

The Artsakh Conflict From a Legal Perspective

Compiled By

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Appendix 1

League of Nations Memorandum on the Application for the Admission of the Republic of Azerbaijan to the League of Nations

Memorandum by the Secretary General

By a letter dated 1st November 1920(1), the Secretary-General of the League of Nations was requested to submit to the Assembly of the League an application for the admission of the Republic of Azerbaijan to the League of Nations. This letter issues from the Azerbaijan Delegation attending at the Peace Conference, which has been in office at Paris for more than a year. The Members of the Delegation now at Geneva state that their mandate is derived from the Government which was in power at Baku down to the month of April last. It may be convenient to recall briefly the circumstances, which preceded the establishment of this Government.

Establishment of the State of Azerbaijan

The Transcaucasian territory in which the Republic of Azerbaijan has arisen appears to be the territory which formerly composed the Russian provinces of Baku and Elisabethopol. It is situated on the shore of the Caspian Sea, which forms its boundary towards the east. Its northern boundary is the frontier of the province of Daghestan; on the north-east it is coterminous with the area known as the Northern Caucasus, on the west with Georgia and Armenia and on the south with Persia. Its population according to the last Russian statistics, is estimated at 4.615.000 inhabitants, including 3.482.000 Musulman Tartars, 795.000 Armenians, 26.580 Georgians and scattered minorities of Russians, Germans and Jews. It may be interesting to note that this territory, occupying a superficial area of 40.000 square miles, appears to have never formerly constituted a State, but has always been included in larger groups such as the Mongol or Persian and since 1813 the Russian Empire. The name Azerbaijan which has been chosen for the new Republic is also that of the neighbouring Persian province.

First Federal Period

On the collapse of the Russian power in the Caucasus in the month of October 1917, the people of this region, Tartars of Azerbaijan, Georgians

and Armenians, united to form a sort of Federal Republic under common government with a Federal Chamber of representatives. In consequence of serious disagreements, this Transcaucasian Federation was dissolved on the 26th May 1918 at Tiflis, where its Parliament held its meetings.

Second Period: Independent Republic

On the following day, May 28th, the Republic of Azerbaijan was proclaimed at Tiflis. Fatali Khan Koiski was named President of the Government, and it appears to have been agreed at that time that the Musulman members of the former Federal Chamber, together with the members of the Musulman Council, should constitute the provisional Parliament. The Government of the new Republic thus composed was transferred from Tiflis to its own territory, but was not able to take possession of its capital-Baku until the 14 September, 1918, after this town had been evacuated by the Bolshevist forces retreating before the Germano-Turk invasion. Ultimately a Parliament of 120 members was elected by universal suffrage and the executive power was entrusted to a responsible Ministry composed of notabilities of the district of Baku.

On the 17 of November, 1918, General Thomson, at the head of British troops, and representing the Allied and Associated Powers, entered Baku. He appears on his entry to have considered the Government in power in the town as only a local authority. He formally announced that he occupied the territory in perfect agreement with the new Russian Government and without prejudging the rights of Russia in the district. On the 28th December, 1918, however, General Thomson proclaimed that the Government of the Republic of Azerbaijan would henceforth constitute the sole regular local government and that the Allies would guarantee their support to it. The constitution of the Republic appears none the less to have been somewhat obscure during and after the British occupation.

The Government of Azerbaijan was at Paris during the Peace Conference and obtained on the 12th January, 1920, at the same time as the Republic of Georgia and Armenia, de facto recognition from the Supreme Council. It should be noted, however that the Government of the US didn't associate itself with this recognition.

Third Period: Dispersal of the Government

On the 25th April, 1920, Bolshevist disturbances occurred at Baku and compelled the authorities of the Republic of Azerbaijan to take fight. Certain members of the Government, who fell into the hands of the revolutionary forces, were put to death. The army of the Republic was dispersed. According to information furnished by the delegation now in Geneva, the territory traversed by the railways still continues to be in the possession of the Bolshevists, with the exception of the district between Elisabethopol and the Georgian frontier. A considerable portion of the territory not so occupied is, however, understood to be still under the administration of the Government of the Republic of Azerbaijan, some departments of which are said to be at Elisabethopol, while others are said to have emigrated to Tiflis. The army is understood to be divided, certain units being in the Northern part and others in the Southern district of the country. Communication with Georgia is maintained, but communication between the Republic and its Persian and Armenian neighbours is understood to be suspended in consequence of the occupation on the Caspian side and the recent invasion of the Kemalists. The Republic of Azerbaijan is accordingly at the moment deprived of all the resources which it drew from the exploitation of petroleum, of the fisheries of the Caspian Sea and the transit trade. Its administration can only be carried on by precarious means, and its executive and control organs maintain connection with difficulty with the central Government, which is itself for the moment dispersed.

Juristic observations

The conditions governing the admission of the Members to the League of Nations are prescribed in Article 1 of the Covenant, which is in the following terms: "The original Members of the League shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice there of shall be sent to all other Members of the League. "Any fully self-governing State, Dominion or Colony not named in the Annex may become a Members of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

“Any Member of the League may, after two years’ notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.”

The application made by the Azerbaijan Peace Delegation for the admission of Azerbaijan to the League of Nations appears to raise from the purely legal point of view two questions upon which it will be necessary for the Assembly to pronounce. The territory of Azerbaijan having been originally part of the Empire of Russia, the question arises whether the declaration of the Republic in May 1918 and the recognition accorded by the Allied Powers in January 1920 suffice to constitute Azerbaijan de jure a “full self-governing State” within the meaning of Article 1 of the Covenant of the League of Nations. In this connection it should perhaps be noted that this recognition is only claimed by the Azerbaijan Delegation to have been given de facto and that it was given only by Great Britain, France, Italy and Japan, but was refused by the USA.

Should the Assembly consider that the international status of Azerbaijan as a “fully self-governing State” is established, the further question will arise whether the Delegation by whom the present application is made is held to have the necessary authority to represent the legitimate government of the country for the purpose of making the application, and whether that Government is in a position to undertake the obligations and give the guarantees involved by membership of the League of Nations.

