



## After Kazan, a Defining Moment for the OSCE Minsk Process

Dennis Sammut

### Abstract

The lack of progress in the negotiations between Armenia and Azerbaijan to resolve the conflict over Nagorno-Karabakh is a matter of increased concern to the international community. After the failure to achieve a breakthrough at the summit in Kazan in June 2011, questions have arisen about the effectiveness of the OSCE Minsk Process, the international mechanism that has been entrusted with the peace negotiations. The mediators have to balance between ensuring that there is no escalation of violence on the line of contact between the sides and pushing forward with efforts to achieve a final peace deal. But the process needs to be revitalized and many are looking for a more active and visible contribution from the European Union to achieve this.

**Keywords:** *Armenia / Azerbaijan / Nagorno-Karabakh conflict / Mediation process / Organization for Security and Cooperation in Europe (OSCE) / OSCE Minsk Group / Russia / European Union*

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## After Kazan, a Defining Moment for the OSCE Minsk Process

by Dennis Sammut\*

### 1. The peace process after the Kazan meeting

This is a defining moment for the Nagorno-Karabakh peace process that, since 1994, has been mediated by a mechanism established by the Organization for Security and Cooperation in Europe (OSCE), known as the Minsk Group, and particularly by the Group's three Co-Chair countries: France, the United States and Russia. There was much expectation that the meeting in Kazan on 24 June 2011, hosted by the President of Russia, Dimitri Medvedev, would result in a breakthrough - in the form of an agreement by both Armenia and Azerbaijan to the basic principles (the so-called Madrid Principles) that would underpin a future settlement, and open the way for detailed peace negotiations to start and for changes to take place on the ground. Despite the hope and optimism in the run-up to the Kazan meeting, the sides failed to agree. A reliable version of what happened in Kazan says that "President Aliyev came to the meeting with a list of nine or ten amendments to the latest draft document, the Armenian side raised objections to them, and the meeting, although it lasted almost four hours, was pretty much over as soon as it began".<sup>1</sup>

The international community expressed disappointment and President Medvedev - who since 2008 has spent a lot of time and political capital pushing the peace process - (the Kazan meeting was the 9<sup>th</sup> that he hosted for the two presidents), was reportedly deeply frustrated.

The peace process has not collapsed but has been damaged. At this stage three things need to happen. First is the need to ensure that what has been achieved so far in the negotiating process is consolidated. Since the Madrid Principles have not been agreed upon, the responsibility is now for the Minsk Group Co-Chairs to somehow find a way of taking the negotiations forward. Part of this can happen by working with the governments of Armenia and Azerbaijan through private and diplomatic channels. Both the Russian government and the Co-Chairs have already been in intensive contact with the sides and the statements from both Armenia and Azerbaijan indicate that they remain committed to the peace process.

The efforts of the Minsk Group Co-Chair in this regard need to be recognized. As stated in their report to the OSCE Permanent Council on 3<sup>rd</sup> November 2011, in the previous year they visited the region eight times and held fourteen separate meetings

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<sup>1</sup> See Tom de Waal, "Can the 'Medvedev Moment' be saved for Karabakh", in *Radio Free Europe/Radio Liberty*, 28 July 2011, [http://www.rferl.org/content/medvedev\\_moment\\_saved\\_nagorno\\_karabakh\\_kazan/24279692.html](http://www.rferl.org/content/medvedev_moment_saved_nagorno_karabakh_kazan/24279692.html).

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in various locations with the Azerbaijani President Aliyev and the Armenian President Sarkisian. The Co-Chairs had also crossed the Line of Contact by foot four times over the past fourteen months, to demonstrate, “that the Line is not a permanent barrier between peoples of the region”.

Many fear that after the Kazan summit, the already fragile peace process has been further damaged in the public perception. For long, many observers have considered that the way the negotiations were evolving was too secretive. There is a need for greater transparency and at this juncture the Co-Chairs need to be courageous. With or without the acquiescence of the parties, they need to provide a clearer picture to the public of what has been discussed and agreed. Not doing so at this point would mean exposing the peace process to further derision.

