

OSCE and Conflict Resolution in the Post-Soviet Area: The Case of the Armenia-Azerbaijan Nagorno-Karabakh Conflict

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The Armenia-Azerbaijan Nagorno-Karabakh conflict is one of the several conflicts in the post-Soviet space in which Organization for Security and Co-operation in Europe (OSCE) is involved in mediation of peace negotiations, but failed to facilitate any kind of sustainable resolution of the conflict. The OSCE continued peace-making efforts from 1992 to date; it has deployed several institutions that are tasked dealing with conflict, including the OSCE Minsk Group. In the environment of impunity coupled with the inefficacy of OSCE, Armenia refuses to compromise for the sake of peace and repeatedly sabotages the negotiations process, rendering resolution of the conflict virtually impossible. In such a complex situation, the OSCE needs to be very committed and to have a significantly more effective and coherent peace building strategy. However, OSCE's peace efforts and mediation strategy suffers significant setbacks; the major purpose of the Minsk Group troika's efforts seems to have become 'conflict management' rather than genuine conflict resolution.



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Introduction

The Armenia-Azerbaijan Nagorno-Karabakh conflict is one of the few conflicts in the post-Soviet space in which Organization for Security and Co-operation in Europe (OSCE) is heavily involved in terms of mediation of peace negotiations. The conflict started at the end of 1980s, when Armenia sought to annex the Nagorno-Karabakh Autonomous Oblast of Azerbaijan (NKAO), seizing the opportunity created by the collapse of the Soviet Union. The conflict gradually evolved into a full-scale interstate war between Armenia and Azerbaijan as they gained independence, leaving about 30,000 dead and over a million IDPs and refugees. The active phase of the bloodiest of the post-Soviet conflicts ended with a ceasefire agreement of 1994. Hostilities continue ever since taking the lives of dozens of soldiers each year and the line of contact between Armenian and Azerbaijani troops has become the most militarized area in the whole post-Soviet space.

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Azerbaijan still hopes for peaceful resolution of the conflict based on mutual compromises - unconditional withdrawal of occupation forces, return of displaced people to their homes, restoration of territorial integrity of Azerbaijan, opening of all communication routes with Armenia and guarantee of high level self-rule for Karabakhi Armenians. However, the delays and stagnation of the peace process threaten to render resort to military means as the only viable solution for restoring territorial integrity of Azerbaijan.

The OSCE Minsk Group was created in 1992, and the co-chairmanship institution was introduced in 1994 in order to carry out mediation between the conflict parties. However, despite more than two decades of negotiations, the OSCE has failed to achieve a breakthrough in regard to this protracted and complex conflict. Armenia capitalizes a lack of international interest, taking unlawful actions to strengthen the status quo in the conflict zone, which strongly favors Yerevan. Azerbaijan still hopes for peaceful resolution of the conflict based on mutual compromises - unconditional withdrawal of occupation forces, return of displaced people to their homes, restoration of territorial integrity of Azerbaijan, opening of all communication routes with Armenia and guarantee of high level self-rule for Karabakhi Armenians. However, the delays and stagnation of the peace process threaten to render resort to military means as the only viable solution for restoring territorial integrity of Azerbaijan.

This article evaluates the course of the Nagorno-Karabakh peace process in order to uncover the scope of the OSCE's action with regard to conflict resolution and ana-

lyze the reasons for the failure of the peace process. As a mediator of the conflict resolution process in Nagorno-Karabakh, is OSCE acting as an effective peace broker, or is it contributing to the protraction of the conflict and the continuation of the dangerous 'no war, no peace' situation? In addressing these questions, the article first provides a historical overview of the peace process, and then describes the scope of the OSCE's current activity, and the kinds of institutions it has deployed in the service of conflict resolution. Finally, and most importantly, the article seeks to shed light on why the OSCE is failing to bring peace to this war-torn region.

Historical Overview of the Peace Process

Until 1991, there were no international mediation efforts towards resolution of the Nagorno-Karabakh conflict, as both Azerbaijan and Armenia were parts of Soviet Union and any foreign effort could be considered interference into domestic affairs of the USSR. When both countries became independent, the conflict was gradually internationalized. In 1991-1992, the first unsuccessful mediation attempts were made by Russia, Kazakhstan and Iran. The United Nations did not shoulder the responsibility for conflict mediation, as it was already overburdened with other priorities around the world.¹ In 1992 Azerbaijan and Armenia became members of the Conference on Security and Co-operation in Europe (CSCE), and the CSCE undertook a major mediating role from then on.