Appendix 2

League of Nations: Extract from the Journal № 17 of the First Assembly (Geneva 1920, page 139)

“Azerbaijan. The Committee decided that though the request of Azerbaijan to be admitted was in order, it was difficult to ascertain the exact limits of the territory within which the Government of Azerbaijan exercised its authority. Frontier disputes with the neighbouring States did not permit of an exact definition of the boundaries of Azerbaijan. The Committee decided that the provisions of the Covenant did not allow of the admission of Azerbaijan to the League under present circumstances”.

League of Nations: Letter from the President of the Peace Delegation of the Republic of Azerbaijan.

Note by the Secretary-General:

The Secretary-General has the honour to forward herewith to the Members of the League of Nations the following letter dated the 7th December, which he has received from the President of the Azerbaijan Peace Delegation.

Republic of Azerbaijan
Peace Delegation
Geneva
December 7th, 1920.

To His Excellency M. Paul Hymans, President of the First Assembly of the League of Nations, Geneva.

Sir,

At its Fourth Meeting on December 1st, the Fifth Committee elected by the Assembly of the League of Nations arrived at the conclusion that it was impossible to admit the Republic of Azerbaijan to the League of Nations.

This conclusion, as will be seen from the Report contained in № 17 of the Journal, page 139, is based upon the facts:

1. That it is difficult to determine precisely the extent of the territory over which the Government of this State exercises its authority.
2. That, owing to the disputes with neighbouring States concerning its frontiers, it is not possible to determine precisely the present frontiers of Azerbaijan.

The Committee decided that the provisions of the Covenant do not allow of Azerbaijan being admitted to the League of Nations under the present circumstances.

Will you allow me, on behalf of the Delegation of the Republic of Azerbaijan, of which Delegation I am the President, to present to the Assembly of the League of Nations, through your intermediary, the following observations relating to the two arguments brought forward by the Fifth Committee.

I

The Committee, in the first place, refers to the difficulty of defining the frontiers of the territory over which the Government of Azerbaijan exercises its authority. The Delegation takes the liberty of pointing out to the Assembly of the League of Nations that the difficulty referred to by the Committee being only of a temporary and provisional nature, cannot and must not be considered to affect this question in any real or decisive sense. It is an undisputed fact that, until the invasion of the Russian Bolsheviks on April 28th, 1920, the legal Government of Azerbaijan exercised its authority over entire territory of the Azerbaijan Republic, without exception, within the present boundaries as indicated in the map submitted to the Secretary-General of the League of Nations. After this invasion, part of the territory was occupied by the Bolsheviks; and with their Government at their head, the Azerbaijani people, concentrated in the town of Gandja, began a bloody struggle against the Bolsheviks, thanks to which, the latter gradually evacuated almost all the territory which they had occupied. At the present time, they hold only the town of Baku and surrounding districts, and occupy but a small part of the railway as far as the station of Adji-Kaboul. All the rest of Azerbaijan, including part of the districts of the provinces of Baku and Kauba, as well as all the districts of the former province of Elisabetopol, is in the hands of the Government of Azerbaijan, which has its headquarters in the town of Gandja, where there is also a section of the Parliament which was dispersed by the Bolsheviks, and part of the Army. This is equivalent to nine-tenths of the territory of Azerbaijan, within its present boundaries; and the Government of Gandja, which is the legal Government of Azerbaijan, is able to give sufficient guarantees that it will fulfill all its obligations of an

international character, in conformity with the Covenant of the League of Nations. The Delegation makes bold to assure the Assembly of the League of Nations that the struggle carried on by the people of Azerbaijan, headed by their Government, against the Russian Bolsheviks, will be continued with unflagging energy until Baku and the surrounding districts are delivered from the invaders.

Our people will never come to terms with the Bolsheviks, whom they look upon as usurpers who must be swept away.

We may say in passing, that so obvious a peril as Bolshevism threatens not only Azerbaijan, but the whole of the Caucasus. It has overrun the whole of the Northern Caucasus and Kouban, as well as the bordering State of Armenia, which has just been declared a Soviet Republic.

II

The second objection raised by the Committee relates to disputes outstanding between Azerbaijan and the neighbouring States of Georgia and Armenia. With regard to this point, the delegation has the honour to draw the attention of the Assembly to the fact that it is almost impossible to name a new State whose frontiers are absolutely undisputed. On the contrary, we see that not only new States, but even States which have been in existence for centuries, have had, and still have, frontier disputes; but these disputes don't cause them to be deprived of their sovereign rights over their own territory. The Republic of Azerbaijan, in defending the integrity of her territory against all aggressions is obliged to come into conflict with Georgia over the districts of Zakatal, and with Armenia over Karabagh and Zanghezour. These territories form part of Azerbaijan, and are administered by the Azerbaijan Government; the provinces of Karabagh and Zanghezour were left under Administration of Azerbaijan by the decision of a former Allied representative in the Caucasus. In any case, these disputes concern not only Azerbaijan but also the neighbouring States which on their part have caused these disputes. But the Republic of Azerbaijan has always taken the view that these frontier disputes with the neighbouring Republics of Georgia and Armenia were only questions of domestic interest for the Republics concerned, and that the interested Governments would find a way of settling these disputes by mutual concessions. If, however, this hope should not be realized and if the disputes can't be settled on the spot, the Delegation of Azerbaijan has no doubt but that the three Trans-Caucasian republics will apply to the League of Nations, as can be seen in the text printed by the Delegation of Azerbaijan in its political memorandum (Republic of Azerbaijan, page 44) which was submitted to the Peace Conference in September, 1919, and also in the seventh point of the Notes which the Delegation presented, of November

25th, 1920, (№ 697), to the Secretary-General of the League of Nations with reference to his memorandum No. 108 upon the admission of the Republic of Azerbaijan into the League of Nations. The Delegation firmly believes that, in spite of the aforesaid disputes which were thrust upon Azerbaijan, this country, so richly favoured by nature, will be able to guarantee the fulfillment of all the obligations of an international character which are imposed by the Covenant upon Members of the League of Nations.

