920, it was decided not to "give up", but to keep NK as the NKAO within Soviet Azerbaijan. It is enough to look at the map posted on the same website, which makes it clear that Karabakh was also a part of Azerbaijan before 1920. Otherwise, why should Armenia occupy the rest of Azerbaijan's territories surrounding Karabakh? As for the rights that were vested in NKAO, even if we turn to the Soviet period, the main document defining the status of NKAO was the Law "On the Nagorno-Karabakh Autonomous Region" of June 16, 1981, adopted by the Supreme Soviet of the Azerbaijan SSR in accordance with the statement of the Council People's Deputies of the NKAO. It described the basis of the organization and activity of the authorities of the autonomy, their powers, relations with the republican and union authorities. “Of great importance in the context of attempts to substantiate the separation of the Nagorno-Karabakh Autonomous Region from Azerbaijan was the definition of the competence of the Council of People's Deputies of the NKAO in these documents. The powers of this body were mainly focused on socio-cultural and economic activities ... In no document was the Council of People's Deputies of the NKAO authorized to consider issues related to the secession of the region from the republic at its sessions. Such rights were granted only to the union republics ...” Article 78 of the Constitution of the USSR stated that "the territory of a union republic cannot be changed without its consent".

This was the legal situation at the time of the illegal announcement of the NKAO on secession from Azerbaijan and annexation to Armenia on December 1, 1989. At the same time, there was not a single case of discrimination against Armenians in Azerbaijan by that time. However, armed conflict in and around Nagorno Karabakh has been the bloodiest of the armed conflicts in the area of USSR.

In 1991, with the collapse of the USSR, within a short period of time, Azerbaijan proclaims the creation of an independent state on its territory. The Republic of Azerbaijan, including the territory of Nagorno-Karabakh, becomes recognized by all international organizations and the independent states of the world. Since the first days of independence,
Azerbaijan has been developing a lot of work on foreign policy. Step by step, the country establishes diplomatic relations with other countries and enters into various international organizations. Unfortunately, the young state is embarking on its new path of independence with serious problems: with almost a million unsettled refugees and constant military attacks from Armenia and NK militant formations, as well as the hostile leadership of the Russian Federation, providing military support to Armenia. January 30 - March 2, 1992 Azerbaijan becomes a member of the OSCE. At the same time, it was the first European organization to admit Azerbaijan to membership. Azerbaijan's entry into the OSCE and other leading organizations was accompanied at that time by especially fierce battles on the border with Armenia and the gradual occupation of Azerbaijani lands by the united military forces of Armenia. It happened between 1992-1994. Azerbaijan has lost more than 20% of its territories for 30 long years. Shusha, Lachin, Kelbajar, Agdam, Fizuli, Jabrail, Gubadly, Zangilan districts. It is interesting that the area of these districts were equal to 17,000 sq. km, while the territory of NKAO itself is 4,400 sq. km.

Now let's take a look at the OSCE's attempts to resolve this conflict peacefully. In this issue, it is very important not so much the place and time of organized peacekeeping missions, but rather the subjects, that is, the countries that were involved for this, their activities and attitude to this problem.

At the very beginning of Azerbaijan's accession to the OSCE, a tragedy occurred in the Khojaly village of Azerbaijan on the night of February 25-26, 1992\(^{216}\). It was the act of genocide committed by Armenia against the Azerbaijani population. As a result of the genocide, 613 civilians were killed with special brutality. Among them were 106 women 70 elders and 63 children\(^{217}\).

This was the situation in Azerbaijan at the beginning of 1990s. With time UN, the Council of Europe, the OIC, and the European Parliament adopted resolutions condemning Armenia for its occupation of Azerbaijani territories. Although, in general, four UN resolutions (822, 853, 874, 884) were adopted\(^{218}\) and a number of the decisions were passed confirming the territorial integrity of Azerbaijan and the inviolability of the legally recognized


\(^{217}\)Ibidem.

borders of the independent Azerbaijani state, nevertheless, a mechanism of influence on the aggressor country was not developed.

