



Hügelgasse 2, A-1130, Wien | Tel.: + 43 (1) 403 13 22 | Fax: + 43 (1) 403 13 23 | E-mail: vienna@mission.mfa.gov.az

Statement by the Delegation of the Republic of Azerbaijan
1285th Meeting of the Permanent Council,
16 October 2020

*In response to the statement by France on behalf of the
three countries co-chairing the OSCE Minsk Group*

Mr. Chairperson,

I thank the distinguished Ambassador of France to the OSCE for raising this current issue.

Proceeding from the principles of humanity and in line with the provisions of international humanitarian law, Azerbaijan positively responded to the call from the Russian Federation to establish a humanitarian ceasefire to allow the return of remains and prisoners of war, which was agreed during the meeting of the Foreign Ministers of the Republic of Azerbaijan and the Republic of Armenia in Moscow on 10 October with the mediation of the Russian Federation.

It is utterly deplorable that despite the agreement on a humanitarian ceasefire, the armed forces of Armenia immediately violated it and continued direct and indiscriminate attacks against the civilian population and civilian objects in Azerbaijan along the frontline in a gross violation of its obligations under international humanitarian law, including the 1949 Geneva Conventions.

The declaration on humanitarian ceasefire agreed by Armenia and Azerbaijan contains a number of important provisions, which our Delegation would like to highlight.

First, it should be noted that this declaration has been adopted against the background of persistent attempts of Armenia to challenge the format of negotiations by attempting to introduce the unlawful puppet regime it established in the occupied territories of Azerbaijan as party to the negotiations.

In this regard, reaffirmation in this Declaration by Armenia and Azerbaijan that the format of negotiations remains unchanged effectively puts an end to demands of Armenia to change the format and bring to the negotiation table the unlawful puppet regime. Negotiations are conducted between Armenia and Azerbaijan as parties to the conflict in line with the Helsinki (1992) and Budapest (1994) decisions.

Let me remind that the current format of the Minsk Group was established by the Helsinki Additional Meeting of CSCE Council in March 1992. The Minsk Conference was designed as an “ongoing forum for negotiations towards a peaceful settlement of the crisis on the basis of the

principles, commitments and provisions of the CSCE". The Budapest Summit decision of 1994 strongly endorsed the mediation efforts of the OSCE Minsk Group and expressed appreciation for the efforts by individual members of the Minsk Group. It established the institution of co-chairmanship of the Minsk Conference to ensure a common and agreed basis for negotiations and to realize full coordination in all mediation and negotiation activities.

On the basis of the OSCE decisions and their mandate, the Co-chairmen are guided in their activities by the principles and norms of the OSCE, the OSCE decisions, including the decisions by the Council of Ministers on 24 March 1992 and particularly the Budapest Summit decision and resolutions of the United Nations Security Council. Deviation from this established framework of negotiations has inflicted a serious blow to entire peace process and we expect that Armenia will draw lessons from the current situation and will refrain from such attempts in the future.

Second, the Declaration stipulates that Armenia and Azerbaijan start substantive negotiations on the basis of core settlement principles to achieve soonest peaceful resolution of the conflict. Over the past two years, lack of political will of the Armenian leadership to engage in negotiations on substantive issues in good faith without preconditions accompanied by extremely provocative and bellicose statements undermined the conflict settlement process and led to the situation that we face today. The Armenian senior officials publicly denounced their adherence to the logic and understandings underlying the OSCE Minsk Group-led negotiation process for years. In particular, they publicly rejected the step-by-step approach in the conflict settlement, addressing in the first stage elimination of the major consequences of the conflict, starting with immediate, complete and unconditional withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan. This is the foundation for the conflict resolution.

The core settlement principles referred to in the Declaration are reflected in the OSCE decisions, the UN Security Council resolutions and the principles of the Helsinki Final Act, which provide political and legal framework for the conflict resolution. We expected that the renewed commitment by Armenia to substantive negotiations on this basis will translate into concrete actions and progress in the negotiation process.

However, rejection by Armenia of proposal of Azerbaijan to include into the Declaration launching of negotiations immediately, and the recent statements of the Armenia's Foreign Minister and Prime Minister raise questions about Armenia's true intentions and willingness to resolve the conflict peacefully. The hopes for the renewed efforts for the soonest settlement of the conflict faded away with yesterday's remarks by Armenia's Prime Minister. He openly rejected the current framework of negotiations, which is based on core settlement principles, as unacceptable for Armenia. To remind, the same core settlement principles were endorsed by the Armenian Foreign Minister five days ago in Moscow as the basis for the resolution of the conflict. It is obvious that this stated position demonstrates that this country is not willing to seize the opportunity to engage constructively in the negotiations to resolve the conflict.

This irresponsible position of Armenia must be addressed by the international community, in particular the OSCE and its Co-chairing countries, since it leaves no room for any meaningful negotiation with the current Armenian Government.

The current situation is a watershed in the conflict settlement process. Those Delegations who used to say that there was no military solution to the conflict proved wrong. It is Azerbaijan's counter-offensive operation in line with its right to self-defense has changed the status-quo, which Azerbaijan and Co-chairing countries for years have said was unsustainable and dangerous. Considerable territories of Azerbaijan have been liberated from unlawful occupation. The so-called "Line of Contact" does not exist anymore. The determination and courage of the Armed Forces of

Azerbaijan demonstrated that Azerbaijan will not tolerate the violation of its sovereignty and territorial integrity, nor will it reconcile with the occupation of its territories. Aggression of Armenia and its military consequences do not represent a solution and will never produce the political outcome desired by Armenia.