The Delegation of Azerbaijan, on behalf of the vital interests of its country, which has twice suffered from the attacks of the Russian Bolsheviks, has the honour to declare to Members of the League of Nations that the admission of the Republic of Azerbaijan to the League of Nations would furnish it with that moral support so urgently need by our people in their struggle against the Bolsheviks - a people which alone, without any foreign aid, has been engaged, for more than six months, in a bloody struggle in order to save the independence of Azerbaijan. In the hope that this appeal for moral support will attract the attention of the Honourable Representatives of the peoples taking part in the Assembly, I have the honour to beg you to be good enough to have the above statement read to the Assembly, at the time of the discussion of the above-mentioned conclusions of the Fifth Committee, with regard to the admission of the Azerbaijan Republic to the League of Nations.

I have the honour to be

*(signed) A.U. Toptchibacheff,
President of the Peace Delegation
Of the Republic of Azerbaijan*

Appendix 3

League of Nations: Extract from the Records of the First Assembly.

The Meetings of the Committees. Fourth Committee

20. APPLICATION OF AZERBAIJAN FOR ADMISSION TO THE LEAGUE

Dr. NANSEN (Norway) then read his Report upon the request for admission submitted by the Republic of Azerbaijan (page 219). The request for admission appeared to have been drawn up in due form. It was submitted by the Azerbaijan Delegation appointed by the Government, which had been in power at Baku until April last. It was next pointed out in the Report that it was difficult to form an opinion as to the extent of territory over which the Government, which had been exiled from Baku, still exercised authority. Another Government was in power at Baku. The frontier disputes with Georgia and Armenia made it impossible to ascertain with certainty whether the boundaries of the State of Azerbaijan could be considered as definitely established. This State obtained de facto recognition from England, France and Italy in January, 1920.

Finally, Dr. Nansen asked whether it would be possible to admit to the League of Nations a State which did not appear to fulfill all the conditions laid down in the Covenant, in particular, those concerning stability and territorial sovereignty, and which, further, had not been recognized de jure by any Member of the League of Nations.

M. BENES (Czechoslovakia) quite agreed. He thought it would be difficult under present circumstances to admit Azerbaijan to the League. The Government of this State was not stable, its frontiers appeared to be ill defined, and, further, formed the subject of disputes with its neighbours. The provisions of the Covenant did not permit the admission of Azerbaijan under present conditions.

The Czecho-Slovakian Delegate moved that Azerbaijan be not admitted under present conditions.

Lord Robert CECIL (South Africa), supported the motion of M. Benes. Azerbaijan did not appear to him as a State, which could be considered free and capable of giving the necessary guarantees.

The motion of M. Benes was unanimously adopted by the Committee in the following terms:

“That the Committee, after having considered the Report of the Sub-Committee with regard to Azerbaijan’s request for admission to the League of Nations, reports unfavourably with regard to its admission and refers the question back to the Assembly.”

Appendix 4

Declaration of the Revolutionary Committee of the Azerbaijan SSR on Recognition of Nagorno Karabagh, Zanghezour and Nakhichevan as an Integral Part of the Armenian SSR

Unofficial translation

November 30, 1920

To ALL, ALL, ALL!

On behalf of the Soviet Socialist Republic of Azerbaijan, we declare to the Armenian people the Decision of the Revcom (Revolutionary Committee) of Azerbaijan of November 30:

“The Workers-Peasants Government of Azerbaijan, having received the message on the declaration of the Soviet Socialist Republic in Armenia on behalf of the rebelling peasantry, welcomes the victory of the brotherly people. From this day on, the former borders between Armenia and Azerbaijan are announced abrogated. Nagorno Karabagh, Zanghezour and Nakhichevan are recognized as an integral part of the Armenian Socialist Republic.

Long live brotherhood and union of the workers and peasants of Soviet Armenia and Azerbaijan!

Narimanov

Chairman of the Revcom of Azerbaijan

Guseinov

the Peoples Commissar on Foreign Affairs”.

Newspaper “Communist”, December 7, 1920, Yerevan (Armenian publication).

Appendix 5

An Extract from the Session Protocol of the Presidium of the Council of Ministers of the USSR of November 23, 1977

(61:11-4133) Unofficial translation

The Session of the Presidium of the Council of Ministers of the USSR included in its Protocol the following:

“... As a result of a number of historic circumstances, Nagorno Karabagh was artificially annexed to Azerbaijan several decades ago. In this process, the historic past of the oblast [region], its ethnic composition, the will of its people and economic interests were not taken into consideration. Decades passed, and the Karabagh problem continues to raise concern and cause moments of animosity between the two peoples, who are connected with ages-old friendship. Nagorno Karabagh (Armenian name - Artsakh) should be made part of the Armenian Soviet Socialist Republic. In this case everything will take its legal place.”

Appendix 6

European Parliament Resolution on the Situation in Soviet Armenia

The European Parliament,

A. having regard to the recent public demonstrations in Soviet Armenia demanding that the Nagorno Karabagh region be reunited with the Republic of Armenia,

B. having regard historic status of the autonomous region of Nagorno Karabagh (80% of whose present population is Armenian) as part of Armenia, to the arbitrary inclusion of this area within Azerbaijan in 1923 and to the massacre of Armenians in the Azerbaijani town of Sumgait in February 1988,

C. whereas the deteriorating political situation, which has led to anti-Armenian pogroms in Sumgait and serious acts of violence in Baku, is in itself a threat to the safety of the Armenians living in Azerbaijan.

1. Condemns the violence employed against Armenian demonstrators in Azerbaijan;

2. Supports the demand of the Armenian minority for reunification with the Socialist Republic of Armenia;

3. Calls on the Supreme Soviet to study the compromise proposals from the Armenian delegates in Moscow suggesting that Nagorno Karabagh be temporarily governed by the central administration in Moscow, temporarily united to the Federation of Russia or temporarily placed under the authority of a “presidential regional government”;

4. Calls also upon the Soviet authorities to ensure the safety of the 500 000 Armenians currently living in Soviet Azerbaijan and to ensure that those found guilty of having incited or taken part in the pogroms against the Armenians are punished according to Soviet law;

5. Instructs its President to forward this resolution to the Council, the Commission and the Government of the Soviet Union.

