



# Security Council

Seventieth year

## 7576<sup>th</sup> meeting

Friday, 11 December 2015, 10 a.m.

New York

*Provisional*


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*President:* Ms. Power . . . . . (United States of America)

*Members:*

Angola . . . . .	Mr. Lucas
Chad . . . . .	Mr. Gombo
Chile . . . . .	Ms. Sapag Muñoz de la Peña
China . . . . .	Mr. Wang Min
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Lithuania . . . . .	Mr. Linkevičius
Malaysia . . . . .	Mrs. Adnin
New Zealand . . . . .	Mr. Van Bohemen
Nigeria . . . . .	Mr. Adamu
Russian Federation . . . . .	Mr. Churkin
Spain . . . . .	Mr. González de Linares Palou
United Kingdom of Great Britain and Northern Ireland . . . . .	Mr. Rycroft
Venezuela (Bolivarian Republic of) . . . . .	Mr. Ramírez Carreño

## Agenda

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

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*The meeting was called to order at 11.20 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)**

**The President:** In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights; Mr. John Ging, Director of the Coordination and Response Division of the United Nations Office for the Coordination of Humanitarian Affairs; and Ambassador Ertuğrul Apakan, Chief Monitor of the Special Monitoring Mission to Ukraine of the Organization for Security and Cooperation in Europe.

On behalf of the Council, I welcome Mr. Ging and Ambassador Apakan, who are joining today's meeting via video-teleconference from Kiev.

The Security Council will now begin its consideration of the item on its agenda.

I wish to warmly welcome the Deputy Secretary-General, His Excellency Mr. Jan Eliasson, and I give him the floor.

**The Deputy Secretary-General:** The situation in eastern Ukraine remains tense and volatile. Since the ceasefire began on 1 September, fighting throughout the conflict zone has generally subsided. However, in recent weeks, sporadic fighting has resumed, with varying degrees of intensity, around parts of the Donetsk and Luhansk regions. The parties have started to implement the agreement to withdraw so-called lighter weapons from the contact line. But the process remains incomplete. The Special Monitoring Mission of the Organization for Security and Cooperation in Europe has observed the use of weapons, including mortars, throughout the conflict zone. I commend the Mission, under the leadership of Ambassador Apakan, for carrying out its mandate under challenging circumstances. It is critical that the Mission be granted full and unfettered access to all areas covered by its

mandate. I am deeply concerned about the continuing incidents of harassment and intimidation of the Mission. Such harassment must end immediately.

I recognize the sustained efforts of the Trilateral Contact Group and its four Working Groups, the Normandy format leaders and other partners. On the diplomatic front, modest but tangible progress has been made following the 2 October meeting of the leaders of France, Germany, Russia and Ukraine. The rebels in eastern Ukraine have announced a postponement of the self-declared local elections. The parties have also committed to finding a compromise on the modalities for local elections in rebel-held territory that respects Ukrainian law and is in line with international best practices. As we know from the Minsk meetings of the four Working Groups, failure to find a compromise on the remaining critical issues has prevented the parties from reaching a viable solution. That includes issues related to the local elections in rebel-held areas.

We welcome the discussions held in Berlin during and after the 6 November meeting of the Normandy Foreign Ministers. We also welcome the improvements that have occurred in the security sector. But much work lies ahead. The majority of the provisions of the Minsk agreements remain unimplemented. There are divergent interpretations of the sequence of implementation, and the same is true of some of the provisions in the Minsk package of measures, including those related to the conditions for holding local elections in rebel-controlled areas, control over border areas and the departure of foreign armed groups. Amnesty and special status constitutional changes are also on that list. These problems threaten the whole political process.

The conflict zone remains highly militarized, and there is an ever-present danger of serious escalation. The Special Monitoring Mission continues to note the presence of weapons, including heavy weapons, along the contact line. There is also an urgent need to address the matter of explosive remnants of war and improvised explosive devices, which are now the leading cause of death and injuries in eastern Ukraine. The problem requires sustained attention through increased awareness-raising, education and humanitarian mine-action programmes. Such action would alleviate risks, reduce suffering and build confidence.

Mr. John Ging, Director of the Coordination and Response Division of the United Nations Office for

the Coordination of Humanitarian Affairs, who is joining us from Kyiv, will provide more detail on the humanitarian situation. I appeal strongly to all sides to provide unrestricted and unconditional access for critical humanitarian assistance and guarantee freedom of movement for civilians throughout the country. I also urge all those with influence over the actors to ensure that all bureaucratic and political impediments to humanitarian assistance are removed. I would like to remind all parties of their obligation to guarantee free and unimpeded access to humanitarian assistance throughout Ukraine.

I am also concerned about how the residents of Crimea have been affected by the cutting off of electricity from mainland Ukraine. On 21 and 22 November, electric pylons in the Kherson region of Ukraine supplying energy to Crimea were destroyed, leaving much of the peninsula without power. I trust that the electric power will be fully restored and that the incident leading to the disruption is being investigated.

Last month we passed the two-year mark for the Ukraine crisis. I recall my own good-offices visit to Kyiv in early March 2014 and my subsequent briefing to the Council from there. At the time I appealed to the Council for dialogue, diplomacy and for cool heads to prevail. Today, with no comprehensive political solution in sight, I reiterate that appeal. During those difficult first days and weeks two years ago, we spearheaded the establishment of a United Nations presence through the United Nations Human Rights Monitoring Mission in Ukraine and, later, a large country team. That Mission continues to perform critical monitoring, reporting and prevention work, and we will hear more on that from Mr. Šimonović, the Assistant-Secretary-General for Human Rights.

In conclusion, I would like to point out that the Minsk agreements remain the best available viable and accepted path to resolving this conflict. They must be implemented in full. All parties must work towards a durable political solution without delay, and greater political will and flexibility must be demonstrated by all concerned. Millions of women, children, the elderly and persons with disabilities are directly affected on both sides of the contact line. Further delays will mean further suffering for far too many people who are hoping for a peaceful holiday season.

The United Nations, through the good offices of the Secretary-General, remains fully committed

to supporting and promoting peace and stability in a manner that upholds Ukraine's sovereignty, unity and territorial integrity. The vital work of the human rights, humanitarian and development actors on the United Nations country team in Ukraine will remain critical. Let us together intensify our work so that we do not have to meet here for yet another briefing next year on the third anniversary of this crisis. Let us ensure that we meet the aspirations of Ukraine's citizens for stability, peace, reform and prosperity.

**The President:** I thank the Deputy Secretary-General for his briefing.

I now give the floor to Mr. Šimonović.

**Mr. Šimonović:** I would like to thank you, Madam President, for this opportunity to brief the Security Council. I am very happy that Ambassador Apakan of the Organization for Security and Cooperation in Europe, with whom we cooperate closely in our field activities, is also with us today via video-teleconference.

The assessment of the situation in Ukraine of the Office of the High Commissioner for Human Rights (OHCHR) is based on reports from the United Nations Human Rights Monitoring Mission over the past 20 months, both in Government-controlled areas and in areas controlled by the armed groups. The Mission has also continued to monitor the human rights situation in the Autonomous Republic of Crimea, whose status was defined in General Assembly resolution 68/262, on the territorial integrity of Ukraine. The Mission's twelfth report, covering the period between 16 August and 15 November, was released two days ago.

The past several months were marked by a considerable decrease in hostilities. Although the hostilities have not ceased completely, the shelling of populated areas has decreased dramatically. The number of civilian casualties, especially those caused by shelling, has also significantly decreased. The total number of civilian deaths recorded by the Human Rights Monitoring Mission in Ukraine between 16 August and 15 November was 47. That is a sharp decrease as compared with the previous reporting period from 16 May to 15 August, when we recorded that 105 persons had been killed. We are now seeing the longest period since the beginning of the conflict in which no large-scale indiscriminate shelling of populated areas is taking place, and reports about people killed by shelling are unusual.

However, people continue to die, increasingly from explosive remnants of war and improvised explosive devices. The percentage of civilian casualties including deaths and injuries caused by explosive remnants and improvised devices in recent months stands at about 80 per cent. We should also not forget that the current relative calm in the conflict area may be just another manifestation of the repeated pattern we have been observing in Ukraine since the beginning of the conflict — a surge in hostilities accompanied by massive civilian casualties, followed by a ceasefire agreement, which is in turn followed by a decrease in hostilities and civilian casualties, and then a new escalation of hostilities begins. That must not happen again. The overall death toll of the conflict is already too high. Between the start of the hostilities, in mid-April 2014 and 7 December 2015, at least 9,115 people were killed in the conflict area of eastern Ukraine. As in the past, that is a conservative estimate. The real number of conflict-related casualties is considered to be higher. Looking ahead, the Office of the United Nations High Commissioner for Human Rights sees the implementation of the Minsk agreements as the only viable strategy for achieving a peaceful solution in Donbas, which, in turn, is a key for resolving the human rights crisis in Ukraine.

In the area of hostilities, the continued avoidance of shelling of populated areas remains a top priority, along with mine action activities. All the parties involved in the hostilities should investigate all incidents of civilian casualties caused by military action, and are encouraged to establish civilian casualty mitigation cells. There is an urgent need for extensive mine action activities, including the establishment of appropriate coordination mechanisms, mapping and mine-risk education and awareness on both sides of the contact line. In that regard, we are glad to see that discussion on coordinated demining efforts is progressing in the Trilateral Contact Group on Ukraine. The work of the Mine Action Sub-Cluster supports the efforts to decrease risks for the local population.

One of the most gruesome legacies of the conflict is that of awaiting action on the search for missing persons and the recovery and identification of mortal remains. According to the Ministry of Internal Affairs of Ukraine, as of 18 September, over 3,000 people were still registered as missing. In the search for them, three factors seem to be essential. First, there needs to be better internal coordination of the governmental bodies

of Ukraine, in particular the Ministry of Internal Affairs, the security service and the Ministry of Defence. It would serve as a one-stop shop mechanism for the relatives of missing persons. Secondly, civil society should be more actively engaged in the effort. Last, but not least, interaction with the relevant actors on the territories controlled by the armed groups is needed.

