

Provisional version

## Escalation of violence in Nagorno-Karabakh and the other occupied territories of Azerbaijan

Committee on Political Affairs and Democracy

Rapporteur: Mr Robert WALTER, United Kingdom, European Conservatives Group

### Draft resolution<sup>1</sup>

1. The Parliamentary Assembly is alarmed by and condemns the escalation of violence since the summer of 2014 across the line of contact between Nagorno-Karabakh and the other territories of Azerbaijan occupied by Armenia, and the residual territory of Azerbaijan, as well as along the international border between Armenia and Azerbaijan.
2. The Assembly strongly condemns the deliberate targeting of civilian settlements close to the line of contact and reminds the parties of their obligations under the Geneva Conventions to protect the safety and security of non-combatants. The Assembly is particularly worried by the recent upsurge of ceasefire violations and the reported use of heavy weapons, including mortars and artillery. The Assembly fears that the security situation and living conditions of residents of frontline villages have continued to worsen so that refugees and Internally Displaced Persons (IDPs) now question the commitment of the international institutions to deliver a solution.
3. The Assembly regrets that the Nagorno-Karabakh problem has been side-lined by other major international crises, and that the daily suffering of its victims has been overshadowed by other human tragedies. The Assembly believes that a further procrastination only complicates the settlement of this “un-frozen” conflict which has claimed over a hundred human lives since the beginning of 2014, and which may escalate into a real war between two Council of Europe member States. Furthermore, the Assembly notes that ever since the outbreak of armed hostilities in the early 1990s, the problem of Nagorno-Karabakh has been the major source of enmity between Armenia and Azerbaijan, and has caused instability for the entire region of the South Caucasus.
4. The Assembly recalls its [Resolution 1416 \(2005\)](#) and [Recommendation 1690 \(2005\)](#) on *The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference*, adopted in January 2005, and regrets that, more than twenty years after the armed hostilities started, these Azerbaijani territories are still under occupation. Nearly one million people are still displaced and face an uncertain future. The Assembly regrets that considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region. The Assembly notes in this respect the position of the European Court of Human Rights in its June 2015 judgment in the case of *Chiragov and Others v. Armenia* regarding the issue of jurisdiction, according to which Armenia “exercised effective control over Nagorno-Karabakh and the surrounding territories”.
5. The Assembly regrets the failure of the *ad hoc* Committee on the implementation of Resolution 1416 (2005) on *The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference*, established by the Bureau of the Assembly in 2005, to make any progress due to the absence of members of the Armenian delegation. The Assembly reiterates its call on the parliamentary delegations of Armenia and Azerbaijan to use the platform which it offers for engaging in a constructive dialogue and the establishment of trust between themselves.

<sup>1</sup> Draft resolution adopted by the Committee on 4 November 2015.

6. The Assembly reasserts its concern, expressed in its [Resolution 1416 \(2005\)](#), that the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing. The Assembly reaffirms that independence and secession of a regional territory from a State may only be achieved through a lawful and peaceful process based on democratic support by the inhabitants of such territory and not in the wake of an armed conflict leading to ethnic expulsion and the *de facto* annexation of such territory to another State. The Assembly reiterates that the occupation of foreign territory by a member State constitutes a grave violation of that State's obligations as a member of the Council of Europe and reaffirms the right of displaced persons from the area of conflict to return to their homes safely and with dignity.

7. The Assembly recalls [Resolutions 822 \(1993\)](#), [853 \(1993\)](#), [874 \(1993\)](#) and [884 \(1993\)](#) of the United Nations Security Council and urges the parties concerned to comply with them, in particular by refraining from any armed hostilities and by withdrawing military forces from any occupied territories. The Assembly also aligns itself with the demand expressed in [Resolution 853 \(1993\)](#) of the United Nations Security Council and thus urges all member States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory.

8. The Assembly recalls that both Armenia and Azerbaijan committed themselves, upon their accession to the Council of Europe in January 2001, to use only peaceful means for settling their conflict over the Nagorno-Karabakh region. Therefore, the Assembly urges both governments to refrain from using armed force against each other as well as from propagating military action.