At the beginning, the CSCE sent a special mission of rapporteurs (headed by Karel Schwarzenberg and later by Dienstdier) to gather information about the conflict. After the brutal massacre against Azerbaijanis in Khojaly by Armenian armed forces on February 26 1992, at the Additional Meeting of the CSCE Council of Ministers (Helsinki, March 1992) a decision was taken to convene a conference on the Nagorno-Karabakh conflict in Minsk as soon as possible, under the auspices of the CSCE with the aim of providing an effective forum for negotiations towards a peaceful settlement.² From then on, the OSCE negotia-

¹ Esmira Jafarova (March 2014) "OSCE Mediation of Nagorno-Karabakh conflict", *The Washington Review of Turkish & Eurasian Affairs*, available at: <http://www.thewashingtonreview.org/articles/osce-mediation-of-nagorno-karabakh-conflict.html> (accessed 23 July 2015)

² The Embassy of the Republic of Azerbaijan to the Republic of Austria, *Organization for Security and Co-operation in Europe (OSCE)*, available at: <http://www.azembassy.at/multilateral-issues/osce/>

tion group formally known as ‘the Minsk Group’ and comprised of eleven participating states (current members of the Group are Belarus, the US, Russia, France, Germany, Italy, Sweden, Finland, and Turkey, as well as Armenia and Azerbaijan) took the role of the key mediator in the Nagorno-Karabakh peace process.

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In April 1993, the UN Security Council passed Resolution 822, condemning the occupation of Kelbajar region and other areas of Azerbaijan by Armenian forces and demanding an end to military actions and the unconditional withdrawal of forces.

At the beginning of 1993, in an attempt to restart the stalled CSCE negotiations, Russia, Turkey and the United States held a series of private discussions, resulting in what became known as the ‘3+1 initiative’ which was ultimately failed due to the Armenia’s “concerns about Karabakh Armenians’ rejection”.⁵

In April 1993, the UN Security Council passed Resolution 822, condemning the occupation of Kelbajar region and other areas of Azerbaijan by Armenian forces and demanding an end to military actions and the unconditional withdrawal of forces. Throughout 1993, the UN Security Council adopted three further resolutions (853, 874 and 884) demanding the unconditional withdrawal of Arme-

(accessed 10 July 2015)

3 Ramiz Mehdiyev (2014) Nagorno-Karabakh: The History Read from the Sources (in Russian Нагорный Карабах: История, прочитанная по источникам), Moscow: Akvarius publishing, p. 262

4 Esmira Jafarova (March 2014) “OSCE Mediation of Nagorno-Karabakh conflict”, *The Washington Review of Turkish & Eurasian Affairs*, available at: <http://www.thewashingtonreview.org/articles/osce-mediation-of-nagorno-karabakh-conflict.html> (accessed 23 July 2015)

5 Bahar Başer (15 July 2013) “The Nagorno-Karabakh conflict and the Minsk Group: Towards a more productive engagement?”, *ADA Biweekly*, Vol. 6, No. 14, available at: http://biweekly.ada.edu.az/vol_6_no_14/The_Nagorno_Karabakh_conflict_and_the_Minsk_Group_Towards_a_more_productive_engagement.htm?print=1 (accessed 7 July 2015)

nian forces from the occupied territories of Azerbaijan, all of which were ignored by Armenia and remain unfulfilled to date.

From 1993 to December 1994, Russia played an influential role in brokering peace in the region. Russian diplomats and Russia's special envoy to the Minsk Group employed shuttle diplomacy to mediate between the conflicting parties.⁶ Russia sought to seize control of the situation through this mediating role, and did eventually succeed in brokering a ceasefire agreement in Bishkek in May 1994. When the ceasefire agreement entered into force the territory of former NKAO and 7 adjacent administrative regions of Azerbaijan – roughly 20% of the country remained under occupation of Armenia.