**Creation of the Minsk group and its activities during the Karabakh War I.** The first special mission of the CSCE in Azerbaijan arrived in mid-February, 1992. On February 27-28, 1992 the first discussions on the Armenian-Azerbaijani conflict were held at a meeting of the CSCE Committee that affirmed the ownership of Nagorno-Karabakh to the Republic of Azerbaijan and called for peaceful conflict resolution, subject to no change of borders. On March 24, 1992 at the first meeting of the Council of Ministers of Foreign Affairs, the CSCE decided to convene the Minsk conference on the peaceful settlement of the Armenian Azerbaijani conflict. The first meeting of the Minsk Group took place in Rome in July 1, 1992. Several attempts were made to overcome existing differences and define the conditions of the future world. During the summer of 1992, only 5 such meetings were organized in Rome - but without any significant result. USA, France and Russia were elected as the OSCE Minsk Group Co-Chairs. Besides USA, France, Russia, Azerbaijan and Armenia there were also the following official members of the Minsk Group: Germany, Belarus, Sweden, Italy, Kingdom of the Netherlands, Portugal, Turkey, Finland. Russia managed to bring both sides to the signing of a ceasefire agreement, which was prepared on May 4-5, 1994 in Bishkek at the initiative of the Inter-Parliamentary Assembly of the CIS countries.

For the first time in the Budapest Summit (1995), it was decided to create a peacekeeping force within the OSCE and send them to conflict zones. The concrete outcome of the work of the Budapest Summit on the Armenian-Azerbaijani conflict was the adoption of a resolution entitled "Strengthening OSCE Activities in Connection with the Nagorno-Karabakh Conflict".

At the OSCE Lisbon Summit on December 2-3, 1996, 54 member states adopted a Declaration called “Model of Common and Comprehensive Security in Europe in the 21\textsuperscript{st} Century”. On the Lisbon meeting, the OSCE member states agreed (except for Armenia) with the following principles for resolving the Armenian-Azerbaijani conflict:

2. Granting the status of the highest degree of self-government within Azerbaijan to Nagorno-Karabakh
3. Ensuring the security of the entire population of Nagorno-Karabakh.

Regarding the Co-Chairs of the Minsk Group it should be noted about military cooperation between RF and Armenia. By that time it was known that the 102\textsuperscript{nd} Russian military base is
stationed in Armenia (1992, 1995). However, in early 1997, the facts of the illegal transfer by Russia of modern weapons to Armenia in the amount of more than 1,000,000,000 $ became well-known. It turned out that Russia began to supply these weapons since 1993, when hostilities were taking place between Armenia and Azerbaijan. According to the Stockholm Peace Research Institute (SIPRI), even till today the "impartial mediator" on Nagorno-Karabakh [Russia as the Co-Chairs of the Minsk Group – N.A.] remains the main supplier of weapons to Armenia. This is not usual position for the official moderator.

One more attempt to reach agreement between the parties took place in Key West in 2001. The package of proposals discussed by Armenian President Robert Kocharian and Azerbaijani President Heydar Aliyev has not been made public. However there were some unclear circumstances as well. According to the memories of some officials the Azerbaijani president got acquainted with the content of the document in advance and was ready to sign it. However the conditions of the agreement were changed during the meeting in Key West. H. Aliyev refused to sign it.

In general during 1997-2005 the OSCE Minsk Group co-chairs drafted three proposals for resolving the Armenian-Azerbaijani conflict. The first two proposals were not accepted by Armenia, the last proposal was not accepted by Azerbaijan.

In November 2008 with the mediation of Russian President Dmitry Medvedev, a meeting took place between the presidents of Armenia and Azerbaijan. This event was labeled to history as the Mayendorf Declaration. Azerbaijan had only one condition – it is ready to give to NK the highest level of autonomy, but in the territorial frames of Azerbaijani Republic. Nevertheless Armenia didn’t accept this condition.

On March 14, 2008, the UN General Assembly adopted a resolution demanding “The immediate, complete and unconditional withdrawal of all Armenian forces from all occupied territories of the Republic of Azerbaijan” with 39 votes in favor, 7 votes against, and 100 votes abstentions. However the co-chair countries of the Minsk Group (USA, Russia, France) were against the adoption of this resolution, since it, in their opinion, “is one-sided”.

