



Permanent Mission of Ukraine
to the International Organizations in Vienna

FSC.DEL/15/16
28 January 2016

ENGLISH only

**Statement by the Delegation of Ukraine
at the 809th FSC Plenary Meeting**

(27 January 2016 at 10.00, Hofburg)
(Agenda item 2)

Mr. Chairman,

As repeatedly emphasized in this Forum, by launching a military aggression against Ukraine and illegally occupying by force part of its sovereign territory, the Russian Federation flagrantly violated fundamental norms and principles of international law, enshrined in the UN Charter and the Helsinki Final Act, numerous bilateral and multilateral treaties, agreements and assurances that safeguard Ukraine's sovereignty and territorial integrity. Yesterday, the Russian Foreign Minister S.Lavrov publicly maintained that Russia had not violated the Budapest Memorandum of 1994 as "the Budapest Memorandum contains one single obligation: not to use nuclear weapons against Ukraine. No one has done it and no threats of use of nuclear weapons against Ukraine have been made". One could have expected that the Russian Foreign Minister is better advised about the contents of the document and the obligations undertaken by Russia. Let me quote some specific parts from the text of the document itself:

"1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the Final Act of the Conference on Security and Cooperation in Europe, to respect the independence and sovereignty and the existing borders of Ukraine;

2. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations;"

Reacting to the above statement the Ukrainian Foreign Minister P.Klimkin had to point out, in particular, that Russia reads the Budapest Memorandum as selectively, as it reads the Minsk agreements. He proposed again to hold consultations of the signatories of the Budapest Memorandum as envisaged by para. 6 of the document. Until now, such proposals were dismissed by Moscow.

As the conflict in Donbas, fuelled by Russia, persists there is an urgent need to reinvigorate efforts at resolving it based on full implementation of the Minsk agreements.

The Russian Federation must implement its political commitments, including on the comprehensive ceasefire, unimpeded access for SMM monitors to all occupied areas, including at the state border, withdrawal of all Russian forces, fighters and weaponry from Ukraine, establishing permanent OSCE monitoring and verification at the Ukrainian-Russian state border with the further handover of control to the Ukrainian Government.

Ukrainian citizens suffer the most from the ongoing fighting, particularly civilians in Donbas, where access to essentials is restricted by the militants' ban on operation of international humanitarian organizations. As if the miseries inflicted by the Russia-backed militants had not been enough, they additionally imposed restrictions, as registered by the SMM, on the amount of products that can be brought into the occupied territories across the contact line.

The people in Donbas continue to be subjected to deceitful Russian state propaganda. Notably, at the last meeting of the Forum the Russian delegation made an absurd claim about existence of a virus laboratory in Ukraine, which causes massive illness and death of militants and civilians in the so-called "LPR" and "DPR". Until last week, the Russian delegation largely recycled the fakes and disinformation, produced by the militants, but in this case Moscow's proxies followed suit few days later. It is clear that such fake information has a common source, including special units of information warfare in the Russian military structures.

Distinguished colleagues,

Despite agreements on ceasefire and silence regime, in particular prior to season's holidays, the security situation has degraded over the past weeks. We have seen a surge in incidents when the SMM was denied access in militant-controlled areas. Visits by the SMM to the international border in militant-controlled Luhansk oblast were especially restricted, with militants stopping the SMM from proceeding further and completely cutting off access to the Izvaryne border crossing. We consider as unacceptable these restrictions as they undermine the SMM mandate and run counter to commitments undertaken by Russia, including in the Normandy format.

We note with regret that the Russian Federation rejects the option to expand the mandate of the OSCE Observation Mission, operating now at the two Russian border check points (BCPs) only. Last week Russia again obstructed the consensus being the only delegation opposing the needed expansion of the mandate. Even despite the limited mandate of the OSCE Mission in "Gukovo" and "Donetsk" BCPs, its observations contribute to the picture of the continuing uncontrolled flows of fighters from Russia to

reinforce illegal armed formations in Donbas. As the Mission reports, people wearing military-style clothes with military backpacks remain one of the main categories of individuals, crossing border from Russia through both BCPs. It is clear that while these and other illegal channels of reinforcement remain open, it will not be possible to achieve sustainable de-escalation.

The recent developments prove that Russia and its proxies are still very far from fulfilling the three initial provisions of the Minsk agreements, which are crucial for progress on implementation of other aspects of the document. Until the comprehensive and long lasting ceasefire is established, all heavy weapons are withdrawn and the OSCE SMM is granted free and unfettered access throughout the militant-controlled area, the prospects for implementing other steps, agreed in Minsk, will be elusive.

