

# Minsk Group proposal ('package deal')

July 1997

[unofficial translation]

Comprehensive agreement on the resolution of the Nagorno-Karabakh conflict  
Co-Chairs of the Minsk Group of the OSCE

Preamble:

The Sides, recognizing fully the advantages of peace and cooperation in the region for the flourishing and wellbeing of their peoples, express their determination to achieve a peaceful resolution of the prolonged Nagorny Karabakh conflict. The resolution laid out below will create a basis for the joint economic development of the Caucasus, giving the peoples of this region the possibility of living a normal and productive life under democratic institutions, promoting wellbeing and a promising future. Cooperation in accordance with the present Agreement will lead to normal relations in the field of trade, transport and communications throughout the region, giving people the opportunity to restore, with the assistance of international organizations, their towns and villages, to create the stability necessary for a substantial increase in external capital investment in the region, and to open the way to mutually beneficial trade, leading to the achievement of natural development for all peoples, the basis for which exists in the Caucasus region. Conciliation and cooperation between peoples will release their enormous potential to the benefit of their neighbours and other peoples of the world.

In accordance with these wishes, the Sides, being subject to the provisions of the UN Charter, the basic principles and decisions of the OSCE and universally recognized norms of international law, and expressing their determination to support the full implementation of UN Security Council Resolutions 822, 853, 874 and 884, agree herewith to implement the measures laid out in Agreement I in order to put an end to armed hostilities and re-establish normal relations, and to reach an agreement on the final status of Nagorny Karabakh, as laid out in Agreement II.

Agreement I – The end of armed hostilities

The Sides agree:

I. To reject the use of armed force to resolve disputes between them, including disputes arising in connection with the present Agreement.

II. To withdraw armed forces in two stages:

In the first stage forces positioned along the current line of contact to the east and south of Nagorny Karabakh will be withdrawn kilometres to lines agreed in Appendix I of the High Level Planning Group recommendations, with the aim of securing conditions for the deployment of a forward detachment of international OSCE forces in a militarily secure buffer zone, separating the Sides along this line and guaranteeing security for the second stage of withdrawal.

At the second stage forces will be withdrawn in accordance with the timetable agreed in Appendix I, as follows:

A. The armed forces of Armenia will be withdrawn to within the borders of the Republic of Armenia.

B. The armed forces of Nagorny Karabakh will be withdrawn to within the 1988 borders of the Nagorny Karabakh Autonomous Oblast (NKAO; with the exceptions detailed below in Clauses VIII and IX).

C. The armed forces of Azerbaijan will be withdrawn to positions agreed in Appendix I on the basis of the High Level Planning Group's recommendations

D. Heavy weaponry will be withdrawn further to positions agreed in Appendix I on the basis of

the High Level Planning Group's recommendations and subject to conditions of transparency and accountability.

E. Upon the completion of withdrawal the buffer zone will be located as indicated in the map shown in Appendix I, along the 1988 borders of the NKAO and the northern part of the Armenian-Azerbaijani border.

III. That territories released as a result of the withdrawal of armed forces will form a division zone, in which OSCE peacekeeping forces will implement monitoring of security conditions in conjunction with a Permanent Joint Commission. Neither side will be permitted to introduce its forces into this zone except by permission of OSCE peacekeeping forces and the Permanent Joint Commission in accordance with the implementation of Appendix II, in which agreed subdivisions are envisaged for customs services, demining and civil police force functions. The Sides agree not to carry out any military flights over the division zone and buffer zone.

IV. To cooperate with the deployment of international OSCE peacekeeping forces in the buffer zone in order to guarantee security in conjunction with the Permanent Joint Commission. OSCE peacekeeping forces will consist of forces appointed by the OSCE, whose mandate will be defined by UN Security Council resolution and renewed on the recommendation of the OSCE Chairman-in-Office.

V. To implement the return of displaced persons to their original places of permanent settlement in the division zone. OSCE peacekeeping forces in conjunction with the Permanent Joint Commission will observe the security conditions for the returning population and provide guarantees to all Sides regarding the observance of demilitarization in this zone.

