

Chairmanship: Austria**1128th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 19 January 2017

Opened: 10.05 a.m.
Suspended: 1 p.m.
Resumed: 3.05 p.m.
Closed: 4.25 p.m.

2. Chairperson: Ambassador C. Koja

Prior to taking up the agenda, the Chairperson, on behalf of the Permanent Council, offered his condolences to Kyrgyzstan and Turkey in connection with the tragic crash of a cargo plane near Bishkek on 16 January 2017. Kyrgyzstan and Turkey thanked the Chairperson for his expression of sympathy.

The Chairperson also expressed condolences to Egypt (Partner for Co-operation) in connection with an attack on a police checkpoint on 16 January 2017.

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: UPDATE BY THE SPECIAL REPRESENTATIVE OF THE OSCE CHAIRPERSON-IN-OFFICE IN UKRAINE AND IN THE TRILATERAL CONTACT GROUP, AMBASSADOR MARTIN SAJDIK

Discussion under agenda item 2

Agenda item 2: REPORT BY THE CHIEF MONITOR OF THE OSCE SPECIAL MONITORING MISSION TO UKRAINE

Chairperson, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group (CIO.GAL/7/17), Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (PC.FR/1/17/OSCE+) (PC.FR/2/17), Malta-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country

Bosnia and Herzegovina; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Georgia, Moldova, San Marino and Ukraine, in alignment) (PC.DEL/59/17), Russian Federation (PC.DEL/39/17), Kazakhstan (PC.DEL/36/17 OSCE+), Switzerland (PC.DEL/38/17 OSCE+), United States of America (PC.DEL/32/17), Turkey (PC.DEL/41/17 OSCE+), Canada (PC.DEL/71/17 OSCE+), Belarus (PC.DEL/65/17 OSCE+), Holy See (PC.DEL/31/17 OSCE+), France (also on behalf of Germany) (PC.DEL/30/17 OSCE+), Ukraine (PC.DEL/42/17)

Agenda item 3: REVIEW OF CURRENT ISSUES

- (a) *Armed provocation by Azerbaijan on the Armenian-Azerbaijani State border:* Armenia (PC.DEL/57/17), Azerbaijan
- (b) *Continued violation by Armenia of its obligations under international humanitarian law by refusing to return the body of a deceased Azerbaijani serviceman:* Azerbaijan (PC.DEL/50/17 OSCE+), Kazakhstan (PC.DEL/37/17 OSCE+), Norway, Turkey (PC.DEL/40/17 OSCE+), Russian Federation, Armenia (PC.DEL/68/17)
- (c) *Abduction of two Azerbaijani civilians by Armenia in the occupied territories:* Azerbaijan (PC.DEL/51/17 OSCE+), Armenia (PC.DEL/67/17)
- (d) *Ensuring constitutional policing in the United States of America:* United States of America (PC.DEL/33/17) (PC.DEL/34/17), Russian Federation
- (e) *Continued inclusion of civil society organizations in the register of “foreign agents” in the Russian Federation:* Malta-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Ukraine, in alignment) (PC.DEL/60/17), United States of America (PC.DEL/35/17), Ukraine (PC.DEL/43/17), Russian Federation (PC.DEL/44/17)
- (f) *Ensuring the linguistic rights of the Russian-speaking population of Lithuania:* Russian Federation (PC.DEL/47/17), Lithuania (PC.DEL/64/17 OSCE+)
- (g) *The case of journalist Mr. H. Dink:* Armenia (PC.DEL/54/17), Turkey (PC.DEL/45/17 OSCE+)
- (h) *Destruction of cultural heritage in the Georgian region of Abkhazia:* Georgia (PC.DEL/49/17 OSCE+), United States of America (PC.DEL/58/17), Malta-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Ukraine, in

alignment) (PC.DEL/61/17), Canada (PC.DEL/72/17 OSCE+), Russian Federation (PC.DEL/46/17)

