



Statement by the Delegation of the Republic of Azerbaijan

1068th Meeting of the Permanent Council,

17 September 2015

in response to the Delegations of the EU, USA and Norway

Thank you Mr. Chairman,

I wish to thank all the colleagues who spoke on this subject. I understood that there are those who are in favor of continuing the dialogue on the practice and the role of ODIHR in this organization. There are also those who do not accept criticism to this institution. Those who do not accept criticism of ODIHR's practice, in fact, are the ones who discourage the pluralism of opinions on this issue. I wish to respond to the distinguished Ambassador of Norway who sees only those, who spoke in favor of revising or reviewing the ODIHR's activity, as the ones who has a bad track record on human rights. Probably, you are right on certain aspects of it, but none of us is ideal in this organization. But, this does not mean that we cannot criticize ODIHR or improve its practice.

Our Delegation has put forward two specific points. First was that ODIHR did not engage in consultations. ODIHR considers its findings as final, which is based on whatever principles or methodology, and non-negotiable. That is the problem, which exists with relation to the current Director. I recall that during the tenure of previous Director the NAM report was revised and necessary changes were made. Somehow this time ODIHR decided to cancel election observation mission.

As far as the OSCE Parliamentary Assembly is concerned I regret that they also followed ODIHR's practice.

The second point is that there is a violation of the mandate raised by the participating State. If that is not addressed by the Council or the discussions on this particular issue is being directed towards negotiations on the methodology or other issues related to ODIHR, we will not move forward from this specific issue that was raised by us. My point is that there is a violation in a view of participating States. Unfortunately, we do not have the court where we could appeal and expect the fair judgment. The Permanent Council is our court, where we raise this issue. If there is negligence to this point it would reverberate on the activities of the OSCE. We are at a pre-crisis situation and it is better to prevent it from deteriorating.

In this view, I have requested the Chairmanship to respond to the specific question whether ODIHR has consulted the Chairmanship in exercising its mandate, as it is prescribed in the Budapest decision?; Has it communicated to the Chairmanship its idea to cancel the election observation mission despite the request of a participating State?

Secondly, if that was the case we should have been consulted on this as well, and then the Council should have been informed about it. The Council is the decision-making body, not the ODIHR, which decides on behalf of the Council to send the mission or not. We have not accepted the commitment to respect the findings of the NAM. We respect ODIHR's independence, impartiality and autonomy, but this does not mean that its findings are final and non-negotiable. There is always a chance for a mistake or a correction to be made, but if a structure refuses to consult and imposes its opinion on a participating State, then of course the participating State should put this structure accountable on the basis of such decision or absence of consultations.

Mr. Chairman,

I have been reading out the rules of procedures of the OSCE regarding this case and I found, unfortunately, that the only reference in this case is that the functions of the Chairmanship should be coordination of and consultations on current OSCE business. I hope that, at least, we will have coordination of and consultations on this issue at the *ad hoc* group that we have requested in order to address the violation of the mandate.

Thank you.

Second reply

Mr. Chairperson,

This is such an important and interesting topic, that I do not want to miss a chance to respond to my distinguished colleague from Norway. The fact that we failed up to now to discuss the methodology probably is indicative of the fact that there are diverging views. We have never been able to come up with the concrete solutions and accommodate the concerns of OSCE participating States. What has happened during previous discussions is that this issue was successfully buried somewhere underground. That is the result of the previous discussions. As for the facts, I am eager to provide Ambassador of Norway with the facts pertaining to ODIHR elections observation missions to Azerbaijan. I have indicated that during the previous cases, ODIHR had made corrections and revisions to its findings and conclusions of its Needs Assessment Reports. We will send the information for the reference of the distinguished Ambassador of Norway.

Thank you, Mr. Chairperson.