9. The Assembly recalls that the Council of Ministers of the Conference for Security and Co-operation in Europe (CSCE) agreed, in Helsinki in March 1992, to hold a conference in Minsk in order to provide for a forum for negotiations for a peaceful settlement of the conflict. Armenia, Azerbaijan, Belarus, the former Czech and Slovak Federal Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey and the United States of America agreed at that time to participate in this Conference.

10. The Assembly pays tribute to the tireless efforts of the Co-Chairs of the Minsk Group (France, Russian Federation, United States of America) and the Personal Representative of the OSCE Chairperson-in-Office, in particular for having achieved a cease-fire in May 1994. The Assembly welcomes the meetings between the Presidents of Armenia and Azerbaijan convened by the OSCE Minsk Group Co-Chairs during the summer and autumn 2014. The Assembly again calls on Armenia and Azerbaijan to make use of the OSCE Minsk Process and actively submit to each other via the Minsk Group their constructive proposals for the peaceful settlement of the conflict in accordance with the relevant principles of international law.

11. However, in light of the lack of progress over the last twenty years, which undermines the credibility of international institutions, the Assembly calls upon the Minsk Group to consider reviewing its approach to the resolution of the conflict.

12. The Assembly commends the government of Azerbaijan for their financial and materiel support to the more than one million displaced persons and refugees, including the provision of housing, education and health facilities and other financial assistance, and welcomes their commitment to finance and facilitate a programme of resettlement of all displaced persons who wish to return to their homes in the region. The Assembly further welcomes the willingness of the government of Azerbaijan to establish contacts with the political representatives of both communities from the Nagorno-Karabakh region regarding the resettlement of displaced persons to their place of origin.

13. The Assembly notes that the displacement of 600 000 IDPs from the region means that the status quo is not acceptable and must not be seen as a *fait accompli*, ultimately to the benefit of one party.

14. In the framework of the OSCE Minsk Process, the Assembly calls for:

14.1. the immediate cessation of violence across the line of contact and the international border between Armenia and Azerbaijan, including the withdrawal of all military equipment and the cessation of military activity in the vicinity of the region;

14.2. the demilitarisation of the line of contact on both sides;

14.3. the implementation of the first steps towards a peaceful settlement, namely: the withdrawal of Armenian armed forces and other irregular armed forces from Nagorno-Karabakh and the other occupied territories of Azerbaijan, the establishment of full sovereignty of Azerbaijan in these territories and the convening of the plenary meeting of the Minsk Group to establish an interim status

for Nagorno-Karabakh guaranteeing security and internal self-governance, with an agreed corridor linking Armenia to Nagorno-Karabakh, and other confidence building measures including an access corridor to Nakhchivan;

14.4. the Russian Federation to recognise the internationally agreed arms embargo on both parties in the conflict and to ensure that any weapons supplied to Armenia do not end up in the hands of the separatist forces in Nagorno-Karabakh;

14.5. the establishment by the OSCE of an international peacekeeping force to maintain security within Nagorno-Karabakh and the other occupied territories and to ensure the safe return and resettlement of displaced persons, as well as of a mechanism to investigate ceasefire violations;

14.6. Armenia to fully co-operate in the exchange of data on missing persons from the conflict under the aegis of the International Committee of the Red Cross (ICRC), thus implementing a proposal launched by French President Hollande.

15. The Assembly calls on all parties directly involved in the illegal conviction of Dilgam Asgarov and Shahbaz Guliyev by unrecognised “courts” in Nagorno-Karabakh and their continuing imprisonment there, to ensure their immediate release by the occupying power, Armenia.

16. The Assembly reiterates its call on the Secretary General of the Council of Europe to draw up an action plan, in conformity with the principles of the Minsk Group, for specific support to Armenia and Azerbaijan targeted at mutual reconciliation processes and to take this resolution into account in deciding on action concerning Armenia and Azerbaijan.

17. The Assembly strongly condemns the lack of cooperation by the Armenian delegation to the Parliamentary Assembly and the government of Armenia in the preparation of this report. The Assembly considers that such behaviour is in breach of Armenia’s commitments as a member of the Council of Europe and resolves to consider what measures can be taken in this instance and to ensure that its Rapporteurs are not hindered in the future in the pursuit of their mandates.

18. The Assembly resolves to continue to follow on a regular basis progress towards the peaceful resolution of this conflict in the framework of the OSCE Minsk Process, the cessation of violence in the region and the restoration of the territorial integrity of Azerbaijan.