- (i) *Situation around the extension of the Mandate of the OSCE Office in Yerevan: Chairperson, Azerbaijan (Annex 1), Armenia (PC.DEL/69/17)*
- (j) *Non-implementation of United Nations Security Council resolutions and its implications for the OSCE Minsk Process: Azerbaijan (Annex 2) (PC.DEL/63/17 OSCE+), France (also on behalf of the Russian Federation and the United States of America), Armenia (PC.DEL/70/17)*

Agenda item 4: **REPORT ON THE ACTIVITIES OF THE
CHAIRPERSON-IN-OFFICE**

- (a) *Visit of the Chairperson-in-Office to the line of contact near Mariupol, Ukraine, and meeting with the OSCE Special Monitoring Mission to Ukraine on 3 and 4 January 2017: Chairperson*
- (b) *Visit of the Chairperson-in-Office to Kyiv on 16 and 17 January 2017: Chairperson*
- (c) *Visit of the Chairperson-in-Office to Moscow on 17 and 18 January 2017: Chairperson*
- (d) *Visit by the Special Representative of the Chairperson-in-Office for the Transdniestrian Settlement Process to Chisinau and Tiraspol being conducted from 17 to 20 January 2017: Chairperson*

Agenda item 5: **REPORT OF THE SECRETARY GENERAL**

- (a) *Announcement of the distribution of a written report of the Secretary General (SEC.GAL/7/17 OSCE+): Director/Co-ordinator of Activities to Address Transnational Threats*
- (b) *Circulation of an OSCE Secretariat Visibility Report for the period November and December 2016: Director/Co-ordinator of Activities to Address Transnational Threats (SEC.GAL/7/17 OSCE+)*
- (c) *Appointment of the new Senior Adviser on Gender Issues: Director/Co-ordinator of Activities to Address Transnational Threats (SEC.GAL/7/17 OSCE+)*
- (d) *Appointment of the new Co-ordinator of OSCE Economic and Environmental Activities: Director/Co-ordinator of Activities to Address Transnational Threats (SEC.GAL/7/17 OSCE+)*

Agenda item 6: **ANY OTHER BUSINESS**

- (a) *Arrest of the suspected gunman responsible for the terrorist attack on a nightclub in Istanbul on 1 January 2017: Turkey*

- (b) *Farewell to the Permanent Representative of Kyrgyzstan to the OSCE, Ambassador E. Ibraimov*: Chairperson, Kyrgyzstan
- (c) *Extension of the mandate of the OSCE Observer Mission at two Russian checkpoints on the Russian-Ukrainian Border*: Switzerland (Annex 3), Chairperson
- (d) *Parliamentary elections in Armenia, to be held on 2 April 2017*: Armenia (PC.DEL/55/17)
- (e) *2016 Budapest Water Summit, held from 28 to 30 November 2016*: Hungary (PC.DEL/56/17 OSCE+)
- (f) *St. Petersburg International Economic Forum, to be held from 1 to 3 June 2017*: Russian Federation (PC.DEL/48/17)

4. Next meeting:

Thursday, 26 January 2017, at 10 a.m., in the Neuer Saal



1128th Plenary Meeting

PC Journal No. 1128, Agenda item 3(i)

STATEMENT BY THE DELEGATION OF AZERBAIJAN

Mr. Chairperson,

I would like to update the Council on the position of Azerbaijan concerning the extension of the mandate of the OSCE Office in Yerevan. Seeing that we have observed attempts by Armenian officials to publicly put the blame for the non-extension of the mandate on Azerbaijan, I wish to briefly underline the steps that the delegation of Azerbaijan has taken in the OSCE so far in order to flag our concerns over the Office's demining-related activities.