Communication with the wider public has not been amongst the strong points of the Minsk Process. This is partly due to the strongly held belief that negotiations need to remain secret, but also due to the absence of a mechanism to send messages to the public. With the exception of American diplomat Matthew Bryza, who served as Minsk Group Co-Chair from 2006-10 and made an effort to reach out to the media, the diplomats who served as Co-Chairs over the years, whilst extremely able in diplomatic skills, were not equally media savvy. Statements by the Minsk Group Co-Chairs tend to be short one-sentence affairs, where the text with the names and titles of the Co-chairs is longer than what they were actually saying.

Second, there is an urgent need to consolidate the ceasefire. The delays in achieving progress in negotiations have inevitably increased the tension on the line of contact. The international community needs to put its foot down and push for a larger and more permanent observation regime.

The Co-Chair countries are aware of this, and since the Kazan meeting, they have increased their emphasis on the importance to halt ceasefire violations and increase confidence-building measures on the line of contact that separates Armenian and Azerbaijani forces. This notwithstanding, in the four months immediately after the Kazan summit, both sides reported hundreds of ceasefire violations which left casualties on both sides.

In a report to the OSCE Parliamentary Assembly in October 2011, the Special Representative of the OSCE Chairman-in-Office on the conflict, Ambassador Andrzej Kasprzyk, declared that 20 people were killed and 36 injured in various incidents on the line of contact in the first nine months of 2011. The terrain on the line of contact, with tens of thousands of troops from the two sides facing each other in trenches and defensive positions, akin to World War I conditions, makes incidents inevitable. Despite the fact that neither side is seeking to escalate the situation, the deployment of snipers on the line of contact indicates a dangerous willingness to up the pressure.

The situation on the line of contact also reflects the tone of the political rhetoric. Incidents on the line of contact in the weeks after the Kazan summit took place in tandem with more acrimonious rhetoric on both sides and a reckless use of bravado language in the state-influenced media.

Efforts by the international community to encourage the sides to engage in confidence-building measures on the ground have had little success so far, though the ministers of defence of Armenia and Azerbaijan were persuaded to hold a meeting in Brussels, on the side of a NATO event, where better management of the ceasefire arrangements was reportedly discussed. It is interesting that both Russia and the European Union are now putting more emphasis on confidence-building measures in their public pronouncements on the conflict, demonstrating an awareness that the situation could dangerously slip out of hand.

The international mechanism to monitor the ceasefire at the moment is limited to a handful of personnel of the staff of Ambassador Kasprzyk. Many consider that this is far from adequate. A deployment of a larger observation mission is however unlikely unless there is progress at the negotiation table. Azerbaijan in particular is wary of any move that may end up re-enforcing the status quo rather than pushing for a solution.

The Minsk Group has to play a delicate balancing act between strengthening the ceasefire and reducing the number of incidents - considered an essential element to avoid an unintended escalation of the conflict due to accidents or misperception - while not being distracted from their primary objective and mandate of finding a solution. There is a danger that as the latter objective becomes more elusive, the former might be viewed as a substitute, which it is not. The dilemma was reflected in a recent interview that the Secretary General of the OSCE, the Italian diplomat Lamberto Zannier, gave to the Turkish Newspaper, *Today's Zaman*. Zannier was quoted as saying that "if we cannot line up all of the conditions and solve the conflict, then the next best thing we can do is manage the problem so it does not grow worse".<sup>2</sup>

Third, after the Kazan summit, the peace process must be opened up to greater scrutiny, and the sides - Armenia and Azerbaijan - as well as the OSCE Minsk Group Co-Chairs, need to consider if there are other ways in which the peace process can be pursued in future. There are issues that need to be addressed: regarding the composition of the Minsk Group; the role of Russia that has emerged as *primus inter pares* in the mediation process; and the involvement in negotiations of Armenians living in Karabakh, organized in the de facto Nagorno-Karabakh Republic (NKR), and displaced Azerbaijanis of Karabakh.