After the signing of the so-called 'Contract of the Century' - in September 1994 between the State Oil Company of the Azerbaijan Republic (SOCAR) and consortium of foreign oil companies on the development and production sharing of Azerbaijan's oil reserves in the Caspian sea, the West began to perceive Azerbaijan in more strategic terms.⁷ Signing of the contract increased the West's interest in the region and consequently intensified its engagement in the conflict resolution giving the new momentum to the peace process via CSCE mediation.

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The CSCE Budapest Summit in December 1994 discussed the conflict and established the co-chairmanship institution of the Minsk Group "to conduct effective negotiations to end armed hostilities and create conditions for calling Minsk conference."⁸ Russia and Sweden served as the first co-chairs of the Group. The introduction of the co-chairmanship played key role in moving the CSCE forward from the initial stalemate it had encountered. The Budapest Summit also adopted a decision on the deployment of the CSCE multinational peacekeeping force after the achievement of the possible agreement between the Parties on the cessation of the armed conflict. To that end, the High Level Planning Group (HLPG) was established to assist the CSCE Chairperson

⁶ Ibid

⁷ Esmira Jafarova (March 2014) "OSCE Mediation of Nagorno-Karabakh conflict", *The Washington Review of Turkish & Eurasian Affairs*, available at: <http://www.thewashingtonreview.org/articles/osce-mediation-of-nagorno-karabakh-conflict.html> (accessed 23 July 2015)

⁸ Ramiz Mehdiyev (2014) Nagorno-Karabakh: The History Read from the Sources (in Russian Нагорный Карабах: История, прочитанная по источникам), Moscow: Akvarius publishing, p. 265

in Office with the preparation and deployment of CSCE peace-keeping force.

At the December 1996 OSCE Lisbon Summit, the major principles of conflict resolution were set forth, gaining support from all member countries except Armenia. The principles included (1) territorial integrity of both countries; (2) legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan; (3) guaranteed security for Nagorno-Karabakh and its whole population.⁹ The principles were accepted by 53 out of 54 participating states of the Lisbon Summit, including Russia. However, Armenia rejected the principles, and due to the consensus rule, it was not possible to reflect the principles in the final Lisbon document.

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In 1997 France took over the Finnish co-chairmanship seat (Sweden vacated this position to Finland in 1995). This gave rise to opposition from Azerbaijan, which requested United States representative instead. The dispute was resolved by appointing the United States as a third co-chair and since then this troika has remained in place. It was also in 1997 that the direct negotiations were suspended and substituted with shuttle visits by the co-chairs to Armenia, Azerbaijan and the conflict zone.

In June 1997, the Minsk Group co-chairs, during their visit to the region, presented a proposal for solution of the conflict which became known as a 'package' solution. The proposal envisaged achieving the solution on cessation of hostilities/withdrawal of armed forces by Armenia and the agreement on final status of Nagorno-Karabakh region in one stage. Despite the agreement of Azerbaijan to start the negotiation based on this document, the proposal was rejected by Armenia claiming that it was against the idea to determine the status of Nagorno-Karabakh at the Minsk Conference.¹⁰

⁹ The Embassy of the Republic of Azerbaijan to the Republic of Austria, *Organization for Security and Co-operation in Europe (OSCE)*, available at: <http://www.azembassy.at/multilateral-issues/osce/> (accessed 10 July 2015)

¹⁰ Ramiz Mehdiyev (2014) Nagorno-Karabakh: The History Read from the Sources (in Russian Нагорный Карабах: История, прочитанная по источникам), Moscow: Akvarius publishing, p. 267

In September 1997, the Minsk Group co-chairs put forward new proposal based on a 'stage-by-stage' approach to the resolution of the conflict. According to the proposal, it was planned at the first stage to liberate 6 occupied regions, to deploy the OSCE peacekeeping operation, to return the displaced persons to the liberated territories and to restore main communications in the conflict zone. At the second stage the problems of Lachin and Shusha were to be solved and the main principles of the status of Nagorno-Karabakh were to be adopted. As a result, the OSCE Minsk Conference ought to be convened. On 10 October 1997, the Presidents of Azerbaijan and Armenia in their joint Statement in Strasbourg stated that "the recent proposals of the Co-Chairmen were a hopeful basis for the resumption of negotiations within the framework of the Minsk Group".¹¹

