

Chairmanship: Austria**SPECIAL MEETING OF THE PERMANENT COUNCIL
(1140th Plenary Meeting)**1. Date: Wednesday, 5 April 2017

Opened: 3.35 p.m.

Closed: 6 p.m.

2. Chairperson: Ambassador C. Koja
Ambassador K. Kögeler

Prior to taking up the agenda, the Chairperson, on behalf of the Permanent Council, offered condolences to the Russian Federation in connection with the explosion on a metro train in St. Petersburg on 3 April 2017. The Russian Federation thanked the Chairperson and delegations for their expressions of sympathy (PC.DEL/456/17).

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

Agenda item 1: UPDATE ON THE SITUATION IN EASTERN UKRAINE

- INTRODUCTORY REMARKS BY THE POLITICAL DIRECTOR OF THE FEDERAL MINISTRY FOR EUROPE, INTEGRATION AND FOREIGN AFFAIRS OF AUSTRIA, AMBASSADOR ALEXANDER MARSCHIK
- STATEMENT BY THE SECRETARY GENERAL OF THE OSCE
- UPDATE BY THE SPECIAL REPRESENTATIVE OF THE OSCE CHAIRPERSON-IN-OFFICE IN UKRAINE AND IN THE TRILATERAL CONTACT GROUP, AMBASSADOR MARTIN SAJDIK
- UPDATE BY THE CHIEF MONITOR OF THE OSCE SPECIAL MONITORING MISSION TO UKRAINE

– STATEMENT BY THE REGIONAL DIRECTOR FOR EUROPE AND
CENTRAL ASIA OF THE INTERNATIONAL COMMITTEE OF THE RED
CROSS, MR. PATRICK VIAL

Political Director of the Federal Ministry for Europe, Integration and Foreign Affairs of Austria (PC.DEL/458/17), Secretary General, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine, Regional Director for Europe and Central Asia of the International Committee of the Red Cross (PC.DEL/470/17 OSCE+), Malta-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Georgia and Moldova, in alignment) (PC.DEL/467/17), Russian Federation (PC.DEL/457/17), Switzerland (PC.DEL/475/17 OSCE+), Turkey (PC.DEL/461/17 OSCE+), United States of America (PC.DEL/462/17), Canada (PC.DEL/469/17 OSCE+), Kazakhstan, Belarus, Norway (PC.DEL/479/17), Georgia (PC.DEL/464/17 OSCE+), Holy See (PC.DEL/460/17 OSCE+), Ukraine (Annex 1), Austria (Annex 2)

Agenda item 2: REVIEW OF CURRENT ISSUES

None

Agenda item 3: ANY OTHER BUSINESS

None

4. Next meeting:

Thursday, 6 April 2017, at 10 a.m., in the Neuer Saal



1140th Plenary Meeting
PC Journal No.1140, Agenda item 1

STATEMENT BY THE DELEGATION OF UKRAINE

Mr. Chairperson,

We wish to start by thanking the Chairmanship for convening today's special meeting of the Permanent Council and by thanking our distinguished speakers for their contributions to our debate and the assessments they shared with us.

When addressing the Permanent Council in January, Ambassador Martin Sajdik pointed out that security is a key for advancing on political, humanitarian and economic issues. Today security is again the highlight of the debate and the matter of deep concern.

Indeed, the security starting with a comprehensive and sustainable ceasefire is the very first provision of each of the three Minsk agreements: the Protocol of 5 September 2014, the Memorandum of 19 September 2014 and the Package of Measures of 12 February 2015, under which both Ukraine and the Russian Federation assumed their obligations with the mediation of the OSCE. To our deepest regret, for two and a half years we have not witnessed the political will on the part of Russia to start implementing the Minsk agreements by establishing and keeping the ceasefire regime.

Having carried out in one year of 2016 over 16,000 shelling attacks (5,000 of them with the use of the Minsk-proscribed heavy weapons), the hybrid Russian forces started this year with further escalation of hostilities accompanied by Kremlin's political moves in contravention of the Minsk agreements.

