

Chairmanship: Moldova**761st PLENARY MEETING OF THE FORUM**

1. Date: Wednesday, 23 July 2014

Opened: 11.05 a.m.

Closed: 1.30 p.m.

2. Chairperson: Ambassador A. Popov

Prior to taking up the agenda, the Chairperson, on behalf of the Forum, expressed condolences to the families of those who lost their lives in the tragic crash of Malaysian Airlines flight MH17 in Ukraine.

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: GENERAL STATEMENTS

(a) *Downing of Malaysia Airlines flight MH17 in eastern Ukraine:* Ukraine (FSC.DEL/139/14), Italy-European Union (with the candidate countries Albania and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as Georgia, San Marino and Ukraine, in alignment) (FSC.DEL/138/14/Rev.1), Netherlands (Annex 1), United States of America (Annex 2), Canada, Russian Federation, United Kingdom, France

Point of order: Canada

(b) *Results of the donors' impact and assessment visit to Moldova, conducted from 13 to 16 July 2014:* FSC Co-ordinator for Projects on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition (United States of America), Chairperson

(c) *Informal meeting on the OSCE project on the disposal of hazardous chemicals in Albania, held on 22 July 2014:* FSC Co-ordinator for Projects on Small

Arms and Light Weapons and Stockpiles of Conventional Ammunition
(United States of America), Germany, Albania

- (d) *Large-scale military exercises conducted in Azerbaijan and Armenia,
respectively: Armenia, Azerbaijan*

Agenda item 2: ANY OTHER BUSINESS

Matters of protocol: Spain, Chairperson, Germany, Cyprus

Agenda item 3: CLOSING STATEMENT BY THE CHAIRPERSON
OF THE FORUM FOR SECURITY CO-OPERATION,
AMBASSADOR ANDREI POPOV

Chairperson (FSC.DEL/137/14), Monaco, Malta

4. Next meeting:

Wednesday, 10 September 2014, at 11 a.m., in the Neuer Saal



761st Plenary Meeting

FSC Journal No. 767, Agenda item 1(a)

STATEMENT BY THE DELEGATION OF THE NETHERLANDS

Mr. Chairperson,

While subscribing to the EU statement which has just been read out, I would like to add a few words in my national capacity. First of all we would like to thank all those who have extended their condolences to us, sharing the grief we suffer through the tragic loss of 193 Dutch citizens as a result of the crash of Malaysia Airlines flight MH17. I will not repeat the statements made by my ambassador last Friday in the Permanent Council, or by my Minister of Foreign Affairs last Monday in the United Nations Security Council, but I would also like to extend my condolences to all other nations which have suffered losses because of this terrible incident. The priority is now on the humanitarian efforts to repatriate the remains of the victims and return them to their loved ones, as is being done on this National Day of Mourning when the first flight with remains is expected in the Netherlands this afternoon. Subsequently, an impartial, independent and international investigation is required as to the circumstances leading to this crash. Should an investigation show that this tragedy is the result of the use of weapons, the Netherlands will condemn this despicable act in the strongest terms and will demand that all those responsible, both directly and indirectly, be held accountable and be brought to justice. This is our moral obligation to the memory of the victims and our duty in the face of international law and justice. My country will not rest until justice is served.

This incident happened over the territory of eastern Ukraine, where Russian-backed separatists furnished with Russian equipment and arms continue to destabilize the region. Verification of true facts on the ground continues to be a difficult undertaking, since the safety of observers in the Special Monitoring Mission and in teams operating under the Vienna Document cannot be guaranteed. None of the so-called facts that the Russian Federation keeps referring to can be verified by any objective means. Apparently, the absence of the facts, which has been truthfully reported in the SMM reports, can be interpreted to indicate that the team does not see the full picture. Apparently, the Russian Federation does have that full picture, although there is no way to substantiate their claims. As has been done many times before by many participating States around this table, we request the Russian Federation to cease spreading massive amounts of propaganda both inside this room and outside, even through official notifications such as the message CBM/RU/14/0102/F41/O.

