

Chairmanship: Kazakhstan**810th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 20 May 2010

Opened: 10.10 a.m.
Closed: 1.40 p.m.

2. Chairperson: Ambassador K. Abdrakhmanov
Mr. A. Rakhmetullin

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

Agenda item 1: ADDRESS BY THE MINISTER OF STATE FOR
EUROPEAN AFFAIRS OF FRANCE,
H.E. PIERRE LELLOUCHE

Chairperson, Minister of State for European Affairs of France
(PC.DEL/431/10), Russian Federation (PC.DEL/420/10), United States
of America (PC.DEL/432/10), Azerbaijan (PC.DEL/429/10), Croatia,
United Kingdom, Georgia, Armenia, Moldova

Agenda item 2: ADDRESS BY THE SPECIAL REPRESENTATIVE OF THE
UNITED NATIONS SECRETARY-GENERAL AND HEAD
OF THE UNITED NATIONS REGIONAL CENTRE FOR
PREVENTIVE DIPLOMACY FOR CENTRAL ASIA,
H.E. MIROSLAV JENCA

Chairperson, Special Representative of the United Nations Secretary-General
and Head of the United Nations Regional Centre for Preventive Diplomacy for
Central Asia, Spain-European Union (with the candidate countries Croatia, the
former Yugoslav Republic of Macedonia and Turkey; the countries of the
Stabilisation and Association Process and potential candidate countries
Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free
Trade Association countries Iceland and Norway, members of the European
Economic Area; as well as Georgia and Moldova, in alignment)
(PC.DEL/417/10), Russian Federation (PC.DEL/421/10), United States
of America (PC.DEL/426/10)

Agenda item 3: REPORT BY THE SPECIAL REPRESENTATIVE AND CO-ORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS

Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SEC.GAL/94/10), Spain-European Union (with the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Armenia, Azerbaijan, Georgia and Moldova, in alignment) (PC.DEL/415/10), Russian Federation (PC.DEL/419/10), United States of America (PC.DEL/425/10), Switzerland (also on behalf of Liechtenstein) (PC.DEL/423/10), Norway (PC.DEL/430/10), Holy See (PC.DEL/434/10), San Marino (also on behalf of Monaco) (PC.DEL/428/10), Belarus (PC.DEL/427/10 OSCE+)

Agenda item 4: REVIEW OF CURRENT ISSUES

- (a) *Declaration by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the European Union on the International Day Against Homophobia, 17 May 2010:* Spain-European Union (with the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Montenegro and Serbia; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Armenia and Georgia, in alignment) (PC.DEL/416/10)
- (b) *The case of Kononov versus Latvia in the European Court of Human Rights:* Russian Federation (PC.DEL/422/10), Latvia (PC.DEL/418/10)
- (c) *“Parliamentary elections” in Nagorno-Karabakh, to be held on 23 May 2010:* Azerbaijan (Annex 1), Armenia (PC.DEL/443/10 OSCE+), Spain-European Union, Turkey
- (d) *Reply to the Belarusian statement of 13 May 2010 (PC.DEL/400/10 OSCE+):* United States of America (PC.DEL/433/10), Belarus (PC.DEL/439/10)

Agenda item 5: REPORT ON THE ACTIVITIES OF THE CHAIRPERSON-IN-OFFICE

- (a) *Announcement of the distribution of the report on the activities of the Chairperson-in-Office (CIO.GAL/78/10):* Chairperson
- (b) *Visit of the Chairperson-in-Office to Kabul on 17 May 2010 (CIO.GAL/78/10):* Chairperson

- (c) *Visit of the Chairperson-in-Office to Dushanbe on 19 May 2010*
(CIO.GAL/78/10): Chairperson

Agenda item 6: REPORT OF THE SECRETARY GENERAL

Announcement of the distribution of a written report of the Secretary General
(SEC.GAL/96/10 OSCE+): Director of the Office of the Secretary General