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On July 10, 2009 the main provisions of the Madrid Principles (2005/2007) were made public by the heads of the OSCE Minsk Group co-chair states in the Italian city of L’Aquila. The conditions of the Madrid Principles were the following:

- returning the territories around Nagorno-Karabakh under the control of Azerbaijan
- provision of temporary status to Nagorno-Karabakh, guaranteeing its security and self-government
- opening a corridor between Armenia and Nagorno-Karabakh
- determining in the future the final legal status of Nagorno-Karabakh on the basis of a legally binding expression of will
- ensuring the right of all internally displaced persons and refugees to return to their places of former residence
- international security guarantees, including a peacekeeping operation.220

However, the parties could not come to a common denominator. The next meeting of the governments of Russia, Armenia and Azerbaijan took place on October 27, 2010 in Astrakhan. On March 5, 2011, the regular meeting of the presidents of Russia, Armenia and Azerbaijan in Sochi did not bring any sensations, though there were some positive meeting results. On March, 17 the parties exchanged the prisoners. In early April 2016 there were armed clashes between the Azerbaijani and Armenian forces on the contact line in Nagorno-Karabakh, which resulted in numerous casualties on both sides. The Azerbaijani side achieved certain successes at the front. However, with the intervention of Russia, these successes were suspended.

*The Second Karabakh War.* Regarding the political situation in Armenia, this state existed under the rule of the serious military groups for a long time. The previous presidents of Armenia Robert Kocharyan and Serzh Sargsyan were related to the massacres of Azerbaijani people. The researcher Thomas de Waal interviewed Serzh Sargsyan for his book “Black Garden”. When he asked the latter about Khojali, “he [Sargsyan – N.A.] said that “a lot was exaggerated” but he did not deny that Armenians had killed Azerbaijani civilians. He told me: “Before Khojalu, the Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population”.221 In 2018 as a result of the Velvet Revolution new prime-minister came to the

220 Statement by the OSCE Minsk Group Co-Chair countries. L’AQUILA, Italy, 10 July 2009. https://www.osce.org/mg/51152
221 https://carnegieeurope.eu/2012/02/24/president-interview-and-tragic-anniversary-pub-47283
power in Armenia. First official meeting of Azerbaijani President Ilham Aliyev with new Armenian prime-minister Nikol Pashinyan took place in Vienna, in March 29, 2019. The main obstacle in the negotiation in Vienna was the intention of Armenian prime-minister to include into the discussion the third side – out-lawed “leader” of Nagorno Karabakh. It was not acceptable for the Azerbaijani side since the “republic” of NK was not recognized by any country in the world.

After these events, a completely new stage in the development of the NK conflict began, marked by the beginning of the Second Karabakh War.

N.Pashinyan arrested a number of the representatives from the previous regime in Armenia\(^2\), but, unfortunately, he did not change the slogans toward NK. On the contrary, the Armenian prime-minister publicly declares that “Karabakh is Armenia and the point”.\(^3\) It meant an impasse in the negotiation process. N.Pashinyan imposes negotiations with the so-called puppet regime of Nagorno-Karabakh. This is followed by a series of provocations. In May, 2019, Pashinyan visited Karabakh to celebrate invasion of Shusha. The Armenian side wants to maintain the status quo. While the co-chairs of the OSCE Minsk Group, represented by the heads of state of Russia, France and the United States, have made repeated statements that the status quo is unacceptable and that the territories under occupation should be returned to Azerbaijan.\(^4\)

In February 15, 2020, Panel discussions on the Armenia-Azerbaijan Nagorno-Karabakh conflict were held as part of the Munich Security Conference,\(^5\) where both leaders openly impressed their positions.

In July 2020, Armenians launched an armed attack on the settlements of Azerbaijan in Tovuz on the state border. This is far from the conflict zone. Then one civilian and several servicemen were killed\(^6\). The clashes lasted four days. On August 23, an Armenian sabotage group penetrated into the territory of Azerbaijan, which was neutralized. Its leader was captured on the line of contact. The Armenian side is holding the so-called "inauguration" of the so-called leader of the criminal Nagorno-Karabakh regime in Shusha. For Azerbaijani people who considered Shusha as an ancient pearl of Azerbaijani culture it was treated as an

\(^2\)https://youtu.be/d-mzKtQbwbM
\(^3\)https://www.kommersant.ru/doc/4117307
\(^4\)https://www.youtube.com/watch?v=u_V2cafAhug
\(^5\)https://www.interfax.ru/world/717592
insult. Then, the Armenian side publicly and demonstratively announces the resettlement of Armenians from Lebanon to the occupied territories, to Shusha.\textsuperscript{227} In fact, this was a war crime and a violation of the Geneva Convention.\textsuperscript{228}

On 27\textsuperscript{th} of October, 2020, according to the statement of the president I. Aliyev, Azerbaijan was forced to give an adequate response to the military provocation by Armenia.\textsuperscript{229} It became the beginning of the Second Karabakh War. It should be noted that, as a result of Armenian aggression, all military forces were carried out in the territories of Azerbaijan. Therefore the main casualties among the civilian population and all the destruction of infrastructure occurred on the territory of Azerbaijan.

