



**Statement by the Delegation of the Republic of Azerbaijan
1118th Meeting of the Permanent Council,
10 November 2016**

*in response to the address by the Co-Chairmen of the OSCE Minsk Group,
Personal Representative of the CiO on the Conflict dealt with by the OSCE Minsk Conference and
the Head of the HLPG*

Mr. Chairperson,

The Delegation of the Republic of Azerbaijan welcomes the co-chairs of the OSCE Minsk Group, Personal Representative of the CiO on the conflict dealt with by the Minsk Conference and the head of the HLPG to the Permanent Council and thanks them for their reports. We also take this opportunity to congratulate Mr. Stefan Visconti on his assumption of duties as a new co-chair of France.

We are pleased to note that throughout the year the HLPG took several initiatives for familiarizing itself with the current trends and developments in international peacekeeping, increasing its visibility both within the organization and vis-à-vis the outside relevant actors. We take a positive note of the increase in HLPG's participation in monitoring exercises along the Line of Confrontation and underline the necessity for granting equal access for all members of the Group to monitoring without any undue restrictions. HLPG, as one of the three OSCE institutions dealing with the conflict, should be better integrated into overall peace process. We encourage the incoming Austrian Chairmanship to provide more opportunities for HLPG to exchange the views and expertise with the OSCE participating States and Institutions as well as to ensure coherence and proper co-ordination within the peace process.

The Office of the Personal Representative is an important supportive element of the Minsk Process. We positively assess Ambassador Kasprzyk's role during and in the aftermath of April escalation, especially in addressing humanitarian issues. We still identify shortcomings in the reports of the Office and communicated them bilaterally. The level of coordination with the Azerbaijani side of Office's activities in the occupied territories of Azerbaijan, including Personal Representative's visits is not satisfactory either. We request the Personal Representative to address concerns of the Azerbaijani side as a host country and make necessary adjustments in his Office's reporting practice and activities.

We wish to remind that since April a substantive decrease of cease-fire violations has been registered even without expansion of Ambassador Kasprzyk's office. This is mainly due to the political will demonstrated by both sides. Yet, we reiterate that Azerbaijan is ready to implement agreement to increase number of international staff of the Office up to 13 persons. We believe that it is imperative to sustain a positive momentum from the meetings in Vienna and St. Petersburg, provided that the expansion is synchronized with substantive negotiations and does not change Office's mandate and *modus operandi*. Yesterday, we distributed in the OSCE our proposal on this issue, which was submitted for consideration to the OSCE Chairmanship and Co-Chairmen of the Minsk Group back

in July. The proposal reflects the agreement reached at the level of the Presidents and we expect constructive engagement to duly implement the above-mentioned agreement.

As for substantive negotiations, we are thankful to the Co-Chairing countries for intensifying the peace process and for their efforts aimed at changing the unsustainable and dangerous *status-quo*. Meanwhile, signals we receive from high-level visitors to Yerevan are worrisome. Statements by official Yerevan indicate the apparent unwillingness of the Armenian side to engage in result-oriented discussions. Attempts to precondition the substantive negotiations undermine the Vienna and St. Petersburg agreements and pursue the obvious goal to derail the peace process. Regretfully, we do not hear condemnation of such position taken by Armenia. We call on the co-chairmen of the OSCE Minsk Group and OSCE participating States to exercise pressure on Armenia to fully implement agreements reached in Vienna and St. Petersburg.

In parallel to that, deterioration of the situation on the ground remains to be a source of serious concern. Militarily, Armenia makes consistent efforts to misuse the bilateral ceasefire-fire agreed in Moscow on April 5 for reinforcing its military positions in the occupied territories. The Armenian armed forces so far failed to withdraw its artillery and armored vehicle units from the combat formations as it was agreed in Moscow. Instead, military build-up by Armenia in these territories has been intensified accompanied by holding of military exercises by armed forces of Armenia in close vicinity of the Line of Confrontation.