(d) Joint resolution replacing Docs. B2-538 and 587 88 Source: Official journal of the European Communities, № C 94/117, July, 19

Appendix 7

101st CONGRESS, 2nd Session JOINT RESOLUTION (S. J. RES. 178)

To Express United States Support for the Aspirations of the People of Nagorno Karabagh for a Peaceful and Fair Settlement to the Dispute

Whereas the people of the United States have strong historical and cultural ties with the people of Armenia;

Whereas the 80 percent Armenian majority in the region of Nagorno Karabagh has continually expressed its desire for self-determination and freedom;

Whereas the current status of the region of Nagorno Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics;

Whereas the Soviet Government has termed the killings of Armenians on February 28-29, 1988, in Sumgait, Azerbaijan, “pogroms”;

Whereas continued discrimination against Karabagh Armenians and the uncertainty about Nagorno Karabagh have led to massive demonstrations and to unrest that is continuing to this day in this area;

Whereas the people and government of the Soviet Union initially responded to the outbreak of violence in Nagorno Karabagh with the positive step of creating an interim Special Administrative Committee to stabilize the situation;

Whereas the Administrative Committee has proven ineffective because its mission has been undermined by a number of factors, including organized violence against Armenians, Jews, and other ethnic groups, and blockades of Nagorno Karabagh, Armenia, and Georgia;

Whereas the three month blockade, theft and damage of goods in transit to Armenia have crippled the work of Armenians, Soviets, Americans, and the entire international community in rebuilding after the tragic December 7, 1988 earthquake in Armenia;

Whereas the Government and people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and the overall reconstruction of those areas affected by the earthquake;

Whereas the United States maintains its resolve to assist the Armenians as they rebuild from the earthquake; and

Whereas the United States supports the fundamental rights and the aspirations of the people of Nagorno Karabagh for a peaceful and fair settlement to the dispute over Nagorno Karabagh: Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That it is the sense of the Congress that the United States should:

- (1) continue to support and encourage the reconstruction effort in Armenia;
- (2) urge Soviet President Gorbachev to restore order, immediately reestablish unrestricted economic and supply routes to the people of Armenia and Nagorno Karabagh, secure the physical safety of the people of Nagorno Karabagh from attacks and continue a dialog with representatives of Nagorno Karabagh regarding a peaceful settlement;
- (3) promote in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno Karabagh, which fairly reflects the views of the people of the region;
- (4) urge in its bilateral discussions with the Soviet Union that an investigation of the violence against the people of Nagorno Karabagh be conducted, and that those responsible for the killing and bloodshed be identified and prosecuted; and
- (5) express the serious concern of the American people about the ongoing violence and unrest which interferes with international relief efforts.

SEC. 2. The Secretary of the Senate shall transmit a copy of this Resolution to the Secretary of State.

Passed the Senate November 19 (legislative day, November 6), 1989⁷⁷

Appendix 8

The Law of the Republic of Azerbaijan on “Abolition of Nagorno Karabagh Autonomous Oblast of the Republic of Azerbaijan”

Unofficial translation

The Supreme Soviet of the Republic of Azerbaijan, proceeding from the sovereign right of the Azerbaijan Republic to take decisions on issues concerning the formation of its own nation-state:

- Recognizing the illegitimacy of the creation of the Nagorno Karabagh Autonomous Oblast in 1923 as a factor contradicting the national interests of the Azerbaijani people and promoting a deepening ethnic dissension between the Azerbaijani and Armenian peoples; aimed at breaking the economic and communication infrastructure of the largest natural-ecological region of Azerbaijan - Karabagh, used by Armenian nationalists for violent eradication on the territory of all ethnic, historical, political, economic and spiritual attributes, which unconditionally gives evidence that Nagorno Karabagh is a genuine part of Azerbaijan;

- Thus, taking into account that for more than half a million ethnic Azerbaijanis residing in the Armenian SSR at the time of its formation, have created no ethnic-cultural autonomy; and in the succeeding years the population was deported in Armenia where, in fact, not a single Azerbaijani remained;

- Considering that the policy conducted by the Armenian authorities is directed at the annexation from Azerbaijan of its genuine historical territory and transformation of Nagorno Karabagh Autonomous Oblast into the tool of such policy, which really threatens the sovereignty and territorial integrity of the Republic of Azerbaijan;

- Realizing that the further preservation of an ethnic-territorial entity for the small group of Armenian population in the Azerbaijan Republic entails escalation of violence towards the Azerbaijani population, reinforcement of criminal actions of the Armenian warlords, formed by the extremists, both local and delegated from the territory of Armenia, for mass murders, robberies, arsons, destruction of property of ethnic Azerbaijani population residing on their own territory;

- Understanding historical responsibility towards present and future generations of the Azerbaijani people for preservation and development of a sovereign Azerbaijani State and its integrity;

- Proceeding from the necessity of complete restoration of the sovereign rights of the Azerbaijan Republic in the mountainous area of Karabagh, disarmament of the illegally created armed groups, protection of the rights, freedom and dignity of the citizens of the Azerbaijan Republic, and the settlement of the inter-ethnic relations;

- Based on the will expressed by the peoples of Azerbaijan, hereby decides that:

1. According to the Article 3 (paragraph 2) and the Article 10 of the Constitution of the Azerbaijan Republic, the Article 4 of the Constitutional Act on “State Independence of the Azerbaijan Republic” the Nagorno Karabagh Autonomous Oblast of the Azerbaijan Republic is abrogated as an ethnic-territorial entity. The Decree on “The Establishment of the Nagorno Karabagh Autonomous Oblast” of the Central Executive Committee of Azerbaijan of July 7, 1923 and the Law of the Azerbaijan SSR on “The Nagorno Karabagh Autonomous Oblast” of June 16, 1981 are being annulled.

2. Historical names of the cities Stepanakert, Martakert, Martuni are restored and consequently renamed as follows: Stepanakert - into Khankendi, Martakert - into Agdere, and Martakert Region into the Agdere Region, city of Martuni - into the city of Khojavend, and the Martuni region - into the Khojavend Region.

3. Askeran and Hadrut Regions are abolished.

4. Khojali Region with Khojali administrative centre is formed; accordingly, the abrogated Askeran Region is being transferred into Khojali Region and the Hadrut Region- into Khojavend Region.

5. The cities of Khankendi and Shusha, as well as the Regions of Agdere, Khojavedi, Khojali and Shushi are included in the list of cities and regions [respectively] being under the jurisdiction of the Republic.

Ayaz Mutalibov

President of the Republic of Azerbaijan
Baku November 23, 1991

Appendix 9

An Extract from the USSR Law on “The Procedures of the Resolution of Problems on the Secession of a Union Republic from the USSR”

Unofficial translation

(...) Article 3.