Let me now turn to the situation in the east. Even with the relative military calm on the ground, the lack of the rule of law makes the human rights situation of the estimated 2.7 million people living in the territories controlled by the self-proclaimed Donetsk people's republic and Luhansk people's republic very difficult. Reports of human rights abuses in those territories persist, including those related to killings, torture and ill-treatment, illegal detention and forced labour. The rights of local residents are still not effectively protected, and there is a lack of accountability or possible redress. The places of detention maintained by the armed groups remain virtually inaccessible to independent oversight, and international organizations, including the Human Rights Monitoring Mission, do not have access to detainees. Those are the places where human rights abuses are most frequently reported, and where victims are most vulnerable.

Let me give an example. On 15 October, the Human Rights Monitoring Mission interviewed a man who had spent a year as a captive of the armed groups. He described in detail the conditions in the former premises of the security service of Ukraine in Donetsk, namely, overcrowding, insufficient nutrition and lack of adequate medical treatment, as well as ill-treatment, torture and forced labour. He also reported numerous incidents when he and other detainees, including women, were tortured — mock executions, beatings and electrocution.

Residents of the territories controlled by the armed groups also continue to face difficulties in exercising their economic and social rights, especially with respect to access to quality medical care, accommodation, social services and benefits, as well as insecurity related to housing, land and property rights, including possible confiscation and lack of compensatory mechanisms for damaged, seized or looted property. The onset of winter and the impediments encountered by humanitarian organizations could worsen the situation.

A person recently interviewed by the OHCHR team in Donetsk said, “we are afraid to give birth and we are afraid to die”. Owing to the further deterioration of the economic situation and the lack of employment opportunities, even a funeral has become unaffordable for some families. In addition, civil registration documents — birth, death, marriage, divorce and medical certificates — issued in the territories controlled by armed groups are considered invalid by Ukrainian authorities. That precludes people from accessing basic social and medical services. I have heard numerous examples of the hardships faced by people to validate their documents or obtain new ones. There are concerns that children being born now may remain stateless. Immediate steps need to be taken to address that problem.

OHCHR also continues to observe pervasive self-censorship and an inability for media professionals to exercise any type of freedom of expression in the east. We also observe that rallies to challenge the policies of the self-proclaimed Donetsk people’s republic and of the Luhansk people’s republic have been extremely rare because people report being afraid to assemble and speak out. The majority of civil society actors and human rights defenders are unable to operate.

Restrictions on movement across the contact line imposed by the Government of Ukraine in January remain one of the major challenges for people living in the conflict area. That has led to their sense of increased isolation, as well as to their impeded access to medical care and social benefits, and disrupted family links. People often spend hours, and even nights, waiting in queues to pass the series of checkpoints, with limited access to water and sanitation facilities. The presence of mines alongside the official transport corridors is an additional security risk. The efforts of the Government of Ukraine to restore law and order in the conflict zone continue to be accompanied by allegations of enforced disappearances, arbitrary and incommunicado detention, as well as torture and ill-treatment of people suspected of trespassing against the territorial integrity or engaging in terrorism or believed to be supporters of the self-proclaimed Donetsk people’s republic and the Luhansk people’s republic. Elements of the security service of Ukraine appear to enjoy a high degree of impunity, with rare investigations into allegations involving them. The conduct of those elements of Ukrainian law enforcement that are under the Ministry of Internal Affairs is also of concern.

OHCHR reiterates that a proper and prompt investigation of every single reported case of a serious violation of international human rights law and international humanitarian law by Ukrainian military or law-enforcement elements should be carried out; perpetrators should be brought to justice; and victims should receive compensation.

Accountability has yet to be achieved for the killing of protesters and other human rights violations committed during the Maidan events in Kyiv, from November 2013 to February 2014. Similarly, there has been no progress in ensuring accountability for the deaths of 48 people during the violence of 2 May 2014 in Odessa, and criminal proceedings so far do not seem impartial.

Looking back, the human rights situation in Crimea has shown no sign of improvement in 2015. Fundamentally, it is still not possible to express views that differ from those promoted by the de facto authorities and the Russian Federation. Those perceived as being in opposition are intimidated and persecuted. The law-enforcement and justice systems are used as instruments of repression. Crimean Tatar media outlets have been shut down. Seven Crimean Tatars who participated in a pro-Ukrainian demonstration in February 2014 have been arrested this year. No progress has been made in the investigations into the murder of Reshat Ametov or the disappearance of pro-Ukrainian activists in 2014.

A recent development that brought additional attention to Crimea has been a trade blockade initiated in September by the Crimean Tatar leadership in Ukraine. A further development was the damage caused to four transmission towers located in mainland Ukraine that supply electricity to Crimea. While the de facto authorities of Crimea have redirected the existing energy resources to the most critical social infrastructure, such as hospitals, the human rights impact of this situation has been particularly acute for people living alone, with limited mobility and on a low income in remote areas.

On the positive side, during the reporting period, the Government of Ukraine adopted a national human rights strategy and started to develop an action plan to implement it. Ukraine extended the jurisdiction of the International Criminal Court, which applied to the period of the Maidan events, for crimes committed after 20 February 2014, including, therefore, in



relation to the violence of 2 May 2014 in Odessa and the conflict in the east. Constitutional amendments on decentralization were also passed on first reading. All of these are welcome developments.

Finally, a few words on the way forward. In the territories controlled by the armed groups, the priority is the release of all illegally detained persons and the provision of independent monitors, including international organizations, with access to places of detention. In this context, we were glad to learn about the recent statement made by Martin Sajdik, the Special Representative of the Organization for Security and Cooperation in Europe Chairperson-in-Office in Ukraine and in the Trilateral Contact Group on Ukraine, who said that it was very important to achieve progress in the release of detainees by the New Year. We have advocated for an "all for all" release to be included in the Minsk agreements and now urge its full and speedy implementation.

Regarding the Government of Ukraine, OHCHR would prioritize justice and accountability for the violations committed during the Maidan events, the violence on 2 May 2014 in Odessa, and the human rights violations reported to have been committed in the armed-conflict area.

We also call on the Government of Ukraine to reconsider the restrictions on freedom of movement across the contact line imposed in January 2015. We also look forward to seeing the implementation by the Government of the decision of the High Administrative Court of Ukraine to resume the payment of pensions and benefits for people living in areas controlled by the armed groups and the adoption of amendments to the law on internally displaced persons.

As an additional human rights and humanitarian-centred confidence-building measure, we would encourage the Government of Ukraine to recognize civil registration documents such as birth, death and marriage certificates issued in territories controlled by the armed groups, in line with the jurisprudence of the International Court of Justice and the European Court of Human Rights.

With respect to Crimea, we reiterate the importance of OHCHR monitors being granted access to the peninsula in order to be able to effectively monitor, on the spot, the human rights situation, which, as I mentioned earlier, shows no signs of improvement.

The sentencing of Oleg Sentsov and Aleksandr Kolchenko are recent examples of the failure to uphold fair-trial principles. Urgent steps must be taken to address all disappearance cases, as well as the killing of Reshat Ametov in March 2014.

We also call for the unimpeded exercise of the freedoms of peaceful assembly, expression and religion by all Crimean residents and urge the de facto authorities and the Russian Federation to accept and protect all non-violent forms of expression, including cultural and language rights.

OHCHR will continue to monitor and advocate on the human rights situation in Ukraine in 2016. We are planning to look into particular human rights, especially those that are most at risk, and expand our presence in the east with the opening of the new office in Kramatorsk, and by increasing the number of staff in Donetsk and Luhansk. We also stand ready to facilitate a number of visits to the country under the special procedures provisions, so that the Council can have a better and more comprehensive vision of the human rights situation.

Last but not least, we are planning to support the implementation of the national human rights action plan, working hand in hand with the Council of Europe, the United Nations system in Ukraine and other international partners to conduct additional technical-assistance activities so as to build the capacities of national and local actors, including the Ombudsman's Office and non-governmental organizations, in order to contribute to strengthened human rights protection for all. The deterioration of the economic situation will make the necessary reforms more difficult, and international support will be needed for their success.

**The President:** I thank Mr. Šimonović for his briefing.

I now give the floor to Mr. Ging.

**Mr. Ging:** I thank you, Madam President, for this opportunity to brief the Council from Kiev on the humanitarian situation on behalf of Mr. Stephen O'Brien, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I myself have just returned from a mission to eastern Ukraine, where I witnessed the devastating impact of the conflict, in particular on the most vulnerable: the elderly and the sick.

Approximately 2.7 million people are living in non-Government-controlled areas with limited freedom of movement, and 800,000 people live under difficult and dangerous conditions along the contact line between Government and non-Government-controlled areas. There are now up to 1 million people internally displaced, and more than 1 million have fled the country.

Over the past days I have seen the unacceptable physical and mental hardships and indignities faced by people, so many of them elderly, simply trying to move about their own country to access basic services such as health care and pensions. People have to queue on the roadside for hours and hours, as Assistant Secretary-General Šimonović has also said, and this is just to cross contact lines, often overnighing in freezing conditions, with no shelter or sanitation facilities.

Almost a year ago, we welcomed the commitments of the Minsk agreements, where it was committed to ensure safe access, delivery, storage and distribution of humanitarian assistance to those in need. However, these commitments have not been met. In July, the United Nations and international non-governmental organizations were instructed by the de facto authorities in the non-Government-controlled areas of Luhansk and Donetsk to register for formal accreditation. Following our inability to do so, constrained by international conventions, the de facto authorities imposed what has amounted to a four-month suspension of the work of most of the international aid agencies, along with the expulsion of a majority of humanitarian actors from these areas.