As the veteran Russian diplomat Vladimir Kazimirov put it recently, the Minsk Group "was chaotically established in 1992" and initially had no clear mandate and muddled along.<sup>3</sup> There is no need to treat the Minsk process as an article of faith, when in fact it is a mere instrument that requires sharpening from time to time.

Talk about revising the composition of the Minsk Group is not new. Turkey has expressed a wish to become a fourth Co-Chair, but this would most likely be resisted by Armenia. Much more widely discussed is the possibility that the EU may replace

<sup>2</sup> See the interview of Lamberto Zannier: Alyson Neel and Servet Yanatma, "OSCE secretary-general: Turkey could play a role in Karabakh conflict", in *Today's Zaman*, 1 November 2011, <http://www.todayszaman.com/news-261659-osce-secretary-general-turkey-could-play-a-role-in-karabakh-conflict.html>.

<sup>3</sup> See the interview of Vladimir Kazimirov: "The Minsk Group was chaotically established in June 1992", in *commonsense.eu*, 18 June 2011, <http://www.commonspace.eu/eng/interviews/6/id239>.

France. This suggestion has been staunchly resisted by French diplomacy so far, due more to domestic French reasons linked to the large Armenian Diaspora, than to wider international considerations. EU officials have recently gone on record saying that they are not interested in such a move, but that the EU is now seeking a role in the peace process mainly by supporting confidence-building measures between the sides. In 2010, the EU started cautiously supporting a European civil society programme aimed at building dialogue and contact between the conflicting parties.<sup>4</sup> It is hoped, nonetheless, that the appointment of an experienced French diplomat, Ambassador Philippe Lefort, as EU Special Representative for the South Caucasus, with a clear mandate to engage with the Karabakh peace process will lead to greater synergies between the French and EU roles in the process.

Regardless of the composition of the Minsk Group, the reality that has emerged over the last three years is that Russia has played a more active role in it than others, with both President Medvedev and Foreign Minister Lavrov dedicating considerable time to the process. Initially, Russia was forced to take a more assertive role in Karabakh by regional circumstances. In the aftermath of the Georgia-Russia war of August 2008, there were concerns that fall-out from that conflict could have triggered an outbreak of fighting in Karabakh. The subsequent recognition by Russia of Abkhazia and South Ossetia further muddied the waters. Changing international boundaries in the post-Soviet space has huge implications for all the successor states - one reason why no other state has followed Russia's lead in recognizing the two breakaway republics. Indeed Russia's recognition of Abkhazia and South Ossetia has often been cited as a precedent for recognition of the self-declared Nagorno-Karabakh Republic. In view of this, the Russian leadership has moved both to clarify its position and to reassure Azerbaijan in particular, convening a first trilateral meeting in Moscow, at which, unusually, a document - known as the Moscow Declaration of 2 November 2008 - was agreed and signed between the parties. The logic of subsequent Russian diplomatic footwork stems from this initiative.

President Medvedev has recently reiterated that he is ready to continue mediating the Karabakh peace process in 2012, but given his move from President to Prime Minister, expected in May 2012, his personal involvement may reduce. Whilst everybody agrees that Russia is an essential element for any peace agreement to succeed, not everybody agrees that Russia can succeed on its own, nor that an agreement brokered primarily by Russia (even if supported by the rest of the international community) can see the light of day. Interestingly, even in the autumn of 2008, perhaps the lowest point in relations between Russia and the West since the end of the Cold War, the cohesion of the Minsk Group Co-Chair countries remained intact and Russia took the lead in revitalizing the mediation effort.

A subtext of these geopolitical dynamics regards the role in the negotiations of those directly affected by the conflict - namely the Karabakh Armenians organized in the self-declared NKR, and the displaced Azerbaijanis from Nagorno-Karabakh. In the 1990s, under President Robert Kocharian, himself a Karabakhi Armenian, the Republic of

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<sup>4</sup> The European Partnership for the peaceful resolution of the conflict over Nagorno Karabakh (EPNK) was launched in June 2010 with European Union funding. The first phase of the programme ended in November 2011, and a second phase is expected to be launched early in 2012.