Only in the last three months (1 January to 4 April) 75 Ukrainian servicemen were killed and 517 were wounded. The shellings of the hybrid Russian forces deliberately target residential areas and critical civilian infrastructure, endangering lives and bringing tens of thousands of people to the brink of humanitarian disaster. In the last two months (1 February to 27 March) 574 shellings targeted the locations populated by civilians, 4 additional sites of critical civilian infrastructure were damaged. The sufferings of the people of Avdiivka and its suburbs, which lack supply of electricity, water and heating because of shellings, have been repeatedly highlighted in the Permanent Council meetings, including the special PC meeting of 31 January convened at the request of the Ukrainian delegation.

We welcomed the Trilateral Contact Group agreement of 29 March on the renewal of the commitment to a comprehensive and sustainable ceasefire from 1 April. The President of

Ukraine, Commander-in-Chief Petro Poroshenko, issued the respective order to the country's Armed Forces and the Ukrainian military provided to the SMM the weaponry information. However, from 1 April we again encountered regular violations of the ceasefire by the hybrid Russian forces, including with the use of Minsk-proscribed weapons, although of a lower intensity than in the previous weeks. In the last two days, 3 and 4 April, two Ukrainian soldiers have been killed and ten wounded by shellings.

Distinguished colleagues,

It is absolutely clear to all, based on facts, that the intensive and regular military offensives and shellings by the illegal armed formations in Donbas would not have been possible without the constant flow of the Russian weapons, military personnel and trained mercenaries through the uncontrolled segment of the Ukrainian-Russian State border. The Russian military have made the conflict-affected area of Donbas the testing ground for their military equipment. The SMM reported registering exclusive Russian weapons and military equipment, including the jamming system R-330 "Zhitel", heavy flame-thrower system "Buratino", portable flame-thrower "Shmel", "Grad-P", UAV "Orlan-10". The actual list of such weapons is significantly longer. This morning the Ukrainian military near Svitlodarsk found a Russian UAV "Granat-1".

The uncontrolled segment of the border allows the Russian Federation to procure to its hybrid forces in Donbas within a single command and supply chain hundreds of MLRS, tanks, self-propelled guns, armoured vehicles, as well as fuel tankers and railway carriages with munitions and military supplies. We are speaking about hundreds of thousands of tons of ammunition of all calibres! It is this supply that fuels large-scale human losses and the destruction of infrastructure and civilian houses, of schools and hospitals.

Russia continues attempts to thoroughly conceal its military losses in its hybrid warfare against Ukraine in Donbas. Yet the OSCE Border Observation Mission at two Russian border checkpoints frequently reports about crossings of groups of military-clad people, of Russian ambulances and vans bearing the inscription "Gruz 200" – Russian military code for personnel killed in action. Such findings can only serve as a very small indicator of what is happening along the 400 km stretch of the uncontrolled section of the Ukrainian-Russian State border.

It is hardly possible to extinguish a fire when one party is constantly throwing wood into this fire. Real de-escalation in Donbas demands that Russia stop its military supplies to the region and start withdrawing its troops, mercenaries, fighters and weaponry, as Russia committed itself to deliver under the Minsk agreements.

Security and de-escalation also demand that the SMM be assured unfettered access and freedom of movement in the non-government-controlled areas for effective monitoring and verification. The situation in this regard has not been improving, but deteriorating as registered in the SMM reports. Unlike in the government-controlled areas, where restrictions to freedom of movement are mostly attributed to security reasons, be it the presence of unexploded ordnance, mines or shellings by the hybrid Russian forces, in the non-government-controlled areas, Moscow and its proxies deliberately impose restrictions to conceal what is happening. The weekly SMM reports are very pronounced in this regard. Last year the OSCE Secretary General called the downing of the OSCE long-range UAVs in the

occupied areas of Donbas as the strategy of “blinding the SMM”. We have to state that the Russian strategy of deception, of falsification of events continues to be in action, whereas significant restrictions on monitoring and verification by the SMM remain an indispensable element of this strategy.