I protest, in the strongest possible terms, the suspension of humanitarian programmes and the expulsion of humanitarian actors, which stands in stark contravention to international norms and principles. Closing protection, food, health, water, shelter and recovery programmes has had a devastating impact on an already vulnerable and suffering people. Just one alarming example of the impact involved in ending programmes is the case of the termination of a Doctors Without Borders programme that was treating 146 multi-drug-resistant tuberculosis (TB) patients, which now dramatically increases the risks of the spread of drug-resistant TB in those areas.

I welcome the recent progress made with the authorities in the non-Government-controlled areas of Luhansk following the Emergency Relief Coordinator's

recent visit. There, United Nations agencies and one international non-governmental organization and the International Committee of the Red Cross have been able to resume their work. Yesterday, I saw the immediate positive impact of those programmes. But there is so much to be done and, as winter sets in, I urgently I appealed to the de facto authorities to allow the immediate return of all international humanitarian organizations.

In the non-Government-controlled areas of Donetsk, on the other hand, United Nations humanitarian programmes remain suspended, with only two humanitarian organizations allowed to resume their operations. Approximately 37 national and 12 international staff members of the United Nations are present there and are ready to work, but are not allowed to do so. That is not sustainable, nor is it acceptable. We urgently need a breakthrough. I therefore appeal for the support of Council members on that issue, so that we can secure the return of all aid agencies to those areas.

I recognize and appreciate the open, constructive and productive cooperation that we have with the Government of Ukraine, but I must also add my voice to that of Assistant Secretary-General Šimonović and appeal for urgent solutions to overcome the administrative blockages hampering the delivery of essential humanitarian supplies and services. For example, the recent reduction in the volume of water being piped across the contact lines is having a serious impact on the health of people in those areas, especially the most vulnerable.

It is unacceptable that existing laws prohibit the transport of much-needed commercial supplies into non-Government-controlled areas. I am also deeply concerned by a proposed law that, if adopted, would prohibit the transfer of water and electricity across contact lines; that would have a disastrous impact on the civilian population.

The United Nations and international non-governmental organizations, in spite of the constraints they face, continue to assist wherever they can. In 2015, 2.1 million people were provided with access to safe water, nearly 320,000 with food assistance, over 230,000 people with non-food items, and 75,000 people benefited from mobile medical consultations. That is a testament to the dedication and commitment of the aid agencies and the generosity of those who are providing funding.

Finally, in the past few days, I have seen the inhumanity, the indignity and the needless suffering endured by people in eastern Ukraine as they try to go about their daily lives. The conflict is having an unacceptable impact on those least able to bear it. I return to New York tomorrow distressed, having seen at first hand the particular inhumanity suffered by the elderly and the children in the conflict-affected areas. Hopes are pinned on the fragile ceasefire, for which there has been renewed respect since September. I earnestly appeal to everyone with power and influence to put the humanitarian plight of civilians affected by the conflict at the centre of their attention so as to ensure positive action to help those civilians. They desperately need our urgent help.

**The President:** I thank Mr. Ging for his briefing.

I now give the floor to Mr. Apakan.

**Mr. Apakan:** I would like to thank the President for the opportunity to brief the Security Council on Ukraine.

A period of relative quiet started on 1 September and lasted for six weeks, which proved that tranquillity is possible if all sides exercise maximum restraint. The ceasefire has largely held, which has brought about some positive changes for the local population. However, violations have been concentrated around several hotspots in the Donetsk region; their number has also increased in past weeks. Some 70 to 90 per cent of them are taking place in such locations as Pisky, Spartak and Horlivka. There, days of intense localized fighting alternate with days of relative calm. Ceasefire violations do not seem to reflect the intention to undertake a military expansion, but they lead to the return of fire and to armed exchanges, which in turn leads to a further erosion of trust.

Ceasefire violations can be attributed to both sides, and mostly involve small arms and light weapons. However, I should note that proscribed heavy weapons are still being used. The Special Monitoring Mission of the Organization for Security and Cooperation in Europe (OSCE) has reported publicly on that point. This unpredictable situation presents an obstacle to a political settlement and normalization. Only a comprehensive ceasefire along the long line of contact can lead to trust. It is the basic requirement for peace. Another important issue is the widespread presence of mines and unexploded ordnance in the conflict zone. In that regard, action needs to be taken as a matter of

urgency. The Minsk agreements clearly stipulate the responsibility of the parties in that matter.

In addition, the humanitarian situation remains a matter of concern. Access to water, heat and medical care are urgent problems in many areas. Long lines at checkpoints expose people to the dangers of mines and shelling. I wish to reiterate that this affects people remaining in the vicinity of the line of contact, especially the elderly, children and internally displaced. We are monitoring the situation and, in that respect, we are cooperating closely with the United Nations and its specialized agencies. We are grateful to them for their cooperation. I should also mention that we are cooperating with Ukrainian institutions on humanitarian issues, and we are also grateful to them.

The Minsk agreements stipulate that the Special Monitoring Mission should facilitate and monitor the withdrawal of heavy weapons. That is one focus of our work. I coordinate the Working Group on Security. In that context, we also cooperate closely with the Trilateral Contact Group and other working groups on political, economic and humanitarian issues.

On 29 September, the Working Group on Security reached agreement on an addendum concerning the withdrawal of tanks and certain weapons. The process of implementing that arrangement has worked to a large extent, with the withdrawal schedule having been mostly observed. However, we are still encountering a number of challenges, shortcomings and discrepancies. We ask the parties to adhere to the agreements in letter and spirit. We have also encountered challenges with regard to the withdrawal of heavy weapons, which should have been completed in February.

On 16 October, we informed the parties of a stricter verification regime. However, substantial progress since then towards the full withdrawal of heavy weapons cannot be reported, although I acknowledge that the signatories have begun to cooperate.

Another aspect of our work in the Working Group on Security is mine action. To that end, the Special Monitoring Mission is working towards an agreement on a set of universal principles. At the nineteenth meeting of the Working Group, participants also agreed on the prioritization of mine clearance in five areas related to power, water and railways in the region, but more progress must be made to agree on a list of 12 priority areas for demining before the end of the year.



The Special Monitoring Mission remains a sensitive mission in a conflict zone. The main aim of our mandate is the stabilization and normalization of Ukraine. The Mission continues to expand geographically in terms of numbers and the use of technology. We now have 650 monitors from 44 participating States on the ground, and will expand by eight monitors by March. We continue to open new bases to increase our presence in the conflict zone. Just two days ago, we opened a new permanent presence in Horlivka and Debaltseve, two areas right on the contact line, and we will open more. The Special Monitoring Mission is playing its part in the de-escalation on the ground. We have been present even under the most difficult circumstances and have facilitated and negotiated many local ceasefires. We have undertaken vital consultations to allow for critical infrastructure and utility repair work and will continue to do so. Freedom of movement for the Mission is also important for the verification process. Denials of access still occur, in particular in some parts of the Volta region. We need continued political support to address that problem.

I would now like to look ahead and outline the main priorities for the upcoming period. First, the ceasefire needs to be kept by both sides and must be consolidated. Secondly, we are continuing to work on reaching consensus on the principles of mine action. Thirdly, heavy weapons need to be withdrawn; the sides already have a standing agreement on that issue. Fourthly, we must continue our work on the ground to facilitate the repair of critically needed infrastructure. Fifthly, if the situation on the ground allows, we stand ready to support the implementation of an eventual political settlement and will play our role in line with our mandate.

In conclusion, all activities by the Special Monitoring Mission are guided by the aim of achieving normalization and stabilization in Ukraine. As our numbers expand, those efforts will be further strengthened. But the political will for a full ceasefire and a political solution and peace must come from both sides. The next set of steps is clear and has been agreed in the Minsk documents. The Mission will continue to support the implementation of those provisions, in line with its mandate and with objectivity and impartiality.

**The President:** I thank Mr. Apakan for his briefing.

I shall now give the floor to the members of the Security Council.

**Mr. Linkevičius (Lithuania):** I thank Deputy Secretary-General Jan Eliasson, Assistant Secretary-General for Human Rights Ivan Šimonović, John Ging of the Office for the Coordination of Humanitarian Affairs and Ambassador Apakan, Chief Monitor of the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission to Ukraine, for their briefings.

It has been 22 months since the Russian Federation began to take aggressive action against Ukraine. For nearly two years now, Ukraine has been suffering from a conflict initiated under false pretexts and supported by an aggressive campaign of propaganda and hate. The redrawing of Ukraine's borders by force early in 2014 and the continued violation of its sovereignty and territorial integrity remain a major challenge to the rules-based international system.

Russia's unprovoked aggression against Ukraine has already left over 9,000 dead, more than 20,000 injured, over 1.5 million uprooted from their homes within Ukraine and another 1 million forced to flee abroad. Five million people need humanitarian assistance. The approaching winter makes the lives of those in need even more difficult, yet by now this conflict barely makes it into the headlines. After a short lull earlier this autumn, the situation worsened again in November. It is evident that peace agreements will not be fully implemented in 2015. The OSCE Special Monitoring Mission continues to register daily breaches of the ceasefire. Impunity, lawlessness and abuse continue to reign in the areas held by the illegal militants. Again last week, OSCE monitors were threatened with automatic rifles. Crimea — an integral part of Ukraine — remains occupied, in breach of the fundamental principles of international law, the Charter of the United Nations, the Budapest Memorandum and bilateral treaties. All this despite the fact that General Assembly resolution 68/262, on the territorial integrity of Ukraine, is very clear on the illegality of Crimea's annexation and the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders.

As the end of the year approaches, there is a dangerously high probability that this crisis will become yet another of Europe's so-called frozen conflicts. There are already too many of those. Five of the European Union's six Eastern Partnership countries bordering on Russia are suffering from protracted conflicts. Russia continues to instigate separatism in

Moldova. Violations of Georgia's territorial integrity also continue unabated. The pattern could not be more obvious.

