

## **Minsk Group proposal ('common state deal')**

November 1998

[unofficial translation]

On the principles for a comprehensive settlement of the armed conflict over Nagorny Karabakh

Firmly resolved to realize the peaceful settlement of the Nagorny Karabakh conflict in accordance with the norms and principles of international law, including the principles of the territorial integrity of states and the self-determination of peoples, Armenia, Azerbaijan and Nagorny Karabakh agree the following:

### **I. Agreement on the status of Nagorny Karabakh**

The Sides will conclude an agreement on the status of Nagorny Karabakh, which will include the following provisions:

Nagorny Karabakh is a state-territorial formation in the form of a Republic and constitutes a common state with Azerbaijan in the latter's internationally recognized borders.

Azerbaijan and Nagorny Karabakh will sign an agreement on the division of spheres of responsibility and the mutual delegation of powers between corresponding state governmental bodies, which will have the status of constitutional law.

Azerbaijan and Nagorny Karabakh form a Joint Committee, which will be composed of representatives of the presidents, prime ministers and speakers of parliament, for the determination of policy areas and activities belonging to spheres of joint jurisdiction.

In order to maintain contacts and coordinate joint activities representative missions of Nagorny Karabakh and Azerbaijan will be established in Baku and Stepanakert respectively.

Nagorny Karabakh will have the right to enter into direct external relations with foreign states in economic, trade, scientific, cultural, sporting and humanitarian fields, and with regional and international organizations associated with these fields and to have appropriate representative missions abroad for the conduct of these relations. Political parties and social organizations in Nagorny Karabakh will have the right to establish connections with political parties and social organizations of foreign states.

Nagorny Karabakh participates in the implementation of Azerbaijan's foreign policy on issues touching upon its interests. Decisions on such issues cannot be taken without the agreement of both sides.

The government of Nagorny Karabakh may have its representatives in embassies or consular missions of Azerbaijan in foreign states, in which it has special interests, and likewise to send its experts as part of Azerbaijani delegations to participate in international negotiations, if these concern the interests of Nagorny Karabakh.

The borders of Nagorny Karabakh will correspond to the borders of the former Nagorny Karabakh Autonomous Oblast. Their possible clarification or revision can become the subject of special mutual agreements between Azerbaijan and Nagorny Karabakh.

The borders between Azerbaijan and Nagorny Karabakh will be open in both directions for the free movement of civilians. In travelling across these borders and in conducting business they will not be subject to customs duties or other tolls. The right to grant permanent residency rights will fall within the purview of the corresponding governments.

Azerbaijan and Nagorny Karabakh will not use force or the threat of force to resolve disputes between them.

In case of disputes or disagreements not overcome within the framework of the Joint Committee, the Sides may call for the consultative opinion of the OSCE Chairman-in-Office, which will be

taken into consideration before the adoption of a final decision.

The status of Nagorny Karabakh will also include the rights and privileges listed below in the formulations used in the Agreement on the Status of Nagorny Karabakh, approved by the Minsk Conference.

1. Nagorny Karabakh will have its own Constitution, adopted by the people of Nagorny Karabakh by means of a referendum. This Constitution will incorporate the provisions of the Agreement on the Status of Nagorny Karabakh. Azerbaijan will introduce the appropriate changes into its Constitution to incorporate this agreement.

The terms of this Agreement or of those parts of the Nagorny Karabakh and Azerbaijan Constitutions incorporating it cannot be changed without the agreement of all three Sides.

2. On the territory of Nagorny Karabakh the Constitution of Nagorny Karabakh and its laws will have effect. The laws, regulations and executive decrees of Azerbaijan will have effect on the territory of Nagorny Karabakh only if they do not contradict the latter's Constitution and laws.

3. Nagorny Karabakh will have its own flag, national symbols and national anthem.

4. Nagorny Karabakh forms its legislative, executive and judicial bodies independently in accordance with its Constitution.

5. As personal identity documents citizens of Nagorny Karabakh will have Azerbaijani passports with a special stamp indicating 'Nagorny Karabakh'. Only the government of Nagorny Karabakh or a body authorized by it will have the right to issue such passports.

