



FOREIGN RELATIONS COMMITTEE

POINTS OF AGREEMENT ON THE ARMENIA-
AZERBAIJAN NAGORNO KARABAKH CONFLICT

ADOPTED ON DECEMBER 8, 2011

FROM THE FOREIGN RELATIONS COMMITTEE WITH POINT OF AGREEMENT ON THE ARMENIA-AZERBAIJAN CONFLICT OVER NAGORNO KARABAKH

Honorable Assembly:

A resolution with point of agreement on the conflict between Armenia and Azerbaijan was referred for study and subsequent development of opinion to the Foreign Relations Committee which was introduced by Depute Marcos Pérez Esquer, member of the Parliamentary Group of the National Action Party on September 6 2011.

The Foreign Affairs Committee of the Chamber of Deputies of the Congress, LXI Legislature, based on the provisions of Articles 39 and 45, paragraph 6, subparagraphs e), n and g) of the Organic Law of the General Congress of the United Mexican States, as well as 80, 85, 176 and 182, paragraph 3, of the Rules of the House of Representatives, subjects to consideration of this assembly this determination.

OPINION

Background

1. In late 1987 began the so-called "recent period" of the Armenia-Azerbaijan conflict, which is identified with attacks by Armenians towards Azerbaijani in Khankandí, also known as Stepanakert.

Between 1988 and 1989, constant attacks were raised in which at least 216 thousand Azerbaijanis were killed and 154 suffered serious injuries, also a mass deportation process originated of approximately 200 000 people.

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2. In late 1991 and early 1992, taking advantage of the political instability caused by the dissolution of the Soviet Union the conflict between Armenia and Azerbaijan intensified shifting to a military phase which began with combat operations by Armenian forces in Nagorno Karabakh.
3. During the night of 25 to 26 of February, 1992, there was an unprecedented massacre by the Armenian armed forces against the population of Azerbaijan in Khojaly, 613 Azerbaijanis were killed, including 106 women, 63 children and 70 elderly , 275 thousand people were taken hostage, while the fate of 150 people remains unknown. In addition, 487 residents of Khojaly were maimed, including 76 minors. 26 children were orphaned and 130 lost at least one parent. The attack was fully documented by various agencies of the Republic of Azerbaijan, and numerous independent sources.

After the genocide, the Armenian forces occupied the 7 districts surrounding the Nagorno-Karabakh region, Shusha (administrative center of Azerbaijan); Kalbajar, Aghdam, Fuzuli, Yabraíl, and Zangilán Gubadlí.

4. On April 30 and July 29, 1993, the Security Council of the United Nations (UN) adopted resolutions numbers 822 and 853, through which:
 - a) It demanded the immediate cessation of all hostilities, with a view to establishing a lasting ceasefire and the immediate withdrawal of all forces from Aghdam and Kalbajar, and other occupied territories of Azerbaijan;
 - b) Urged the parties concerned to resume negotiations to resolve the conflict and refrain from any action to obstruct the achievement of a peaceful solution;
 - c) Requested that free access for international humanitarian relief efforts in the region were allowed to alleviate the suffering of the civilian population, reaffirming

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that all parties are bound by the principles and norms of international humanitarian law; and

d) Requested the Secretary-General, in consultation with the Acting President of the Conference on Security and Cooperation in Europe (CSCE) and the Chairman of the Minsk Group of the Conference, assess the situation in the region and present a further report to Council.

On 14 October the same year, the Security Council adopted UN resolution number 874, by which, inter alia:

a) Called on the parties to make effective and permanent ceasefire;

b) Reiterated their full support to the peace process claimed in the framework of the OSCE;

c) Requested the immediate implementation of reciprocal and urgent steps provided by the Minsk Group of the CSCE, including the withdrawal of forces from the occupied territories;

d) Requested the early convening of the Minsk Conference of the OSCE to achieve a negotiated settlement;

e) Called on all parties to refrain from committing any violation of international humanitarian law, reiterating the call to allow access for international humanitarian relief services in the affected areas; and

f) Urged all states in the region to refrain from any hostile acts and from any interference or intervention which would lead to the escalation of the conflict and undermine peace and security in the region.