Military solution is not and has never been the preferred option for Azerbaijan. Azerbaijan has consistently stated that the current status-quo and tensions along the frontline do not serve its interests, which is the most interested party in the soonest political settlement of the conflict. The victims of cease-fire violations are primarily Azerbaijani civilians, living in the vicinity of the frontline. The primary reason of the continuing conflict and, as a result, of increased tensions, is the unlawful occupation of the territories of Azerbaijan.

However, our plea to resolve the conflict peacefully fell on deaf ears. Irresponsible and bellicose statements coming from the leadership of Armenia and systematic policy aimed at consolidating the occupation of the territories of Azerbaijan by altering demographic, cultural and physical character of these territories did not receive adequate reaction and condemnation by the OSCE and the wider international community. Against the background of these provocative actions, repeated calls to observe the ceasefire and pronouncements that there is no military solution resembled the policy of appeasement of the aggressor.

The policy of appeasement of aggressor and putting the aggressor and aggrieved on the same footing can in no way facilitate a political settlement of the conflict. On the contrary, this policy produced the opposite effect by contributing to Armenia's growing sense of impunity and permissiveness and encouraging it to hold on to its unconstructive position in the negotiations that led to the situation we are facing now.

As was stated by the President of Azerbaijan Ilham Aliyev in his address to the Nation on 9 October, by the agreement on humanitarian ceasefire Azerbaijan gives Armenia the last chance to resolve the conflict peacefully through the negotiations and to withdraw peacefully from the occupied territories of Azerbaijan. But, Armenia, the Co-chairing countries and other participating States should not take this good will of Azerbaijan for granted.

As the first phase of the military operation is over we need to take a sober look at the Minsk process. Failure of the OSCE Minsk Group and its Co-chairmen to resolve the conflict over the last 28 years requires its review and in-depth evaluation. In this regard, we would like to underline the following:

First, one thing is clear: there can be no business as usual. Assumptions, which were guiding the activities of the Co-chairs for years did not work. Unprecedented calm situation along the frontline since at least 2018 and atmosphere, which they claimed was conducive for substantive talks did not translate into meaningful substantive negotiations and progress in conflict resolution.

Second, a ceasefire and any humanitarian and confidence-building measures cannot be a substitute for the political agreement on cessation of the armed conflict. A ceasefire can hardly be sustainable, if no substantive negotiations towards resolution of the conflict are held, and, if no progress is achieved. Humanitarian ceasefire is not complied by Armenia and it is clear that full ceasefire will not lead to substantive negotiations either. By insisting on full ceasefire and elaboration of its mechanisms, the aim of Armenia is to escape from substantive negotiations and prolong the situation.

Third, conducting talks for the sake of talks is not an option. Azerbaijan has stated at highest level that it will not imitate negotiations. Substantive result-oriented negotiations to achieve soonest, I repeat, soonest resolution of the conflict must be launched immediately without any preconditions, including those related to modalities of a humanitarian ceasefire. Attempts to precondition negotiations or to link their resumption with other unrelated matters must be vigorously condemned by those States and international organizations that called for resumption of substantive negotiations without delay.

Fourth, there is a need to clarify the objectives, outcomes and outputs of the activities of the Co-chairs and its Minsk Group, which should have implementation of the UN Security Council resolutions and the OSCE decisions at its core. This should be also reflected in concrete agenda for structured substantive negotiations, which will address at the first stage the consequences of the conflict. This should include a timetable of the withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan, as demanded by the UN Security Council resolutions and OSCE decisions.

Fifth, Azerbaijan has stated on a number of occasions that it will not agree to any humanitarian or confidence-building measure that will consolidate the unlawful occupation of the territories of Azerbaijan. Modalities of the ceasefire, including humanitarian and verification measures should be built into the timetable to monitor and verify not only ceasefire, but also withdrawal of forces, return of IDPs and ensuring security of returning Azerbaijani population. The OSCE Budapest summit decision stipulates that a possible peacekeeping operation, subject to the consent of the parties to the conflict, will be multinational and will be organized on the basis of Chapter III of the Helsinki Document of 1992 and in a manner fully consistent with the Charter of the United Nations. Chapter III of the Helsinki Document stipulates that OSCE peacekeeping activities could be used, inter alia, to supervise and help maintain cease-fires, to monitor troop withdrawals, to support the maintenance of law and order, to provide humanitarian and medical aid and to assist refugees. Therefore, any peacekeeping option should reflect multidimensional methodologies and internationally recognized standards of current peacekeeping operations. In line with Chapter III of the Helsinki Document issues related to deployment of a verification mission, as well as composition of such a mission are subject to the consent of parties.

Sixth, the Minsk Group should play its role in the conflict resolution. As a first step, convening high-level meeting of the Minsk Group in the coming weeks would help to launch the negotiations and ensure ownership of the OSCE over the peace process.

The Republic of Azerbaijan remains committed to resolution of the conflict by political means on the basis of U.N. Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), as well as the decisions of the OSCE, which provide legal and political framework for the conflict settlement. The resolution of the conflict is possible only on the basis of the norms and principles of international law, with full respect for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders. Azerbaijan considers no political solution to the conflict beyond this framework and participates in the settlement process based on this understanding.

I request that this statement be attached to the journal of the day.

Thank you, Mr. Chairperson.