Mr. Chairperson,

In the Permanent Council meetings over the last two months we have reacted with deep concern to serious incidents of pressure on and intimidation of the SMM monitors in certain areas of the Donetsk and Luhansk regions, highlighted in the respective spot reports. Their number and the level of threat, including by firearms, have rapidly grown after 18 February when the Russian Federation decided to recognize the so-called “documents”, issued by its proxies in Donbas, to proceed to full circulation of the Russian currency in the occupied areas of Donbas, to give a green light to the seizure of Ukrainian enterprises in those areas and to the so-called “State border” along the contact line, announced by Russia-backed illegal armed formations in Donetsk. The Russian side has taken deliberate steps to undermine the political track of the Minsk agreements in addition to continuous violation of security provisions, and these steps have had far-reaching negative consequences, affecting also the SMM activities, the stationing and security of the monitors. These steps echo the endorsement by the Russian Federation of the illegal exercise of so-called “elections” in the occupied areas of Donbas in November 2014, ignoring the calls of the OSCE community to refrain from steps that run counter to the Minsk agreements and erode the prospects of a peaceful resolution.

Notably, the company “Ukrenergo” currently continues to operate within the Ukrainian legislation in the non-government-controlled areas after the illegal armed formations had attempted to seize its offices last year. Having realized the possible consequences of the seizure which would disrupt electricity supply, Moscow aborted the attempt then. Having now seized dozens of Ukrainian enterprises leading to disruption of industrial and supply chains, likely lay-off of staff and further deterioration of the humanitarian situation, Moscow evidently saw these negative consequences as desirable for its own political ends.

Distinguished colleagues,

The humanitarian situation in the conflict-affected area of Donbas is extremely disturbing, being affected by hostilities and violence driven by the hybrid Russian forces. The situation of the people has been aggravated by the expulsion from the occupied areas of international and Ukrainian NGOs that had been distributing substantial humanitarian assistance. Russia neglects its Minsk commitment on the delivery of humanitarian aid in accordance with the international mechanism, instead resorting to sending its so-called “humanitarian convoys” in violation of Ukraine’s sovereignty and territorial integrity and the principles of international humanitarian law. Agreements in the Normandy format of 2015 on lifting all restrictions on the operation of humanitarian organizations in the non-government-controlled areas have been flouted by Moscow and its proxies. Persons illegally detained in those areas are denied access of international organizations, including the ICRC. For example, while monitoring the detentions in 2016–2017 the ICRC conducted 106 visits in government-controlled area and was allowed only three visits by the illegal structures in certain areas of the Donetsk and Luhansk regions of Ukraine.

Currently the illegal armed formations are detaining 121 hostages, while the exact locations are known only for half of them. Moreover, Russia is holding behind bars at least 17 Ukrainian political prisoners and more than 27 in the temporarily occupied Crimea. We fully support the principles elaborated by the UN OHCHR on the attestation of the willingness/unwillingness of some individuals, deprived of their liberty in the context of the conflict, to relocate to certain areas (or to the government-controlled territory) after release. Ukraine is interested in the earliest possible launching of the verification process and is alarmed by the delaying tactics on the part of Russia and its proxies.

We are interested in the ICRC assistance to establish a co-ordination mechanism on the issue of missing persons. Hundreds of people are on Ukraine's list. Progress is hampered by Moscow's denial of any participation in such a mechanism, cynically claiming its "non-involvement" in what Moscow calls an "internal Ukrainian conflict".

Mr. Chairperson,

As the Russian Federation continues to undermine the security, political and humanitarian tracks of the Minsk agreements, let me reiterate that the crisis in and around Ukraine was started by Russia's illegal occupation of the Crimean peninsula of Ukraine. The restoration of the sovereignty and territorial integrity of Ukraine, as well as of respect for the Helsinki Final Act principles and OSCE commitments necessitates Russia's de-occupation of Crimea, reaffirming the inviolability of the frontiers of States.

We also reiterate that the SMM must have safe and secure access throughout Ukraine to fulfil its mandate. We regret that the Russian Federation continues to deny the access of the SMM to the Crimean peninsula against the background of multiple reports of oppression, grave and systematic human rights abuses by the Russian occupation authorities. We appreciate the activities of the UN Human Rights Monitoring Mission in Ukraine, which continues its endeavours to inform the international community about the situation and developments on the ground, being also denied a permanent presence there.