The Minsk agreements may not be perfect, but they are all we have. Today there is simply no alternative. We support the diplomatic efforts undertaken in the Normandy format and in the Trilateral Contact Group under the auspices of the OSCE. At the same time, we remain critical of the recent trend towards the resequencing of commitments under the Minsk agreements and towards increasing the pressure on the political commitments of Ukraine, rather than on the security commitments of Russia and its militant proxies.

Tangible peace can be achieved only through the full implementation of the Minsk agreements. That means full implementation by Russia, which is a party to the conflict and bears direct responsibility for its de-escalation. Russia must, *inter alia*, withdraw its arms, weapons, soldiers and mercenaries from the territory of Ukraine, cease its support for the illegal armed groups and allow Ukraine to restore full control over its international border. All hostages and illegally detained persons, including Ukrainian pilot Nadiya Savchenko, Oleg Sentsov and others, must be released.

With regard to local elections, we remain concerned that, even if they are postponed to 2016, elections in the territories occupied by Russia's militant proxies, with foreign soldiers present on the ground, will be neither free nor fair. It is up to the OSCE observers to ascertain whether conditions are ripe for holding elections and to assess their legitimacy. We have seen the results of Crimea's gunpoint referendum. We do not want to see more of the same. All foreign weapons and foreign fighters must be withdrawn, preferably before the elections, to ensure that the voting is free and fair.

The lack of effective protection for human rights in the areas under the control of Russia's proxies has left people vulnerable to serious human rights abuses and violations, including, as was said in the briefings, killings, torture, degrading treatment, illegal detentions and forced labour. We need to continue to shine a light on the lawlessness and impunity in those areas, and we must work to ensure that the perpetrators will one day be brought to account. Therefore, the Office of the United Nations High Commissioner for Human Rights and the United Nations Human Rights Monitoring Mission in Ukraine should continue their much appreciated

work and reporting. In addition, monitors from the United Nations, the OSCE, the Council of Europe and other organizations should be allowed into Crimea to investigate the increasingly restrictive environment and the curtailment of the rights of its residents, especially those of the indigenous Tatar community.

Sanctions against the Russian Federation in response to its illegal annexation of Crimea and its deliberate destabilization of Ukraine should remain in force pending the full implementation of the Minsk agreements.

The Council, too, has its responsibilities. It has unanimously backed the package of measures for the implementation of the Minsk agreements adopted in February, and must deliver on its promise to demand their full implementation. Importantly, the ongoing conflict in Ukraine cannot be allowed to fester or be forgotten just because we are facing other pressing needs — the need to address other urgent conflicts. We cannot close our eyes to the ongoing breach of the ideals, principles and rules of behaviour that have governed the Organization and governed the whole process and the entire international system for decades. Our failure to stand firmly for those values and principles will only embolden those willing to challenge the international order, thereby bringing about even more conflict, more instability, more human suffering.

The international community needs to continue to support Ukraine on its path towards reforms, where significant progress has already been made. Ukraine and the Ukrainians have the right to create the future they want, free from coercion and gun-point pressure by their big neighbour.

Lithuania reaffirms its support for Ukraine's sovereignty, independence, unity and territorial integrity, with Crimea as an integral part of that country. In supporting Ukraine, we support our own freedom, independence and the right to live free from fear and in peace.

**Mr. Lamek (France)** (*spoke in French*): I thank the Deputy Secretary-General and all the other speakers for their briefings. It was important that they had this opportunity to address us all today in order to provide the Council with a clear picture of the evolution of the situation on the ground, covering both the political and security aspects as well as the humanitarian and human rights aspects. We believe that the Council is more than ever playing the role it should by raising and

addressing all of those issues together, because they are all very closely linked to the maintenance of peace and international security, and therefore all fall under the purview and responsibility of the Council.

I wish to thank the Minister for Foreign Affairs of Ukraine for his presence here today. I would like to assure him of France's commitment to respect the sovereignty, independence and territorial integrity of Ukraine. The resolution of the crisis in eastern Ukraine constitutes a priority for France. The President of the Republic reiterated that point during his recent trip to Moscow by recalling how our determination to find a solution for a political settlement of the crisis remains unchanged.

Within the Normandy format, France and Germany are fully committed to the complete and swift implementation of the Minsk agreements, particularly the package of measures adopted on 12 February. The political mobilization of the high-level Contact Group on Ukraine in recent months has led to significant progress on several aspects.

First is the fact that there are no longer any large-scale hostilities, as there were at the beginning of the year, and a process of political settlement of the crisis is slowly taking shape. In terms of security, the ceasefire established in September is generally being respected, although it has yet to be consolidated. An agreement on the withdrawal of weapons under the 100 millimetre to 120 millimetre calibre has been implemented and is being monitored by the Organization for Security and Cooperation in Europe (OSCE). The number of civilian casualties has been significantly reduced.

On the political front, it is now necessary to determine the terms of a draft bill for elections in the Donbas region aimed at granting special status to the territory, according to the sequence approved at the recent Normandy format summit held in Paris on 2 October.

Turning to economic and humanitarian issues, the parties managed to reach agreements on concrete projects to rebuild infrastructure and on a number of prisoner exchanges. Progress has also been achieved in mine clearance.

Furthermore, the European Union has done its utmost to mobilize support for the implementation of the Minsk agreements, in particular by enabling the conclusion of a gas agreement between Russia and

Ukraine and by initiating trilateral consultations on the impact of the crisis on the implementation of the detailed and comprehensive free-trade agreement on the Russian economy. To a certain extent, things are therefore on the right track. Nevertheless, the situation on the ground remains extremely volatile, and we are fully aware of the difficulties that remain.

The trend of increasing ceasefire violations recorded since the beginning of the month of November endangers the progress achieved so far. Those violations must cease. It is important that an agreement on the withdrawal of heavy weapons be approved and implemented immediately. The Special Monitoring Mission of the OSCE in Ukraine must also be permitted to fully exercise its mandate. In that regard, we reiterate our call for the monitors to have the benefit of unhindered access to areas controlled by the separatists, including along the entire international border with Russia, in accordance with the Minsk agreements. It is equally important that the Special Monitoring Mission be able to implement without delay the permanent outposts in accordance with its plans. The withdrawal of foreign terrorist fighters and equipment must also be carried out without delay.

The lack of agreement among the parties within the political working group hinders progress towards a lasting settlement of the crisis in eastern Ukraine. We hope that the Ukrainian authorities and the separatists will constructively participate in the working group discussions aimed at reaching agreement on a draft of a special electoral bill for certain zones and regions of Donetsk and Luhansk that respects international law and OSCE standards.

The economic and humanitarian situation also remains particularly troubling in Donbas. It continues to deteriorate as winter sets in, which is particularly worrying. It is vital that unhindered access be guaranteed to humanitarian organizations throughout the territory controlled by the separatists. Unfortunately, that is not the case today, and it could have devastating consequences on the population, as Mr. Ging pointed out in his briefing today with regard to the activities of Doctors Without Borders. Those hindrances cannot in any case justify the measures of unwarranted administrative control.

It is also important to expand our mine-clearing operations to cover other priority areas identified by the OSCE. We urge the international community,

especially the United Nations, to support those actions, both financially and technically. We also support and call for the further release of all prisoners held by the parties, which must take place as quickly as possible.

We are also deeply concerned about the ongoing serious human rights violations observed in eastern Ukraine as well as the situation in Crimea, and I would like to recall that France does not recognize its illegal annexation. In those territories, the population sees their fundamental human rights and freedoms regularly violated by the de facto authorities. The repression of all dissenting voices as well as the discrimination against and constant harassment of Tatars in the Crimean region must cease. In that regard, it is essential that various human rights monitoring missions have access to the entire Ukrainian territory, including Crimea.

Finally, our ultimate goal is the return of Ukraine's control over all its territory within the internationally recognized borders, in accordance with international law. In that context, the priorities are to consolidate the security situation on the ground and to renew efforts to implement the political aspects of the Minsk agreements. Those two issues are indeed at the foundation of any long-term and lasting settlement and are inseparable.

At the Paris summit of 2 October, the four Heads of State and Government of the Normandy format process agreed to postpone by several months the deadline initially set for 31 December. The Minsk agreements constitute the benchmark for a peaceful political solution to the conflict. We thereby have an appropriate framework for the solution adopted by the Council in resolution 2202 (2015). I wish to reiterate that the solution to the crisis requires the full and complete implementation, as quickly as possible, of the package of measures for the implementation of the Minsk agreements. Each party, but also every member of the Council, must meet its responsibilities in supporting the process. We will continue, together with our German partners, to mobilize in that direction, in the context of the Normandy format. A new follow-up meeting at the level of Foreign Ministers for that purpose will be held shortly.

**Mr. Rycroft** (United Kingdom): I welcome the briefings today from the Deputy Secretary-General and from the Organization for Security and Cooperation in Europe (OSCE), the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Human Rights.

Given the interconnected nature of all the issues that the United Nations deals with, whether in Ukraine or elsewhere — peace, security, development, human rights, humanitarian affairs — it is imperative that the Council have a full picture. I am very glad that we have been able to do so today. I also welcome the presence in the Council of the Foreign Ministers of Ukraine and Lithuania.

The situation in Ukraine is deeply worrying for three major reasons. First, the Minsk agreements remain unfulfilled, and peace remains elusive. Secondly, the humanitarian situation is worsening, and will only continue to do so during winter. Thirdly, Crimea remains illegally annexed, and its people's human rights remain oppressed. Let me take up each of those in turn.

First, as we have heard today, progress on the diplomatic track has slowed, and ceasefire violations are on the increase. Last month saw spikes in the fighting in eastern Ukraine, with fatalities fast approaching pre-September levels. At a conservative estimate, over 9,000 people have now been killed, and more than 20,000 wounded, since the fighting began.