The first time the Office in Yerevan proposed the demining activities was in the OSCE's 2014 Programme Outline document. The delegation of Azerbaijan had requested comprehensive information on the project within the budget consideration process. We specifically enquired about the need for such a project in Armenia, which had not been a theatre of military action during the Armenia-Azerbaijan war. We clearly indicated that if the planned activity was related to the conflict, it should have been dropped from the 2014 Unified Budget because of the understanding that the Office was not authorized to deal with conflict-related matters. At that time we got a general response from CPC that for the most part failed to address our concerns. The only concrete answer given to us, by word of mouth, was that the project would be restricted to the territory of Armenia.

We then attempted to arrange discussions on the Office in Yerevan's demining project within the Forum for Security Co-operation. Regrettably, Armenia, as host country, prevented every attempt to bring more clarity and transparency to the activities of the OSCE Office in Yerevan in this area.

In 2015 we consistently raised our concerns during the discussions on the 2016 OSCE Programme Outline and the annual report of the Head of the OSCE Office in Yerevan to the Permanent Council. As we were assured that the Office was not engaged in demining activity related to the conflict, our delegation expressed concerns that the Office's demining project could strengthen the capacity and skills of relevant Armenian structures, which could easily be used against Azerbaijan in the occupied territories. We again requested that the demining-related activity be discontinued and dropped from the 2016 Unified Budget. The OSCE Chairmanship, which directed consultations in the Advisory Committee on Management and Finance in 2015, asked us to compromise and in return promised that it would thoroughly investigate the matter in 2016 and utilize the control mechanism over this particular activity

of the Office. We accepted the compromise offer by the Chairmanship and made an interpretative statement during the adoption of the 2016 Unified Budget with a request for effective control over the Office's activity to be ensured.

In 2016 we continued to raise the matter in our consultations with the Chairmanship, especially when the then Head of the OSCE Office in Yerevan Mr. Sorokin publicly accused the Parliamentary Assembly of the Council of Europe of disregarding fundamental OSCE principles and criticized the role of Turkey in the OSCE Minsk Group. In letters to the Chairmanship and to the Director of the CPC I brought up such inadmissible violations of the mandate by Mr. Sorokin, calling into question his impartiality and requesting urgent political guidance to be given by the Chairmanship. In my letters I emphatically stressed that the reservations made by the Azerbaijani side in the interpretative statement attached to the decision on the extension of the OSCE Office in Yerevan were becoming increasingly valid and could prompt a further course of action leading to the review of the mandate of the OSCE Office in Yerevan and its budgetary allocations. I urged the Chairmanship and the Director of the CPC to take immediate measures to ensure that the activities of the OSCE Office in Yerevan be brought into full compliance with its mandate. In response, the Chairmanship sent its Special Representative to Yerevan, but the problem still continued to persist. In the meantime, we still received alarming news from open sources indicating violations of the mandate. We continued to flag our concerns to Mr. Avakov, the new Head of Office in Yerevan, both informally and on the occasion of his annual report to the Permanent Council.

In spite of Azerbaijan's concerns having been raised consistently over the last three years, the demining-related activity was again included in the draft 2017 Unified Budget. We submitted a number of questions to the Office in Yerevan and requested comprehensive information on the project. The answers we received from the Office clearly indicated that its programmatic activity did indeed envisage giving support to demining-related activities in areas mined by Armenia in early 1990s during its military operations against Azerbaijan. Furthermore, we received no convincing argument that this particular programmatic activity of the Office corresponded to its available expertise and comparative advantages.

Subsequently, given the fact of the said activity being related to the ongoing Armenia-Azerbaijan conflict and thus not in line with the Office's mandate, Azerbaijan requested the OSCE Chairmanship and the CPC to make the necessary adjustments to the planned activities of the Office for 2017 and to remove the demining-related activity from its budget proposal for 2017.