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On November 11, 1993, through Resolution No. 884, the Security Council of the UN, among other things:

a) Condemned the violation of the cease-fire established between the parties, which resulted in the resumption of hostilities and occupation of new territories of the Republic of Azerbaijan;

b) Urged the government of Armenia to ensure that its nationals established in the region of Nagorno-Karabakh comply with resolutions 822, 853 and 874 of the Security Council;

c) Demanded the interested parties to immediately cease hostilities and the unilateral withdrawal of armed forces from occupied territories in Azerbaijan;

d) Urged the parties concerned to resume and permanently enforce the cease fire and continue to seek a negotiated settlement;

e) Called back to the states in the region to refrain from any hostile acts and from any interference or intervention this would lead to the escalation of the conflict and undermine peace and security in the region;

f) Requested the Secretary-General and relevant international organizations, to provide urgent humanitarian assistance to civilians affected and to assist refugees and displaced persons to return home safely and with dignity.

With these resolutions, the Security Council of the UN reaffirmed the respect of the principles of sovereignty, territorial integrity and inviolability of international borders.

5. The armed conflict in the territories of the Azerbaijan Republic, led to the illegal occupation of almost one fifth of the territory of that state and at least one of every eight people became IDPs or refugees. 20 000 people were killed, 50 000 more



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were injured or became invalid, and it is estimated that approximately 5 000 are missing.

Economic areas of the country were severely affected; hospitals, homes, apartments, office buildings, auditoriums, schools, factories, irrigation systems, bridges, roads, water pipes and gas, and supply stations were destroyed. The damage inflicted on the Republic of Azerbaijan has been estimated at tens of billions of dollars.

6. Although on May 12, 1994, by decision taken at the OSCE summit in Budapest, a ceasefire was determined, Armenian forces have repeatedly violated the truce, most often beginning in 2003.

Considerations

The conflict between Armenia and Azerbaijan is based on the territorial dispute over the Nagorno Karabakh region of Azerbaijan. The result of this dispute has been 30 000 deaths, 20 percent of Azeri territory occupied by Armenia, and one million refugees and IDPs.

Since 1992, both countries hold negotiations on the negotiated settlement within the framework of the Minsk Group of OSCE (Organization for Security and Cooperation in Europe). The Security Council of the UN in 1993 adopted four resolutions demanding the immediate withdrawal of Armenian troops from occupied territories and supported the territorial integrity, sovereignty and internationally recognized borders of Azerbaijan. These resolutions have not been fulfilled.

The "roadmap" provides that to resolve the conflict peacefully, the Armenian forces must be withdrawn, according to the timetable set, the entire occupied territories around Nagorno-Karabakh and displaced persons within the territory should be



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able to return to their land. This plan refers to the deployment of international peacekeeping forces and the implementation of confidence-building measures between the parties.

Mexico has been characterized by championing progressive causes and fight for a fairer international order. The defense of self-determination of peoples, the refuge and asylum, international condemnation of militarism and expansionism, solidarity with developing nations, the active pursuit of peace and the adoption of nuclear weapon-free zones are examples of this. It has argued that respect for international law is a prerequisite for the establishment of aid and cooperation to be effective and fair for the solution of common problems mentioned above.

It must therefore reaffirm its adherence to international law, as formally consecrated in 1988 by incorporating the principles and purposes of the United Nations to our Constitution.

Article 89. The duties and obligations of the President are as follows:

I. ...

X. To direct the foreign policy and international treaties, as well as end, denounce, suspend, modify, amend, and withdraw reservations and formulate interpretative declarations thereon, subject to the approval of the Senate. In conducting such a policy, the Executive Power shall observe the following guiding principles: self-determination of peoples, nonintervention, and the peaceful settlement of disputes, the prohibition of the threat or use of force in international relations; legal equality of states, international cooperation for development, respect, protection and promotion of human rights and the struggle for peace and international security;



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These foreign policy principles are regulated by international law and are prior to its annexation to our Constitution in 1988 and should be interpreted in the light of the UN Charter, without exception, these constitutional principles derived from first principles regulated by international law and its legal system is linked to other international standards. Thus the principle of non-intervention is enshrined in the UN Charter, which provides in article 2., Paragraph 7, that: "Nothing in this Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of states, or shall require the Members to submit such matters to settlement under the present charter, but this principle shall not prejudice the application of enforcement measures under Chapter VII".