However, despite the President Levon Ter-Petrossian's initial agreement, the proposal was fiercely rejected by his political opponents in Armenia and he was forced to resign. With the coming to power in March 1998 of Robert Kocharian, the leader of Nagorno-Karabakh separatist, Armenia officially withdrew the consent to the proposals on the 'stage-by-stage' settlement of the conflict.¹²

In November 1998, the Minsk Groups co-chairs put forward proposals based on the concept of a 'common State'. According to this concept, Nagorno-Karabakh would have the status of a State and a territorial unit in the form of a republic, which, together with Azerbaijan would constitute the common state within the internationally recognized borders of Azerbaijan. Azerbaijan rejected the proposal since they violated its sovereignty and contradicted the Lisbon principles.¹³

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In order to give an additional impetus to the negotiations, in April 1999 direct talks between the Presidents of Azerbaijan and Armenia took place. In 1999-2001 the presidents met several times in

11 MFA of Azerbaijan, "Armenia-Azerbaijan Nagorno-Karabakh conflict: General Overview", available at: <http://mfa.gov.az/?language=en&options=content&id=835> (accessed 19 July 2015)

12 Ramiz Mehdiyev (2014) Nagorno-Karabakh: The History Read from the Sources (in Russian Нагорный Карабах: История, прочитанная по источникам), Moscow: Akvarius publishing, p. 265

13 MFA of Azerbaijan, "Armenia-Azerbaijan Nagorno-Karabakh conflict: General Overview", available at: <http://mfa.gov.az/?language=en&options=content&id=835> (accessed 19 July 2015)

Washington, Istanbul, Geneva, Davos, Moscow, Yalta, Paris and Key West. However, mutually exclusive demands of the parties coupled with Armenia's rigid negotiating position to perpetuate its gains from the war rendered these talks fruitless.¹⁴

In 2002, two meetings between the special representatives of the Presidents of Armenia and Azerbaijan took place near Prague. The direct talks between the Foreign Ministers of Armenia and Azerbaijan started to be known as the so-called 'Prague Process' since 2004.

During the meeting between the two presidents in Kazan in 2005, the Minsk Group co-chairs set forth 'basic principles' for further negotiations.¹⁵ These principles were later refined and presented to the conflict parties at the OSCE Madrid Ministerial Council in 2007. The so-called 'Madrid Principles' were further updated in 2009. Initiation of Madrid principles brought a degree of opti-

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mism about a window of opportunity to achieve a settlement between the election cycles in Azerbaijan and Armenia. In 2010 Azerbaijan partially disclosed the principles to the press. The principles envisaged withdrawal of Armenian troops from five occupied regions around Nagorno-Karabakh and partial withdrawal from Lachin region; the restoration of communications; a donors' conference on post-conflict rehabilitation; and the deployment of peacekeeping observers. The second stage entailed the withdrawal of Armenian forces from the remaining Kalbajar and Lachin districts and the return of IDPs, and only then to be followed by the determination of the status of Nagorno-Karabakh, on the condition of the non-violation of the territorial integrity of Azerbaijan.¹⁶

In 2011, the Presidents of Azerbaijan and Armenia held two meetings at the invitation of the President of the Russian Federation, Dmitry Medvedev: on March 5, in Sochi and on June 24, in Kazan. Despite giving its initial assent to the concept of the

14 Esmira Jafarova (March 2014) "OSCE Mediation of Nagorno-Karabakh conflict", *The Washington Review of Turkish & Eurasian Affairs*, available at: <http://www.thewashingtonreview.org/articles/osce-mediation-of-nagorno-karabakh-conflict.html> (accessed 23 July 2015)

15 International Crisis Group (14 November 2007) "Nagorno-Karabakh: Risking War", *Europe Report*, N 187

16 REF/RL (March 15, 2010) "Azerbaijani Foreign Minister Discloses Details of Madrid Principles", *Caucasus Report*, available at: http://www.rferl.org/content/Azerbaijani_Foreign_Minister_Discloses_Details_Of_Madrid_Principles/1984485.html (accessed 12 July 2015)

Madrid principles, and participating in the talks on that basis, Yerevan “apparently was mostly unhappy about the clause concerning the withdrawal of its forces from the occupied territories.”¹⁷ At the 2011 Kazan summit, the document presented to the sides, in fact, was different than that of agreed three months ago in Sochi. This gave rise to a serious backlash from Azerbaijan, effectively stalling negotiations.