During the course of the war, an incredible amount of false information was observed, articles by individual non-professional authors who were fans of provocations were published on many websites. Now it is called information war. Discussing these fake news and publications is pointless. However, during the Second Karabakh War, extraordinary war crimes against the civilian population took place, which can neither be concealed, nor denied, nor justified. There were the rocket attacks on sleeping civilians in Terter (September 29, 2020),\textsuperscript{230} Ganja (October 17, 2020),\textsuperscript{231} Barda (October 27, 2020)\textsuperscript{232} and other cities of Azerbaijan, which are quite far from the war zone. These facts quickly spread through all the media, however, the Minsk Group did not take any reaction or measures in relation to this aggression carried out by Armenia. There were no sanctions, no demands for an answer for these crimes.

Several Joint Statements (October 1, 5, 10, 2020) and meetings with the representatives of the Azerbaijani and Armenian states (October 25, 2020, Washington;
October 30, Geneva, etc.)\textsuperscript{233} were organized by the OSCE Minsk Group Co-Chairs during the war in order to call on the sides to cease hostilities immediately and to resume substantive negotiations to resolve the Nagorno-Karabakh conflict under the auspices of the OSCE Minsk Group Co-Chairs.

Unfortunately, all this remained on paper and did not have any results, as in the previous 30 years. None of the sides agreed to stop shooting. Azerbaijan accused Armenia in violation of cease fire. Armenia accused Azerbaijan.

Azerbaijan continued to rapidly and successfully liberate its territories. When the Azerbaijani army found itself at a distance of 1-2 km from Khankendi (Stepanakert), hostilities were stopped with the mediation of one of the OSCE Minsk Group co-chairs, Russia. On the night of November 10, 2020, a peace agreement was signed. As for the other two co-chairs, the United States found itself outside the resolution of this issue due to the internal political crisis in the country at that time. France, which began to openly support revanchist sentiments in Armenia, gradually took a neutral position. After 30 years of war, France's National Assembly suddenly proposed to recognize Nagorno-Karabakh as a "republic". French Foreign Minister Jean-Yves Le Drian rejected the recognition call: “Armenia did not require it… If such a decision is made, France will remove itself from the Minsk Group and give up its mediator role”. Turkey, which was not a Co-Chair, but a member of the Minsk Group, also took an active part in resolving the conflict.

Conclusion. The peace agreement was accepted differently by different countries and their societies. Someone believes in the establishment of peace, someone is mistrustful. Nevertheless, despite the fact that part of the Azerbaijani people are alarmed by the presence of Russian troops on their territory, still for Azerbaijan, which liberated most of its occupied territories, this is considered a significant victory.

Did Azerbaijan have a chance to achieve liberation peacefully? 30 years of fruitless peacekeeping activities showed that there was no such chance. Or maybe the co-chairs themselves were not interested in the quick ceasefire. 94% of weapons in Armenia were supplied by Russia in last 10 years.\textsuperscript{234} The United States has twice obstructed the adoption of resolutions. France, especially, during the last years, obstructed to achieve the peace supporting the separatism. Whatever it was, Azerbaijan emerged from this war as a winner.


However, the country has big post-war problems: thousands of hectares of mined territories and tens of thousands of square km. completely destroyed infrastructure by the Armenians during the occupation. Many cities of Azerbaijan are called in the foreign Media as the “ghost towns”: Agdam, Fizuli, Jabrail, and many others. Perhaps the Minsk Group still has a possibility to stop the deaths of civilians exploding on mines almost every day, and to get the Armenian authorities to provide Azerbaijan with mine maps...

Streszczenie:


Słowa kluczowe:

II Wojna Karabaska, sprawiedliwość dla Khojały, „miasta duchów”, deklaracja Mayendorf, bezprawna rakieta na Gandżę

Key words:

Karabakh War II, Justice for Khojały, “ghost towns”, Mayendorf Declaration, Unlawful Rocket on Ganja

235 https://www.youtube.com/watch?v=SZ-LylU2jBI
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