Many recent casualties are a direct result of the abhorrent use of landmines and booby traps. Others have been caused by heavy weapons, the same heavy weapons that were supposed to have been withdrawn under the Minsk agreements. The OSCE Special Monitoring Mission makes clear where the blame lies. The majority of violations have been committed by the separatists.

It is imperative that the ceasefire be respected by all parties. Not only is the ceasefire vital to the success of the Minsk agreements, it will also allow collective action to undertake meaningful demining in eastern Ukraine. Landmines and other explosive remnants of war continue to inflict casualties on an almost daily basis. The priority must be to map the areas of contamination and agree a coordinated approach for their removal. That cannot be achieved while hostilities are ongoing.

There is one Council member here today whose influence can bring an end to the fighting and whose pressure can deliver a political solution to the crisis. We all look to Russia to make every effort in that regard, both by using its influence on the separatists and by withdrawing its troops and equipment that still remain in Ukraine.



Russia can also have a meaningful impact on my second point: the worsening humanitarian situation. The separatists continue to deny access to both the OSCE Special Monitoring Mission and international humanitarian agencies. That cannot continue. Sadly, at the moment, Russia's influence only seems to increase tensions. So-called humanitarian convoys enter Ukrainian territory without the consent of the Ukrainian authorities, in clear violation of its sovereignty and territorial integrity. There have been 42 such convoys since August 2014, and they must cease.

With over 1.4 million people internally displaced and an estimated 2 million people living in areas near the fighting, the humanitarian challenge in Ukraine is enormous. The recent opening of three humanitarian logistics centres by Ukraine is a welcome move to ease civilian suffering, but we regret the continued deaths of civilians from landmines owing to the lack of sanitation facilities at checkpoints. That needs to be addressed. Sadly, the situation will only get worse over winter. All aid agencies must be allowed to aid preparations for cold weather across Ukraine. If access continues to be restricted, aid agencies will be unable to transport, store or deliver critical supplies to thousands of affected people. A failure to do so will only lead to more suffering and more deaths.

Turning to my final point, it has now been 21 months since the illegal annexation of Crimea. In that time, the human rights situation has deteriorated. We hear regular reports, including from Mr. Šimonović today, of repression and restrictions of the fundamental freedoms of assembly, association, expression and belief. The United Nations Human Rights Mission in Ukraine noted in its report this month that most human rights abuses in Crimea have been directed at Crimean Tartars and people supporting Crimea's rightful place in the Ukrainian State.

With temperatures falling and a road blockade denying access to food and provisions, the humanitarian situation on the peninsula is getting worse. The electricity crisis is exacerbating the problem, and we have raised the urgent need to restore the damaged electricity power lines with the Ukrainian Government.

Let me conclude by thanking the briefers again for their contributions. I hope that the Council, working together and alongside the relevant agencies and regional associations, can help ensure that 2016 is a more peaceful year for all people in Ukraine. I look

forward to working with all Council members, both old and new, in making that a reality.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): With all due respect to you, Madam President, I cannot fail to note that Security Council meetings should start on time. Unfortunately, the American presidency this month has introduced an element of nervousness into the work of the Council and has not always acted on the basis of consensus.

The coup d'état that extremists carried out with the support of outside organizers during a wave of legal popular protest has led Ukraine into a serious economic and social crisis that has persisted for some time. Helping to find a way out of that situation is the challenge of the international community, including the Security Council.

We are grateful to Deputy Secretary-General Jan Eliasson, to the Chief Monitor of the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission to Ukraine, Ertuğrul Apakanu, and to the Director of the Coordination and Response Division in the Office for the Coordination of Humanitarian Affairs, John Ging, for their briefings.

With regard to the statement of Mr. Šimonović, I would note that the Mission he heads in Ukraine does not have a Security Council mandate and the subject of his statement goes beyond the remit of resolution 2202 (2015). The report of his Mission is being discussed in the Human Rights Council in Geneva. Returning to that subject now is nothing more than an attempt to divert attention from the most important task today, which is to implement the package of measures for the implementation of the Minsk agreements. It is only through the full implementation of the provisions of that document that the conflict in Donbas and the problems related to it can be resolved.

The Security Council has met repeatedly on the subject of Ukraine. However, most of the meetings were of a polemical nature. An exception to that was provided by the unanimous adoption, on 17 February, of resolution 2202 (2015), which approved the package of measures of 12 February and urged all parties to fully implement it. That clear document, which presented a road map for settlement, inspired hope that the crisis could be resolved.

Ten months later, we consider it logical, expedient and necessary to discuss how it is being implemented,

and if it is not, why. We believe that the military provisions of the package have achieved some results. Basically, heavy weapons have been withdrawn, and even additional agreements have been concluded on weapons with a calibre of less than 100 millimetres: tanks, mortars and artillery shells. Not everything went smoothly, but the intensity of the fighting and the shelling on civilians in Donbas has been significantly reduced. The OSCE Special Monitoring Mission played an important role in that regard. However, we are concerned — and this has been confirmed by the OSCE observers — that in the past month tensions have increased again. Seventy per cent of the ceasefire violations have occurred in the Donetsk region. In the area under the control of the Ukrainian armed forces, there was regular shelling in Horlivka, Zhabichevo, Zheleznaya Balka, Krasny Partizan, Spartak and Staromykhailivka. The provocative nature of those attacks can be seen from the fact that they took place at the same time as the Normandy format meetings.

According to the statistics of the OSCE Special Monitoring Mission, the Ukrainian side bears the main responsibility for the shelling, for placing military equipment in the security zone and for using radio-jamming equipment against the unmanned aerial vehicles operated by the Special Monitoring Mission. The Ukrainian armed forces continue to deploy their forces in the region and do not hide fact that they have heavy weapons, which can be seen in the regions of Avdiivka, Volnovakha, Horlivka, Dzerzhynsk, Orlovka and Pisky. In Horlivka alone, according to Donetsk intelligence, there are 85 tanks, 12 armoured personnel carriers and 30 rocket launchers. In addition, on 4 December, the Ukrainian side arbitrarily and in violation to the existing agreements seized seven villages that were, at the time of the signing of the package, in the buffer zone and still not under the control of either party. We regard those actions as provocative. The Ukrainian troops must be withdrawn from those areas.

Those questions are of course being raised in the Trilateral Contact Group and the Joint Centre for Control and Coordination. However, the Ukrainians are trying to argue that black is white, saying that the rebels are shelling themselves. They criticize the OSCE Mission and say that the problem is that it is not accountable to the Contact Group. Even the politically correct leadership of the Contact Group has had to urge them to refrain from inflammatory rhetoric. We

hope that Mr. Apakan will continue to call upon the representatives of Kyiv to work constructively and avoid provocative language.

It is clear that the military situation in Ukraine cannot be considered outside the context of the implementation of the political aspects of the package of measures. The problems with regard to the political area have unfortunately often led to an escalation of the situation. Currently, we do not see anything positive coming out of the implementation of such key provisions of the Minsk II package as organizing local elections, granting amnesty, providing Donbas with permanent legislation on its special status or carrying out real constitutional reform. Kyiv still refuses direct dialogue with the representatives of Donbas, contrary to what was stipulated in the Minsk agreement. The Normandy format summit that took place on 2 October in Paris should have provided some impetus towards improvements on that score. Following that meeting, the Luhansk and Donetsk authorities agreed to make concessions and postpone elections until the winter or spring of the following year, if Kyiv took specific steps as agreed upon within the Normandy quartet. However, soon after the Paris meeting of the Contact Group, the representatives of Kyiv tried to present the situation as if nothing needed to be done on their part. Therefore, by ignoring the agreements reached by the leaders of the Normandy format quartet, they returned to their previous position.

For example, despite the agreement on the need to adopt a law on elections in Donbas, the Ukrainians asserted that the elections needed to be held under the existing law under which they had been held previously in the rest of Ukraine on 25 October and on 15 November. In the first place, the law is far from perfect, which became apparent during the voting. It does not provide sufficient time to monitor the elections, and the campaign preceding the elections is rendered more complicated, as is the work of the mass media. Consequently, those regions did not elect the candidates who enjoyed the support of the majority. But most important, that law was not agreed to by Donetsk and Luhansk, as stipulated by the Minsk agreements, and is in contradiction with the position that President Poroshenko made clear at the Normandy format summit in October. It is clear that Kyiv is not looking for a compromise leading to a way out of the current situation. Instead, it quickly endorsed the so-called

framework on the use of the law on local elections in the Verkhovna Rada.

As is well known, the package of measures also includes a number of socioeconomic steps aimed at improving the difficult humanitarian situation in Donbas. Logically, achieving progress in de-escalating the military situation should have led to resolving some of those glaring problems and building a climate of trust. However, Kyiv continues the economic blockade of Donbas, while ignoring the relevant recommendations of international organizations. The population of Donbas cannot count on having quality medical care. They have limited access to safe drinking water and basic services. Depriving the residents of Donbas of their pensions and social benefits and hindering the delivery of food and other essential goods demonstrate Kyiv's true desire to harm the people of the region. There is an absence of services, such as the mobile banking stations along the line of contact, through which Ukraine is supposed to provide benefit payments to the population of Donbas.

Moreover, the blockade is accompanied by a number of absurd actions on the part of the Kyiv authorities. The authorities continue to be brought to trial in their own Ukrainian courts just to avoid paying benefits to the residents of Donbas. On 16 October, the highest administrative court of Ukraine ruled that it was illegal to suspend the disbursement of social benefits to citizens of the Donbas and Luhansk regions and ordered their resumption. And that was not the first time a Ukrainian court had handed down such a decision. I am sorry to say this, but in this pre-winter season, with increasing cold weather, the Ukrainian leadership has quietly been encouraging those who are working to make the situation for the people in that area unbearable. The power supply to Donbas is unstable and there has been no effort to improve the damaged water supply, which is the result of shelling a 300-kilometer-long section of a water supply system that used to supply 400,000 people. In such an extremely difficult humanitarian situation in the south-east of Ukraine, Russia continues to offer humanitarian aid to the people of the Donbas region, which has been isolated by Kyiv, including medicine, warm clothing and food for hospitals, schools and community centres, among other forms of assistance. By 9 December, 46 convoys had delivered approximately 56 thousand tons of goods.

