

**Propositions d'amendements de la délégation arménienne sur le projet de résolution portant sur le conflit du Haut-Karabagh traité par la Conférence de Minsk de l'OSCE et commentaires explicatifs**

**Proposals of amendments and comments of the Armenian delegation on the draft resolution of the conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk conference**

a) Dans le paragraphe 1: supprimer la dernière partie de la phrase " et des forces séparatistes conservent le contrôle de la région du Haut-Karabagh" et la remplacer par " et la question du statut du Haut-Karabagh reste en suspens"

a) In first paragraph: delete the following part of the sentence "separatist forces are still in control of the Nagorno-Karabakh region" and replace with "the question of the status of the Nagorno-Karabakh remains unclear."

Explication : Les Arméniens du Haut-Karabakh ont toujours représenté l'écrasante majorité de la population du Haut-Karabakh (entre 85% et 90%), se sont massivement prononcés, lors du référendum de décembre 1991, en faveur de leur indépendance, et ont, depuis, procédé, à plusieurs reprises, à des élections démocratiques de leurs autorités.

Explanation: The Armenians of Nagorno-Karabakh have always constituted the overwhelming majority of the NK population (85-90%) and expressed their will through a Referendum on Independence, held on December 1991. Since then, they have held several democratic elections to choose their representatives.

En novembre 2004, lors de la réunion de la Commission des Affaires politiques, le rapporteur, Monsieur Atkinson, a suggéré l'utilisation du terme « indépendantistes » comme une alternative au terme « séparatistes ». Cependant ce mot ne rencontre pas l'accord général. En tout état de cause, le terme « indépendantiste » est la caractérisation exacte de la nature de la lutte du Haut-Karabakh ; le peuple du Haut-Karabakh ayant choisi l'indépendance en exerçant son droit à l'autodétermination et c'est pourquoi il a organisé un référendum et des élections.

In the meeting of the Political Affairs Commission, in November 2004, Atkinson himself suggested the use of the term 'independentists' as an alternative to 'separatists'. The word is not being used now out of a concern that it may not be universally acceptable. Nevertheless, that is a more accurate characterization of the nature of the Nagorno Karabakh struggle - the people of Karabakh opted for independence through self-determination, and that is why they held a referendum and elections.

Le paragraphe 1 qui dresse un état des conséquences du conflit (« centaines de milliers de personnes déplacées, occupation de portions considérables du territoire azéribaïdjanais ») omet, par contre, de mentionner la question essentielle du statut du Haut-Karabakh qui demeure la clé du règlement de ce conflit.

Paragraph 1 which describes the consequences of conflict ("hundreds of thousands of people are still displaced, considerable parts of the territory of Azerbaijan are still occupied") doesn't also mention the critical question of the status of Nagorno-Karabakh which still remains the key issue for the settlement of the conflict.

L'amendement ainsi proposé vise donc à introduire cet élément afin de présenter un tableau complet des données de ce conflit.

The aim of the suggested amendment is to present a complete picture of the conflict.

b) Introduire la phrase suivante à la fin du paragraphe 4: " L'Assemblée rappelle, dans le même temps, l'engagement pris par l'Arménie lors de son adhésion d'utiliser toute son influence sur les Arméniens du Haut-Karabagh pour encourager la résolution du conflit."

b) To incorporate at the end of par.4 the following sentence "The Assembly recalls commitments taken by Armenia upon its accession to the Council of Europe to use its considerable influence over the Armenians in Nagorno-Karabakh to foster a solution to the conflict;"

**Explication :** Il faut rappeler que l'Avis n°221(2000) de l'Assemblée parlementaire relatif à la demande d'adhésion de l'Arménie au Conseil de l'Europe comportait un paragraphe entier consacré au règlement du conflit du Haut-Karabakh (paragraphe 13 ii).

