



**Azərbaycan Respublikası  
Xarici İşlər Nazirliyi**

Haraya: **NBMT**  
Sürəti: **Təmimi**  
Göndərilmə nömrəsi: 8/42-1116/04/16  
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Azərbaycan Respublikasının BMT yanında Daimi Nümayəndəliyinin NBMT/1409/15 sayılı, 24.12.2015-ci il tarixli məktubu ilə verilən məlumata əsasən, Ermənistanın BMT yanında Daimi Nümayəndəliyi BMT-nin Baş katibinə qondarma "Dağlıq Qarabağ respublikasının" "İqtisadi, sosial və mədəni hüquqlar haqqında" Beynəlxalq Pakta "qoşulması" ilə bağlı məktub ünvanlamış və həmin məktubun və ona əlavə olunan "ratifikasiya instrumentinin" BMT-nin Baş Assambleyası və Təhlükəsizlik Şurasının sənədi kimi yayılmasını xahiş etmişdir.

Ermənistanın beynəlxalq hüquqa zidd bu təhrikçi addımı ilə bağlı Azərbaycan Respublikasının BMT yanında Daimi Nümayəndəliyi tərəfindən BMT-nin Baş Assambleyası və Təhlükəsizlik Şurasının sənədi kimi yayılması məqsədilə əlavə olunan mətn əsasında BMT-nin Baş katibinə məktubun göndərilməsini, digər diplomatik nümayəndəlik və konsulluqlarımız tərəfindən isə sözügedən mətnə əks olunmuş mövqeyimizin iş prosesində istifadə edilməsini xahiş edirik.

Hörmətlə,

Nazir müavini

Araz Əzimov

İcraçı: MRTI

The Republic of Azerbaijan strongly rejects yet another provocation of the Republic of Armenia, this time attempting to involve the United Nations into its malicious actions.

On 18 December 2015, the Permanent Representative of Armenia to the United Nations sent a letter addressed to the Secretary-General (A/70/... - S/2015/1020), enclosing a "letter" and a so-called "instrument of ratification of the International Covenant on Economic, Social and Cultural Rights", signed by two individuals on behalf presenting themselves as "president" and "minister of foreign affairs" of the so-called "Nagorno-Karabakh republic" ("NKR") – an unlawful separatist entity established by Armenia in the occupied Nagorno-Karabakh region of Azerbaijan.

It is worth mentioning that, according to article 26 of the International Covenant on Economic, Social and Cultural Rights, only the States Members of the United Nations, the States Parties to the Statute of the International Court of Justice and the States which have been invited by the General Assembly of the United Nations can become parties to the said Covenant. As a matter of necessary interpretation under the principles of the Vienna Convention on the Law of Treaties and customary international law, there is no basis whatsoever for understanding the term "State" appearing in article 26 of the International Covenant on Economic, Social and Cultural Rights as including such unlawful entities as that established and controlled by Armenia in the occupied territories of Azerbaijan. Therefore, it is no coincidence that article 26 of the Covenant is referred neither in the letter of the Permanent Representative of Armenia nor in what he calls the "instrument of ratification". The request of the Permanent Representative of Armenia to circulate his letter and its annexes as a document of the General Assembly and the Security Council, in contravention of the procedure established in article 26 of the Covenant, also testifies to the provocative character of Armenia's action.

In reality, "NKR" is ultimately nothing other than the product of aggression, racial discrimination and ethnic cleansing. The international community overwhelmingly rejects Armenia's attempts to present that entity as an "independent state" and refuses to recognize as legitimate the situation created through the use of force against the sovereignty and territorial integrity of Azerbaijan and other egregious violations of the norms of general international law, in particular those of a peremptory character (*jus cogens*).

That the Nagorno-Karabakh region is part of Azerbaijan has been consistently reaffirmed by the United Nations Security Council in its relevant resolutions (S/RES/822 (1993) of 30 April 1993, S/RES/853 (1993) of 29 July 1993, S/RES/874 (1993) of 14 October 1993 and S/RES/884 (1993) of 12 November 1993), adopted in response to the occupation of the territories of Azerbaijan, and from that time onward has been repeatedly stated at the international level. In those resolutions, the Security Council condemned the use of force against Azerbaijan and the occupation of its territories, reaffirmed 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

and demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories.

The position of the United Nations on this armed conflict has been unequivocal and consistent. As far back as 1994, the Secretary-General of the United Nations stated the following:

“The position of the United Nations is based on four principles which have been mentioned in the different resolutions of the Security Council. The first principle is the territorial integrity of Azerbaijan. The second principle is the inviolability of the international boundaries; the third principle is the inadmissibility of the use of force for the acquisition of territory; and the fourth principle is the immediate and unconditional withdrawal of all foreign troops from occupied territories of Azerbaijan” (Press Release, Secretary-General, United Nations Department of Public Information, SG/SM/5460, 31 October 1994).

