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Illegal activity of foreign companies in the occupied territories of Azerbaijan

Written question No 514 to the Committee of Ministers
presented by Mrs Pashayeva

Armenia, pursuing the aggressive policy against Azerbaijan, has occupied 20 % of its territories since 1990. Moreover, Armenian aggressors, having conducted the policy of ethnic cleansing in the occupied territories, slaughtered dozen thousands of peaceful inhabitants including women, children and elderly persons. Nearly 1 million Azerbaijanis were driven out of their native lands and now they have been living as internally displaced persons for 12 years.

Besides, Armenian armed forces are destroying historical-cultural monuments belonging to Azerbaijanis in the occupied Azerbaijani territories trying to annihilate the signs of Azerbaijanis on these soils.

Resolution 1416 (2005) adopted by the PACE indicates that Armenian forces should withdraw from Azerbaijani territories occupied by them and facilitate to return of the IDPs to their lands. Since adoption of the resolution Armenia not only has failed to implement its provisions but also broadens the actions in the occupied Azerbaijani territories, in full contradiction to international legal norms and conventions.

Armenia and the separatist regime of Nagorno-Karabakh by various means draw foreign companies to invest illegally in the occupied Azerbaijani territories. This is contradictory to the international conventions. 69 foreign companies are at present pursuing activity in the occupied Azerbaijani territories without any permission from official Baku. These companies include Global Gold, Arslanian, Lincy, several rug-weaving, wood-processing and other factories (USA), First Dynasty Mines, Sterlite Gold Ltd., Grand Tobacco, F.D. (Canada), Akopian, Vartanian, Framaton, Mak-Mak Adamas, Pernod Ricard (France), Siemens, Schneider (Germany), Simon Petroleum Technology (UK), Zvezda (Russia), Partex (Portugal), Franck Muller, Andre Group, Alpoto (Switzerland), Australiya Nairi Ltd., Tida Joint Venture (Australia), FKX (Argentina), Karabagh Telecom, Shusha (Lebanon), Thomson (Netherlands), Intracom (Greece), Mc & Co (Cyprus), Gideon Richter (Hungary), as well as companies belonging to some CIS countries, etc. These companies are active in such fields as exploitation of gold mines, valuable ores and minerals, forests and other natural resources, renting soils in the occupied Azerbaijani territories.

In accordance with statistics, 35 % of the occupied territories were leased to foreign nationals and companies for 20 years. 37 % of the forests, remaining under occupation, are controlled by foreign entrepreneurs.

Only within 8 months of 2006, 897 ha of forest zones have been destroyed. In this area 7 wood processing plants belonging to French, Belgian, US, Iranian, Greek, Japanese, German companies function illegally. The OSCE observers have eye-witnessed transportation of trees from the forests of Kalbajar.

The entrepreneurs of Saudi Arabia, Kuwait and UAE have spent 111 million US dollars for mineral water sources of the occupied Azerbaijani districts of Lachin and Kalbajar. Beginning from March 2007 the spring waters of Lachin and Kalbajar are planned to be packed and transported to Arabian countries.

Hague Convention IV on Laws and Customs of War on Land, namely Article 55, reads:

'the occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied territory. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct'. In other words, title to such property shall not pass to the occupying State, and upon termination of the war, the seized items and real estate shall be restored.

According to Oppenheim, "immovable private enemy property may under no circumstances or conditions be appropriated by an invading belligerent. Should he confiscate and sell private land or buildings, the buyer would acquire no right whatever to the property... if the occupant has appropriated and sold such private or public property as may not legitimately be appropriated by a military occupant, it may afterwards be claimed from the purchaser without payment of compensation".

Having expressed its deep concern over such illegal actions of Armenia and the separatist regime of Nagorno Karabakh, which are contradictory to the international conventions,

Mrs Pashayeva asks the Committee of Ministers:

- whether Council of Europe would urge member states to review and put an end to their respective national companies' involvement into illegal activity in the occupied territories of Azerbaijan pursued in collaboration with the occupational authorities and without consent of the Government of the Republic of Azerbaijan ;

- why Foreign Ministers of member states do not provide complete information on their respective national companies' involvement into illegal activity in the occupied territories of Azerbaijan, as well as in other conflict zones throughout the Council of Europe space (for example, Abkhazia, and South Ossetia in Georgia, Transdnistria in Moldova)? This could simplify setting up monitoring group dealing with investigation of the state of the natural resources in the conflict zones;

- why does the Committee of Ministers refrain from making use of effective mechanisms at its disposal to influence the Government of Armenia to abstain in the future from actions that prevent lasting peace in the region from being achieved, including its continued non-compliance with the PACE Resolution 1416 (2005)?

*Signed*¹:

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¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group