Armenia assumed responsibility for negotiating on behalf of both itself and the Karabakhi Armenians. Recently, however, Stepanakert has started demanding a direct role in the negotiations. Whilst these calls are often dismissed as posturing, they do present the mediators with a dilemma of how to ensure that this demand will not be raised in future by the Armenian side as a means to reopen negotiations once a peace deal is struck. The Co-Chairs have therefore been making regular visits to Stepanakert to inform the authorities there of developments in the negotiations, and, one suspects, also to ensure that the NKR leadership remains engaged in the peace process. For the moment, most observers agree that both Baku and Yerevan will be able to deliver their respective Karabakhi communities if a peace deal is struck. But the current situation is far from ideal, and if a mechanism can be found to engage the Karabakhi communities as direct stakeholders, this would avoid the risk of derailment later. The representation of Armenia and Azerbaijan on the one hand, and the Karabakhi communities on the other will likely be asymmetrical to avoid the issue of NKR recognition and the probable refusal of the NKR de facto authorities to engage in a bi-communal format.

All this, however, is for the moment academic. Some feel that if there is not a significant breakthrough soon, the credibility of the Minsk process would be seriously compromised. Baroness Ashton, the EU High Representative for Foreign Affairs and Security Policy, stated in the European Parliament on 6 July 2011 that “The parties need to redouble their efforts to find an agreement before the end of this year. This would then happen before domestic priorities take over in 2012: elections in Armenia in 2012 and in Azerbaijan in 2013”.

## 2. The international and regional context

An issue that has not been properly tackled yet is the wider regional and international context that conflicts in the post-Soviet space are embedded in. An approach to the resolution of these conflicts that is based solely on the assumption that these are home-grown ethnic or historical conflicts that can somehow be resolved through mediation and grassroots confidence-building measures is unsatisfactory. It is doubtful that any of these conflicts can be solved unless the solution is consolidated in a wider framework that addresses a number of security concerns, many of which involve Russia, and the perception of Russia in the region.

The Nagorno-Karabakh conflict may have originally been a localized ethnic conflict. But it has long since developed other dimensions, including that of a conflict between ruling elites in the post-Soviet states of Armenia and Azerbaijan, who see the Karabakh issues as means to consolidate their identity and national narratives as new states. It is now also clear that a solution of the Karabakh conflict will have wider implications that may impact on the security not only of the parties involved, but also of other regional actors. There is, therefore, a need to address these issues as a part of wider peace process.

There are already a number of ideas in circulation. First, a draft European Security Treaty still appears on the website of the President of Russia. It is a statement of how Russia envisages the future of European security, of which the conflicts in the post-Soviet space are an integral part. The West has not picked up the challenge to date.

Instead of a comprehensive approach, it has chosen to engage Russia with regards to the unresolved conflicts in an ad hoc manner, with disastrous results in the case of Georgia, and far from satisfactory ones in the case of Nagorno-Karabakh and Transdniestria. In proposing a European Security Treaty, Russia has indicated that it wants to engage its Euro-Atlantic partners and this demand ought to be explored. The Corfu process, which started in June 2009, has been a half-hearted way of doing this.

Second, in 2008, Turkey launched an initiative for establishing a Caucasus Security and Cooperation Platform. But the idea has not taken off, primarily due to Turkey's failure to bring its rapprochement with Armenia to a successful conclusion.

Third, some think tanks and the European Parliament have called for a broad Caucasus Security and Cooperation Conference, modelled on the original Conference for Security and Cooperation in Europe, which would take an inclusive and comprehensive approach to the many security, political and economic issues affecting the region.

Finally, in 2011, Azerbaijan also seems to have started tilting towards a broader regional approach. The Azerbaijani Foreign Minister Elmar Mammadyarov has been flagging-up the idea of a "Comprehensive Security Treaty". So far, the response from the international community has been cautious, as this is seen as a way through which Azerbaijan can wriggle its way out of the commitments it has already made to the Madrid principles. But it would be wrong to dismiss this approach outright. Indeed, whatever agreement there may be on the Madrid principles, its sustainability and successful implementation hinges upon its eventual anchoring to a wider regional context.