The Russian Federation should start by inviting teams onto Russian territory to establish facts on the ground, to the maximum extent possible, under the Vienna Document, and also support SMM and Vienna Document teams in the verification of facts on Ukrainian territory, by using its influence over the separatists to create a safe and secure area where full observations can be made. Ukraine is already doing its best to build trust and confidence and create these conditions of security and transparency. It is not in any way helpful to make continuous references to Open Skies flights, or previous, less relevant inspections in both Ukraine and Russia, to try to create an impression of innocence, as was done in paragraph 4 of the above-mentioned Russian response to the Ukrainian clarifications. It is even claimed that one visit by a few military attachés to the Rostov region, intended to show unclear results of what seemed to have been a stray grenade shell on Russian territory, had some relation to a verification of units of the armed forces of the Russian Federation. I'm afraid to say that the Russian organizers missed a great opportunity that day. Even after several requests by the military attachés to see an exercise area close by to verify that no troops were present, the inspection, the results of which could have supported the Russian claims, was consistently refused by the Russian host. When Open Skies flights or inspections not relevant in date or time show no direct proof of facts which are claimed to be true by any party, it does not imply that the facts claimed are false. In order to prove one's innocence, one has to be as open and transparent as possible, which implies having boots on the ground to assist you in making claims of impartiality and in substantiating the facts you claim to be true.

And yes indeed, the current system of inspections under the Vienna Document regime, which all too often have been used for merely evaluating peacetime locations of units, instead of observing unusual or unexpected military activity, might well have to be improved. The whole Vienna Document contains elements which, after 20 years of use, need to be updated and modernized. But instead of using this fact and supporting constructive modifications to the Vienna Document, the Russian Federation only discredits in paragraph 5 of their notification all the professional teams which have been working strictly within the confines of the current procedures together with the Ukrainian authorities, which obviously can only have limited results. So, instead of taking a dim view of the effect Vienna Document inspections can have in the current crisis, the Russian Federation would be better advised to use all chapters, especially III, IX and X, to prove their stance in the matter.

This brings me to the final point of my intervention. In the above-mentioned Russian response to clarification, the Russian Federation continues to refer to the extension of its zone of application of CSBMs to the Ukraine region of Crimea and Sevastopol, as they also stated in their intervention to the FSC on 9 April 2014. We will repeat our view on this matter as often as necessary, and will stress it again now. The territorial acquisition by the Russian Federation in the form of the annexation of the Autonomous Republic of Crimea, an integral part of Ukraine, is null and void under international law. The region of Crimea and Sevastopol is territory of Ukraine within its internationally recognized borders. Ukraine is the only participating State which can exercise all rights and fulfil all obligations under the Vienna Document in this part of their zone of application, as decided by consensus by all 57 participating States around this table. These rights and obligations cannot be undone by a unilateral Russian decision. The Netherlands, which subscribes to the European Union view, reiterates its strong condemnation of the illegal annexation of Crimea and Sevastopol by the Russian Federation and will not recognize it. This phrase may sound ritual to the Russian Federation, but it will not be ritual in its consequences, as can be deduced from yesterday's European Council conclusions on Ukraine.

Thank you, Mr. Chairperson, and may I request that this statement be attached to the journal of the day.



761st Plenary Meeting

FSC Journal No. 767, Agenda item 1(a)

**STATEMENT BY
THE DELEGATION OF THE UNITED STATES OF AMERICA**

Thank you, Mr. Chairperson, for your leadership during this spring 2014 session of the FSC. This has been a period of exceptional challenge for your nation and your neighbour Ukraine. In that difficult context, you have successfully continued a security dialogue in this body on a wide range of issues, even as we have been focusing on events in Ukraine. During the session we have seen the Vienna Document utilized as a tool to provide some transparency during the current crisis, notably through the use of its verification provisions for on-site visits to Ukraine and the invocation of its risk reduction mechanisms, reflecting the importance of the continued implementation and modernization of the Vienna Document. It is especially important in the context of the events of the last month that we have also started the chapter-by-chapter review of the Vienna Document. There is still important work to be done, and we look forward to continuing our work in the autumn FSC session.

Much of the world's attention this past week has rightfully focused on the downing of Malaysian Airlines flight MH17. Our President has publicly extended the deep sympathy of the American people to all those affected by this tragic and unnecessary loss of life. All in this room must of course think most particularly of our Dutch colleagues, since so many citizens of the Netherlands were travelling on the flight. We applaud the hard work of the OSCE's Special Monitoring Mission to assist in facilitating the investigation. As President Obama has said, evidence indicates that the plane was shot down by a surface-to-air missile that was launched from an area controlled by Russian-backed separatists inside of Ukraine. This tragedy highlights the need for the Russian Federation to immediately cease its military support to separatists in Ukraine.

Starting in late February, Russian military build-up along its border with Ukraine, followed by Russia's occupation and purported annexation of Crimea in March, and Russia's increasing support for violent separatists in eastern Ukraine have led to a crisis in the region that continues to this day. Over the past three months of this spring session, the FSC has responded as needs have arisen and has seen:

- Use of Vienna Document, Chapter III, observation missions to Ukraine with teams led by Denmark, Poland, Benelux, Germany, Canada, the UK, Sweden and the U.S.;

- Requests by several participating States for clarification of unusual military activities being conducted by Russia and Russia's failure to participate in meetings to discuss those requests.

In accordance with what we have heard from Ukraine and a number of other concerned participating States in the FSC, it is the assessment of the United States that Russia is continuing to provide separatists in eastern Ukraine with heavy weapons, military equipment and financing, and is continuing to allow militants to enter Ukraine freely. Russia continues to mass its troops along the Ukrainian border. Let me review some pertinent facts:

- Over the past month we have detected an increasing amount of heavy weaponry being sent to separatist fighters across the border from Russia into Ukraine. From 11 to 13 July, Russia sent a convoy of military equipment with up to 150 vehicles including tanks, armoured personnel carriers, artillery and multiple rocket launchers to the separatists. We also have information indicating that Russia is providing training to separatist fighters at a facility in south-west Russia, and that this effort has included training on air defence systems;
- Russia continues to accumulate significant amounts of equipment at a deployment site in south-west Russia, including tanks of a type no longer used by the Russian military, as well as armoured vehicles, multiple rocket launchers, artillery, and air defence systems;
- We are concerned that much of this equipment will be transferred to Russian-backed separatists. We are confident that Russia has already delivered tanks and multiple rocket launchers to them from this site;
- Available information indicates that Moscow has recently transferred some Soviet-era tanks and artillery to the separatists;
- Social media videos of separatist military convoys suggest that Russia recently has probably supplied the separatists with at least two dozen additional armoured vehicles and artillery pieces and about as many military trucks;
- Publicly available videos posted on 14 July of a Luhansk convoy on the road to Donetsk revealed at least five T-64 tanks, four BMP-2 armoured personnel carriers, BM-21 multiple rocket launchers, three towed anti-tank guns, two ZU-23-2 anti-aircraft guns, and probably a 2B16 mortar;
- A video made of Krasnodon, near the Izvaryne border crossing, on 11 July showed two BTR armoured personnel carriers, two anti-tank guns, and various trucks on a road heading in a westerly direction towards Donetsk;
- Ukrainian forces have discovered large amounts of military equipment provided by Russia, including accompanying documentation verifying the Russian origin of the said equipment, in the areas they have liberated from the separatists;
- Photographs of destroyed or disabled separatist equipment in eastern Ukraine have provided corroborating evidence that some of this equipment came from Russia;

- Separately, Russia continues to redeploy new forces extremely close to the Ukrainian border. We have information that a significant number of additional military units are also in the process of being deployed to the border.

As we conclude our work for this session, the United States would like to recall, with deep disappointment, that in this moment of crisis some of the mechanisms we have all agreed to respect and to implement have not, in fact, been implemented by all participating States, to the great detriment of trust and confidence in this security community. At no time in the history of the Vienna Document have there been so many instances where the risk reduction mechanisms have been invoked by a participating State concerned about security developments in its region, only for those requests for clarification to be ignored or dismissed by the participating State to whom the inquiries were addressed.

Let us hope that during the autumn session all participating States will resume work with renewed seriousness of purpose and commitment to co-operative approaches to security. We remain concerned about events in and near Ukraine. All participating States must remain alert and be ready to respond as the situation requires.