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**Remarks by Mr. Tofiq Musayev
Counsellor of the Permanent Mission of the Republic of
Azerbaijan to the United Nations**

**at the Working Group meeting of the Special Committee on the Charter of the United
Nations and on the Strengthening of the Role of the Organization**

on the topic “Means for peaceful settlement of disputes: mediation”

21 February 2019

Madam Chair,

We attach particular importance to the annual thematic debate to discuss the means for the peaceful settlement of disputes. I would like to share some thoughts on mediation, as one of such means, by focusing on both our practical experience and some general issues in that connection.

As is known, in its 1993 resolutions 822, 853, 874 and 884, the Security Council condemned the use of force against Azerbaijan, the occupation of its territories, the attacks on civilians and the bombardment of inhabited areas in my country, 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 territorial claims and forcible actions, the Security Council reconfirmed in those resolutions that the Nagorno-Karabakh region is an integral part of Azerbaijan and demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories.

The Security Council also tasked the Organization — known at that time as the Conference — for Security and Cooperation in Europe (OSCE) to ensure, in performing its mediation efforts towards the settlement of the conflict, the implementation of those resolutions.

Unfortunately, the Security Council’s key demands have still not been implemented, and the mediation efforts conducted for 27 years within the framework of the OSCE have yet to yield results, while deliberate actions are being carried out in the occupied territories of Azerbaijan with a view to securing their colonization and annexation, in clear violation of international law.

Having referred to our practical experience of being an object of international mediation for almost three decades, I would now like to share briefly some general observations.

At the outset, it should be pointed out that mediation does not take place in a legal vacuum and the mediators operate not only in accordance with their specific mandates, but first and foremost within the terms of international law.

As the General Assembly in its relevant resolutions on the strengthening the role of mediation in peaceful settlement of disputes, conflict prevention and resolution made it clear, “responsible and credible mediation requires, inter alia, the consent of parties to a particular dispute or conflict, the impartiality of the mediators, their compliance with agreed mandates, respect for national sovereignty, compliance with obligations of States and other relevant actors under international law, including applicable treaties, and the operational preparedness, including process and substantive expertise, of the mediators”.

This may be linked with the provisions contained in the same resolutions which reaffirm the commitment of the General Assembly to respect and uphold the sovereignty, territorial integrity and political independence of all States.

Mediation is a flexible and valuable medium, but it is not a process which can absorb all conflict-related issues and prevent the competent international organizations from addressing them in accordance with their respective mandates. Neither can it impose a solution or result in entrenching situations which are contrary to international law.

It is abundantly clear that the principle of peaceful settlement of disputes, and mediation as one of its means, cannot be interpreted as implying continuation and sustenance of situations created through violations of the Charter and international law.

It is important that the international community consistently oppose and reject any attempts to cover up illegal acts by misinterpretation of the international legal norms and principles and to consolidate aggressions by misusing and obstructing conflict settlement processes.

The established principle of the inadmissibility of the use of force for the acquisition of territory and the ensuing obligation of non-recognition of situations resulting from serious violations of international law must be applied and enforced universally and unconditionally.

Equally important is to ensure the implementation of resolutions adopted by the principal organs of the United Nations. It is unacceptable that armed aggressions against the sovereign States and the resulting military occupation of their territories continue notwithstanding the Security Council and General Assembly resolutions.

In the same vein, it is important to underline the role of the rule of law in establishing a stable and durable peace. In the aforementioned resolutions of the General Assembly on the strengthening the role of mediation, it was particularly noted that “justice is a fundamental building block of sustainable peace”. Indeed, the imperative of shedding light on real facts and combating impunity is undeniable. Unfortunately, in some situations of armed conflict, including those of a protracted nature, wrongs left unpunished and unrecognized continue to impede the progress in achieving long-awaited peace and reconciliation.

Thank you.