Citizens of Nagorny Karabakh of Armenian origin may emigrate to Armenia and in case of permanent settlement there may receive Armenian citizenship in accordance with the laws of that country.

6. The population of Nagorny Karabakh has the right to elect representatives to the parliament of Azerbaijan and to participate in elections for the president of Azerbaijan.

7. Nagorny Karabakh will form a free economic zone, have the right to its own currency issue, which will circulate equally with Azerbaijani currency issue, and to issue its own stamps.

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

9. Nagorny Karabakh will possess a national guard (security forces) and police force, formed on a voluntary basis. These forces cannot operate outside of Nagorny Karabakh without the agreement of the government of Nagorny Karabakh.

10. The army, security forces and police of Azerbaijan will not have the right to enter the territory of Nagorny Karabakh without the agreement of the government of Nagorny Karabakh.

11. The Armenian language is the principal official language of Nagorny Karabakh, while Azeri is the second official language. Its citizens can likewise use other native languages in all official and unofficial instances.

12. The budget of Nagorny Karabakh will be composed of contributions generated by its resources. The government of Nagorny Karabakh will encourage and guarantee capital investment by Azerbaijani and foreign companies and individuals.

## II. Concerning the Lachin Corridor

The question of the use of the Lachin corridor by Nagorny Karabakh for unimpeded communication between Nagorny Karabakh and Armenia is the subject of a separate agreement, if other decisions on a special regime in the Lachin district are not taken proceeding from the agreement between Azerbaijan and Nagorny Karabakh. The Lachin district must remain a permanently and fully demilitarized zone.

### III. Concerning the towns of Shusha and Shaumian

The Sides agree that all Azerbaijani refugees may return to their former places of permanent residence in the town of Shusha. The appropriate authorities of Nagorny Karabakh will guarantee their security. They will enjoy equal rights with all other citizens of Nagorny Karabakh, including the right to form political parties, to participate in elections at all levels, to be elected to state legislative bodies and institutions of local government, and to work in official posts including those in law enforcement agencies.

Armenian refugees returning to the town of Shaumian will enjoy the same rights.

Inhabitants of the towns of Shusha and Shaumian will have guaranteed access by roads, communications and other means with other parts of Azerbaijan and Nagorny Karabakh.

The authorities in Nagorny Karabakh and Azerbaijan will cooperate with the deployment and activities in the towns of Shusha and Shaumian respectively of representative offices of the Office for Democratic Institutions and Human Rights of the OSCE.

The agreement on the status of Nagorny Karabakh will be signed by the three Sides and come into force after its approval by the Minsk Conference.

### IV. Agreement on Ending the Armed Conflict

The Sides agree that the Agreement on Ending the Armed Conflict will include the following provisions:

I. The Sides agree to reject the use of force or the threat of the use of force to resolve disputes between them. They resolve all such conflicts, including those that may arise in connection with the implementation of the Agreement on Ending the Armed Conflict by peaceful means, in the first instance through direct negotiations or within the framework of the OSCE Minsk Process.

II. The Sides effect the withdrawal of their armed forces in accordance with the following provisions and as laid out in detail in Appendix 1:

A. In the first phase forces deployed along the current line of contact to the east and south of Nagorny Karabakh will be withdrawn to the lines shown in Appendix 1 in accordance with the timetable indicated there, taking into consideration the recommendations of the High Level Planning Group (HLPG), with the aim of creating conditions for the initial deployment of a forward division of multinational OSCE forces in a militarily secure, temporary buffer zone, the separation of the Sides along this line and the guaranteeing of security during the second phase of withdrawal.

B. In the second phase armed forces will be withdrawn simultaneously and in accordance with the timetable set out in Appendix 1, in the following way:

(1) All armed forces of Armenia deployed outside of the borders of the Republic of Armenia will be withdrawn to within those borders.

(2) The armed forces of Nagorny Karabakh will be withdrawn to within the 1988 boundaries of the Nagorny Karabakh Autonomous Oblast (NKAO), with the exception of the Lachin corridor until the achievement of an agreement on unimpeded communication between Nagorny Karabakh and Armenia.

(3) The armed forces of Azerbaijan will be withdrawn to lines indicated in Appendix 1 on the basis of the HLPG's recommendations, and will be withdrawn from all territories of the Republic of Armenia.