In case the Soviet Republic has autonomous republics, autonomous regions or any type of similar distinct territories within its borders, referendums may be conducted separately in each of the autonomies. The people residing in the autonomies are given a right to independently decide whether to remain in the Soviet Union or in the seceding Republic, as well as to decide on their state legal status. Referendum results are to be considered separately for the territory of a Soviet Republic with a compactly settled ethnic minority population, which constitutes majority on that particular territory of the Republic.

Article 4.

For the purpose of organizing, deciding the dates, and reviewing the results of a secession referendum, the Supreme Soviet of the given Republic is to form a commission with participation of all interested parties, including the ones mentioned in the first and second parts of the Article 3 of this Law.

(...) Article 6.

Decision of a Soviet Republic to secede from the USSR must be made by means of a referendum if so voted by not less than two-thirds of the citizens of the USSR, who permanently resided on the territory of the Republic and are eligible to vote in accordance with laws of the USSR by the time the decision was made to conduct a referendum on secession from the Soviet Union. The results of the referendum are to be reviewed by the Supreme Soviet of the Soviet Republic. In a republic, which has autonomous republics, autonomous regions, autonomous territories or territories with compactly settled national minority population as mentioned in Article 3 of the present Law within its borders, the results of the referendum are to be reviewed by the Supreme Soviet of the Soviet Republic jointly with the Supreme Soviet of the autonomous republic and respective Soviets of

People's Deputies. The Supreme Soviet of the Soviet Republic submits the results of the referendum to the Supreme Soviet of the USSR.

Article 7.

The Supreme Soviet of the Soviet Republic submits the results of the referendum to the Supreme Soviet of the USSR. The Supreme Soviet of the Soviet Republic which has autonomous republics, autonomous regions, autonomous territories or territories with a compactly settled national minority population within its borders as mentioned in second part of Article 3 of the present Law submits the results for each autonomous republic, autonomous region, autonomous territory or territory with a compactly settled national minority population to the Supreme Soviet of the USSR separately along with necessary conclusions and suggestions made by respective state authorities. If it is verified that the referendum is conducted in accordance to the Law, the Supreme Soviet of USSR takes it to the Congress of the People's Deputies of USSR for review. In case the Law is violated during the course of the referendum, the Supreme Soviet of the USSR makes a decision to conduct a second referendum, not later than in the course of three months in a given Republic, or one of its parts, or an autonomous entity, or the territory with a compactly settled national minority population as mentioned in the second part of Article 3 of this Law.

Article 8.

The Supreme Soviet of the USSR forwards the results of the referendum on secession of a Soviet Republic from the USSR along with the suggestions made by the interested parties to the highest state authorities of all Soviet and autonomous republics as well as to the state authorities of autonomous entities for the purpose of study and evaluation of possible consequences for each Soviet and autonomous republic as well as autonomous entity in the event the actual secession of a respective Soviet Republic from the USSR takes place.

(...)

Appendix 10

European Parliament Resolution on “Support for the Peace Process in the Caucasus”

The European Parliament,

- having regard to its previous resolutions on the Caucasus, in particular those of 18 June 1987(1), 18 January 1990(2), 21 January 1993(3) and 27 May 1993(4),

A. whereas the autonomous region of Nagorno Karabagh declared its independence following similar declarations by former Soviet Socialist Republics after the collapse of the USSR in September 1991,

B. whereas the war has caused serious humanitarian problems, in particular as a result of the displacement of more than one million persons from Armenia, Nagorno Karabagh and Azerbaijan,

C. whereas the cease-fire has generally been respected since 1994,

D. whereas Armenia and Azerbaijan have both expressly applied to join the Council of Europe,

E. whereas the strengthening of democracy and respect for human rights are prerequisites for a peaceful solution to the conflict in Nagorno Karabagh,

F. whereas the presidential elections in Azerbaijan in October 1998 were marked by irregularities and fraud which have been condemned by international observers, and whereas irregularities were also noted during the Armenian presidential elections in March 1998,

G. whereas so far the negotiations on a political solution to the conflict involving Nagorno Karabagh have not produced a positive outcome,

H. whereas an approach which takes account of all the problems and all the recent political developments in the region is likely to produce a lasting peace,

I. whereas the three Presidents in the Minsk Group representing Russia, the United States and France, who have been instructed by the OSCE to draw up a plan for a lasting peace, have proposed a fair basis for negotiations on a peaceful solution to the conflict;

1. Endorses the peace plan proposed by the Minsk Group;
2. Takes the view that these proposals constitute a basis for discussion likely to end the negotiating deadlock;
3. Calls on the OSCE's Minsk Group to continue its efforts to seek a lasting solution to this conflict;
4. Considers that a strong human rights component should be a part of any verification or observer mission under the auspices of the OSCE sent to Nagorno Karabagh to ensure a lasting peace and to provide early warning of incidents that could lead to a resumption in the fighting;
5. Considers that aid provided by the European Union to this region must be linked to tangible progress in the areas of human rights and democracy in both countries;
6. Considers that the European Union should increase its assistance under the Tacis-Democracy programme to non-governmental organizations in Armenia and Azerbaijan interested in fostering discussion and political education on issues relating to conflict resolution;
7. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe, the Parliamentary Assembly of the OSCE, the Presidents in the OSCE's Minsk Group, the parliaments of Armenia and Azerbaijan and the representatives of Nagorno Karabagh.

June 21, 1999
Official Journal of the European
Communities, C 175/251

Appendix 11

Reports on the Parliamentary Elections of the Nagorno Karabagh Republic (May 23, 2010)

A. REPORT OF THE INDEPENDENT AMERICAN-DUTCH MONITORING DELEGATION LED BY THE PUBLIC INTERNATIONAL LAW & POLICY GROUP TO THE May 23, 2010 NAGORNO KARABAGH PARLIAMENTARY ELECTIONS

Summary

The observations conducted by the Independent American-Dutch Monitoring Delegation indicate that the Nagorno Karabagh parliamentary elections held on May 23, 2010 were conducted in a free, fair and transparent manner. The Central Election Commission supervised the electoral preparations and polling efficiently. Based on the information gathered during our short-term mission, the activities of the electoral authorities, political parties and candidates during the elections were consistent with generally accepted international standards. The observations of our missions provide strong indications that Nagorno Karabagh continues to make strong progress in establishing and sustaining a healthy and sustainable democracy.

