

Delegation of the Republic of Armenia

9th session of the UNTOC COP Working Group on the Smuggling of Migrants

Statement under agenda item 4: Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

Vienna, 27 June 2022

Mr. Chair,

We welcome this important discussion on the UNTOC Review Mechanism and the information provided by the Secretariat regarding its current status. Having said this, we would like to express our support for the effective implementation of the Mechanism and engagement of member states.

Apart from being a member state driven process, the UNTOC Review Mechanism has an equally important format for stakeholder engagement in the review process in order to tap from the invaluable expertise and knowledge of the NGOs for the benefit of states efforts to better implement the UNTOC.

Mr. Chair,

Armenia has always been a staunch supporter of stakeholder participation in different international meetings and discussions and strived to actively contribute to a more active and meaningful engagement of NGOs in different UN fora, regardless of which country they came from.

In this vein, we have always supported the widest participation of NGOs in the Conferences of the Parties to UNTOC, its Working Groups and mechanisms, in particular, the constructive dialogues, which are a dedicated moment for the NGO engagement, whereas the broadest possible participation is being a key for success.

Therefore, the undue politicization of the Constructive dialogue and the issue of NGO participation is utterly deplorable and will be detrimental for the international efforts to ensure effective review of implementation of the Convention.

Having said this, we would like to express our grave concern about the decision of Azerbaijan to object against the participation in the upcoming Constructive Dialogues of two NGOs from Armenia - the Democracy Today and the UMCOR Armenia Foundation. It is also unacceptable that Azerbaijan's objection to the participation of the mentioned NGOs was justified by dubious political narratives and one-sided interpretations, which have nothing to do with the mandate and objectives of the UNTOC COP, its working groups, as well as with the aims and goals of the Constructive Dialogue.

Those two NGOs have excellent credentials of humanitarian support and assistance to people in vulnerable situations, including in Artsakh (Nagorno-Karabakh), with the aim of mitigating the risk of their becoming victims to crimes. Their particular focus on preventive and response measures against the trafficking in persons and smuggling of migrants have long been crucial for Armenia's national efforts in the fight against such crimes.

This non-constructive behavior of Azerbaijan should be viewed as part and parcel of its continuous anti-Armenian policy and in the context of the Nagorno-Karabakh conflict aimed at hindering any humanitarian assistance to the people of Artsakh (Nagorno-Karabakh) in the face of recent and imminent aggression of Azerbaijan. It is evident that the attempts of Azerbaijan to target those reputable NGOs for highly questionable political reasons could undermine their valuable humanitarian work.

Azerbaijan with this undue politicization, and by depriving these two key NGOs of the possibility to gain new knowledge and expertise from these Dialogues and to bring them into service of our society, is in fact infringing upon the right of Armenia and Armenian society to benefit from the discussions and exchange of information of the Constructive Dialogues.

Chair, in conclusion we would like to make the following observation.

The Vienna Spirit of consensus and multilateralism rests upon the premise of willingness and readiness of states to engage in good faith discussions in search of mutually acceptable solutions and decisions. Armenia is a staunch supporter of the Vienna Spirit, which means mutual respect, diplomacy and compromise. We regret seeing such an abuse of the Vienna Spirit and the Rules of Procedure of the UNTOC COP to advance narrow, highly political narratives on the issues and topics, which do not fall within the scope and mandate of the UNTOC or the UNODC.

Armenia believes that the current situation with regards to the NGO participation should serve as a wake-up call for the countries which support multilateralism and preservation of the Vienna Spirit in order to undertake effective measures to put an end to such non-constructiveness and to prevent further abuses of the Vienna Spirit.

It is our view that if not countered properly, this irresponsible behaviour could create a dangerous precedent by opening the door for the objection against stakeholder participation in relevant UN fora for political and highly questionable reasons, which have no relation to the mandate and objectives of the relevant meetings.

Thank you.

1st statement in exercise of the right of reply

Mr Chair,

I would like to present some information on the activities of the respective NGOs, in particular those carried out in Artsakh (Nagorno-Karabakh), in order to bring clarity to this matter. These activities are reflected in the 2021 Annual Report of the NGO Democracy Today, which is publicly available on the NGO's website.

