



**Statement**  
**On the Nagorno Karabakh Conflict Negotiating Process**  
**Delivered by Ambassador Jivan Tabibian**  
**At the 707<sup>th</sup> Meeting of the OSCE Permanent Council**  
**April 3, 2008**

Mr. Chairman,

The purpose of my comments is that lately during the last 3 weeks there have been a lot of declarations, statements flying around between OSCE, the capitals, the Co-Chairs, the Chairman in Office about certain events that transpired in the beginning of March.

My comments will not add to statements or declarations. They are just comments because they have at least in the view of the Armenian delegation some relevance for the OSCE itself that goes beyond simply the Nagorno Karabakh issue. That relevance is because the Minsk process is, if not the only one, one of the very few where in conflict related matters, the OSCE plays a central role. Everywhere else we share, serve and do many things in other conflict situations. But we have established since 1992 this “process” as a certain kind of domain in which the OSCE is alone and directly involved. The format has evolved from 1992 till today but the latest incarnation, of a Minsk group and Co-chairs is since 1997, more or less. The archives are not too clear, there are transitions, there are jumps, and there are leaps but in the matter of certain practices and accretions we are where we are, and the OSCE has successfully kept the Nagorno Karabakh Conflict its business.

It is only in this sense that I think it deserves the OSCE’s attention. Since one of the central mechanisms of the so called Minsk Process are the Co-chairs and their responsibilities and their mandates, which I recently reviewed to see if they were within their mandate.

Sometime between the 12<sup>th</sup> March and today there have been many questions about the Co-chairs’ relevance, their competence, their appropriateness and their integrity. Let us start this way: if the Co-chairs, had been successful in their methods, today or maybe tomorrow or last night, the President of the Republic of Azerbaijan President Aliyev and the newly elected President of the Republic of Armenia Mr. Sargsyan would have met in Bucharest. The Co-chairs worked very hard to make that possible which was meant to follow the 29<sup>th</sup> of November meeting in Madrid. We must recall that meeting to put things in their context.

At the meeting in Madrid, the Co-chairs and the Ministers of Foreign Affairs of our two countries, Azerbaijan and Armenia, met with three people: the Under Secretary of the USA Mr. Nicholas Burns, the French Minister of Foreign Affairs Mr. Bernard Kouchner and of course the Foreign Minister of the Russian Federation Mr. Sergey Lavrov. At that meeting, the three Co-chairs, with the support of their Ministers presented ultimately a framework, a general set of principles on the bases of which negotiations for peace could go further. The content of that framework is quite well known and everyone refers to it. There were basically three elements. One was that the use of force is unacceptable, second that the principle of territorial integrity would be included and three, that the people of Nagorno Karabakh will retain at some point in the future the right to choose. This framework was presented then, and at that moment it was not opposed or rejected.

What has happened since is very interesting. Last week on the 13<sup>th</sup> of March at the Permanent Council, we heard during the right of reply, our colleague from Azerbaijan in response to a USA statement on events on borders and line of contact referred to the framework of principles as basically an “inconsequential draft”. Since then, the references to these principles as inconsequential, preliminary, not significant, none operational and as no basis for serious further work have multiplied; it is openly claimed that these principles do not move us forward anywhere.

Simultaneously while dismissing these principles there were questions raised about the Co-chairs’ role, competence and relevance. If I read correctly the Azerbaijani press and various statements made to the press, questions were raised about whether the Co-chairs were really able to do what they were mandated to do, and under what circumstances they can remain on the job, who can change the format and the composition of countries represented or how a particular representative could be replaced or removed.

