



Statement by the Delegation of the Republic of Azerbaijan

1070th Meeting of the Permanent Council,

08 October 2015

Violation by the OSCE/ODIHR of its mandate

1st Right of Reply

Thank you Mme. Chairperson,

This is an import conversation. This house approved the mandate and they are not only the rules, but also a toll-box when there are disagreements, when there are different views on the issue. They serve as a helpful reminder for those who are having those mandates what they need to do. The Director of ODIHR should have employed not only the decision referred to by the distinguished representative of the European Union of 2006, but also other mandates entrusted to him such as Budapest Summit 1994 decision which clearly specifies that ODIHR acts in an advisory capacity, and if there is a situation in the OSCE he should closely consult with the Chairmanship and he should put the question for the consideration of the Permanent Council.

I do not want to dwell upon the sort of awkward comparisons made by the distinguished Ambassador of the United States. By the way no one authorized him to speak on behalf of the Permanent Council or that is not case at least on behalf of Azerbaijan.

The issue that ODIHR has a mandate and this mandate provides him with an opportunity to, at least to engage with the country. If the Director decides on his own there should be guidance or a rule that should be granted to him, but there is no such a rule. He had taken a decision in the absence of such authority and our Delegation raised these issues back on September 17 meeting of the Permanent Council. The Director of ODIHR in almost 3 weeks could have contacted or communicated with our Delegation, with the capital and clarify our concerns. He did not do it and he did not do it when he adopted this decision by himself.

So currently, there is no willingness on our side to negotiate some sort of restrictions, which one may see, or a number of observers. We have put the issue of the violation of

the mandate by the executive institution's Director, which lead, unfortunately, to the lack of the deliverable that the participating State was expecting. That on one hand has its budgetary implications, because we have adopted the budget last year with expectations that the election in Azerbaijan would be observed and the required assistance would be provided.

On the other hand there is an issue of authority to Director of ODIHR to engage in issuing such a decision. If those Delegations who spoke before me thinks that the independence as they put it of ODIHR is extended already to the limits beyond his mandate that is already a problem within this organization. If a participating State challenge a decision, which the Director of ODIHR cannot take and that challenge is not considered because many of the Delegations think that this is the way he needs to act that is not correct. We have agreed to the rules in this house and these rules should to be upheld. The way to do it to held the persons who violate them accountable. If we miss this point of accountability, if we miss the point of transparency in making the decision by him, then we are, I believe, in a very difficult situation in this organization.

So, I again encourage you madam Chairperson to communicate to your authorities that we expect the ODIHR to find a way out before we have the elections, because if we have elections held without the ODIHR, the situation will become more dramatic.

Thank you.

2nd Right of Reply

Thank you Mme. Moderator or Mme. Chairperson,

In fact, I believe you should have stopped earlier. Because with the things you have said now I cannot prevent my temptation to answer to your comments.

You are absolutely correct that I am probably the one of the senior Ambassadors here in the OSCE. And this is not the first time in the OSCE and I have never met such more outbursts of emotions by the Chairmanship, which in fact is mandated by this entire Council to facilitate the resolution of the issues in the OSCE. That is the major task of the Chairmanship.

I sincerely appreciate your authorities' efforts to find the way out, but unfortunately what you have just enumerated did not help us. And you see that our side constructively engaged in the processes. I have not seen that you have mentioned any time contacts with ODIHR. I have not heard any response to the questions we have asked at the last PC and at this one. Yes, my Minister did not respond the letter of your Minister because they both were in New York and he delegated this authority to me. And this is a usual practice

in diplomatic relations. So do not take it as an offence. Based on my humble experience in diplomacy I have responded to all good offices of the Chairmanship and addressed it to the Chairman of the Permanent Council with mostly agreeing to the points that the Chairman-in-Office enumerated. So, I can repeat them again, if you have forgotten what are the points made by Chairmanship.

First of all, he remains seized with the matter. We also remain seized with the matter and we wish to find the way out.

I would not like to interfere with the history of your relations with ODIHR. Our relations are quite different perhaps due to security environment and our relations with some of our neighbors.

The second issue that Chairman-in-Office have underlined that he thinks that there is a window of opportunity that should not be missed by the ODIHR. And we think that ODIHR should not miss that window of opportunity and our Delegation should agree with that.

Third point the he underlined is that he encourages us to engage and we also stand ready to engage. We have already reiterated this for several times. So, the engagement on the side of the Chairmanship and on the side of the Delegation is there, what is missing is that we do not see ODIHR. That is the point that we try to make. If you think that our challenge, that the Director of the institution has violated his mandate is unsubstantial please tell us what are the argument of your believe. We think that he has violated the mandate.

I am pretty convinced in the professionalism of my staff who by the way defend and promote the interests of Azerbaijan quiet well in the third basket and should not recall and name them. They have found that there is a violation of the mandate of ODIHR entrusted in the Budapest Summit meeting of 1994.

If you question that we could seat around and talk about, but neglecting it, ignoring it that is something we cannot accept. We cannot accept the similar attitude from the ODIHR. For the second time OSCE participating State raises an issue of the violation of the mandate and we do not still see any engagement. This is an indication of a problem that might exist in relations between participating States and ODIHR. It is not only our Delegation, which, by the way, last time has raised this and flagged it to you. There were at least 5-6 Delegations also supporting this. There should be more accountability of the structures because there are problems if we do not talk about them, if we do not discuss them. I am fully fine with the mandate and independence of ODIHR, but this independence has its limits until the mandate. It cannot go and compromise the interests of participating States. Because we have created this structure, it is not vice versa that he preaches us what we have to do.

So, I again suggest you madam Chairperson to contact you authorities and try to find ODIHR Director accountable for the actions he had taken. If there is no willingness, then we would only regret of it.

Thank you