



Madrid Principles and Elements Need New Update

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Since the start of the negotiations for the peaceful settlement of the Karabakh conflict all options suggested by the mediators have envisaged the return of some territories under the control of Nagorno-Karabakh to Azerbaijan. Meanwhile, till now, Armenia and Nagorno-Karabakh have managed to avoid such a scenario. However, this didn't always happen for reasons under Armenian leaders' control.

The first President of Armenia was forced to resign in February 1998 and he was therefore unable to implement the “Phased” deal suggested by mediators in late 1997. The second President was ready to sign the document elaborated during the Key West summit in 2001 but rejected by President Heydar Aliyev. His son, Ilham rejected to sign the Kazan document in June 2011, which envisaged return of the part of the security zone, an option which was at that time accepted by the third President of Armenia. There are many speculations that neither Ter – Petrosyan nor Robert Kocharyan and Serzh Sargsyan were going to sign or implement these

deals and that their endorsement was only a diplomatic trick to posture Armenia as constructive side in the negotiations. However, regardless of their real intentions, the fact is that the borders of Nagorno-Karabakh have been mostly unchanged since the 1994 ceasefire. Some minor changes occurred as a result of April 2016 war, but without any strategic implications.

Meanwhile, since 2007 negotiations have been underway within the framework of Madrid principles and six elements. The first version was presented in November 2007 and updated in late 2009. After some additional modifications they were the base for the June 2011 Kazan document. After the April 2016 war the key focus of the negotiations was the extension of the OSCE monitoring mission and the introduction of the investigative mechanisms for the ceasefire violations. Since May 2018 the new government of Armenia has put forward some new ideas – Nagorno Karabakh should be brought back to the negotiation table, any solution should be acceptable for the people of Armenia, Azerbaijan and Karabakh and that Minsk Group Co – chairs should provide additional explanations regarding the Madrid principles and elements.

However, in their December 5, 2019 Bratislava statement, OSCE Minsk Group Co - chair countries heads of delegation again reiterated that fair and lasting settlement should embrace elements proposed by the Presidents of the Co-Chair countries in 2009-2012.

Thus, we may argue that at the end of 2019 the negotiation process has returned to the early 2009 situation. Meanwhile, both from security and political perspectives, any Armenian or Karabakhi decision regarding the possible return of territories will have catastrophic implications. As Madrid elements call for the return of the territories, some in Armenia argue that the Armenian government should officially reject them and not participate in any further negotiations within their context. This may be an option, but most probably it will ruin the negotiation process and might make Armenia the legitimate target of criticism from not only Azerbaijan, but Russia, the US and France. This path will isolate Armenia and provide Azerbaijan a *casus belli*. Some Armenian pundits argue that in any case Azerbaijan prepares for war and the only thing which may prevent large scale Azerbaijan attack is the high level combat readiness of Armenian and Karabakhi army. From this perspective, there would make not so much difference if Armenia continued negotiations or was being accused of ruining them. However, diplomatic isolation is

quite dangerous and should be perceived only as the last resort. Even if war was inevitable, it would be better not to start it as the main culprit.

In this context, the best option for Armenia is to put forward the idea of another revision of the Madrid principles. The last version was elaborated at the beginning of 2011. Meanwhile, too many things have changed in the international security architecture – the “Arab spring” which resulted in civil wars in Syria, Libya and Yemen, Ukraine crisis and the steep deterioration of Russia – West relations, Iran nuclear deal and the US decision to withdraw, rift in transatlantic relations and the rise of China. The Karabakh conflict has also witnessed its ups and downs and the April 2016 war has had a significant impact on Armenia’s and Karabakh’s security calculations.

Given that Madrid principles and elements have been updated at least twice in 2007-2011, an idea for another update should resonate quite positively. Armenia should apply to all three Co-chairs asking them to think about the mechanisms of the revision arguing that it made little sense to negotiate on the core issues of a peaceful settlement based on the principles and elements last updated almost nine years ago. Armenia may insist that the elaboration of relevant mechanisms to update the Madrid principles should be the key task of negotiations in 2020. Any meaningful negotiations on core issues may start only after that. Meanwhile, the conflicting sides should continue discussions on confidence building measures and humanitarian issues which may create a more supportive atmosphere for the process of Madrid principles revision. This approach may keep Armenia within the negotiation process, will foster its constructive posture and simultaneously will assist Armenia to avoid the danger of being pulled back into early 2009.