Agenda item 7: ANY OTHER BUSINESS

- (a) *Membership of the United States of America in the United Nations Alliance of Civilizations: United States of America (PC.DEL/424/10)*
- (b) *Follow-up to the Final Report of the OSCE/ODIHR Limited Election Observation Mission on the Presidential Election in Romania, held on 22 November and 6 December 2009: Romania (PC.DEL/442/10)*
- (c) *General elections in Bosnia and Herzegovina, to be held on 3 October 2010: Bosnia and Herzegovina (Annex 2)*
- (d) *Second Trans-Asian Parliamentary Forum, held in Almaty, Kazakhstan, from 14 to 16 May 2010: OSCE Parliamentary Assembly*
- (e) *Organizational matters related to the High-Level Conference on Tolerance and Non-Discrimination, to be held in Astana on 29 and 30 June 2010, and the informal meeting of the OSCE ministers for foreign affairs, to be held in Almaty, Kazakhstan, on 10 and 11 July 2010: Chairperson*

4. Next meeting:

Thursday 27 May 2010, at 10 a.m., in the Neuer Saal

810th Plenary Meeting

PC Journal No. 810, Agenda item 4(c)

STATEMENT BY THE DELEGATION OF AZERBAIJAN

Thank you, Mr. Chairperson

I have the honour to deliver the statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the so-called “parliamentary elections” in the Nagorno-Karabakh region of Azerbaijan.

The statement runs as follows:

“According to the reports circulated by the mass media outlets of the Republic of Armenia so-called “parliamentary elections” are being arranged to take place in the Nagorno-Karabakh region of the Republic of Azerbaijan on 23 May 2010.

The Ministry of Foreign Affairs of the Republic of Azerbaijan reiterates in this regard that the unrecognized separatist regime in the occupied territories of Azerbaijan represents nothing but an illegal structure established by Armenia on the basis of ethnic cleansing of Azerbaijani population. The so-called “elections” are conducted in order to camouflage the annexation policy of Armenia and are aimed at consolidation of the results of the continued occupation of the Azerbaijani territories.

Conduct of such “elections” gravely violates the relevant provisions of the Constitution of the Republic of Azerbaijan and the norms and principles of international law, since they are held in absence of the original Azerbaijani population of the Nagorno-Karabakh region, and, therefore shall have no legal effect whatsoever.

Any kind of elections in the Nagorno-Karabakh region of the Republic of Azerbaijan may be recognized as fair and free once the expelled Azerbaijani population takes full, direct and equal part in their conduct in lawful and democratic environment equally to the Armenian population of the region. Holding such elections will be possible after the withdrawal of the Armenian occupying forces, normalization of life in the region, creation of necessary conditions for restoration of the dialogue and co-operation between the Armenian and Azerbaijani communities of Nagorno-Karabakh. These steps will open up possibility for the elaboration of the self-rule status for the Nagorno-Karabakh population within Azerbaijan.

The Republic of Azerbaijan calls upon the Armenian side to stop its destructive practice of illegal steps, which does not have any prospects, and instead to demonstrate a good will and take a constructive position in the negotiation process, which has dynamically evolved through the last year, in order to find a soonest and durable solution to the conflict on the basis of the norms and principles of international law”.

Mr. Chairperson,

Further evidence of Armenia’s intention to secure the annexation of the Azerbaijani territories that it has captured through military force and in which it has carried out ethnic cleansing is provided by its settlement activities, destruction and appropriation of historical and cultural heritage, and systematic interference with the property rights of Azerbaijani displaced persons.

Let me remind my listeners that from 30 January to 5 February 2005 an OSCE fact-finding mission visited the occupied territories of Azerbaijan. The main outcome of the mission was its report, which was based on a comprehensive analysis of the situation on the ground. The most important conclusion in the report was that during its visit the mission found evidence of the presence of Armenian settlers in the occupied territories of Azerbaijan.

On the basis of the findings in the mission’s report, the OSCE Minsk Group Co-Chairs, in their letter of 2 March 2005 to the OSCE Permanent Council, discouraged any further settlement of the occupied territories of Azerbaijan. In view of the extensive preparations that would be required before the return of refugees and internally displaced persons to their places of origin in these territories, the Co-Chairs recommended that “the relevant international agencies re-evaluate the needs and funding assessments in the region, *inter alia*, for the purpose of resettlement” of those moved into the occupied territories of Azerbaijan. They also urged the parties “to accelerate negotiations toward a political settlement in order, *inter alia*, to address the problem of the settlers and 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-Chairs emphasized in this regard that “the longer [settlers] remain in the occupied territories, the deeper their roots and attachments to their present places of residence will become,” and that “prolonged continuation of this situation could lead to a fait accompli that would seriously complicate the peace process.”