For instance, in 2021 the Democracy Today with the support of the UMCOR Armenia Foundation has implemented a project on successful integration of the displaced youth

with the aim to provide them with appropriate knowledge and practical skills that will help them find their niche in the labor market. This project will allow those displaced people, who fled to Armenia as result of 44 days war of aggression of Azerbaijan against Artsakh and its people and are deprived of possibility to return to Artsakh, to get opportunities and paths for future professional development in Armenia, thus having means to ensure a dignified life for them and their families.

Another project in 2021 was dedicated to citizen engagement in conflict impacted communities supported by the National Endowment for Democracy. The project was aimed at investing in increasing the capacities of youth from conflict-affected communities to contribute to the peace process, as well as build connections between communities in Nagorno-Karabakh (Artsakh) and the bordering regions of Armenia. The project aims at implementing UNSC Resolution 2250 on Youth, Peace and security.

The NGO Democracy Today has also initiated the publication called “Youth Speaks Peace” which includes visions and perceptions of youth from border Tavush province of Armenia and Artsakh regarding peace.

In 2012 the NGO launched an International Young Women’s Peace and Human Rights Award, which in 2021 was awarded to Ms. Diana Sayiyan (Artsakh) and Maria Azizyan (USA) for their outstanding professionalism and dedication during the 44-day war in Artsakh. The award conference was attended by a large number of women from Artsakh displaced as a result of the war of aggression of Azerbaijan. At the conference women from 16 countries such as Germany, Russian Federation, USA, Kenya, Columbia, Lebanon, Türkiye, Georgia, Palestine, Ukraine, Kyrgyzstan, Belarus, Afghanistan, Zimbabwe, Italy, and Armenia spoke online. Interestingly, in 2013 the award was given to Ms. Khadija Ismaylova, an investigative reporter from Azerbaijan, in recognition of her work.

Thus Mr. Chair, from this open source information we can see the immense humanitarian work that has been carried out by the Democracy Today, sometimes with the help of UMCOR Armenia with an objective to improve the lives of the people in vulnerable situation, especially the refugees and internally displaced people as a

result of Azerbaijan's war of aggression in 2020. At the same time, we can see that the efforts of those NGOs are aimed at fostering peaceful coexistence in our region, especially with a focus on youth and women.

This few examples, and many others, which the interested delegations can find on the websites of the mentioned NGOs, clearly show, that the one and only objective of Azerbaijan's objection to the participation of the mentioned NGOs in the upcoming Constructive Dialogue is to create hindrances for the invaluable, in some cases indispensable humanitarian work for the benefit of the people in vulnerable situations, especially the refugees and people living in Artsakh (Nagorno-Karabakh) under the continuous and mounting threat to their lives and livelihood, emanating from Azerbaijan.

This is in line with the overall policy of Azerbaijan of blocking all possible humanitarian support and assistance to the people of Artsakh, including the ones from the United Nations specialized agencies blocked by Azerbaijan. The final aim of this policy is to intimidate the people of Artsakh to conduct an ethnic cleansing of the indigenous population of Artsakh.

Moreover, Azerbaijan's deplorable allegations of "criminality" in Artsakh (Nagorno-Karabakh), which have been promulgated for the last thirty years without providing any single prove or evidence, should also be viewed as an attempt to create necessary excuse to infringe upon human and humanitarian rights of the people of Artsakh (Nagorno-Karabakh).

Mr. Chair,

Armenia has repeatedly reiterated its commitment to fostering peace and security, to bringing an era of peace to our region. However, these efforts can be effective only if reciprocated by the same faithfulness and level of commitment from Azerbaijan, including the recommitment to the peaceful resolution of the Nagorno-Karabakh conflict under the auspices of the OSCE Minsk Group Co-Chairmanship according to their international mandate, and to respect for the fundamental rights and freedoms of the people of Artsakh.

As mentioned earlier, this highly non-constructive and politicized approach to the Working Groups and the Constructive dialogue, if not countered properly, will risk opening the door for blocking NGO participation due to highly politicized, utterly questionable and one sided narratives and views of states.

And therefore, we appeal to the parties to disregard the unsubstantiated claims of Azerbaijan and to give a clear assessment to its behaviour.

Thank you Mr. Chair

2nd statement in exercise of the right of reply

Mr. Chair,

I would like to once again express our regret that the delegation of Azerbaijan tries to justify its objection to participation of NGOs from Armenia, by presenting false narratives and interpretations with regard to the Nagorno-Karabakh conflict.