(4) Heavy weaponry will be withdrawn to locations indicated in Appendix 1 on the basis of the HLPG's recommendations, under the observation of the OSCE peacekeeping mission and in conformity with the demands of transparency and accountability laid out in this Appendix.

III. Territories released as a result of this withdrawal of forces forms a buffer zone and a

division zone in accordance with the following provisions and as set out in detail in Appendix 2:

A. Upon the completion of withdrawal the buffer zone will be situated along the 1988 boundaries of the NKAO. Pending the reaching of an additional agreement it could extend along the boundaries of the Lachin district. The buffer zone remains unpopulated and fully demilitarized, with the exception of units forming part of the OSCE peacekeeping mission.

B. The division zone is demilitarized with the exception of forces permitted for the operations of the PKF in cooperation with the Permanent Joint Commission, as set out in detail in Appendix 2, including:

(1) elements of the peacekeeping operation,

(2) Azerbaijani border patrol and demining sub-units,

(3) Azerbaijani civil police, numbers and permitted weaponry of which are determined in Appendix 2.

C. A no-fly zone is established in the buffer zone and division zone under the control of the OSCE peacekeeping mission, into which the Sides will not allow military flights, as set out in Appendix 2.

D. Security in all regions controlled by the authorities of Nagorny Karabakh after the withdrawal of armed forces in accordance with Article 2 will be guaranteed by the existing security structures of Nagorny Karabakh.

IV. In accordance with the decisions of the OSCE Budapest summit of 1994 the Sides invite and assist in the deployment of multinational OSCE peacekeeping forces (PKF), which will work in conjunction with the Permanent Joint Commission (PJC) and the Armenian-Azerbaijani Intergovernmental Commission (AAIC). The PKF observes the withdrawal of armed forces and heavy weaponry, the prohibition of military flights, support of the demilitarization regime and the situation on the Armenian-Azerbaijani border, as set out in Appendix 2.

The peacekeeping mission is established in accordance with an appropriate resolution of the UN Security Council for an initial period of not more than one year and is renewed as required on the recommendation of the Chairman-in-Office of the OSCE. The Sides agree that the overall duration of the peacekeeping mission will be the minimum necessary relative to the situation in the region and the pace of the wider resolution of the conflict. The Sides fully cooperate with the PKF, in order to guarantee the implementation of the present Agreement and to avoid any disruption or interruption of peacekeeping operations.

[V, VI, VII, VIII, IX, X, XI, not reproduced: near-identical to step-by-step proposal except the latter's point XI is deleted in this proposal]

XII. In addition to the concrete provisions concerning peacekeeping and the monitoring of military withdrawal laid out above, and recalling the corresponding principles and obligations of the OSCE, including those expressed in the Helsinki document of 1992 and the Budapest document of 1994, using the appropriate mechanisms the OSCE observes the complete implementation of all aspects of the current Agreement and takes appropriate steps in accordance with these principles and decisions to avoid the violation of the conditions laid down in the present Agreement and opposition to it.

XIII. The Agreement on Ending the Armed Conflict will be signed by the three Sides and will come into effect after its approval by the Minsk Conference and ratification by the Parliaments of the three Sides.

XIV. The Azerbaijan Republic and the Republic of Armenia establish full diplomatic relations with permanent diplomatic missions at ambassadorial level after the signing of the agreements and their approval by the Minsk Conference.

V. On Guarantees

1. The Sides take upon themselves mutual obligations to guarantee conformity with the above provisions, including guarantees of the security of Nagorny Karabakh, its population and refugees and displaced persons returning to their former places of permanent residence.
2. The UN Security Council will follow closely the implementation of the comprehensive agreement.
3. The Agreement on the Status of Nagorny Karabakh and the Agreement on Ending the Armed Conflict may be signed by the Minsk Conference co-Chairs as witnesses. The presidents of Russia, the United States and France affirm the intention of their three countries to act together to ensure the thorough monitoring of progress in the implementation of agreements and the adoption of the appropriate measures for the fulfilment of this Agreement. In case of need, the OSCE or the UN Security Council may take diplomatic, economic or, in the last instance, military measures in accordance with the UN Charter.

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