Unfortunately, Armenia's position, which was based on the denial of the legitimate rights of Azerbaijan as a participating State to adjust budgetary allocations to field missions, led to a crisis in the Organization in which such a technical issue as revising the budget proposal of an OSCE fund was politicized. In the course of deliberations, a conciliatory attitude and the lack of proper reaction by the stakeholders involved was taken by Armenia as encouragement for further blackmailing and open hostage-taking. Without offering any arguments, Armenia blocked the adoption of decisions on the extension of the mandates of the OSCE missions in Uzbekistan, Tajikistan and Kyrgyzstan, and of the OSCE Observer Mission at two Russian checkpoints on the Russian-Ukrainian border, as well as the decision on revision of the OSCE Unified Budget for 2016.

The unacceptable approach pursued by the delegation of Armenia, which in fact rendered the OSCE field missions dysfunctional, should be rejected by the OSCE in unity and solidarity in the interest of the entire Organization. It is clear that on its own, without outside support or instigation, Armenia can hardly make the fate of critically important OSCE field missions contingent upon its whims.

Mr. Chairperson,

The position of Azerbaijan on the matter is of a principled character and based on the mandate adopted by collective decisions of all OSCE participating States and on the existing practice and procedures of the Organization. All OSCE structures, including field missions, should be common assets for all OSCE participating States and in all circumstances must refrain from any action liable to harm the legitimate interests of participating States. Activities of OSCE field missions should be transparent and accountable to all 57 participating States, because they were established by collective will and are funded through the financial contributions of all participating States. Armenia's deviation from such fundamental tenets of the OSCE, as demonstrated by its claiming privileged treatment for the mission it hosts and especially by its intention to misuse the OSCE Office in Yerevan against the legitimate interests of Azerbaijan, is contrary to fundamental OSCE principles and will not be tolerated by Azerbaijan any longer.

We strongly believe that a Chairmanship directive issued with a proper OSCE reference number and distributed to all participating States could be a way out of the current impasse. Such a directive, reflecting the fact that the Office's previous activities in the demining field were not in line with its mandate, should instruct the Head of Office to terminate the use of any funds for demining-related activities and to abstain in future from any activity related to the conflict between Armenia and Azerbaijan.

The delegation of Azerbaijan remains committed to engaging constructively, with a view to finding a solution within the parameters outlined above.

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

I thank you, Mr. Chairperson.



1128th Plenary Meeting

PC Journal No. 1128, Agenda item 3(j)

STATEMENT BY THE DELEGATION OF AZERBAIJAN

Mr. Chairperson,

Non-implementation of United Nations Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) by Armenia remains an open challenge to the Armenia-Azerbaijan conflict settlement process and a serious threat to international and regional peace and security.

In its resolutions, the UN Security Council condemned the occupation of the territories of Azerbaijan, reaffirmed the territorial integrity and sovereignty of Azerbaijan with the Nagorno-Karabakh region as part of it, specifically reaffirmed the principle of the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, and demanded the immediate, complete and unconditional withdrawal of the occupying Armenian forces from all occupied territories of Azerbaijan.

In a statement of July 1993, the Chairman of the CSCE Minsk Conference, Mr. Mario Raffaelli, said that the immediate withdrawal from territories recently seized by force was “the key factor in ensuring that peaceful negotiations can move forward” (UN Doc. S/26184).

Thus, the primary objective of Azerbaijan’s participation in the peace process is to ensure the immediate, complete and unconditional withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan. The peace must restore Azerbaijani sovereignty and territorial integrity within its internationally recognized borders. Deviation by the OSCE Minsk Group and its Co-Chairmen from the framework defined by the UN Security Council undermines the mandate entrusted to the Group and could have a serious impact on the conflict resolution process. The Minsk Group Co-Chairmen must return to implementation of the tasks given to them by the UN Security Council and, on this basis, engage both sides in substantive, result-oriented talks.