As one can see, the implementation of the package of measures, is, to say the least, being hampered. It would

seem that no one is interested in freezing the conflict in the south-east of Ukraine, but in order to ensure a viable outcome and its final settlement, there needs to be political will on the part of the direct participants, which is clearly lacking, especially on the Ukrainian side. We have already discussed how Kyiv behaved after the Normandy format summit in Paris, where the agreements reached were simply disregarded. A mere appearance of dialogue with the people of Donbas and Luhansk emerged in the subgroups of the Contact Group, but the bellicose rhetoric on the part of Kyiv abounds and the military preparations continue. What are we to say when we see diplomatic efforts under way yet, at the same time, a seventh mobilization campaign is being planned and enormous amounts of scanty State funds are being generously spent on weapons?

The deplorable situation in Ukraine is well known. Along with a very difficult economic situation, there is an ongoing struggle for power — reminiscent of gang violence — endemic corruption and an inability to establish Government administration even in regions that strongly supported the Maidan protests. There are many problems in Ukraine with the administration of the legal system. There is much evidence of human rights violations by the Ukrainian security forces and mercenary battalions, including torture, general mistreatment, abductions, arbitrary detention and extrajudicial punishment. The crimes committed in the Maidan have not been investigated, and the snipers and provocateurs are still walking free. No one has been brought to justice for the terrible murders of the victims in Odessa. International observers note the absence of efficiency and objectivity in investigations, which are being intentionally drawn out, and the efforts by the authorities to conceal the results of the investigations. There is growing pressure on the courts. The Ukrainian authorities are still prosecuting civilian activists from the opposition. Human rights activists continue to condemn Kyiv's actions with regard to its restrictions on the media and its exerting pressure on journalists. Kyiv is also surreptitiously selling weapons and military equipment to the Middle East through very dubious channels. Those could possibly wind up in the hands of terrorists.

We are not ruling out the fact that, in order to conceal the problems in its domestic policy, the Kiev authorities continue not only to undermine the peace process in Donbas, but are also promoting military provocations. It is clear that one of the factors behind

the political situation and the actions of the Kyiv authorities is the spread of the ideology of extremism in parts of Ukrainian society, including neo-Nazism and aggressive nationalism. That is the sort of ideology led to the coup d'état in Kyiv in 2014 and the later so-called counter-terrorist operation in the south-east of the country. We are convinced that, as long as the expression of such ideology is justified as part of the right to freedom of expression and as a potential factor in consolidating the country and society, we cannot legitimize the authorities in Kyiv.

We were shocked to hear that a new Ukrainian military transport aircraft has been christened the *Bandera*, after the Nazi collaborator. Will they paint a swastika on it? A glaring example of the outrages committed by the armed nationalist radicals was the destruction of the transmission lines supplying electricity to Crimea, which has resulted in a crisis for schools, hospitals and other facilities on the peninsula. That threatened the lives of patients on life-support and constitutes a gross violation of the right to life. The Kyiv authorities have demonstrated their complete inability to react to or condemn such actions.

The position of a number of States that claim to want the best for Ukraine is unhelpful in that regard. Recently, the Vice-President of the United States went to Kyiv. Addressing the Verkhovna Rada, he spoke about Minsk agreements. He said that Russia was presenting an obstacle to the implementation of the Minsk agreements. But everyone knows that Russia cannot modify the Ukrainian Constitution, adopt laws regulating elections in Ukraine or grant amnesty. It is puzzling that, in a similar vein, he did not take that opportunity to call on Ukrainian lawmakers and the President of Ukraine who hold such power.

In conclusion, we confirm that there is no alternative to the implementation of the Minsk agreements of 12 February and of resolution 2202 (2015). We are pleased that, although the work of the Trilateral Contact Group is difficult, its participants are working in an orderly manner.

**Mr. Adamu** (Nigeria): I would like to thank the briefers — Deputy Secretary-General Eliasson, Mr. Šimonović, Mr. John Ging and Ambassador Apakan — for their informative remarks.

We have been following the developments in Ukraine very closely and are concerned by the tenuous peace prevailing in the country. In our view, the

package of measures for the implementation of the Minsk agreements of February 2015 provide a concise and clear road map for settling the situation in Ukraine. That is why we urge the parties to abide by their obligations under the agreements in order to achieve the objectives of the ceasefire.

Reports of indiscriminate shelling of populated areas are a matter of concern to us. That endangers the lives of civilians and exacerbates the humanitarian situation. We therefore urge the parties to take care not to expose civilians to unacceptable risks. Nigeria is also concerned about the humanitarian situation in eastern Ukraine. According to the Office for the Coordination of Humanitarian Affairs, many civilians in Donetsk and Luhansk continue to endure limited or no access to humanitarian assistance. We urge the authorities to remove the bureaucratic impediments to the work of humanitarian actors in order to facilitate the delivery of much-needed assistance. On the same subject, we applaud the efforts of the United Nations and other humanitarian actors to address the challenges in eastern Ukraine. We urge them to remain engaged in the situation until it stabilizes, and call on the authorities to take steps to ensure the establishment of an effective system for the adequate coordination of relief efforts in the region.

**Mr. Lucas** (Angola): We thank the Deputy Secretary-General, Mr. Šimonović, Mr. Ging and Mr. Apakan for their briefings.

Angola supports the peaceful resolution of conflicts through dialogue, negotiations and strict respect for the Charter of the United Nations and the principles of international law. On this occasion, we want to reiterate our attachment to Ukraine's unity, sovereignty, independence and territorial integrity, as well as our support for the implementation of the package of measures adopted in Minsk on 12 February and for a permanent ceasefire as the prerequisite to the expeditious implementation of the Minsk agreements and, ultimately, to the establishment of peace in Ukraine.

We took note of the relative optimism expressed by the briefers regarding the prevailing peaceful situation in eastern Ukraine, which we hope will strengthen and allow for the recovery of the region, thus enabling the population in those areas to enjoy a better life in peace and security. In that regard, we hope that the separatists in eastern Ukraine will soon give up the territories they



control in order to restore normalcy to the lives of the people under their yoke and permit the restoration of the unity and territorial integrity of Ukraine.

We regret the constraints on humanitarian access and the freedom of movement faced by United Nations agencies across the line of contact between Government- and non-Government-controlled areas because of security reasons. We strongly condemn violations of international humanitarian and human rights law. We call upon the parties to the conflict to allow and facilitate safe, rapid and unhindered access by humanitarian organizations to all areas and people in need.

The situation of internally displaced persons is a matter of concern. Owing to inconsistent solutions for housing internally displaced persons, delays in winter protection, the significant number of landmines and unexploded ordnance remain the main causes of high casualty rates.

The conflict in Ukraine is a senseless one. It must stop as soon as possible, with the Ukrainian people able to live in peace with one another. The Deputy Secretary-General referred to the Minsk agreements as the only viable strategy for the achievement of peace. We join our voice to his appeal for political will and flexibility, and we call on the parties to the conflict to respect the ceasefire, fully implement the Minsk package of measures and allow the Organization of Security and Cooperation in Europe Special Monitoring Mission freedom of movement to verify the ceasefire and the withdrawal of heavy weapons from the designated areas. The Security Council unanimously adopted resolution 2202 (2015), endorsing the Minsk agreements and conveying the international community's commitment to peace in Ukraine.

**Mr. Hmoud** (Jordan) (*spoke in Arabic*): I would like to thank the Deputy Secretary-General, Mr. Jan Eliasson, the Chief Monitor of the Special Monitoring Mission to Ukraine of the Organization for Security and Cooperation in Europe (OSCE), Mr. Ertuğrul Apakan, the Director of the Coordination and Response Division of the Office for the Coordination of Humanitarian Affairs, Mr. John Ging, and the Assistant Secretary-General for Human Rights, Mr. Ivan Šimonović, for their informative briefings.

Jordan reiterates the need for a permanent political solution to the crisis in eastern Ukraine so as to establish peace and security there, as well as to restore

its territorial integrity and sovereignty. Prolonging the conflict will not serve the interests of any of the parties. Moreover, the continuation and expansion of military confrontations and acts of provocation can lead only to the exacerbation of the current situation, while rendering the agreements devoid of all meaning. That will aggravate outstanding issues among the parties involved, leading to the deterioration of economic and humanitarian conditions, which will have even greater adverse effects on civilians in particular and on the security and stability of the region as a whole.

Jordan calls upon all parties to assume their responsibilities and focus on positive and constructive dialogue within the framework of the Normandy format and the Trilateral Contact Group, in order to achieve a peaceful settlement of the crisis. The Minsk agreements and resolution 2202 (2015) provide a basic, solid foundation for any political settlement. The parties concerned should demonstrate sincerity and commitment to the implementation of those agreements and build upon them in order to achieve a ceasefire and settle the conflict. In that connection, we emphasize the need for the comprehensive implementation of all the terms of the agreements.

We are deeply concerned about the continued breaches of the ceasefire and the fragile security conditions that have led to the humanitarian crisis in which thousands have been displaced, a further 9,000 people have lost their lives and more than 20,000 people have been injured. We emphasize that the political de-escalation of the Ukrainian crisis would help to resolve the humanitarian crisis. In any event, efforts to mitigate the crisis must be redoubled. It is imperative to protect civilians and their rights, to investigate all crimes and violations of those rights and to ensure the prevention of impunity.