VI. That simultaneously with the withdrawal of armed forces measures will be implemented aimed at the restoration of roads, railways, electricity transmission lines and connections, trade and other relations, including any other actions implied in the achievement of these goals. The Sides guarantee the free use of these connections for all, including ethnic minorities, and guarantee the latter access to their ethnic groups located in other parts of the region. Each Side pledges to remove all blockades and to allow the passage of goods and people to all other Sides. Armenia and Azerbaijan guarantee the free and safe rail connection between their territories, including the Baku-Horadiz-Meghri-Ordubad-Nakhichevan-Yerevan route.

VII. To cooperate with the International Committee of the Red Cross and the United Nations High Commission for Refugees and other international humanitarian organizations to secure the return of all persons detained as a result of the conflict, ascertainment of the fate of those disappeared without trace and the repatriation of all remains.

VIII. In relation to the following measures concerning the Lachin corridor:

A. Azerbaijan will lease the corridor to the OSCE, which will conclude a contract on the exclusive use of the corridor by the Nagorny Karabakh authorities (with exceptions envisaged for transit, explained below in Clause E).

B. The OSCE will observe security conditions in conjunction with the Nagorny Karabakh authorities.

C. The boundaries of the Lachin corridor are agreed in Appendix II with due consideration of the recommendations of the HPLG.

D. The OSCE will observe the construction of roads around the town of Lachin. Upon the completion of road construction the town of Lachin will be excluded from the Lachin corridor. It will return to Azerbaijani jurisdiction (as part of the division zone) and its former inhabitants will be able to return.

E. Permanent settlement or armed forces are not allowed in the corridor, with the exception of permitted security force contingents. Representatives of official bodies, observers and OSCE peacekeeping forces have the right of transit subject to prior notification, as do Azerbaijani inhabitants of the region in transit from the Lachin district to the Gubatly district or vice versa.

Territory of the Lachin district lying outside of the corridor forms part of the division zone.

IX. With regard to the following measures, concerning the town of Shusha and the Shaumian district:

A. The Sides will withdraw their armed forces from both districts, with the exception of anti-aircraft defences manned with limited crews.

B. The local authorities will assist the deployment of observers from the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE.

C. Displaced persons will be able to return to their places of former permanent residence. The relevant local authorities will guarantee their security.

D. Returnees will enjoy full civil rights, including the right to form political parties. They will be appropriately represented in parliaments in Baku and Stepanakert and in the elected councils, police forces and security structures of these districts in accordance with their proportional share of the local population.

E. A permanent joint commission will coordinate the allocation of international aid in these locations on the basis of justice and mutual benefit of both parts of the population.

F. Inhabitants of the town of Shusha and Shaumian district will have guaranteed access to roads, connections and other communication links to the rest of Azerbaijan and with Nagorny Karabakh.

X. To establish a Permanent Joint Commission (PJC) to observe the implementation of measures foreseen in the present Agreement addressing the problems of Azerbaijan and Nagorny Karabakh. The PJC has three co-chairs: one Azerbaijani, one from Nagorny Karabakh and one representative of the Chairman-in-Office of the OSCE. The implementation of the Agreement forms the principal responsibility of the Azerbaijani and Nagorny Karabakh co-chairs; mediation and arbitration in case of dispute forms the main responsibility of the OSCE co-Chair. The PJC has the following sub-commissions: military, economic, humanitarian and cultural. The functions of the PJC and its sub-commissions are laid out in Appendix II.

XI. To re-establish full diplomatic relations between the Republic of Armenia and the Republic of Azerbaijan.

XII. To establish a Bilateral Armenian-Azerbaijani Commission (BAAC), with one co-chair from the Republic of Armenia and one from the Republic of Azerbaijan. The Chairman-in-Office of the OSCE will be represented in this commission. The BAAC will work to prevent border incidents and will maintain links between the border forces and other corresponding security forces of both countries, and will observe the implementation of measures to open roads, railways, communications, pipelines, trade and other relations.

XII. The United Nations Security Council is the guarantor of the present Agreement.

XIV. The present Agreement will remain in force until the conclusion at the OSCE Minsk Conference of a comprehensive peace agreement, which will, in part, establish permanent security and peacekeeping mechanisms replacing those foreseen in the present Agreement.

[Appendices I & II]

Agreement II – Status  
Preamble

The status of Nagorny Karabakh and the preservation of its original ethnic and cultural character are issues of concern for the international community, including the Republic of Armenia. Its status cannot be determined by unilateral acts of either the Azerbaijan Republic or the Nagorny Karabakh authorities. Its status will be determined according to the following parameters:

I. All Sides in the conflict recognize the territorial integrity of Azerbaijan and Armenia and the

inviolability of their borders.