For the most part, negotiations remained stalled up until when presidential meetings were resumed in Vienna in November 2013. Armenia was still aiming to consolidate the current status quo and impose finally a *fait accompli* situation.¹⁸ Despite the lack of progress due to the rigid approach of Armenia, the resumption of the stalled talks was deemed a positive development. Presidents Aliyev and Sargsyan met twice more in 2014, in Sochi in August and then in Paris in October 2014.

Over the last few years, while negotiations are continuing under the auspices of the OSCE Minsk Group, causalities along the line of contact have continued to surge. In fact, the conflict can no way be characterized as frozen like many international organizations try to label it. Official Baku, weary of the status quo, sees the starting point of reconciliation with Armenia as contingent on the withdrawal of Armenian forces from the occupied territories.¹⁹ Azerbaijan’s position is supported by four UN Security Council Resolutions and many other international documents issued by the UN General Assembly, the European Parliament, Parliamentary Assembly of CoE, Organization of Islamic Cooperation, etc.²⁰ But despite the fact that the principles in these international documents are acknowledged by the international community, no pressure has ever been exerted on Arme-

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17 Esmira Jafarova (March 2014) “OSCE Mediation of Nagorno-Karabakh conflict”, *The Washington Review of Turkish & Eurasian Affairs*, available at: <http://www.thewashingtonreview.org/articles/osce-mediation-of-nagorno-karabakh-conflict.html> (accessed 23 July 2015)

18 MFA of Azerbaijan, “Armenia-Azerbaijan Nagorno-Karabakh conflict: General Overview”, available at: <http://mfa.gov.az/?language=en&options=content&id=835> (accessed 19 July 2015)

19 Zaur Shiriyev (2013) “A Bleak Future for Nagorno-Karabakh: Models, Formats and Prospects” in Konrad-Adenauer-Stiftung, *The South Caucasus 2018: Facts, Trends and Future Scenarios*, p. 250, available at: http://www.kas.de/wf/doc/kas_35353-1522-22-30.pdf?130912141452 (accessed 19 July 2015)

20 Kamal Makili-Aliyev (2013) *Nagorno-Karabakh Conflict in International Legal Documents and International law*, Baku: Silver LTD publication, available at: <http://sam.az/uploads/PDF/Nagorno-Karabakh%20Conflict.pdf> (accessed 17 August 2015)

nia, and no international sanctions have been introduced on. Azerbaijan's point is that concessions will have to be made by both conflict parties, and Nagorno-Karabakh should receive self-rule in the form of the highest possible autonomy within the framework of the territorial integrity of Azerbaijan. However, the issue of the status of Nagorno-Karabakh is not one that should be resolved at the moment. Instead the sides should agree on the disengagement and withdrawal of forces, displaced persons should be allowed to return home, and all land transport links should be reopened.²¹ This means, as stated by the Azerbaijani Minister of Foreign Affairs, Elmar Mammadyarov, "Armenia should withdraw from the seven districts around Nagorno-Karabakh which it occupies and Azerbaijan will open all roads and communications, and sides will try to gradually establish normal relations in the region."²² After that the sides can discuss the future status of the Nagorno-Karabakh region in a more constructive environment.

What Is OSCE Doing in Regard to the Resolution of the Conflict?

Currently, OSCE activities relating to the conflict resolution process are comprised of the following.

The major OSCE body in the conflict resolution process is the Minsk Group, tasked with finding peaceful solution to the Nagorno-Karabakh conflict. According to the official mandate provided in the Budapest Summit's decision, the co-chairs of the Minsk Group should "provide an appropriate framework for conflict resolution in the way of assuring the negotiation process; to obtain conclusion by the Parties of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference; and to promote the peace process by deploying OSCE multinational peacekeeping forces".²³ In practice, co-chairs occasionally produce suggestions as frameworks of the conflict resolution, engage in shuttle diplomacy to discuss basic principles of the solution of the conflict with Armenia and Azerbaijan, organize field missions to assess the overall situa-

21 CommonSpace.eu (10 July 2015), Mammadyarov: "Status of Karabakh is not an issue that should be resolved now", available at: <http://www.commonspace.eu/eng/news/6/id3315> (accessed 25 July 2015)

22 Ibid

23 OSCE, *Minsk Group: Mandate*, available at: <http://www.osce.org/mg/108308> (accessed 28 July 2015)

tion in occupied regions of Azerbaijan, including humanitarian and other aspects, as well as assist in organizing direct meetings between the Azerbaijani and Armenian presidents and foreign ministers. The current co-chairs of the Minsk are James Warlick, Jacques Faure and Igor Popov, representing the US, France and Russia respectively.

