

November 28, 2008

Mr. Secretary General,

In response to your letter dated September 24, 2008, I would like to bring certain observations to your attention regarding resolution 62/243 entitled "The situation in the occupied territories of Azerbaijan" adopted by the UN General Assembly on March 14, 2008.

The overwhelming majority of the UN Member States, including all EU members, did not support the resolution. The OSCE Minsk Group Co-Chair states -- the Russian Federation, the United States and France, the mediators in the settlement of the Nagorno Karabagh conflict -- voted against the Azerbaijani initiative. Speaking on behalf of the Co-chairs, the US delegation emphasized, "this draft resolution selectively propagates only certain principles to the exclusion of others, without considering the Co-chairs' proposal in its balanced entirety."

The adoption of the resolution by the General Assembly did not only impede the peaceful negotiation process of the resolution of the Nagorno Karabagh conflict, but also had destructive consequences further propelling Azerbaijan's long-standing militaristic policy. Azerbaijan attempted to ignore the existing negotiation framework and the Madrid Proposals presented by the three Co-Chairs in November 2007, and to compel the use of the GA resolution as a basis for negotiations for the resolution of the Nagorno Karabagh conflict. This motion by Azerbaijan paralyzed the whole process of negotiations.

The agreement to accept the Madrid principles as a basis for negotiations was reached only on June 6, 2008, at the St. Petersburg meeting of the Presidents of Armenia and Azerbaijan. As a result of this agreement, the Presidents instructed the Foreign Ministers of the two countries to continue the negotiations based on Madrid Proposals in order to bring closer the positions of the parties.

Nevertheless, following the meeting in St. Petersburg and up until the presidential elections in Azerbaijan in October 2008, the latter continued its militaristic policy at the highest levels.

H.E. MR BAN KI-MOON
SECRETARY GENERAL
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The negotiations on November 2, 2008, in Moscow, initiated by the President of the Russian Federation, as head of one of an OSCE Minsk Group Co-Chair state, and the signing of the Declaration on the Nagorno Karabagh conflict by the Presidents of Armenia, Azerbaijan and Russia gave a new momentum to the peace process. This initiative was welcomed by the three Co-Chairs and enjoyed their support.

The most important provisions of the Declaration are as follows:

- Political settlement of the Nagorno Karabagh conflict;
- Resolution of the Nagorno Karabagh conflict on the basis of norms and principles of international law;
- Reaffirmation of the continuation of the OSCE Minsk Group Co-Chairs' mediation efforts;
- Continuation of negotiations on the basis of Madrid Proposals;
- Peaceful settlement accompanied by international guarantees;
- Creation of conditions for the implementation of confidence-building measures.

The signing of the Declaration was a positive step towards the reinvigoration of the process of peaceful resolution of the Nagorno Karabagh conflict. However, Azerbaijan not only continues its militaristic policy, but it also misinterprets the provisions of the declaration. Stating, in particular, that the peaceful settlement does not exclude use of force by Azerbaijan and its distorted comments on Moscow Declaration, the efforts to ignore the provisions, fixed in it, hinder the efficiency of the negotiation process and its progress.

Therefore, any new Azerbaijani attempt aimed at impeding the negotiation process will endanger the peaceful and comprehensive settlement of the Nagorno Karabakh conflict. The process requires very professional and well-informed approaches and cannot be resolved through voting in different fora.

I am confident that if we continue in the spirit of the Moscow meeting and demonstrate political will, we shall advance towards the resolution of the Nagorno Karabagh conflict.

Please accept, Excellency, the assurances of my highest esteem.

Sincerely,

EDWARD NALBANDIAN