II. Nagorny Karabakh forms a state-territorial entity within Azerbaijan, and its self-determination comprises the rights and privileges laid out below, agreed between the Azerbaijan Republic and the Nagorny Karabakh authorities, approved by the Minsk Conference and incorporated into the Constitutions of Azerbaijan and Nagorny Karabakh.

III. Nagorny Karabakh and Nakhichevan have the right to free and unimpeded transport links and communications with Armenia and Azerbaijan.

IV. The administrative boundaries of Nagorny Karabakh are determined on the basis of the boundaries of the former Nagorny Karabakh Autonomous Oblast (Region).

V. Nagorny Karabakh has its own Constitution, adopted by the people of Nagorny Karabakh on the basis of a referendum. This Constitution incorporates an official agreement between the Nagorny Karabakh authorities and Azerbaijan as to the form of self-determination on the basis of the present document. Azerbaijan will introduce the necessary changes into its Constitution to incorporate these agreements. Nagorny Karabakh has its own flag, national symbols and anthem.

VI. The Constitution and laws of Nagorny Karabakh are effective on the territory of Nagorny Karabakh. The laws, rules and executive decrees of Azerbaijan are effective on the territory of Nagorny Karabakh only if they do not contradict the latter's Constitution and laws.

VII. Nagorny Karabakh independently forms its legislative, executive and judicial bodies.

VIII. The population of Nagorny Karabakh elects representatives to the parliament of Azerbaijan and participates in elections for the president of Azerbaijan.

IX. Nagorny Karabakh has the right to establish direct external relations with foreign states and international organizations in the spheres of economic relations, science, culture, sport and humanitarian issues, and to have appropriate representatives abroad for the conduct of these relations. Political parties in Nagorny Karabakh have the right to relations with political parties in other countries.

X. Citizens of Nagorny Karabakh have Azerbaijani passports with a special stamp indicating 'Nagorny Karabakh'. Citizens of Nagorny Karabakh are not considered foreigners with regard to the laws of Armenia, they have the right to emigrate to Armenia at any time, and in case of permanent settlement in Armenia they may adopt Armenian citizenship.

XI. Nagorny Karabakh comprises a free economic zone with the free circulation within it of currencies.

XII. Nagorny Karabakh has a national guard and police force. Citizens of Nagorny Karabakh have the right to do their military service on the territory of Nagorny Karabakh.

XIII. The army, security forces and police of Azerbaijan do not have the right to enter the territory of Nagorny Karabakh without the permission of the Nagorny Karabakh authorities.

XIV. The budget of Nagorny Karabakh is formed of contributions derived from its own resources. The government of Nagorny Karabakh encourages and guarantees the investment of capital by Azerbaijani and foreign individuals and companies.

XV. Nagorny Karabakh has a multi-ethnic character; all citizens have the right to the use of their national language in all official and unofficial contexts.

XVI. The United Nations Security Council is the guarantor of the present Agreement.

Confidence building measures for the Nagorny Karabakh Conflict

As a demonstration of their will to achieve a peaceful settlement of the conflict the Sides may implement, without expectation of any further agreement, any or all of the following measures

for the enhancement of trust and security:

- A. Azerbaijan and Armenia may take upon themselves responsibility for the resumption of the ceasefire regime without delay along the boundary in the Ijevan-Kazakh sector. This regime, applied in 1992, included a telephone hotline connection and joint border patrols;
- B. The Sides may agree on an increase in the OSCE Chairman-in-Office's observer mission, in order to implement additional monitoring in connection with Nagorny Karabakh, for example along the Armenian-Azerbaijani border in the Ijevan-Kazakh sector;
- C. Dialogue with the assistance of the UN High Commissioner on Refugees and the International Committee of the Red Cross (ICRC) in order to assess humanitarian needs (for both displaced Azerbaijani populations and within Nagorny Karabakh itself). This could be implemented in agreement with either the UN High Commissioner or the ICRC;
- D. The opening of weekly or daily markets in the Nagorny Karabakh region, open for both Armenians and Azerbaijanis. This will demand the creation of border crossing points and the demining of transport routes to market places and agreement regarding the modalities of transport arrangements and rules of trade.

Note: this proposal was not accepted and signed by the parties to the conflict