Notorious practice of involving natural and legal persons of OSCE participating States aimed at changing economic, cultural and demographic character of the occupied territories reveals true intentions of the Armenian side. These activities seriously infringe upon human rights of hundred thousands of Azerbaijani IDPs expelled from the occupied territories and serve to creation of further impediments for their return. The European Court of Human Rights in its judgment on the case of *Chiragov and others v. Armenia* affirmed the right of displaced persons to return to their homes of origin and called for respecting international humanitarian and human rights law provisions relating to property rights issues. The Court emphasized that the ongoing negotiations within the OSCE Minsk Group do not provide a legal justification for the interference with the rights of the Azerbaijani internally displaced persons, including the proprietary rights that are still valid, and recalled Armenia's obligations towards Azerbaijani citizens who had to flee during the conflict. Consequently, the Court's ruling highlights the unlawfulness of any purported transfer of property in the occupied territories.

We recall that in result of their missions to the occupied territories, the co-chairmen of the Minsk Group "urged the parties to avoid changes in the demographic structure of the region, which would make more difficult any future efforts to achieve a negotiated settlement". The co-chairmen further urged "to avoid any activities in the territories [...] that would prejudice a final settlement or change the character of these areas".

UN Security Council relevant resolutions called upon the Government of Armenia to ensure that the forces involved in occupation of the territories of Azerbaijan are not provided with the means to extend their military campaign. The Security Council urged all states to refrain from any acts, interference or intervention that would undermine peace and security in the region.

Lack of public condemnation of illegal activities in the occupied territories of Azerbaijan is a serious blow against perspectives for peaceful resolution of the conflict and Armenia perceives it as a sign of encouragement for further consolidation of *status quo*.

Mr. Chairperson,

Notwithstanding the challenges outlined above, Azerbaijan remains the most interested party in earliest political settlement of the conflict that would eliminate its harsh consequences. We hope that positive momentum achieved due to efforts by the co-chairing countries will be maintained and transformed into practical steps towards changing the *status-quo*.

Withdrawal from the occupied Azerbaijani territories as demanded by relevant U.N. Security Council resolutions is the only way to create objective conditions for settlement of political issues. The military occupation of the territory of Azerbaijan does not represent a solution and will never produce a political outcome desired by Armenia. The resolution of the conflict is possible only on the basis of the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders. The territorial integrity of Azerbaijan has never been and will never be a subject of negotiations or an element of compromise.

It is within this understanding that Azerbaijan stands ready to work with the co-chairs and all others who are interested in reaching agreement on key issue of withdrawal of Armenian forces from the Azerbaijani territories.

Mr. Chairperson,

While I have the floor, I would like to make few remarks in response to statements made by colleagues:

Distinguished Ambassador of Germany referred to the letter we distributed yesterday and welcomed the engagement of the Azerbaijani side. In fact, this engagement has been done back in July and we have expected reciprocity quite earlier not at this late stage of the year.

There were references that there is no military solution to the conflict. We have been told for a long time that there is no option to solve the conflict other than through peaceful means. We say OK, let's see how the injustice committed against Azerbaijan for last 25 years can be resolved peacefully. It is not the secret in the OSCE that the Azerbaijani army currently possesses serious potential to achieve whatever objective that could be given to it. But we are still waiting for the peace process to bring result. In the meantime, we do not see pressure applied against the aggressor to withdraw from the territories. Instead, we see equal attitude to both sides without any differentiation, without differentiating who is the aggressor and who is the victim or who is suffering and who is enjoying the occupation.

There were references to allegations on atrocities committed during April events. I wish to stress that the atrocities have been committed also in early years of the conflict starting from 1987 until 1994, when the ceasefire was signed. If the countries are seriously interested in investigating those atrocities, we would be among the first countries to take joint actions to investigate those who are guilty for these atrocities and what legal measures can be taken to bring the perpetrators to justice. This should be done in relation to all cases happened during the entire time span of the conflict, but not only for the April events.

As for the investigation mechanism, the delegations may be unaware of the facts. I have to reveal a secret that this mechanism is not featuring in the joint declaration adopted by the Presidents of Azerbaijan, Armenia and the Russian Federation in St. Petersburg. The reason is that this CBM was

decided to be considered in the context of withdrawal of Armenian troops from the Azerbaijani territories. So, if there is unawareness about why this CBM has not been featured in the text of joint statement, then those who are lobbying for this measure have to bring arguments as to why it has not found its place in the text. The reason is that the Co-chairing country in St.Petersburg suggested leaving this CBM for the stage of withdrawal of the troops from the territories.

I thank you, Mr. Chairperson