In his letter dated 18 July 2002 addressed to the Minister for Foreign Affairs of Azerbaijan, the Secretary-General of the United Nations reiterated that “[t]he position of the United Nations has been established through the resolutions of the Security Council, which have reaffirmed the sovereignty and territorial integrity of Azerbaijan ...”.

In its judgment on the *Chiragov and others v. Armenia* case of 16 June 2015 (Application no. 13216/05), the European Court of Human Rights made it clear that Nagorno-Karabakh is part of Azerbaijan now under military occupation (p. 54, para. 146), stating, *inter alia*, that “the ‘NKR’ is not recognized as a State under international law by any countries or international organisations...” and that, “[a]gainst this background, the invoked laws cannot be considered legally valid...” (p. 56, para. 148; pp. 66-67, para. 182). Furthermore, having examined the evidence presented, the Court established 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” and that “[t]his military support has been – and continues to be – decisive for the conquest of and continued control over the territories in issue” (pp. 66-68, paras. 180, 186).

Accordingly, as a matter of law and fact, any “declarations” made by the unlawful regime established by Armenia in the occupied territories of Azerbaijan purporting to ratify international agreements or accede to them are invalid and have no legal effect whatsoever.

International responsibility, which is incurred by Armenia’s internationally wrongful acts, involves legal consequences manifested in the obligation to cease these acts, to offer appropriate assurances and guarantees that they will not recur and to provide full reparation for injury.

What is more disturbing with regard to the circulation by Armenia of the aforementioned “document”, if one may call it so, is that it was done on the very eve of another round of high-level talks between the Presidents of Azerbaijan and Armenia, under the auspices of the OSCE Minks Group, which were held in

Bern, Switzerland, on 19 December 2015. This is not surprising. Armenia has a solid track record of resorting to such provocations either before or immediately after the high-level talks. Thus, in the wake of a previous Presidents-level meeting in October 2014 in Paris, France, Armenia launched the unprecedented large-scale military exercises in the occupied territories of Azerbaijan.

Furthermore, against the background of the ongoing efforts towards the earliest political settlement of the conflict, Armenia continues to undertake measures aimed at consolidating the occupation of the territories of Azerbaijan, in particular through strengthening its military build-up there, implanting settlers, extensively changing infrastructure and plundering of and illicit trading in assets, natural resources and other forms of wealth in the occupied territories, in clear violation of international law.

The developments over the past years have shown that the lack of adequate international reaction to the provocative actions of the Armenian side only contributes to its growing sense of impunity and permissiveness. The above-mentioned letter of Armenia is a direct result of an appeasement of the aggressor, which encourages it to make a mockery of such an important multilateral human rights instrument as the International Covenant on Economic, Social and Cultural Rights and to abuse the United Nations and its organs.

Armenia has once again clearly demonstrated that it has chosen the path of escalation, thus shattering the expectations for a way forward in the achievement of a political settlement not only of Azerbaijan, but of the entire international community. The continuation of such provocative actions will inevitably render the talks within the OSCE Minsk Group meaningless.

The Republic of Azerbaijan is convinced that the United Nations is not a place where the aggressor can feel comfortable to do whatever it pleases and expects that the Secretary-General and the States Members of the United Nations will voice their strong protest against Armenia's annexationist policy and provocative actions.

I should be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda items 35, 40, 70, 72 and 85, and of the Security Council.

The President of the Security Council presents her compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a **letter dated 18 December 2015 from the Permanent Representative of Armenia to the United Nations** addressed to the Secretary-General, and its enclosure.

This letter and its enclosure will be issued as a document of the Security Council under the symbol S/2015/1020.

23 December 2015



PERMANENT MISSION OF  
THE REPUBLIC OF ARMENIA TO THE UNITED NATIONS  
119 East 36th Street, New York, New York 10016  
Tel: 212-686-9079 Fax: 212-686-3934 Email: armenia@un.int

UN/3101/316/2015

GAA-  
EOSG/CENTRAL

18 December 2015, *New York*

Excellency,

I have the honour to transmit herewith a letter dated 3 December 2015 addressed to you by His Excellency Mr. Karen Mirzoyan, Minister of Foreign Affairs of the Nagorno Karabakh Republic (NKR). Attached to the said letter are the Instrument of Ratification of the International Covenant on Economic, Social and Cultural Rights and its non-official English translation signed by the President and the Minister of Foreign Affairs of the NKR.

I should be grateful if the text of the present letter and its annex, to which are appended the Instrument of Ratification and its non-official English translation signed by the President and the Minister of Foreign Affairs of the Nagorno Karabakh Republic, would be circulated as a document of the General Assembly, under agenda item 20, 22, 28, 34, 72, 73, and of the Security Council.