### 3. The role of the European Union

In her July 2011 speech to the European Parliament, Baroness Ashton stated that "the peaceful settlement of the Nagorno-Karabakh conflict is a key strategic interest of the European Union: it would transform the South Caucasus region; it would pave the way towards political and regional stability, and new economic opportunities; borders could open not only between Armenia and Azerbaijan, but also between Armenia and Turkey; roads, railways and pipelines could take the shortest route, and tie the countries of the region more closely together; and the South Caucasus could finally become what it should have been already - a gateway between Europe and Asia".<sup>5</sup>

The EU has been only indirectly involved in the Karabakh peace process so far. Whilst the option that the EU may replace France as an Minsk Group Co-Chair is not on the agenda for the moment, a wider EU role is not only desirable but in some ways inevitable now. The new EU Special Representative for the South Caucasus, Philippe Lefort, has a clear mandate to engage with the conflict and peace process.

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<sup>5</sup> Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Speech on Nagorno Karabakh European Parliament Strasbourg, 6 July 2011 (SPEECH/11/505), <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/505>.

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Some commentators have recently dismissed the EU's role in the South Caucasus, saying that the Union has interests, but not leverage. This is only true if one accepts a narrow view of the region, its problems and its potential. If, however, one unpacks what is undoubtedly a highly complicated region, one finds that developments are determined by a number of material and ideational factors. Whilst Europe has not yet fully developed its material sources of leverage in the region, its engagement with the ideational factors, particularly the aspirations of the elites and the youth throughout the region, makes it a much more important player than first meets the eye. This is even more so in the Karabakh context. As was once said of the Catholic Pope, it is not about how many army divisions the Pope has, but about the influence and moral authority that he commands. European soft power is not a quaint oddity in the South Caucasus, but a sharp instrument of diplomacy. As the EU Special Representative argued in recent remarks at the European Parliament: in the region, the European Union is perceived as the partner of choice for modernization.<sup>6</sup>

If the long expected breakthrough does happen, then it is likely that the EU will be a key player in the implementation of any peace deal: through peacekeeping, post-conflict rehabilitation and, overall, through the strengthening of democratic processes and the rule of law, that are so essential if a peace settlement is to succeed. If, on the other hand, the Minsk process falters and requires re-designing, then the EU will undoubtedly be part of any new format. In both scenarios, there is a possibility of a Minsk Group Plus emerging: a re-energized process that may learn from past mistakes and reflect the changing context in which the conflict is embedded.

But we are not there yet. There are some who argue that the Karabakh conflict and other conflicts in the region are not solvable and are best left frozen. This is not an option. To think so is an insult to those Europeans in the region who continue to suffer from these conflicts; an insult to the refugees and the displaced; to those who live in constant fear of war, or under siege. Furthermore, the danger that this corner of Europe may flare-up into an open conflict again is very real. A new Karabakh war will not be fought with Kalashnikovs and old Soviet tanks, like in the 1990s, but with modern weaponry. Both Armenia and Azerbaijan have been buying, or otherwise acquiring, sophisticated weaponry, some of which were proudly displayed in military parades in Baku and Yerevan in 2011.

The only option that the international community has is to persist and bolster its efforts for the peaceful solution of this conflict, based on the understanding that this will be a win-win situation for all sides.

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<sup>6</sup> See Lefort's remarks at an event held at the European Parliament to mark the end of the first phase of the work of the European Partnership for the peaceful settlement of the conflict over Nagorno-Karabakh: "EU is seen as the main partner for modernisation by the countries of the South Caucasus - Phillipe Lefort. EU officials reaffirm support for Karabakh peace initiatives", in *commonsplace.eu*, 20 October 2011, <http://www.commonspace.eu/eng/links/6/id971>.





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