More than five years have passed since the fact-finding mission visited the occupied territories of Azerbaijan and the OSCE Minsk Group Co-Chairs submitted their recommendations. However, against the background of the unconstructive position of Armenia in the ongoing peace process, nothing has been done to dismantle settlements and discourage further transfer of settlers into the occupied territories. Moreover, numerous reports, including Armenian ones in particular*, show that the Republic of Armenia, directly by its own means or indirectly through the subordinate separatist regime and with the assistance of the Armenian Diaspora, continued the illegal activities in the occupied territories of Azerbaijan. Thus, during this period Armenian settlers have been encouraged to move into these territories, including the districts adjacent to the occupied Nagorno-Karabakh region of Azerbaijan, in particular the districts of Lachin, Kalbajar and Zangelan. In addition, this period was marked by consistent measures aimed at altering the historical and cultural

* The relevant materials may be found under document reference PC.DEL/437/10/Corr.1.

features of the occupied areas depopulated of their Azerbaijani inhabitants. In this regard, alleged “reconstruction” and “development” projects for Shusha, one of the most beautiful cultural and historical centres of Azerbaijan, and “archaeological excavations” in Aghdam, both carried out with the sole purpose of removing any signs of their Azerbaijani cultural and historical roots and substantiating the policy of territorial expansionism, give rise to serious concern and justified indignation.

It must be pointed out in this regard that as an “Occupying Power”, Armenia is subject to a series of duties under international humanitarian law, as stipulated in the 1907 Hague Regulations (being part of customary international law), together with the Fourth Geneva Convention and its Protocol I, to both of which Armenia is a party. Thus, article 49 of the Fourth Geneva Convention specifies the following: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” This constitutes the basis and expression of a rule of law prohibiting the establishment of settlements in the occupied territories consisting of the population of the occupying Power or of persons encouraged by the occupying Power with the intention, expressed or otherwise, of changing the demographic balance.

Armenia is also a party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its 1954 and 1999 protocols, which, *inter alia*, prohibit and prevent in relation to the occupied territory any archaeological excavation or any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.”

In addition to the traditional rules of humanitarian law in regard to the occupied territories, Armenia is also bound by the provisions of those international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention on Human Rights.

To the extent that Armenia has violated the relevant applicable law with regard to the occupation of Azerbaijani territory, it is responsible under international law. It is important to note in this regard that, as the Occupying Power, Armenia is responsible not only for the actions of its own armed forces and other organs and agents of its Government, but also for the actions of the subordinate separatist regime it has illegally created in the occupied territories.

Taking into consideration the aforementioned points and with a view to ensuring respect for the principles of justice and the rule of law in the conflict settlement efforts, the Government of the Republic of Azerbaijan has requested the OSCE Chairman-in-Office, the Minsk Group Co-Chairs and the OSCE Secretary General to conduct as soon as possible a fact-finding mission to the occupied territories of Azerbaijan to investigate the situation on the ground in the light of the clear-cut commitments of the States concerned, as set forth in the relevant international legal instruments. This request also corresponds to the relevant recommendation of the report of the 2005 fact-finding mission.

I thank you, Mr. Chairperson.

810th Plenary Meeting

PC Journal No. 810, Agenda item 7(c)

**STATEMENT BY
THE DELEGATION OF BOSNIA AND HERZEGOVINA**

Mr. Chairperson,

The Permanent Mission of Bosnia and Herzegovina would like to inform the Permanent Council that the Central Election Commission of Bosnia and Herzegovina has announced that General Elections in Bosnia and Herzegovina will be held on 3 October 2010.

Elections will be held for the three-member Presidency of Bosnia and Herzegovina, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, President and Vice-Presidents of the Republic of Srpska, the National Assembly of the Republic of Srpska as well as for the Cantonal Assemblies in the Federation of Bosnia and Herzegovina.

In line with the commitments that Bosnia and Herzegovina has undertaken within the OSCE, in particular the 1990 Copenhagen commitments with respect to elections, Bosnia and Herzegovina invites the Office for Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly and the participating States to observe the conduct of the elections.

A corresponding letter of invitation will be sent to the Office for Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly and the permanent representatives of the participating States.

I would ask you, Mr. Chairperson, to attach the text of this statement to the journal of this meeting.

Thank you, Mr. Chairperson.