The observed election environment was calm and orderly. We neither observed nor received reports of any significant irregularities in the voting process. We also received no reports of significant irregularities in the pre-election period.

The three-person delegation met with representatives of four major political parties, the Central Election Commission chairman, numerous national and local government officials, representatives from local nongovernmental organizations, and journalists. The delegation visited eight polling sites located in seven out of the eight major electoral regions and found no significant irregularities in the sites visited.

Election Environment

Elections are both a technical and political process. The technical aspect incorporates the election administration, logistical preparation, necessary electoral materials, and voter education programming used for registration and voting. The political component incorporates issues surrounding constraints on competition, the degree of voter involvement, and citizen access to information on the candidates.

The citizens of Nagorno Karabagh we met with, from the voters and election officials in the towns and villages, to the representatives of the key political parties, to public officials at the highest level, uniformly expressed confidence and a firm conviction that the Nagorno Karabagh elections are run in a free and fair manner. Even those who expressed dissatisfaction with some of the policy choices made by their government agreed that those choices had been made through a fair and democratic process. Numerous citizens of Karabagh expressed pride that their democratic achievements surpassed the level of democracy prevailing in several other neighboring countries.

The pre-election campaign atmosphere was reported to be calm. None of the candidates interviewed expressed the opinion that voters had been prevented from gaining sufficient information about any of the candidates or political parties, or that unfair preference had been given to specific candidates or parties in the realm of media access. There were no reports of threats, intimidation or other improper influences that could prevent voters from expressing their honest personal preferences at the ballot box. The delegation did not detect any sense of fear, intimidation or hostility directed towards candidates or potential voters. There were no reports of onerous security measures or other external pressures that might have unfairly affected voter turnout.

CEC rules were in effect for allocating time and space in the Nagorno Karabagh media with the intent of providing equal access to candidates and parties. No party or candidate we spoke with reported violations of these rules. Nor did we receive reports that the government has misused the media to unfairly affect the election, though some citizens expressed the view that the relative weakness of the private media has the natural effect of strengthening the voice of the incumbent government and muting the voice of opposition. The government and party officials we interviewed uniformly agreed that parties and candidates had ample and open opportunities to present their views to voters in live public forums.

Election Law and Procedures

The 2010 election is Nagorno Karabagh's fifth parliamentary election since 1991. Approximately 90 international observers from 14 countries, including Canada, Russia, Armenia, Argentina, the Netherlands, Germany, the Czech Republic, Denmark, Ireland, France, and the United States, monitored elections.

Candidates were nominated through political parties according to the proportionality system and in voting districts according to the majoritarian system. Of the 33 National Assembly seats, 17 deputies are elected through the proportional system from the list of candidates nominated by each party, and 16 deputies are elected by majoritarian system, one from each of the 16 electoral districts. The 16 electoral districts consisted of 273 polling stations. The Central Electoral Commission registered lists of 4 political parties, Free Motherland, Artsakh Democratic Union Party, the ARF Dashnaksutyun, and the Artsakh Communist Party.

For the 16 majoritarian seats, 40 candidates were nominated. Of these, 22 by non-party groups, and 18 were nominated by political parties. 6 candidates represent the Free Motherland party, 4 represent the Artsakh Democratic Union Party, 5 represent ARF Dashnaksutyun, 1 represents the Artsakh Communist Party, 1 represents the Our Home is Armenia party and 1 represents the Christian-Democratic Party.

Polling Day

The delegation visited eight polling sites in seven of the eight electoral regions and found the election to be very well organized in a technical sense. Members of the delegation heard no serious complaints from citizens, candidates, or officials about the validity of the voting procedures or results. The general climate at the polling places was calm, positive and efficient. There was no evidence of intimidation or of any climate of fear or uncertainty on the part of voters. Police were present at most of the polling places visited by the delegation but they generally kept to their proper place in front of the polling stations. The officers understood their role in providing security for voters and election officials, and there were no complaints relating to police conduct. There was no evidence that police were having any intimidating or otherwise improper effect on voters or the voting process.

The election commissions at the polling places performed well in organizing and conducting the vote. Election commissioners were generally very well prepared; all were familiar with the required procedures, and we received no

complaints regarding the actions of election officials. Necessary voting materials, including voter registration lists, supplies, and blank ballots arrived in due time and in sufficient quantities. Information about the majoritarian candidates also was displayed outside most polling places, and no candidate representative complained of any preferential treatment in this regard.

In most polling places visited by the delegation standard voting instructions and election rules were prominently displayed. One small, rural polling place did not receive standard printed materials in time for election day, but nonetheless produced simple instructions that appeared to provide voters with the basic information needed to vote. We spoke with several voters of varying ages and none expressed concerns or confusion about the instructions provided at this station.

The voter registration lists appeared to be generally accurate and in all cases were prominently posted at the polling sites. Private voting booths were provided in all but one polling place. Election officials informed us that they were unable to obtain the standard three-sided booth due to a shortage. The replacement, a lectern, provided insufficient privacy, but during our observation no voter complained that this accommodation affected their right to cast their ballot freely.

The delegation observed one vote count. In that instance, the count proceeded in accordance with the rules. The delegation is unaware of any complaints put forward by candidates or citizens about the count. Candidate observers were allowed to be present for the count observed by our delegation, and election commissioners at the polling places we visited repeatedly confirmed that registered observers were free to observe the vote counts.

In one respect, conditions at the polling places visited by our delegation were inconsistent with electoral regulations. Although Article 24(3) of the NKR Electoral Code forbids individuals from assembling in groups on the day of the election within a 50 meter radius of polling place, this requirement was rarely enforced at the polling places we observed. In most polling places, groups of citizens congregated and conversed in small groups well within the 50-meter limit.

None of these groups were engaged in campaigning, none were disruptive, and none was reported to have, or appeared to have, any negative influence on the election process. To the contrary, the groupings seemed the natural

extension of an electorate taking pleasure in the democratic process. We suggest consideration be given either to clarifying the existing law or to bolstering its enforcement.