There is also the Personal Representative of the Chairperson-in-Office on the Conflict, based in Tbilisi, Georgia. The Personal Representative is mandated to represent the Chairperson-in-Office (CiO), assist him in achieving an agreement on the cessation of the armed conflict in and around Nagorno-Karabakh, and help to create conditions for the deployment of an OSCE peace-keeping operation.²⁴ Additionally, the Personal Representative's mandate includes assisting Azerbaijan and Armenia in implementing and developing confidence-building, humanitarian and other measures facilitate the peace process, in particular by encouraging direct contacts, etc.²⁵ The holder of this post has never changed since its establishment - Andrzej Kasprzyk, a senior Polish diplomat has been serving as a Personal Representative of CiO since January 1997.

The least known, and in fact, the least active OSCE institution dealing with Nagorno-Karabakh conflict is the High-Level Planning Group (HLPG), which was established in 1994 and mandated "to make recommendations to the OSCE CiO on developing a plan for the establishment, force structure requirements and operation of a multinational OSCE peacekeeping force for the area of conflict dealt with by the OSCE Minsk Conference"²⁶. However, except at certain points in 1994 and 1995, the deployment of peacekeeping forces has never seemed a realistic goal. Nonetheless, HLPG continues to exist; its main role is the involvement of some HLPG representatives in the periodical monitoring of the contact line between Armenian and Azerbaijani armed forces. The Head of the HLPG is appointed by the CiO, and the group is composed of five officers seconded by OSCE participating states. The current head of HLPG is Colonel Markus Widmer of Switzerland who assumed the position on January 1, 2014.

²⁴ OSCE, *Ambassador Andrzej Kasprzyk*, available at: <http://www.osce.org/prcio> (accessed 28 July 2015)

²⁵ Ibid

²⁶ OSCE, *High-Level Planning Group*, available at: <http://www.osce.org/hlpg> (accessed 28 July 2015)

Its field assessment, fact finding and environmental assessment missions are occasionally sent to occupied regions surrounding Nagorno-Karabakh in order to assess the overall situation there, including humanitarian, environmental and other aspects.

In addition to the facilitation of peace talks as its major task, OSCE also periodically monitors the line of contact between Azerbaijani and Armenian armed forces. Its field assessment, fact finding and environmental assessment missions are occasionally sent to occupied regions surrounding Nagorno-Karabakh in order to assess the overall situation there, including humanitarian, environmental and other aspects (missions were sent in 2005, 2006 and 2010). All of the fact finding and assessment missions deployed by OSCE in the occupied region report the “disastrous consequences of the Nagorno-Karabakh conflict and the failure to reach a peaceful settlement”, and mention that almost all the towns and villages that existed before the conflict in the occupied territories are abandoned and entirely in ruin.²⁷ There is no real economy and the Armenians who were relocated to there are from other parts of the world; they live in a few small settlements in precarious conditions.

In addition, the environment has undergone severe damage at the result of the ongoing conflict.²⁸

Why and How Is the OSCE Failing to Achieve a Peace Settlement?

Of course the OSCE is making certain efforts towards reaching a peaceful settlement, but Armenia's rigid and uncompromising position is the single most important barrier to the resolution process. However, there are clear shortcomings in the OSCE mediation efforts too, which prevent it from galvanizing this complex peace process.

The OSCE Minsk group has overseen peace negotiations for more than two decades. However, OSCE mediation has failed to deliver long-awaited peace to the region. Similar to other conflicts in the post-Soviet space, such as in Georgia, Moldova and Ukraine, where the OSCE has also deployed a peace-making and peace-keeping missions, the Armenia-Azerbaijan peace process appears to be a failure. Of course the OSCE is making certain efforts towards reaching a peaceful settlement, but Armenia's rigid and uncompromising position is the single most important barrier to the resolution process. However, there are clear shortcomings in the OSCE mediation efforts too, which prevent it from galvanizing this complex peace process.