Establishing necessary conditions for organizing and holding local elections in certain areas of Donbas should remain our priority. As already agreed in Minsk, the local elections must be held in accordance with the Ukrainian legislation, the OSCE standards and under the OSCE/ODIHR monitoring. This means, in particular, guaranteeing safe return and voting rights for Internally Displaced Persons (IDPs) and refugees, participation of the Ukrainian political parties, free functioning of the Ukrainian media. What is also required is safety and security through de-occupation of the affected areas of Donbas, disarmament of the illegal armed groups. We regret that Russia and the illegal armed groups it backs continue to disengage from setting the ground for free and fair local elections in a safe environment and under the relevant conditions, thus preventing progress on the essential political track of the Minsk agreements.

**Mr. Chairman,
Distinguished colleagues,**

The entire year of 2015 was marked by fragility of the security situation in Donbas, when the periods of relative calm were alternated with new outbursts of violence, provoked by Russia and its militants to exert pressure on my country, in particular on the eve of important political-level meetings. The Russia's approach appears to remain unchanged as now we observe new attempts to escalate the situation on the ground. Despite recent agreement in the framework of the TCG on establishing the comprehensive silence regime, the number of ceasefire violations continues to grow. Only on 20-26 January the Ukrainian positions and the nearby residential areas were shelled 142 times with the use of battle tanks and infantry fighting vehicles, 120mm and 82mm mortars, MRLS "Grad", grenade launchers, heavy machine guns and small arms. The most affected areas are near the Donetsk airport, Pisky, Avdiivka, Opytne, Horlivka, Zaitseve, Mayorske, Kominternove, Troitske, Tryohizbenka, and Svitlodarsk. During last week 6 Ukrainian servicemen were killed and 8 were wounded. These escalating attacks and

provocations, also registered by the SMM, indicate that the combined Russian-separatist forces in Donbas have not withdrawn all heavy weapons from the contact line to the appropriate distances.

Only in one daily report of yesterday, 26 January, the SMM registered the presence, in violation of respective withdrawal lines, of 17 self-propelled howitzers (heavy weapons) near “DPR”-controlled Ternove. Also near Ternove the SMM registered 40 tanks, 5 mortars, 12 towed artillery pieces, 55 military-type trucks, 120 armoured vehicles, and 115 pieces of unidentified equipment. Meanwhile, based on the same SMM report, in government-controlled Starohnativka (53km north-east of Mariupol), the SMM followed up on reports about shelling during the nights of 20, 21, 22 and 23 January. At a location near Ukrainian Armed Forces positions, the monitors saw 13 fresh craters assessed to be consistent with impacts from both 82mm mortar and 122mm artillery.

We again urge Russia to take the necessary steps and to exert its influence on the militants it backs to make sure that all prescribed weapons are withdrawn according to agreements and placed under the SMM verification that the Mission is able to operate and perform its mandate enjoying full freedom of movement, safety and security.

Mr. Chairman,

As we look at the year ahead, with pragmatism together with hope and expectations, we must remember how the conflict started: with Russian military aggression against Ukraine, illegal occupation of Crimea, fuelling the conflict in Donbas and direct Russia’s military intervention.

We informed the Forum during the presentations at the FSC-790 of 27 May 2015 and FSC-798 of 30 September 2015 about military clashes in May 2015 near the settlement of Schastya, Luhansk oblast, and capture of two commandos of the Armed Forces of Russia.

Today we would like to draw attention of the Forum to another photo presentation on the presence of the regular armed forces and weapons of the Russian Federation in Donbas on the example of the 3rd Separate Special Force Brigade of the Main Intelligence Directorate of the General Staff of Russia.

This presentation will also expose attempts by the Russian authorities to dismiss the belonging of the captured Russian servicemen to the ranks of the Russian Armed Forces.

(Presentation enclosed on the 34 slides).

By coincidence, it was after the clashes of May 2015 and the capture of the two Russian GRU servicemen that the President of the Russian Federation issued a decree on classifying military losses in peaceful time.

Mr. Chairman,

In conclusion we wish to emphasise the undiminished imperative for the OSCE community to continue to focus on seeking practical ways to address the on-going violations of Ukraine's sovereignty and territorial integrity, to resolve the conflict by peaceful means with full respect to the OSCE core principles and commitments.

We continue to urge Russia to return to the tenets of the international law, to cease its aggression against Ukraine and reverse the illegal occupation and annexation of the Autonomous Republic of Crimea and the city of Sevastopol.

Thank you, Mr. Chairman.