Conclusion

Nagorno Karabagh continues to make progress in building democracy, and its authorities have made a serious and concerted effort to conduct the 2010 polls by democratic means. Many of the citizens we met with recognized this progress. Our observations consistently revealed a desire for and commitment to a fair and transparent electoral process. No election is perfect and here, as elsewhere, there were some minor areas for improvement. Nonetheless, our observations, though necessarily limited, indicate that Nagorno Karabagh's most recent election was conducted in a free and fair manner. Indeed, we found no significant evidence to the contrary. Based on our observations, we anticipate that the collective experience of the monitors present at these elections will offer a more comprehensive confirmation of the conditions we encountered.

The Delegation

The delegation is composed of members with an array of experience in dealing with international, political and human rights issues. **Michael Kovaka**, who led the American-Dutch Independent Monitoring Delegation is Senior Counsel for the Public International Law and Policy Group and an experienced constitutional lawyer and advocate for freedom of speech and freedom of the press in the United States. **Kerstin Mikalbrown** is a Senior Research Associate with the Public International Law & Policy Group, working primarily with clients in post-conflict reconstruction and security issues. **Marieke de Hoon** is Co-Director of the Netherlands office of the Public International Law & Policy Group, and Researcher and Lecturer in Public International Law and International Criminal Law at the Free University of Amsterdam.

Discussions Held:

Bako Sahakyan, President of the
Nagorno Karabagh Republic

Ashot Ghulian, Chairman of the
National Assembly of the
Nagorno Karabagh Republic

Georgy Petrossian, Foreign Minister of the Nagorno
Karabagh Republic

Spartak Tevosyan, Vice Premier of the Nagorno Karabagh
Republic **Ararat Danielyan**, Chairman of the Nagorno Karabagh
Republic Supreme Court

Sergey Nasibyan, Chairman of the Central Electoral Commission

Vazgen Mikaelyan, Mayor of Stepanakert

Ara Pluzian, Representative of the Dashnaktsutyun Party **Artur**

Tovmasyan, Representative of the Free Motherland Party

Vahram Atanesyan, Representative of the Democratic Artsakh
Union Party

Hrant Melkumyan, Head of the NKR Communist Party

Representatives of the following non-governmental organizations: Institute for
People's Diplomacy, Stepanakert Branch of the Moscow University, NGO

Resource Center, Artsakh University, Artsakh Intelligentsia, Stepanakert Press Club, DEMO, Center for International Cooperation, International Center for Human Development, Medical Union of Karabagh, Organization of Young Political Scientists, and the Karabagh Refugees from Azerbaijan.

This report covers election-related activities that occurred prior to the departure of the delegation from Nagorno Karabagh mid-day on May 24, 2010.

Stepanakert, May 24, 2010

B. REPORT OF THE FRENCH DELEGATION ON THE LEGISLATIVE ELECTIONS OF May 23, 2010

The elections were held in accordance with democratic standards accepted by international law. Although we did not attend the election campaign, the contacts with the political parties revealed that the multiparty system was in the process of development (we were reported that meetings were held at the local level, in the small districts). Moreover, the press seems to have played its role notably through the different newspapers of parties and the organization for the first time of a television debate, two days before the polls, in which 4 formations have participated.

In comparison with the previous elections, the observers that have already participated in the monitoring of the previous polls noted improvements in the organization and the functioning of the operations of vote; the poll day lists were more accurate (less omissions); improvement of the appeal mechanisms; perfectly appropriate materials (voting booths, ballot boxes); voters having passports with photograph.

However, a certain improvements could be envisaged:

- Limitation of the numbers of the registered voters in each polling place (as an example 2072 registered voters and 187 soldiers in Hadrout) this figure seems hardly to be manageable;
- Accessibility of the old persons or handicapped to the polling places (staircases), access to the certain places was difficult;
- Certain polling places were overcrowded (reduced freedom of movement);
- In contrary, the timetable was reduced for the small polling places.

The functioning of the election observing mission could be improved through the assignment of the mission to the electoral territory (possible by casting of lots).

*Pierre d' Esperonnat,
French association of the Doctors of Law;*

*Maurice Bonnot,
Institute of Democracy and Co-operation;*

*Michel Poret,
French association of the Doctors of Law*

*Alain Fresnel,
Independent association ECTI*

Stepanakert, May 23, 2010

**C. INTERNATIONAL OBSERVATION MISSION OF THE
ELECTIONS TO THE NATIONAL ASSEMBLY
OF THE NAGORNO KARABAGH REPUBLIC
May 23, 2010**

We, as one of the German election observation teams, would like to thank the Nagorno Karabagh government for the kind invitation to observe the elections to the national assembly on May 23, 2010. Especially we would like to thank our driver and interpreter who were of valuable support.

In order to be able to offer an even better organization of the election observation we would like to highlight the following points:

- Thus, we think as necessary to have a predefined date when all observers meet to jointly coordinate their work. At this meeting, all necessary information material (election codes, lists of precinct centers all in different languages) should be provided.
- On election day we observed the voting process in one polling station of Stepanakert (6.01) and several polling stations in the Tartar valley up to Karvatchar (14/18; 14/17; 14/15; 14/3; 14/14; 14/01). The counting process we observed in Kichan (10/05).

- Overall, we didn't observe any grave irregularities. Remarkable was the active participation of voters as well as the election commissions (e.g. high voter turn-out, attentive election commission members, friendly and cooperative atmosphere).

- What surprised us was that we observed more irregularities in the Stepanakert polling station we visited than in the rural areas (station was crowded, lack of organization of voting process, more than one person in voting booth - even discussion in voting booth).

- In the smaller polling stations we visited the voting process was well organized. In some polling stations there were uncertainties or technical reasons though why the voting process could not be implemented as stipulated. This concerned for example the voting possibilities of voters who personally could not come to the polling stations. While in some stations this point was not clear, in others, the right procedure was clear but could out of technical reasons not be implemented. Other points we would highlight are the different forms of sealing (in some polling stations only red plastic strips on ballot boxes; in others additional stamped paper sealing), there that was in one of the areas observed only one candidate and at some of the polling stations campaign material was displayed.

Concerning the counting process we observed, it went exactly as stipulated.

All in all we would emphasize that the whole voting process was advanced and in accordance with democratic principles - especially compared to observation experiences in other post-Soviet countries the voting process can be regarded as on a high democratic level.