We reiterate the need to support the OSCE and to facilitate its work and access to all areas so that it can discharge its mission and verify the withdrawal of heavy weapons from the areas adjacent to the contact line. We also call upon the Government of Ukraine to proceed with the positive measures and reforms it is undertaking, including the recent adoption of the national human rights strategy. We emphasize the need to provide basic humanitarian and social services to civilians and to internally displaced persons in particular, regardless of the political affiliations of the parties to the conflict.

**Mr. Suárez Moreno** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We would like to welcome the presence here today of the Deputy Secretary-General, the Assistant Secretary-General for Human Rights, the Director of the Coordination and Response Division of the United Nations Office for the Coordination of Humanitarian Affairs and the Chief Monitor of the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine.

The Bolivarian Republic of Venezuela reiterates that the full implementation of resolution 2202 (2015), which supports the decision adopted in Minsk on 12 February by the representatives of Ukraine, the Russia Federation, France and Germany, is essential as part of the consolidation of efforts to be pursued by the parties in the quest for a political and peaceful solution to the crisis in Ukraine.

During the meeting of the Organization for Security and Cooperation in Europe (OSCE) troika against the backdrop of the Ministerial Council meeting on 3 December, the Foreign Ministers of Serbia, Switzerland and Germany reaffirmed their full support for the political process within the framework of the Trilateral Contact Group and the work of the OSCE Special Monitoring Mission to Ukraine. Furthermore, they expressed their concern in the light of the fact that, although the ceasefire was holding, periods of relative or absolute calm were nonetheless frequently interspersed with intense and targeted fighting. We are unequivocal in our demand that the parties to the conflict must be determined and unrelenting in working towards delivering a complete and sustainable peace. A definitive cessation of hostilities therefore constitutes a vital goal that cannot be postponed any longer.

In that understanding, our country welcomes the work being carried out by the OSCE to support the effective implementation of the Minsk agreements. It is important to emphasize that only through dialogue, direct negotiation and the political will of the parties will we be able to arrive at a peaceful and durable solution to the crisis in the region. We also believe that the application of unilateral coercive sanctions is incompatible with international law. Such sanctions are also counterproductive to hopes for achieving peace and stability in the region, given that they sour the atmosphere necessary for the dialogue that is so essential for rebuilding trust between the parties.

With the support of the international community and by strictly complying with the Minsk agreements and the resolutions of the Security Council, it should be possible to avoid military escalation and the spreading of the conflict. All possible efforts must also be made to address the structural and historical root causes of the crisis, with the aim of achieving lasting and sustainable peace.

We call upon the parties to strictly adhere to their obligations relating to the protection of civilians in the regions affected by violence, including the need to guarantee access for humanitarian assistance to residents in those areas, as well as to internally displaced persons and refugees who find themselves in the areas affected by the conflict. We reject acts of violence and ethnic and politically based persecution, as well as acts of terrorism, irrespective of who is behind them. Any such incident must be duly investigated independently, and the investigation must produce the evidence found to support the conclusions drawn.

Finally, we call upon all parties to redouble their efforts in the quest for a just and lasting political solution, which is to their benefit and to that of the entire region.

**Mr. Wang Min** (China) (*spoke in Chinese*): I thank the briefers for the information they have provided.

For some time, the situation in eastern Ukraine has generally been stable, and the ceasefire has been maintained. The withdrawal of heavy weapons is under way. Last February, leaders from four countries —, Russia, France, Germany and Ukraine — reached an important consensus in Minsk on a political settlement of the crisis in Ukraine. Subsequently, the Security Council adopted resolution 2202 (2015), thereby demonstrating the firm support of the international community for the diplomatic efforts of the leaders of the four countries for a political settlement of the Ukraine question. At present, all the parties should fully implement the consensus reached by the leaders of the four countries and the Council resolutions in an effort to further promote the political settlement of the crisis in Ukraine.

The question of Ukraine involves a complicated history and reality. To find a fundamental and lasting solution to the problem in that country, we must address the legitimate rights, interests and concerns of all the ethnicities and regions within Ukraine, as well as the legitimate concerns of all the parties involved, in order

to balance their interests. The international community should further strengthen diplomatic efforts to achieve a political settlement. China is open to a discussion of this question in the Council, and believes that the debate here should play a constructive role in alleviating the situation in Ukraine. China is opposed, as always, to the Council's involvement in country-specific human rights issues and to the use of unilateral sanctions, or the threat of the use of sanctions freely in international relations. That is detrimental to finding a lasting solution. As always, China respects the sovereignty and territorial integrity of all countries, Ukraine included, and has remained objective and impartial on the question there.

China calls upon all of the parties to remain calm and exercise restraint, to fully implement the Minsk agreements and to consolidate the hard-won ceasefire, so as to achieve peace, tranquillity, stability and development in Ukraine. China will continue to play a constructive role in finding a political settlement to this question.

**Mr. Van Bohemen** (New Zealand): I would like to thank Deputy Secretary-General Eliasson, Mr. Šimonović, Mr. Ging and Ambassador Apakan for their briefings today. I also welcome the participation of the Foreign Ministers of Ukraine and Lithuania in this meeting.

In resolution 2202 (2015), the Council unanimously called on all parties to implement the package of measures for the implementation of the Minsk agreements, which was to have been completed by the end of this year, less than 20 days from now. We are very concerned at the slow progress, and we urge renewed efforts to ensure full compliance with the commitments under the agreements, which, as others have noted, offer the best chance for a durable peace.

As the briefers have outlined today, the continuing presence of foreign fighters and the flow of weapons and ammunition into the separatist-controlled areas make the renewal of hostilities a constant possibility. New Zealand calls on all the parties to the conflict to deliver on their commitments to a genuine and sustained ceasefire and to the verified withdrawal of proscribed weapons.

On the political track, a number of key outstanding elements of the Minsk process still need to be resolved. We urge the parties to reach agreement on the modalities for free and fair elections in the conflict

areas, in accordance with Ukrainian law and with Organization for Security and Cooperation in Europe (OSCE) standards, and for elections to be monitored by the OSCE. The restoration of lasting peace to the region requires the restoration of Ukraine's control over its border with Russia. In order for that to occur, the parties will need to reach agreement on, and implement, all of the political elements of the Minsk agreements.

All parties to the conflict agreed that the OSCE would play a special role in monitoring and verifying compliance with the Minsk agreements. Yet the OSCE continues daily to report significant restrictions on its access throughout eastern Ukraine. The separatists must comply with all the obligations undertaken in Minsk, including by ensuring that OSCE monitors are able to carry out their work effectively and safely. We call on Russia to use its considerable influence over the separatists to ensure such compliance.

The twelfth report on the human rights situation in Ukraine by the Office of the United Nations High Commissioner for Human Rights records a troubling list of human rights abuses in eastern Ukraine and Crimea, including a lack of protection and justice for victims, impunity for perpetrators on both sides and a prevailing climate of fear in the separatist-controlled territories. We call for urgent independent oversight of places of detention and for investigation and accountability for all violations of human rights. It is clear that the humanitarian problems are large, with millions of affected people in the conflict area. As we have heard today, the situation is already dire in some areas. With the further onset of winter, the already difficult lives of civilians affected by conflict in Ukraine will become even more perilous.

As we have also heard, critical infrastructure has been damaged in the conflict and is in need of repair. Many are without adequate shelter owing to the shelling of residential areas. Secure access to food has become increasingly challenging. Landmines and unexploded ordnance are posing a critical risk to civilians, thereby underscoring the need for mine clearance and mine awareness on both sides of the conflict line.

The difficult situation facing civilians has been greatly exacerbated by the restrictions imposed on humanitarian actors in recent months, such as purported registration requirements enforced by the separatists. We call on all parties to do everything within their

power to ensure that humanitarian assistance can freely reach those who need it in Ukraine.

The Council has previously determined to remain seized of the situation in Ukraine. Until fundamental issues have been resolved, it is right that the Council continues to monitor the situation very closely.

**Mr. González de Linares Palou** (Spain) (*spoke in Spanish*): We are very grateful for the information provided to the Council by Deputy Secretary-General Eliasson; Mr. Šimonović, Assistant Secretary-General for Human Rights; Ambassador Apakan, Chief Monitor of the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission to Ukraine; and by Mr. Ging, Director of the Coordination and Response Division of the United Nations Office for the Coordination of Humanitarian Affairs. I also thank the Lithuanian delegation for the initiative of convening this meeting.

The last time that the Council met for a comprehensive overview of the situation in Ukraine was several months ago, in June (S/PV.7457). Spain favours the Council maintaining a close and watchful eye on the situation in Ukraine, together with the ongoing process of the Minsk agreements.

My delegation regrets the increase in hostilities seen since the beginning of November along the contact line. We also regret the fact, and as we have heard today, that compliance with the Minsk agreements is not moving ahead at the pace we all desire. Spain therefore calls for a rekindling of the spirit of understanding that the countries gathered under the Normandy format have always tried to foster, with a view to advancing full compliance with the Minsk agreements.

That is why that process must play a decisive role in the resolution of the crisis. It is not a perfect process, nor does it cover all aspects of the crisis. Nonetheless, it continues to be the only solution available and the most appropriate one if we are to achieve a political solution to the conflict that should never have taken place in the first place and has already lasted far too long. That is why it is critical to maintain the ceasefire and implement the commitments on the withdrawal of heavy weapons, thus enabling the political efforts to lead to lasting results.

Spain also acknowledges and highly values the important work being carried out by the Special Monitoring Mission of the OSCE. It is essential to

provide access to all areas of the territory so as to enable the Mission to fulfil its mandate. Moreover, it is crucial that all parties to the conflict scrupulously and without exception respect the status of the Special Monitoring Mission, as well as its members.

It is also essential and urgent that all of the stakeholders involved renew and strengthen their political will and efforts order to guarantee the full and effective implementation of the Minsk agreements. In that connection, I would like to reiterate Spain's resolute support for President Poroshenko and his determination to pursue legal and constitutional reform that will provide stability and progress for his country and the people of Ukraine. Some additional reforms are still needed for the swift holding of local elections in the eastern part of the country, in accordance with the Minsk process.