Our country has always had a full awareness of the validity of law in the international arena and the need for the relations between states to be governed by a legal order, the source of an atmosphere of peace and security. Has been and is also aware that in all relations of coexistence which by their nature are likely to be regulated by legal principles, the conduct of states should be regulated by law and not guided by circumstantial concepts of a political order.

For the abovementioned reasons and sound arguments the Committee on Foreign Affairs, submits to the floor of the House of Representatives the following:

POINT OF AGREEMENT

First. The Chamber of Deputies of the Congress of the Union condemns the occupation of the Nagorno Karabakh territory of the Republic of Azerbaijan and the deaths, injuries and humiliation caused to residents of the Republic of Azerbaijan, particularly those that took place in the "Genocide of Khojaly "as well as those



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verified that follow from the violation of the ceasefire pact established between the parties, which resumed hostilities.

Second. Regrets that the conflict between Azerbaijan and Armenia remain, has not found the solution through the different mechanisms implemented by the parties involved and international organizations, so we call to the various involved parties to strengthen the dialogue to solve the conflict, considering it as the adequate mechanism for the exchange of views and proposals that contribute to the strengthening of international relations, and at all time safeguarding the fundamental principles of peaceful coexistence among nations, such as self-determination of peoples, non-intervention, peaceful settlement of disputes, prohibition of the use of force in international relations, the legal equality of states, international cooperation for development and the struggle for peace and international security.

Third. The Chamber of Deputies of the Congress, calls on the holder of the Federal Executive Power so that through our representation in the UN, within their respective competencies, to file a report on the humanitarian crisis prevailing in the Republic of Azerbaijan, also, that based on their powers, allowing effectively protect the human rights of civilians in that country.

Fourth. The Chamber of Deputies of the Congress, within their respective jurisdictions, respectfully requests that the holder of the Federal Executive Power, to instruct the representative of Mexico to the United Nations Organization, to promote the activities it deems appropriate in order to urge the government of the Republic of Armenia to comply with resolutions 822, 853, 874 and 884 of the Security Council and issued by the Council of Europe.

Fifth. It urges the holder of the Federal Executive Power, to the extent of his competence, to present on behalf of the Mexican state to international bodies, an



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exhortation to the Republic of Armenia to conduct an immediate cessation of hostilities and violence against Azerbaijani civilians, and the immediate withdrawal of their armed forces from the territories of the Republic of Azerbaijan, and to the interested parties to refrain from any hostile act and interference or intervention that may cause a wider conflict and undermine peace and security in the region.

Presented in the Chamber of the House of Representatives on 30th of November 2011.

Proponent: **Pérez Esquer Marcos (PAN) , Foreign Relations Committee**

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Proposals

From Sen. Carlos Jimenez Macias, chairman of the Committee on Foreign Affairs, Asia Pacific, containing the point of agreement which urges the governments of Armenia and Azerbaijan to resume the negotiations to finish peaceful process in Nagorno-Karabakh region.

PRESENTED TO THE COMMITTEE ON FOREIGN AFFAIRS, ASIA PACIFIC

Adopted Document



Sen. Carlos
Jiménez Macías



POINT OF AGREEMENT PROPOSAL WHICH SEN. CARLOS JIMENEZ MACIAS, CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS, ASIA PACIFIC PROPOSES. BY WHICH THE SENATE, WITH FULL RESPECT TO THE SOVEREIGNTY OF THE PEOPLE OF ARMENIA AND AZERBAIJAN, URGES THEIR GOVERNMENTS TO FOSTER IN THE MOST PROMPT AND EXPEDITE MANNER, ENCOUNTERS UNDER THE FORMAT THAT IS CONSIDERED MOST AUSPICIOUS, IN ORDER TO ACHIEVE AN AGREEMENT THAT WOULD PUT A DEFINITIVE END TO THE CONFLICT IN THE REGION OF NAGORNO-KARABAKH AND MAKES A CALL TO THE CO-CHAIRS OF THE OSCE MINSK GROUP, TO CONTINUE OFFEERING BOTH GOVERNMENTS ALL THE SUPPORT NECESSARY TO FACILITATE A PEACEFUL AND LASTING SOLUTION TO THE CONFLICT.