Above all, it should be noted that the OSCE is a clear example of

²⁷ OSCE, *Executive Summary of the “Report of the OSCE Minsk Group Co-Chairs’ Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh*, available at: <http://www.osce.org/mg/76209?download=true> (accessed 30 July 2015)

²⁸ Ibid

an intergovernmental organization with no supranational powers. This intergovernmentalism means that any OSCE activity in any member country, and any mission deployed on behalf of the organization is subject to unanimous approval from all member states, and particularly the country to which the activity or mission pertains. Thus, every country in the organization has an effective veto power on any decision. As already mentioned, in 1996 the OSCE was unable to include the famous three principles in the Lisbon declaration due to Armenia's objection, despite winning the support of 53 out of 54 member states. This essential systemic weakness constrains the OSCE's effectiveness in many cases, including its involvement in conflict areas when there is need to punish aggressors and protect victims.

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In considering shortcomings peculiar to Minsk Group itself, the biggest problem is that it tries 'not to hurt anyone'. The Minsk Group tries to seem neutral and this near-obsession with neutrality does not allow it to be fair and impartial. It is claimed that openly naming Armenia as an aggressor country and calling for fulfillment of UN Security Council resolutions - which entails unconditional withdrawal of forces from Nagorno-Karabakh - might discredit OSCE Minsk group in the eyes of Armenian side.²⁹ However, it does not mean that OSCE can play this 'game of neutrality' over justice forever. The Minsk Group co-chairs avoid making clear-cut statements about their positions on Nagorno-Karabakh conflict. They avoid bringing up the fact of occupation; they make general and vague statements at best, or indeed make contradictory declarations depending on whether they are in Baku or Yerevan. In so doing, they claim that they are addressing the resolution of the Nagorno-Karabakh conflict. However, when there is need for a firm position, the co-chairs state that Armenia and Azerbaijan should find a solution themselves since it is their problem, and that the Minsk Group will support any decision they make. This attitude and the visible failure of shuttle diplomacy has resulted in such widespread distrust in OSCE Minsk Group's activity that the Azerbaijani media has begun to refer to the co-chairs' visits to the region as 'tourist

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²⁹ NewTimes (27 February 2015) *America's "impartial mediation" logic: Can't name the "aggressor"*, available at: <http://newtimes.az/en/politics/2568> (accessed 16 August 2015)

excursions'.³⁰

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The lack of interest and consequent lack of commitment on the part of the OSCE Minsk Group co-chair countries to the resolution process is another visible setback; they seem to be in position to manage the situation as opposed to engaging in genuine conflict resolution. The co-chairs seem to be dealing much more with 'conflict management' – trying to reduce the tensions between parties via occasional visits to region, rather than with a 'conflict resolution mechanism'.³¹ As Novruz Mammadov, Deputy Head of Presidential Administration of Azerbaijan pointed out, the OSCE Minsk group had monopolized the

resolution process of the conflict³², but it lacks the needed commitment to push the process forward. This lack of commitment is also seen in the form of the low level of involvement by co-chair countries in the resolution process. The involvement of more mid or high level diplomats and politician might prove effective in accelerating the peace process. Talks that carry high-level international commitment - such as the 2001 Key-West negotiations, which involved the US President George Bush - might be a necessary change, given that this low-profile shuttle diplomacy seems to be failing. History shows that when major powers are interested and committed, they are able to facilitate effective negotiations to find a solution to the complex conflicts similar to Nagorno-Karabakh. To give comparable examples, during the bloody dissolution of Yugoslavia, the US commitment and appointment of a special representative was key in hammering out the 1995 Dayton Agreement, while French president Jacques Chirac's personal involvement played the same role in reaching the 2006 Rambouillet Accords.