*Encl.: 3 pages*

**ZOHRAB MNATSAKANYAN**  
Ambassador, Permanent Representative

**H.E. BAN KI-MOON**  
Secretary General of the  
United Nations

MINISTER OF FOREIGN AFFAIRS OF THE NAGORNO KARABAKH REPUBLIC

04/1689/2015

Stepanakert, 3 December 2015

Excellency,

It is my pleasure to inform you that on 20 April, 2015, pursuant to the Law of the Nagorno Karabakh Republic "On International Treaties", the National Assembly of the Nagorno Karabakh Republic unanimously adopted a relevant legislative act to unilaterally accede to the International Covenant on Economic, Social and Cultural Rights.

The process of joining international conventions and covenants started back in 1992 when the Republic joined the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Ever since the Nagorno Karabakh Republic has progressively been fulfilling necessary standards and implementing reforms in order to build a sustainable democracy, and this is yet another opportunity to reaffirm our commitment to the democratic tenets, rule of law and fundamental principles of human rights.

We would like to assure you and the States Parties to the Covenant that the Nagorno Karabakh Republic will take appropriate measures to provide respect and faithful implementation of the provisions enshrined in the International Covenant on Economic, Social and Cultural Rights.

Please, find attached herewith the Instrument of Ratification and its non-official English translation signed by the NKR President and the Minister of Foreign Affairs.

Please accept, Excellency, the assurances of our highest consideration.

Yours sincerely,



Karen MIRZOYAN

Encl. 2 pages.

**H.E. Mr. Ban Ki-moon**  
**Secretary-General**  
**United Nations**

**ՎԱՎԵՐԱԳԻՐ**

**ՏՆՏԵՍԱԿԱՆ, ՍՈՑԻԱԼԱԿԱՆ ԵՎ ՄՇԱԿՈՒԹԱՅԻՆ ԻՐԱԿՈՒՆՔՆԵՐԻ ՄԱՍԻՆ  
ՄԻՋԱԶԳԱՅԻՆ ԴԱՆՆԱԳՐԻ ՎԵՐԱԲԵՐՑԱԼ**

**Հաշվի առնելով, որ**

Տնտեսական, սոցիալական և մշակութային իրավունքների մասին միջազգային դաշնագիրը ստորագրվել է Նյու Յորք քաղաքում, 1966 թվականի դեկտեմբերի 16-ին,

Լեռնային Ղարաբաղի Հանրապետության Ազգային ժողովի կողմից նշված Կոնվենցիան վավերացվել է 2015 թվականի ապրիլի 20-ի ՀՕ-13-Ն օրենքով,

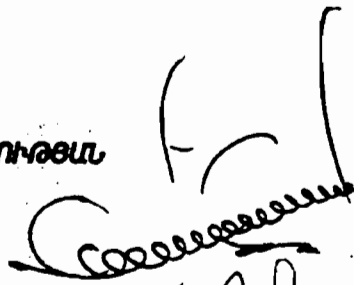
**Հայտնում եմ, որ**

Կոնվենցիայի դրույթները Լեռնային Ղարաբաղի Հանրապետության կողմից կաշահպանվեն և անվերապահորեն կկատարվեն:

Ի վկայումս վերոհիշյալի՝ ստորագրում եմ սույն վավերագիրը և կնքում այն Լեռնային Ղարաբաղի Հանրապետության կնիքով:

**Կապարված է Ստեփանակերպում, 2015 թվականի հունիսի 18-ին:**

**ԼԵՐՆԱՅԻՆ ՂԱՐԱԲԱՂԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ  
ՆԱԽԱԳԱՀ**



**P. ՍԱԿԽՉՅԱՆ**

**ԼԵՐՆԱՅԻՆ ՂԱՐԱԲԱՂԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ  
ԱՐՏԱՔԻՆ ԳՈՐԾԵՐԻ ՆԱԽԱՐԱՐ**



**Կ.ՄՐԱԶՅԱՆ**



*Non-official translation*

**INSTRUMENT OF RATIFICATION  
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS**

***CONSIDERING THAT***

The International Covenant on Economic, Social and Cultural Rights was signed at New York, on 16 December 1966;

The National Assembly of the Nagorno Karabakh Republic ratified the aforementioned Covenant by the 20-13-Ն law of 20 April 2015;

***I HEREBY DECLARE*** that the provisions of the present Covenant are respected and faithfully implemented.

***IN WITNESS THEREOF***, I sign this instrument of ratification and stamp it with the Seal of the Nagorno Karabakh Republic.

Done at Stepanakert, on 18 June 2015.

President  
of the Nagorno Karabakh Republic      /signature/      B. SAHAKYAN

Minister of Foreign Affairs  
of the Nagorno Karabakh Republic      /signature/      K. MIRZOYAN

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