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**Protracted conflicts in the GUAM area and their implications
for international peace, security and development**

The situation in the occupied territories of Azerbaijan

Responsibility of States for internationally wrongful acts

The rule of law at the national and international levels

Letter dated 9 March 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I am writing in connection with the letter dated 3 March 2020 from the Permanent Representative of Armenia ([A/74/733-S/2020/175](#)), which has as its annex the so-called “comment” on behalf of the puppet regime unlawfully established by Armenia in the occupied Nagorno-Karabakh region of Azerbaijan. I would like to register once again our strongest protest against the continued circulation by Armenia of various papers in the name of the unlawful regime. Such papers are null and void and must be rejected and disregarded at the outset.¹ Their dissemination to the United Nations and other international organizations clearly demonstrates Yerevan’s unwillingness to comply with its international obligations and engage faithfully and constructively in the conflict settlement process. No doubt, Armenia’s attempts to mislead the international community by falsifications of this kind are futile and devoid of any substance.

It is well known that Armenia used military force to seize a part of the territory of Azerbaijan, including the Nagorno-Karabakh region, the seven adjacent districts and some exclaves, and to ethnically cleanse the captured areas of all non-Armenians. The war unleashed by Armenia against Azerbaijan claimed the lives of tens of thousands of people, ruined cities, towns and villages and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their homes and properties, while thousands of people went missing in connection with the conflict.

The illegality of the puppet regime established by Armenia in the occupied territories of Azerbaijan has been repeatedly stated at the international level; it is under Armenia’s direction and control and is ultimately nothing other than the product

¹ See [A/72/508-S/2017/836](#), [A/72/889-S/2018/546](#), [A/73/689-S/2018/1167](#), [A/74/320-S/2019/669](#) and [A/74/636-S/2019/1014](#).



of aggression, ethnic cleansing and other atrocity crimes committed against Azerbaijanis on racial, ethnic and religious grounds.

In its resolutions [822 \(1993\)](#), [853 \(1993\)](#), [874 \(1993\)](#) and [884 \(1993\)](#), the Security Council condemned the use of force against Azerbaijan and the occupation of its territories and reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. In response to the territorial claims and forcible actions of Armenia, the Security Council reconfirmed that the Nagorno-Karabakh region is an integral part of the Republic of Azerbaijan and demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories.

In its leading judgment of 16 June 2015 in the case of *Chiragov and Others v. Armenia*, the Grand Chamber of the European Court of Human Rights established that Armenia exercises effective control over the Nagorno-Karabakh region and other occupied territories of Azerbaijan and thus is responsible for violations of international law in those territories. The conclusion reached was that:

- The Republic of Armenia, “through its military presence and the provision of military equipment and expertise, has been significantly involved in the Nagorno-Karabakh conflict from an early date”.
- “This military support has been – and continues to be – decisive for the conquest of and continued control over the territories in issue”.
- The regime in those territories survives “by virtue of the military, political, financial and other support given to it by Armenia which, consequently, exercises effective control over Nagorno-Karabakh and the surrounding territories”.²

Eminent legal scholars have commented on Armenia’s attempts to disguise its role as an occupier of the territories of Azerbaijan. In his legal opinion on third party obligations with respect to illegal economic and other activities in the occupied territories of Azerbaijan, Alain Pellet characterized the entity established by Armenia in the occupied territories of Azerbaijan as puppet and compared it “with a great number of precedents, such as Manchukuo, Transkei and other South-African ‘bantustans are’ (like Transkei or Venda)”.³ As Malcolm Shaw and Naomi Hart noted in their recently published report on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia’s responsibility, “the fact that Armenia consistently presents papers to the United Nations purportedly on behalf of the so-called ‘Nagorno-Karabakh Republic’ or the so-called ‘Republic of Artsakh’ cannot be taken other than as an assertion of an umbilical link, an inexorable connection between Armenia and its subordinate local administration in part of the occupied Azerbaijani territories”.⁴

Armenia’s conduct constitutes a serious breach of obligations arising from peremptory norms of general international law (*jus cogens*), which give rise to certain legal and political consequences. Among them are duties of States to cooperate in order to bring to an end a serious breach by lawful means, not to recognize as lawful a situation created by such a breach, nor to render aid or assistance in maintaining that situation. The international community has repeatedly declared the duty of

² *Chiragov and Others v. Armenia*, App. No. 13216/05, ECtHR (Grand Chamber), 16 June 2015, paras. 180 and 186.

³ See [A/71/880-S/2017/316](#) (26 April 2017), p. 21, para. 76.

⁴ See [A/74/676-S/2020/90](#) (7 February 2020), p. 16, para. 55 (internal references omitted).

collective non-recognition with regard to Armenian actions. Below are some examples:

A declaration was approved on 4 November 1993 by the countries of the Minsk Group of the Conference on Security and Cooperation in Europe, in connection with the expansion of territorial seizures by the Armenian armed forces notwithstanding the Security Council resolutions, in which they stated in particular that “No acquisition of territory by force can be recognized, and the occupation of territory cannot be used to obtain international recognition or to impose a change of legal status”.⁵

In its resolution 62/243 of 14 March 2008, entitled “The situation in the occupied territories of Azerbaijan”, the General Assembly of the United Nations, *inter alia*, reaffirmed “that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation”.

At its forty-sixth session, held on 1 and 2 March 2019 in Abu Dhabi, United Arab Emirates, the Council of Foreign Ministers of the Organization of Islamic Cooperation “urge[d] all States not to recognize as lawful the situation resulting from the occupation of the territories of Azerbaijan, nor render aid or assistance in maintaining that situation emerged as a result of serious breaches of international law and, to this end, encourage[d] all States to cooperate with a view to ending aggression against Azerbaijan and occupation of its territories”.⁶

In the final document of their eighteenth Summit, held on 25 and 26 October 2019 in Baku, Azerbaijan, under the section “Europe”, the Heads of State and Government of the Non-Aligned Movement adopted the following position on the Armenia-Azerbaijan conflict:

The Heads of State and Government *expressed* their regret that in spite of the United Nations Security Council resolutions (S/RES/822, S/RES/853, S/RES/874, S/RES/884) the conflict between Armenia and Azerbaijan remains unresolved and continues to endanger international and regional peace and security. They *reaffirmed* the importance of the principle of non-use of force enshrined in the Charter of the United Nations, and encouraged the parties to continue to seek a negotiated settlement of the conflict within the territorial integrity, sovereignty and the internationally recognized borders of the Republic of Azerbaijan.

In that connection, the Heads of State and Government also underlined the inadmissibility of the acquisition of territory by force, reaffirmed that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining that situation, including through economic activities in these territories.⁷

We have repeatedly stated and stress again that Armenia’s annexationist and colonization policy has no chance of succeeding. Armenia will be compelled to withdraw its armed forces from the Nagorno-Karabakh region and all other occupied territories of Azerbaijan. The unlawful use of force and the resulting military occupation and ethnic cleansing of the territories of Azerbaijan do not represent a solution and will never bring peace, reconciliation and stability.

⁵ See S/26718, enclosure I.

⁶ Resolution No. 12/46-POL on “The aggression of the Republic of Armenia against the Republic of Azerbaijan”, para. 15, available at <https://www.oic-oci.org/docdown/?docID=4444&refID=1250>.

⁷ See A/74/548, annex, paras. 662 and 663.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 32, 37, 75 and 83, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative
