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Delegation of Ukraine

**STATEMENT BY  
THE DELEGATION OF UKRAINE AT THE 766th MEETING OF THE  
OSCE FORUM FOR SECURITY CO-OPERATION**

15 October 2014

Ladies and gentlemen,  
Mr. Chairperson,

In 2014 Ukraine found itself in an unusual situation in which no other OSCE participating State has found itself. As a result of events with which you are all familiar, there were some odd developments in the implementation of the Vienna Document 2011 on Confidence- and Security-Building Measures.

The main paradoxical peculiarity is that military activity by a foreign State occurred on Ukrainian territory and, for reasons beyond our control, we are unable to notify the OSCE participating States of this activity, as stipulated in Chapter I of the Vienna Document.

The second peculiarity is the increase in the number of personnel not belonging to Ukraine, the deployment of troops and other paramilitary units not belonging to Ukraine and the concentration and increase in the number of pieces of military equipment and armaments not belonging to Ukraine which fall under international treaties, including the Vienna Document.

Under these circumstances, Ukraine, respecting other OSCE participating States, showing a high degree of responsibility towards the implementation of its international commitments and employing Chapters III, IX and X, evaluated the possibilities provided by the Vienna Document for monitoring the politico-military situation in the country.

In total, nine inspections in addition to those provided for under the quotas were conducted on Ukrainian territory in 2014 pursuant to Chapters III and X of the Vienna Document, in which representatives of many OSCE States participated. The tenth such inspection is currently being conducted and is led by Canada.

Bearing in mind that, in accordance with Chapter III, in order to conduct fundamentally new types of inspections the host State should notify interested participating States, I should like to thank those who responded to our invitation.

Special thanks go to Canada, Denmark, Germany, Hungary, the Netherlands, Poland, Sweden, the United Kingdom and the United States of America, which assumed the role of leading State.

On the basis of Chapter III of the Vienna Document, Ukraine, concerned at the aggressive actions of a neighbouring State, repeatedly requested that clarification be provided regarding the unusual military activity of the armed forces of that State near the Ukrainian State border.

You are aware of the responses to those requests, and I see no sense in commenting on them. The State in question has been seen to ignore OSCE principles in all its actions, including its failure to participate in the consultations and meetings of all participating States convened by Ukraine in accordance with paragraphs 16.2 and 16.3.

The broadening of the scope of Chapters IX and X is evidence of Ukraine's openness in the implementation of the Vienna Document. In particular, we did not restrict the size of the area and the duration of the inspection for the inspecting States. As you are aware, in accordance with Chapter IX, "Compliance and Verification", paragraph 80, the size of the inspection area must not exceed the area required for army level activity, and the duration of the inspection is 48 hours.

We also introduced new elements in the procedures for the inspections themselves. The inspectors had an opportunity to receive an expanded list of briefings, in particular from regional government officials, the Ministry of Internal Affairs, the State Border Service and other agencies.

I should like to underscore the importance and practical use of regional agreements for strengthening friendly relations between military personnel, as provided for by Chapter X of the Vienna Document.

Inspections on a basis of parity with Hungary, Slovakia, Poland, Belarus and (in the very near future) Romania are bringing our views on European security issues closer together.

Confidence-building between neighbouring States is facilitated by:

- Reducing to a tactical level military activity to be observed in the zone of application of bilateral agreements;
- Prohibiting the conduct of battalion level exercises within 10 to 20 kilometres of State borders;
- Ensuring transparency in the military activity of other armed units in the immediate vicinity of borders.

However, as experience has shown, against the background of the positive opportunities provided by the Vienna Document a number of questions exist which could be examined at meetings of the Forum for Security Co-operation.

This matter is discussed in detail in a report prepared by the University of Ljubljana, Slovenia.

In addition, allow me to set out our wishes.

Many States take the view that the Vienna Document was created as an early warning instrument. We can agree with this. Then there has been the idea of providing the Vienna Document with fresh content. The importance of this was underscored by the representatives of OSCE participating States during the inspections in Ukraine.

If we consider the question of the use of the Vienna Document in “crisis situations”, a topic for discussion could be the assessment of the existing mechanisms of political leverage of the Vienna Document for the prevention of the growth (escalation) of threats and the development of new such mechanisms.

Experts conventionally divide the process of threat growth into stages:

- First – the arising, growth and escalation of differences;
- Second – the emergence of real threats;
- Third – the development of a conflict and the emergence of a “crisis situation”.

Experience has shown that using the existing Vienna Document mechanisms at all these stages is highly problematic and ineffective owing to the diffuseness or absence of corresponding procedures.

Even prior to the emergence of differences, the global nature of ceilings for military activity and the minimum number of quotas entitles States to ignore Chapter I of the Vienna Document on providing information and also to avoid the observation of military activity.

Chapters IX and X of the Vienna Document are also weak in this regard.

In circumstances involving a “crisis situation”, “indirect and covert” aggression and a “hybrid” war, it is unrealistic to examine the situation on the ground owing to the *force majeure* mechanism. The use of Chapters III, IX and X of the Vienna Document in Ukraine confirmed this.

On our territory we did not use *force majeure*, which enables States to refuse to accept inspection teams.

At the same time, we informed the inspecting States of the absence of security guarantees for their inspectors in certain parts of Ukraine. This warning did not prove an obstacle, a fact that emphasizes the genuine desire of these States to strengthen peace and restore confidence between States.

The unprotected status of the inspectors gave rise to serious concern.

Practice has repeatedly confirmed that the status defined in paragraph 92 of the Vienna Document 2011 is insufficient for conducting inspections in unusual circumstances. Without a clear mechanism guaranteeing the physical security of the inspectors and corresponding sanctions, inspections in crisis situations are dangerous. This was clearly illustrated by what happened in Sloviansk.

I should also like to draw attention to the political responsibility of States for honouring their commitments.

You will agree that something is wrong when a State acting in a manner that gives rise to concern ignores consultations convened under the Vienna Document.

In this connection, we believe that the provisions of Chapter III should be revised, taking into account the following points:

1. The State being requested to provide information in accordance with paragraph 16.1 should provide the most detailed explanations regarding its military activity which is giving rise to concern and should not limit itself to a formal reply.
2. The State being requested to provide information should be obliged to participate in events in accordance with paragraphs 16.2 and 16.3 of the Vienna Document at the highest level, including the invitation of officials from the capital.

It is of fundamental importance to develop a mechanism of compulsory/obligatory verification of military activity giving rise to concern regardless of the number of forces and pieces of equipment involved in it.

It seems to us that the Vienna Document will quickly lose its relevance if the participating States are unable to find a way of ensuring that the current situation in Ukraine is reflected in it. In that connection, we believe it would be relevant and timely if the delegations were to work on elaborating the term “hybrid war” with a view to further inclusion of a relevant provision on its prevention in a constantly updated Vienna Document.

In conclusion, let me draw your attention to another important question – the honouring of commitments on the exchange of information.

It is to be desired that all States should respect the agreed measures for strengthening confidence and provide real annual information on the number and deployment locations of conventional armaments and equipment and also information on the presence of personnel outside the borders of their State.

We hope that all the OSCE participating States will submit in good time the information stipulated in Chapter II of the Vienna Document, “Defence planning”.

We expect innovative work in the spirit of the Vienna Document in December at the annual Heads of Verification Centres meeting and also at the Annual Implementation Assessment Meeting.

Thank you for your attention.