The timing of all these had to do with the resolution being prepared by Azerbaijan for the United Nations General Assembly. The United Nations’ resolution happened on the 14<sup>th</sup> of March and it was expected to happen. The Co-chairs had strongly advised against pushing forward that resolution. The timing is significant, because already before that resolution came up, knowing that the Co-chairs would oppose it, there was an attempt to somehow undermine or question the Co-chairs’ judgment and impartiality. Effectively that is what happened. The Co-chairs opposed and that was enough of course for Azerbaijan to say the Co-chairs were partial, not neutral, not able to continue their job and they assumed and claimed that the Co-chairs were favoring Armenia. In fact what our perception is that they were favoring the maintenance and safeguarding of a negotiating process. The Co-chairs were well aware of the complications that resolution would pose to the negotiating process. In spite of that, in order to show that they are not particularly partial or pro this or pro that, their statement, following the resolution included even a delicate “mea culpa” trying to justify their decision to oppose.

As we know, not many countries followed the Co-chairs’ mode. The majority of them, 100 states abstained. If one analyzes those who voted for the resolution, though that analysis should be more important to bilateral relations and ministries, one notices the following: 39 United Nation members voted for the resolution, of which 7 were OSCE

members among them, the usual suspects of GUAM, for circumstantial reasons Serbia, and Turkey, an unconditional ally and supporter of Azerbaijan. But the rest, including one from the OSCE can only be explained by the solidarity of a religious, political block which one can always depend on at the United Nations General Assembly at certain times. The rest as we said abstained. And some must have felt too conflicted to even attend the vote.

The Armenian government and the Government of Azerbaijan have of course raised bilaterally questions about those positions. It is not here that I will do the same. But let me just use one word and then try to interpret this situation. The word is “petulance”. Petulance means, if you do not get what you want you try to punish the one who is withholding that which is not being given. Most of us who have children have experienced petulance. One comes home and sees that the young kid is either watching TV or is playing with an electronic game. One asks the kid if he has done his homework and the answer is he hasn’t yet. In response one simply says: “not until you finish your homework can you watch TV or play games.” And the kid answers perfectly calmly: “In that case I am not going to have my dinner.” That is petulance.

It was a case of petulance, a sad one. Now, let us come to the substance, namely, the negotiations themselves. There is a certain halt, and that is a generous term, in the process. There are certain difficulties. The Co-chairs are really at a point where if I were them, I would be not so patient or not so perspicacious. Believe it or not they are acting cool, calm and collected and they are trying to explain, without appearing to justify too much, because justification would be inappropriate for people who have been leading this process in good faith for very many long years. Incidentally the three countries of the Co-chairs also represent three of the five of the United Nation Security Council permanent members.

Now all we as Armenia need to know, and we think the OSCE needs to know, are all these just tactical moves? I was reading a statement yesterday by the deputy foreign Minister of Azerbaijan who himself distinguished between a tactical move and a strategic approach. He referred to this incident of raising questions and questioning this and that as basically tactical moves. In my mind a tactical move is subordinate to a strategic approach. All we need to know, is the strategy to make sure negotiations proceed and succeed or is the strategy to make sure from the sides and sidelines, through the tactics, to make the negotiations impossible. Is it a case of deflection, evasion or deception? If I read statements from all levels in Azerbaijan from the President down, is it at times the tactic of good cop and bad cop? The Co-chairs come back from Baku saying to us that at the highest levels the commitment to negotiations is real. Then we read statements from other levels that put the negotiating process totally in doubt because of some maximalist regression after the meeting of Madrid.

There is an old Turkish saying which I would try to translate but avoid a certain word in it. It says: “be careful when you steer the yogurt too much, what kind of stuff will surface.”

Thank you, Mr. Chairman.

Mr. Chairman,

Not as reply, we simply would like to request if our Azerbaijani colleagues can actually distribute the texts of their letters to the Secretary General because the kind of spin going around is such that we do not know any longer what to read, what to believe; the Azeri statements here, in Baku, official, non official, press conferences or Council of Europe. We are truly lost.

For instance our Azerbaijani colleague referred to one of his letters saying that it explicitly exempts questions about the Minsk Group. Texts that I have been able to track down do not explicitly exempt the issue of the Minsk group itself.

It will be best if we are perfectly open about this see all the texts and then we do not play spinning the news.

Tank you, Mr. Chairman