Let me mention that the Nagorno-Karabakh conflict has nothing to do with the mandate and objectives of this Working Group and the Constructive Dialogue apart from the risks for the people of Artsakh arising from the situation of vulnerability resulting from Azerbaijan's continuous aggression against Artsakh (Nagorno-Karabakh).

But with your indulgence Mr. Chair, I will briefly address the false allegations of Azerbaijani delegates. First we would like to state that we reject all the allegations against Armenia with respect to the conflict. In fact, the Nagorno-Karabakh conflict is a result of Azerbaijan's aggression against the people of Artsakh (Nagorno-Karabakh) with the aim of suppressing their legal and legitimate right to self-determination.

With regard to the references to the so-called "sovereign territory", let me stress that Nagorno-Karabakh has never been part of the independent Azerbaijan and the Republic of Azerbaijan cannot claim sovereignty over Nagorno-Karabakh.

On the eve of the breakup of the Soviet Union, in September 1991 Nagorno-Karabakh, which even then had a distinctive status of an Autonomous Region, exercised its right to self-determination and in full compliance and in line with the relevant norms and principles of international law and national legislation in force, following the referendum declared the establishment of an independent state.

Throughout the whole process the authorities of Nagorno-Karabakh upheld the norms and rules, as well as principles of international law, as enshrined in the UN Charter, the Declaration on the Principles of the International Law, Friendly Relations and Cooperation among States, Helsinki Final Act and other relevant documents.

It is worth mentioning that regardless of the tense security situation, with regular cease-fire violations and an ongoing threat of war, the people of Artsakh have proved throughout the last 30 years that they are capable of creating and maintaining a society with vibrant democratic institutions, rule of law and respect for human rights. This has been confirmed by many international institutions. The Freedom House in its annual Freedom in the World rating has for many consecutive years given Nagorno-Karabakh a much higher rating than Azerbaijan.

Mr. Chair,

Azerbaijani delegation tries to convince the member states and the international community that, quote-unquote, “Artsakh (Nagorno-Karabakh) is non-existent from the perspective of international law” and such an “entity does not exist”. Let me bring you only a few facts to show the manipulative and groundless nature of these statements.

The 1994-1995 ceasefire agreements that ended the 1st war unleashed by Azerbaijan against Nagorno-Karabakh were signed by the lawful representative of Nagorno-Karabakh along with Armenia and Azerbaijan leaders. As a legally binding agreement, it implies that Azerbaijan itself recognized Nagorno-Karabakh as a separate international law subject, with whom it entered into legally binding obligations.

Though, for the sake of truth we have to note, that Azerbaijan never abided by its commitments under the 1994-1995 ceasefire agreements, which is not in the least an unusual occurrence in case of Azerbaijan.

Nagorno-Karabakh is recognized as a separate entity also in numerous OSCE documents, whereas the OSCE Minsk Group Co-Chairmanship is the UN SC mandated negotiations format for a peaceful settlement of the Nagorno-Karabakh conflict. For the last 30 years or so, the Co-Chairs regularly held meetings with authorities of Artsakh (Nagorno-Karabakh).

We shall recall the Document of the Budapest Summit and all other relevant documents of the OSCE, which clearly identify Nagorno-Karabakh as a separate entity and call for the peaceful resolution of the conflict.

Moreover, as a recognized party to conflict, Nagorno-Karabakh has been party to the negotiations.

Furthermore, the 9 November 2020 statement on ceasefire ending the 44-day war of aggression of Azerbaijan against Artsakh and its people clearly refers several times to Nagorno-Karabakh as a separate entity, whose final status is to be determined in the negotiations within the format of the OSCE Minsk Group Co-Chairs. Let me mention that this statement was signed also by the President of Azerbaijan.

Mr. Chair,

Azerbaijan has never abided by its commitment to solve the Nagorno-Karabakh conflict in a peaceful manner through negotiations, and has been regularly resorting to the use of force or the threat of it in violation of all fundamental principles and norms of International law.

Now Azerbaijan is attempting to legitimize the results of the use of force and war and push for the recognition of the use of force as the lawful means of settlement of conflicts, which is against the most fundamental principle of the interstate relations.

Such an approach is even more worrisome; given the troubling international security situation we face today.

For its part, the Government of Armenia has declared its policy of bringing an era of peace to our region and we will consistently work in that direction.

To conclude, Mr. Chair, we once again call on Azerbaijan to stop abusing the important work of this meeting and not to promulgate its invented and unsubstantiated narratives about the Nagorno-Karabakh conflict.

Thank you Mr. Chair