Moreover, if in the beginning OSCE involvement as a mediator was intended to represent impartial international involvement, today the OSCE Minsk Group's approach is a troika-based ap-

30 ANSPRESS (14 July 2015) *Co-Chairs Come to the Region with Empty Hands* (In Azerbaijani: Həmsədrələr regiona "oliboş" gəlir), available at: <http://www.anspress.com/index.php/index.php?a=2&lng=az&cid=1&nid=333295> (accessed 12 August 2015)

31 Zaur Shiriyev (2013) "A Bleak Future for Nagorno-Karabakh: Models, Formats and Prospects" in Konrad-Adenauer-Stiftung, *The South Caucasus 2018: Facts, Trends and Future Scenarios*, p. 244, available at: http://www.kas.de/wf/doc/kas_35353-1522-22-30.pdf?130912141452 (accessed 19 July 2015)

32 NewTimes (29 April 2015) *Top official: Pressure constantly exerted on Azerbaijan*, available at: <http://newtimes.az/en/processstrends/3557> (accessed 15 August 2015)

proach rather than a genuine and inclusive OSCE approach. The OSCE seems to have little influence over the Minsk Group; three chair states are in a full control of the process. On top of that, the three members of troika have their own divergent positions on the peace process, which further hampers the prospect of successful negotiations. Russia has frequently sought to dominate the process, while the US increased its attention when its stakes rose in the South Caucasus. Moreover, the domestic considerations of these three countries also play a certain role in their approach to the peace process and conflict parties. It is worth mentioning that the three co-chair countries are home to the largest, wealthiest, and best organized Armenian Diasporas. For instance, at the beginning of the 1990s, the Armenian lobby managed to block US financial support to Azerbaijan under the 'Freedom Support Act' (FSA) program; in addition, the US ambassadorial nominee to Azerbaijan in 2010 was blocked by influential Senators representing the US states with powerful Armenian Diasporas. Moreover, the US provides direct financial aid to the separatist Nagorno-Karabakh regime.³³

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It is also worth to mention that other co-chair - Russia is Armenia's closest strategic ally, and Yerevan is frequently claimed to have *de facto* protectorate-metropolis relations with Moscow.

In fact, the members of Minsk Group troika represent the key global power centers (assuming France's informal representation of the EU). Thus, if willing, it has the necessary geopolitical weight to pressure the aggressor to compromise, which would eventually bring about the long awaited and greatly overdue breakthrough in the peace process. However, again, the problem is not one of capacity, but one of political will.

³³ Report.az (04 February 2015) *Novruz Mammadov: US provides direct financial support to separatist regime of Nagorno-Karabakh*, available at: <http://report.az/en/nagorno-karabakh/novruz-mammadov-us-provide-direct-financial-support-to-separatist-regime-of-nagorno-karabakh/> (accessed 15 August 2015)

Conclusion

The peace process within the framework of the OSCE is already 23 years old; however it remains underdeveloped in terms of what has been achieved. During the course of the long negotiations, the OSCE Minsk Group mediators have paid numerous visits to the region, and numerous rounds of meetings between presidents, foreign ministers and sometimes special representatives have been held. Despite these, hostilities continue and the death toll rises against the backdrop of these failed efforts.

In this environment of impunity coupled with the inefficacy of OSCE, Armenia refuses to compromise and repeatedly sabotages the peace process, rendering the resolution of the conflict virtually impossible. In such a complex situation, the OSCE needs to be very committed and to have a significantly more effective and coherent peace building strategy.

Though the OSCE has several institutions that are tasked dealing with Armenia-Azerbaijan Nagorno-Karabakh conflict, including the OSCE Minsk Group, the Personal Representative of the Chairperson-in-Office and the High-Level Planning Group, the major purpose of their efforts seems to have become ‘conflict management’ rather than genuine conflict resolution. Several factors ranging from the weaknesses characteristic to the OSCE to the internal controversies of the Minsk Group troika contribute to the overall ineffectiveness of the OSCE’s mediation and peace efforts. Trying to seem neutral prevents the OSCE Minsk Group co-chairs from naming realities and from differentiating between the aggressor and victim. The only visible result of the long and fruitless mediation efforts to date is the ‘monopolization’ of the conflict resolution by the OSCE and the ‘privatization’ of the Minsk process by the so-called troika. Although the Minsk Group troika has the necessary power and influence in the region to advance the peace process, a lack of commitment is preventing them from utilizing their capacity to resolve the bloodiest conflict in the post-Soviet space.