Il est important que l'intégralité des engagements pris par l'Arménie en la matière soit mentionnée. Le contenu de l'amendement présenté est repris de l'Avis n°221(2000) paragraphe 13 ii b. Il s'agit là d'un engagement que l'Arménie se doit également d'honorer, et qui doit, en conséquence, être rappelé dans le cadre d'une résolution de l'Assemblée parlementaire portant sur le conflit du Haut-Karabakh.

c) Enfin, modifier ainsi la première phrase du paragraphe 9: « L'Assemblée invite le Gouvernement de l'Azerbaïdjan à établir des contacts avec les représentants élus du Haut-Karabakh et des forces politiques des deux communautés de cette région concernant le statut futur de la région. »

**Explication :** Cet amendement a pour objectif de préciser que le Haut-Karabakh est aujourd'hui administré par des représentants démocratiquement élus par une population arménienne qui a toujours constitué l'écrasante majorité de la population ; Le dialogue que Gouvernement azerbaïdjanais doit initier à propos du statut futur du Haut-Karabakh, ne doit pas se limiter aux forces politiques ; il doit également être établi avec les autorités qui contrôlent la situation sur ces territoires et administrent les affaires dans tous les domaines politique, économique, culturel et social.

Il importe de souligner que la formulation « Représentants élus » a été utilisée dans les conclusions du Conseil des Ministres de la CSCE à Helsinki, le 24 mars 1992.

**Explanation:** It should be noted that the Opinion 221(2000) of the Parliamentary Assembly concerning Armenia's application for membership in the Council of Europe included a whole paragraph on the NK conflict settlement (paragraph 13 ii).

It is important to mention all commitments taken by Armenia in this matter. The content of this amendment is taken from paragraph 13iib of Opinion 221(2000). It is a commitment to be fulfilled by Armenia and should be mentioned in the Parliamentary Assembly resolution on Nagorno-Karabakh.

c) Finally, to modify the first phrase of par.9 as follows "The Assembly calls on the Government of Azerbaijan to establish contacts with the elected representatives of Nagorno-Karabakh and political representatives of both communities from the region regarding the future status of the region".

**Explanation:** The amendment is aimed at clarifying that the authorities of Nagorno Karabakh have been elected by the Armenian population of Nagorno Karabakh, which is the overwhelming majority of Karabakh's population, through democratic elections. The dialogue which the Government of Azerbaijan will initiate regarding the future status of Nagorno-Karabakh can't be limited to the political representatives. This dialogue also must take place with the authorities who control the situation over the territories and manage political, economic, cultural and social spheres.

It should also be noted that the CSCE Council of Ministers in Helsinki on March 24 1992 in its conclusions used the phrase "elected representatives".

## Parliamentary Assembly Assemblée parlementaire

### The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference

**Doc. 10364**  
29 November 2004

**Report**  
Political Affairs Committee  
Rapporteur: Mr David Atkinson, United Kingdom, European Democrat Group.

#### I. Draft resolution

1. The Assembly regrets that, more than a decade after the armed hostilities started, the conflict over the Nagorno-Karabakh region remains unsolved. Hundreds of thousands of people are still displaced and live in miserable conditions. 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.
2. The Assembly expresses its concern 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.
3. 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.
4. 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 forces against each other as well as from propagating military action.
5. 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. The Assembly calls on these states to step up their efforts to achieve the peaceful resolution of the conflict, and invites their national delegations to the Assembly to report annually to the Assembly on the action of their Governments in this respect. For this purpose, the Assembly asks its Bureau to create an Ad hoc Committee with inter alia the heads of these national delegations.