Signed by:

Christian Kolter,
Bremen University graduate student

Beate Eschment,
Humboldt University professor in Berlin,
expert on Central Asia

Franziska Smolnik,
Research Assistant, German Institute for
International & Security Affairs.

D. INTERNATIONAL OBSERVERS' CONCLUSION ON THE ELECTIONS TO THE NKR NATIONAL ASSEMBLY

On 23 May 2010, the elections of Deputies to the NKR National Assembly took place in the Nagorno Karabagh Republic in line with the NKR Electoral Code.

124 international observers from Argentina, Armenia, Germany, Denmark, Ireland, Canada, the Netherlands, Transdnestrian Moldovan Republic, Russia, Republic of Abkhazia, Republic of South Ossetia, Slovakia, the United States, France and Czech Republic followed the process of elections. Among them were many present and former parliamentarians, representatives of nongovernmental humanitarian and human rights organizations. More than 40 representatives of mass media from different countries were accredited to cover the election process.

The observers had meetings with representatives of all parties and many candidates, members of the Central Electoral Commission, journalists and representatives of local non-governmental organizations.

The day of elections, observers visited several electoral districts, participated in the process of counting of votes in electoral districts.

Based on the monitoring of the elections, observers verify:

Preparations, implementation and summarization of the results of the elections to the NKR National Assembly have been conducted in compliance with the NKR Electoral Code of December 8, 2004 (amended in 2007, 2009, 2010).

16 electoral districts and 272 polling stations were formed on the territory of the Nagorno Karabagh Republic and one in the NKR Permanent Representation office in Yerevan for the NKR citizens temporarily visiting Armenia.

94.857 voters were included in the register.

Elections to the 33 seat NKR National Assembly were conducted by proportional (17 seats) and majoritarian (16 seats) electoral systems.

Four parties have applied to participate in the elections and the NKR Central Electoral Commission registered electoral lists of all 4 parties. 40 candidates were nominated in 16 electoral districts by majoritarian system, 18 of which from parties, 7 by civil initiative.

A ballot for the elections to the National Assembly by proportional system contained the names of parties in alphabetical order, as well as surnames, first names and middle names of the first three candidates on the list.

A ballot for the elections to the National Assembly by the majoritarian system contained surnames, first names and middle names of the candidates in alphabetical order (by surname), and the names of the nominating parties, and in the case of a civil initiative – the words “civil initiative”.

As an omission, it needs to be mentioned that the computerized system of making registers (voter lists) was not fully worked out at these elections. For that reason the surnames of certain voters were not included in the register. As a result, they had to waste additional time to receive a confirmation paper from the NKR Police, on the basis of which they could vote.

The elections were conducted in a calm atmosphere, no serious violations were fixed either in registration of candidates, organization of voting, or in processing the votes and transporting the protocols of vote counting from polling stations to the regional (city) electoral commissions, and then - to the CEC.

During the day of elections, the voter turnout was reported every 3 hours. Finally, the participation of voters made up...

The voters we met expressed no pretensions regarding the organization of elections and the mass media coverage of them.

As a whole, the May 23, 2010 elections to the NKR National Assembly were transparent, fair in line with democratic standards and can be assessed as another step towards the consolidation of democracy in the NKR.

Signed by:

Bo Carstens,

Denmark, Copenhagen University professor

Jose Ameghino Arbo,

*Argentina, member of the National
Parliament of Argentina*

Sergio Nahapetyan,

*Argentina, Former member of the National
Parliament of Argentina*

Frantisek Mikloshko,

*The first chairman of the
National Assembly of Slovakia, MP*

Appendix 12

Joint Statement of the Minister of Foreign Affairs of the Russian Federation, Secretary of State of the United States of America and State Secretary for Europe Affairs of France Vienna – May 2016

VIENNA, 16 May 2016 – The Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, Secretary of State of the United States of America John Kerry, and State Secretary for European Affairs of France Harlem Desir, representing the co-chair countries of the OSCE Minsk Group, met today with President of Armenia Serzh Sargsyan and President of Azerbaijan Ilham Aliyev to advance a peaceful resolution of the Nagorno-Karabakh conflict.

They reiterated that there can be no military solution to the conflict. The Co-Chairs insisted on the importance of respecting the 1994 and 1995 ceasefire agreements.

The Presidents reiterated their commitment to the ceasefire and the peaceful settlement of the conflict. To reduce the risk of further violence, they agreed to finalize in the shortest possible time an OSCE investigative mechanism. The Presidents also agreed to the expansion of the existing Office of the Personal Representative of the OSCE Chairperson in Office.

Finally, they agreed to continue the exchange of data on missing persons under the auspices of the International Committee of the Red Cross (ICRC) to which the Presidents committed during the Paris summit of October 2014. The Presidents agreed on a next round of talks, to be held in June at a place to be mutually agreed, with an aim to resuming negotiations on a comprehensive settlement.

Appendix 13

Joint Statement of the Presidents of the Republic of Azerbaijan, the Republic of Armenia and the Russian Federation St. Petersburg – June 2016

SAINT PETERSBURG, 20 June 2016 – At the invitation of the President of the Russian Federation, the Presidents of the Republic of Armenia, Russian Federation and Republic of Azerbaijan met in Saint Petersburg on June 20, 2016 and discussed issues pertaining to the resolution of the Nagorno-Karabakh peace process.

The Presidents of the Republic of Armenia and Republic of Azerbaijan reiterated agreements reached at the May 16 Armenian-Azerbaijani Summit in Vienna aimed at the stabilization of the situation in the conflict area and creation of an atmosphere conducive for moving the peace process forward. Towards that end, they agreed in particular to increase the number of international observers. They expressed satisfaction with the fact that recently the ceasefire regime at the line of contact has been upheld.

A substantial exchange of opinions took place regarding the pivotal issues related to the settlement. The Heads of State took note of mutual understanding on a number of issues, the resolution of which will allow to create conditions for a progress in the Nagorno-Karabakh peace process.

The Presidents stressed the importance of their regular meetings and reached an agreement to continue them in the same format, in addition to the efforts of the OSCE Minsk Group Co-Chairs, which were invited to the concluding part of the St. Petersburg meeting.