There have been many statements recently to the effect that the conflict between Armenia and Azerbaijan has no military solution. We also want to believe in that. The question is, however, whether the peace process is moving in that direction. Is it based on key elements defined by the UN Security Council? What are the impediments to achieving a breakthrough in the negotiations and are the OSCE participating States interested at all in improving the chances of peace? If yes, then why do those who see no military solution to the

conflict remain so ignorant to the appeals of the Azerbaijani side to remove the obstacles to peace? These are the questions to which honest answers have to be found before making judgements such as the one to the effect that there is no military solution to the conflict.

The UN Security Council made it absolutely clear that the use of force against the territories of Azerbaijan had produced no legal effect whatsoever; that the Armenian actions are unlawful and incompatible with the prohibition of the use of armed force in international relations, and in contradiction with the UN Charter and its purposes; and that they constitute an obvious violation of the sovereignty and territorial integrity of Azerbaijan and thus of Article 2(4) of the UN Charter.

Continuing misinterpretation of the non-use of force principle with a view to freezing the status quo of occupation is an unacceptable, counter-productive and very dangerous exercise. In circumstances in which one State has neglected its obligation to settle the international dispute by peaceful means and thereafter has unlawfully used force to occupy the territory of another State, and in the absence of progress towards peace and of pressure on the aggressor, it is irrelevant, to say the least, to claim that the victim State is under an obligation to respect the principle of the non-use of force vis-à-vis the aggressor State.

Armenia has been flagrantly violating the principle of the non-use of force by consolidating the occupation of the territories of Azerbaijan, denying the rights of hundreds of thousands of Azerbaijani internally displaced persons to return to their homes in the Nagorno-Karabakh region and other occupied territories of Azerbaijan, undertaking consistent efforts to alter the demographic, cultural and physical character of the occupied territories, removing any signs of their Azerbaijani cultural and historical roots, and engaging in the exploitation and pillaging of the resources and other assets of those territories for its own gain. Very few OSCE delegations have either condemned Armenia's behaviour or demanded that Armenia withdraw its forces from the occupied territories.

Therefore, those who talk about non-use of force in the context of conflict resolution must first of all eliminate the factor of the military occupation of Azerbaijani territories. If they are unable to withdraw the Armenian troops from the occupied territories or to address the many other challenges to the peace process, Azerbaijan has every right to defend its territory and protect its people by all means. If the peace process fails to change the status quo as called for by the UN Security Council resolutions, then we have the right to change the status quo ourselves.

Given the fact that the status quo of occupation came into being as a result of the use of force, which was determined to be unlawful by the UN Security Council, that status quo cannot be considered a basis for the resolution of the conflict. As the Foreign Minister of Azerbaijan, Mr. Elmar Mammadyarov, recently remarked, the unconditional and complete withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan is a demand of the international community and can in no way be introduced as an element in a compromise or be used as a bargaining chip linking the withdrawal of troops to the addressing of the political issues.

The Minister underlined that if the Co-Chair countries addressed the issue seriously, the withdrawal of the Armenian occupying forces from the occupied territories of Azerbaijan would be ensured.

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

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1128
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Annex 3

Original: ENGLISH

1128th Plenary Meeting
PC Journal No. 1128, Agenda item 6(c)

STATEMENT BY THE DELEGATION OF SWITZERLAND

Mr. Chairperson,

Allow me to express Switzerland's concern at the fact that the Permanent Council has not yet prolonged the mandate of several field operations, including the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk. Only a few days are left before the Observer Mission's mandate comes to an end. If the mandate is not prolonged by the end of the month, the Mission will have to be closed. This would mean that at a moment when the conflict in and around Ukraine is far from being resolved we would be removing an important OSCE monitoring tool that is part of the de-escalation and stabilization architecture in the conflict zone.

As we are all aware, the state of the conflict in eastern Ukraine requires that this international observation tool be maintained and thus that its mandate be renewed.

It is now our duty, as promoters of security and co-operation in Europe, to find a way to prolong the mandate of the Observer Mission in the coming days.

Thank you, Mr. Chairperson.