Honorable Assembly;

he who subscribes, Carlos Jimenez Macias, Senator of the Parliamentary Group of the Institutional Revolutionary Party to the LXI Legislature of the H. Congress of the Union, based on the provisions of Articles 8, Section II and 276 of the Rules of the Senate, I submit for the consideration of this sovereignty the following proposition with a Point of Agreement, in accordance with the following:

CONSIDERATIONS

On February 26, 1992, troops from Armenia's armed forces attacked the civilian population of Khojaly, in the Nagorno-Karabakh region in Azerbaijan, in an action that international human rights organizations did not hesitate to qualify as genocide, causing the death of hundreds of people mainly for reasons of ethnicity.

According to figures that have been in use through time, 613 people died and over 1200 were taken as hostages, of which about 150 their destination is unknown, even to this day.

In 1992 within the framework of the Organization for Security and Cooperation in Europe (OSCE) the Minsk Group was established (led by Russia, USA and France) to promote a peaceful and negotiated solution to the conflict between Armenia and Azerbaijan over the Nagorno-Karabakh region.

On May 12, 1994 under the auspices of the so-called Minsk Group of OSCE and pressure from the international community, a ceasefire was determined, despite this the conflagration remains latent through the violations of that status, in which unfortunately have died not only members of the armed forces but also civilians residing in the territories adjacent to the conflict zone.

The current terms of settlement of the conflict in Nagorno-Karabakh, known as the Basic Principles for a solution between the countries of Armenia and Azerbaijan (Madrid principles) were presented to the presidents of Armenia and Azerbaijan, by the foreign ministers of France and Russia, as well as the Undersecretary of State of the United States on November 2007 in the capital of Spain. The Madrid Principles state:

- a) The recovery by the Republic of Azerbaijan of the surrounding territories of the Nagorno-Karabakh region which were occupied by Armenian forces during the conflict;
- b) The restoration of all communications and interconnected infrastructure in Nagorno Karabakh and its surrounding 7 districts;
- c) The right of residents, displaced persons and refugees to return to their former places of residence;
- d) A provisional statute for Nagorno Karabakh which provides security and self-governance guarantees;
- e) A path that communicate the Republic of Armenia with the Nagorno-Karabakh region;
- f) The determination of a future final statute of the Nagorno-Karabakh region in a manner which allows the expression of will by its population in a legally binding way; and
- g) International security guarantees, including a peacekeeping operation.

According to a statement issued following the Sochi summit in Russia, on March 5, 2010, the Minsk Group co-chairs expressed their conviction that it is time for the parties of the conflict in Nagorno-Karabakh to take a decisive step towards its settlement by peaceful means.

Although the IX Summit in Kazan on June 24, 2011 between the mandataries of Russia, Armenia and Azerbaijan ended without an agreement, in the Joint Statement issued after the meeting, the parties noted the progress in the search to find a solution to the conflict.

The people of the world committed to peace, must make an appeal that within the frame of their respective sovereignties, the governments of the countries involved in the conflict, to resume shortly, under the channels they consider most appropriate, the negotiations to conclude this tragic episode in human history, to ensure peace with lasting justice.

To reach a negotiated solution can effectively lead to stability, reconciliation and the opening of opportunities for regional development and cooperation.

Based on the principles that drive the participation of Mexico in the context of nations and according to the statement made by Mexico to the United Nations, in favor of promoting the resolution of this conflict through dialogue and the established regional channels, which has the acceptance of all parties involved, the Senate believes that both governments must reach an agreement through dialogue and negotiation.

For all the previously stated, I submit for the consideration of this Honorable Assembly, the following proposition:

Point of Agreement

First. - The Senate, with full respect for the sovereignty of the people of Armenia and Azerbaijan exhort their governments to promote in the most prompt and efficient way, encounters in the format that is considered most suitable, in order to achieve an agreement which would put a definitive end to the conflict in the Nagorno-Karabakh region, and calls on the co-chairs of the OSCE Minsk Group, to continue providing both governments with all the necessary support needed to facilitate the peaceful and lasting solution to the conflict.

Second. - Remembering that more than 19 years after the massacre of Khojaly, justice has not reached the victims, which manifests that a central element to any peace accord should be to put measures into place, as soon as possible, to contribute in healing the bonds between the people and rebuild as soon as possible the harmony between both societies.

Sen. Carlos Jimenez Macias
Chairman of the Foreign Relations Committee, Asia-Pacific

Given at the Session Hall, Mexico, D.F. on the 6th day of September two thousand and eleven.