6. The Assembly pays tribute to the tireless efforts of the Co-Chairs of the Minsk Group and the Personal Representative of the OSCE Chairman-in-Office, in particular for having achieved a cease-fire in May 1994 and having monitored the observance of this cease-fire since then. The Assembly calls on the OSCE Minsk Group Co-Chairs to take immediate steps to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. The Assembly 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 norms and principles of international law.
7. The Assembly recalls that Armenia and Azerbaijan are signatory parties to the Charter of the United Nations and, in accordance with Article 93, paragraph 1 of the Charter, ipso facto parties to the Statute of the International Court of Justice. Therefore, the Assembly suggests that if the negotiations under the auspices of the Co-Chairs of the Minsk Group fail, Armenia and Azerbaijan should consider using the International Court of Justice in accordance with Article 36, paragraph 1 of the Court's Statute.
8. The Assembly calls on Armenia and Azerbaijan to foster political reconciliation among themselves by stepping up bilateral inter-parliamentary co-operation within the Assembly as well as in other forums such as the meetings of the Speakers of the Parliaments of the Caucasian Four. It recommends that both delegations should meet during each part-session of the Assembly to review progress on such reconciliation.
9. The Assembly calls on the government of Azerbaijan to establish contacts with the political representatives of both communities from the Nagorno-Karabakh region regarding the future status of the region. It is prepared to provide facilities for such contacts in Strasbourg, recalling that it did so in the form of a hearing on previous occasions, with Armenian participation.
10. Recalling its Recommendation 1570 (2002) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, the Assembly calls on all member and observer states to provide humanitarian aid and assistance to the hundreds of thousands of people displaced as a consequence of the armed hostilities and the expulsion of ethnic Armenians from Azerbaijan and ethnic Azerbaijanis from Armenia.
11. The Assembly condemns any expression of hatred portrayed in the media of Armenia and Azerbaijan. The Assembly calls on Armenia and Azerbaijan to foster reconciliation, confidence-building and mutual understanding among their peoples through schools, universities and the media. Without such reconciliation, hatred and mistrust will prevent stability in the region and may lead to new violence. Any sustainable settlement must be preceded by, and embedded in, such reconciliation processes.
12. The Assembly calls on the Secretary General of the Council of Europe to draw up an action plan for specific support to Armenia and Azerbaijan targeted at mutual reconciliation processes and take this Resolution into account in deciding on action concerning Armenia and Azerbaijan.
13. The Assembly calls on the Congress of Local and Regional Authorities of the Council of Europe to assist locally elected representatives of Armenia and Azerbaijan in establishing mutual contacts and inter-regional co-operation.
14. The Assembly resolves to analyse the conflict settlement mechanisms existing within the Council of Europe, in particular the European Convention for the Peaceful Settlement of Disputes, in order to provide its member states with better mechanisms for the peaceful settlement of bilateral conflicts as well as internal disputes involving local or regional territorial communities or authorities which may endanger human rights, stability and peace.
15. The Assembly resolves to continue monitoring on a regular basis the peaceful resolution of this conflict and decides to revert to considering this issue at its first part-session in 2006.

# CONSEIL DE L'EUROPE

## COMITÉ DES MINISTRES

### DÉCLARATION

#### SUR LE HAUT-KARABAKH

*(adoptée par le Comité des Ministres le 11 mars 1992,  
lors de la 471e bis réunion des Délégués des Ministres)*

Le Comité des Ministres, fortement préoccupé par les récents rapports sur les tueries et les exactions aveugles, condamne fermement les violences et les attaques dirigées contre les populations civiles dans la région du Haut-Karabakh de la République d'Azerbaïdjan. Il souligne qu'aucune solution imposée par la force ne peut être acceptée par la communauté internationale.

Le Comité des Ministres souscrit aux recommandations des Etats participant à la CSCE à Prague le 28 février, selon lesquelles il devrait y avoir un cessez-le-feu immédiat et effectif, un embargo sur la fourniture d'armes dans la région et la mise en place de couloirs sûrs pour acheminer l'aide humanitaire. Il rappelle que toute solution à la crise dans le Haut-Karabakh devrait être fondée sur l'Etat de droit, la démocratie, les droits de l'homme et des garanties pour les droits des membres des minorités, ainsi que sur le respect de l'inviolabilité de toutes les frontières, internes ou externes, qui ne peuvent être changées que par des moyens pacifiques et d'un commun accord.

Le Comité des Ministres se félicite de l'accord des parties au conflit quant à l'implication du Comité international de la Croix-Rouge (CICR) dans le conflit et souhaite que le CICR et d'autres organisations non gouvernementales jouent un rôle majeur dans la mise à disposition de l'aide humanitaire aux victimes de ce conflit.

Le Comité des Ministres appuie tous les efforts de médiation tendant à trouver une solution pacifique au conflit. Une fois qu'un cessez-le-feu effectif sera en place, le conflit devrait être résolu par le biais de la négociation entre toutes les parties intéressées, y compris les autorités locales et les représentants du Haut-Karabakh. Les négociations devraient être fondées à la fois sur le respect de la lettre et sur celui de l'esprit de l'Acte final d'Helsinki et de la Charte de Paris adoptés dans le cadre de la CSCE, et en particulier sur l'engagement de régler les conflits par des moyens pacifiques.