Mr. Chairperson,

The decisions taken in Moscow started Russia's aggression against Ukraine and it will require decisions to be taken in Moscow to stop and peacefully resolve the crisis with full respect for international law and the Helsinki Final Act principles. The practical steps, pending implementation, are clear and were agreed to by Russia in the Minsk agreements: comprehensive and sustainable ceasefire, withdrawal of heavy weaponry from the contact line and from the territory of Ukraine, full freedom of movement and unhindered monitoring by the SMM, establishment of permanent monitoring by the OSCE at the uncontrolled segment of the Ukrainian-Russian State border to verify that illegal supplies of weaponry, fighters and ammunition from Russia have stopped. The readiness of Russia for transparency and verification at those segments of the border will serve as a litmus test of the real intentions to move towards a peaceful resolution of the conflict. We expect to see unblocking by Moscow of the release of hostages and illegally detained persons and the lifting of all restrictions on the operation of humanitarian organizations in the non-government-controlled areas. The stolen Ukrainian enterprises must be returned to Ukraine's jurisdiction. Creating the security environment conducive to holding local elections in line with the Ukrainian legislation and international standards under the OSCE/ODIHR monitoring requires that

Russia pull out in good faith from the area under its control in Donbas. This would not be a matter of “goodwill” on the part of Russia, but a matter of implementation of the commitments undertaken by the Russian Federation. So far Russia has acted contrary to its commitments. On the part of Ukraine, we remain fully committed to the implementation of the Minsk agreements.

The delegation of Ukraine concludes by again urging the Russian Federation to return to the tenets of international law and reverse the illegal occupation of the Crimean peninsula, which is a part of Ukraine.

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1140
5 April 2017
Annex 2

Original: ENGLISH

1140th Plenary Meeting
PC Journal No. 1140, Agenda item 1

STATEMENT BY THE DELEGATION OF AUSTRIA

Colleagues,
Ladies and gentlemen,

This was a good debate. We are grateful for the contributions by our guests and the active participation by delegations. The crisis in and around Ukraine will remain high on the agenda. We will make sure that this debate will feed into our efforts in dealing with the crisis. Allow me the concluding observations by the Chairmanship:

We are deeply concerned by continued violence and the use of heavy weapons in eastern Ukraine. We join the numerous delegations in their call for full observance of the renewed ceasefire as reconfirmed by the Trilateral Contact Group on 29 March 2017 as well as full implementation of the Minsk agreements.

The suffering of civilians and the devastating humanitarian impact of the crisis was deplored by all of us. Together with Ambassadors Sajdik and Apakan as well as the international humanitarian actors on the ground, we call for the immediate cessation of hostilities, an end to shelling of inhabited areas, for more crossing points on the line of contact, greater freedom of movement and demining. Furthermore, humanitarian assistance should be facilitated and full access to conflict-affected areas should be granted to international humanitarian organizations.

We join Ambassadors Apakan and Sajdik in their call for urgent measures like safe zones to ensure safety of critical infrastructure in order to reduce the risk of ecological and environmental damage.

We want to reiterate the full support for the work of the Special Monitoring Mission to Ukraine (SMM) expressed by all delegations and also our gratitude to the Chief Monitor and all SMM staff who are working under difficult conditions.

Threats against SMM members, restrictions on their freedom of movement, as well as destruction of OSCE assets have been condemned. SMM members must have safe and secure access throughout Ukraine to fulfil their mandate. We expect this commitment to be respected, including by creating the conditions to establish further forward patrol bases and hubs.

We join delegations in their call for the proper investigation of incidents targeting the SMM. Those responsible must be held accountable. We need to explore new mechanisms, based on international experiences like joint military commissions and incident response mechanisms in order to strengthen accountability, resolve disputes and build trust.

We all need to publicly speak up and support our Mission. And, actions and statements that undermine the work and the security and safety of the monitors are not acceptable.

In order to bolster security, we support the calls on the sides to intensify and accelerate the disengagement process in accordance with the provisions of the Framework Decision of the Trilateral Contact Group relating to disengagement of forces and hardware of 21 September 2016.

Like many delegations we support the efforts of the Normandy format to contribute to a peaceful settlement of the conflict.

We are reassured by the support expressed for the central role of the Trilateral Contact Group, assisted by its working groups in facilitating the practical implementation of the Minsk agreements. Delegations have reconfirmed their full support for the Special Representative of the OSCE Chairperson-in-Office and the Co-ordinators of the four working groups. We also want to express our appreciation for the good offices provided by Belarus in hosting the meetings.