We are deeply troubled by the persistence of serious human rights violations, particularly in those areas controlled by the self-styled republics of Donetsk and Luhansk, which were condemned in the recent report of the Human Rights Monitoring Mission in Ukraine. There are also reports of human rights violations in Crimea and clashes and acts of aggression suffered by the Tatar minority in the peninsula.

Against that backdrop, I would like to refer to the recent report issued in November by the OSCE High Commissioner on National Minorities, Madam Thors. The report called for a tolerant and diverse society to be fostered and supported under a solid, robust institutional framework. The effective protection of the human rights of all residents of each and every region of Ukraine must remain an ongoing priority. We welcome the recent adoption, in August, by the President of Ukraine, of the first national human rights strategy. It is our hope that it can be swiftly and thoroughly rolled out and applied across the territory of Ukraine in accordance with the plan of action that has been announced. We also welcome the acceptance of the jurisdictional competence of the International Criminal Court to investigate future crimes under the Rome Statute.

The role played by the Special Monitoring Mission in terms of information and awareness-raising in human rights is also equally important and enjoys our full support. Access must therefore be granted to the Mission throughout the entire territory of Ukraine, without any restrictions.



On the humanitarian track, we are particularly concerned by the fate of the hundreds of thousands of displaced persons both within Ukraine and the refugees in neighbouring countries. It would be remiss of me not to mention the numerous civilian victims who continue to lose their lives or suffer injury each day as a result of the conflict. On the other hand, the onset of winter is at our door, which gives rise to further concern about the need to provide humanitarian aid to those in non-government controlled areas. We believe that hindering humanitarian access to the non-Government controlled areas cannot continue, because those efforts include actors such as Doctors Without Borders. Hundreds of thousands depend continuously on humanitarian aid to survive and there can be excuse to hamper that work.

I conclude by recalling the fact that my delegation wishes to again draw attention to General Assembly resolution 68/262, and our firm conviction that any lasting solution needs to include respect for the political independence, sovereignty and territorial integrity of Ukraine.

**Ms. Sapag Muñoz de la Peña** (Chile) (*spoke in Spanish*): As we have mentioned on other occasions, it is once again a pleasure to see a woman presiding over the work of the Security Council, even though her presidency is coming to an end.

We highly welcome the briefings by Mr. Jan Eliasson, Mr. Ging, Mr. Šimonović and Ambassador Apakan. We also welcome the participation and presence in the Council today of the Ministers for Foreign Affairs of Lithuania and Ukraine.

We wish to express our profound misgivings in the light of the resurgence of tensions in various localities of Donetsk. In particular, we are tremendously worried about the failure to observe the ban on using heavy weapons — a point already raised by previous speakers. Faced with that reality, it is imperative and urgent to preserve the ceasefire.

As we have indicated previously, we believe that full compliance with the ceasefire, to be monitored and verified by the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine, in line with the provisions of the Minsk agreements and the dialogue between the parties, is the only way to achieve lasting peace. We call upon the parties to refrain from actions incompatible with the

Charter of the United Nations, international law and international humanitarian law.

We are particularly troubled by the multifaceted fallout from the crisis and its impact on the civilian population, particularly in those areas under the control of illegal armed groups. We urge the parties to unconditionally respect human rights, including the rights of minorities, and to ensure that those responsible for such violations and abuses are brought to justice. Moreover, accountability is another way to support the implementation of the Minsk agreements.

The humanitarian situation is an unavoidable issue. The situation of internally displaced persons and civilians in need of protection is of further concern. In that connection, we note in particular the elderly, as Mr. Ging mentioned today. Access for humanitarian assistance remains a core issue that must be guaranteed. The worsening weather conditions as winter sets in will seriously affect the population in need of assistance, especially children and other vulnerable groups. The international community must be ready to respond to relevant humanitarian appeals and to strengthen efforts to implement public health measures.

This is a moment when it is crucial that the Council send a new message to the parties on the importance of creating the conditions that can enable the Minsk agreements to be effectively implemented. The facts show that apprehensions about the precariousness of the compliance may be justified in a context of structural tension. Only by ensuring a political dialogue within the Minsk framework can such cycles of violence be overcome.

**Mr. Gombo** (Chad) (*spoke in French*): I would like to thank the briefers — Deputy Secretary-General Jan Eliasson, Mr. Ivan Šimonović, Mr. John Ging and Mr. Ertuğrul Apakan — for their presentations, and to welcome the Ministers for Foreign Affairs of Lithuania and Ukraine to the Security Council.

Chad is concerned about the continuing serious situation in eastern Ukraine despite the signing of the Minsk agreements on 12 February. The chief victims of the fighting and bombings are civilians. The humanitarian agencies' statistics attest to the high human cost of the crisis in Ukraine, with more than 9,000 people dead and more than 2.5 million refugees and internally displaced persons, with thousands of the vulnerable having no access to humanitarian aid. Added to all that is the massive destruction of public

and private infrastructure, never mind the enormous suffering that the affected civilians have endured.

In the face of this worrying humanitarian situation, it is vital that we ensure free and unhindered access to the conflict zones in order to deliver essential humanitarian assistance to the internally displaced and improve their living conditions. Chad believes firmly that the solution to the Ukrainian crisis must be a political one, and as such is greatly dependent on the willingness of the parties concerned to commit to a genuine negotiation process aimed at achieving a lasting peace. In that regard, we call for implementation of the Minsk agreements, as laid down in resolution 2202 (2015), of 17 February, including a durable ceasefire, whose constant violation by the parties to the conflict we deplore. The withdrawal of heavy weapons and the observance of the agreements' other relevant measures represent, among other things, ways to ease the violence. In that regard, the observers of the Organization for Security and Cooperation in Europe should not be hindered in fulfilling their mission. Similarly, the implementation of the measures outlined must be carried out with respect for international norms, the recommendations in the reports of the Office of the United Nations High Commissioner for Human Rights and international law concerning the sovereignty and territorial integrity of Ukraine.

**Mrs. Adnin** (Malaysia): I would like to join other Council members in expressing our appreciation to all of today's briefers for their insightful assessments of the latest situation in Ukraine. I would also like to acknowledge the presence of the Foreign Ministers of Lithuania and Ukraine, who are with us here today. Almost half a year has gone by since the Council last met on this issue (see S/PV.7498), and we would like to believe that the situation in Ukraine is stabilizing. Listening to the briefers, however, we share the concerns that other Council members have expressed about the security, humanitarian and human rights situations in Ukraine.

Malaysia takes note of the progress made so far in implementing the 13 points in the Minsk agreements, particularly on the maintenance of the ceasefire, the withdrawal of weapons, the release of hostages and work on constitutional reforms. However, that progress is far from being irreversible. We therefore call on all parties to comply fully with the provisions of the Minsk agreements. In particular, we urge them to cooperate fully with the Special Monitoring Mission

of the Organization for Security and Cooperation in Europe (OSCE), in order to enable it to carry out its mandate, including by providing the OSCE with full and unhindered access to rebel-held areas in the Donbas region and with the information it needs to verify the withdrawal of heavy weapons.

Malaysia looks forward to further progress being made by both sides on determining the modalities of local elections in certain areas of Donetsk and Luhansk, as laid down in the Minsk agreements and in accordance with the laws of Ukraine. We take note of the extension of the time frame for the implementation of the agreements from the end of this year to the end of 2016. Rather than pointing fingers about who might be causing the delays in implementing the agreements, the parties should engage in good-faith negotiations and use the breathing space created to redouble their efforts to deal with the issues of constitutional reform and decentralization of the Donetsk and Luhansk regions.

Malaysia is deeply concerned about the allegations of violations of international human rights and humanitarian law in Ukraine. We urge all the parties to comply with international law and international humanitarian law, particularly where it concerns the protection of civilians. Reports of the summary execution and arbitrary detention of civilians and of torture and forced disappearance must be thoroughly investigated in order to ensure accountability. We also call on the parties to respect the people's rights to freedom of opinion and expression and to peaceful assembly. In that regard, Malaysia welcomes the progress made by the Ukrainian Government in introducing a national human rights strategy in August and looks forward to its implementation via an action plan. We also urge all parties to allow safe and unrestricted humanitarian access to those in need. We would like to emphasize that humanitarian assistance must be carried out in accordance with international law, international humanitarian law and respect for Ukraine's sovereignty and territorial integrity.

We remain concerned about the insidious increase in violations of human rights in Crimea, especially of the right to life, liberty, security and physical integrity, to freedom of expression and peaceful assembly, and to an education in one's native language. We urge the de facto authorities in Crimea to provide access to the United Nations Human Rights Monitoring Mission in order to enable it to carry out its mandate effectively. Malaysia would like to recall General

Assembly resolution 68/262, adopted last year by an overwhelming majority of Member States, on the status of the Autonomous Republic of Crimea. We share the assessment of the Office of the High Commissioner of Human Rights that compliance with the resolution is crucial if we are to see an environment conducive to the promotion and protection of human rights in Ukraine.

In conclusion, Malaysia reaffirms its commitment to a peaceful resolution of the conflict in Ukraine based on the principles of the Charter of the United Nations, including respect for the sovereignty and territorial integrity of Ukraine. We also reiterate that full compliance with the February Minsk agreements, as endorsed by the Council in resolution 2202 (2015), is crucial to rebuilding trust and confidence in order to achieve a political solution to the conflict. Any military solution is unsustainable in the long run and will only result in further humanitarian disaster. I would also like to take this opportunity to commend the tireless efforts and dedication of the various humanitarian organizations, including the Office for the Coordination of Humanitarian Affairs, in providing assistance and basic services to those affected by the Ukrainian crisis. We also greatly appreciate the work of the OSCE and the Human Rights Monitoring Mission in Ukraine. And we affirm the important role of the Normandy format and Trilateral Contact Group, and urge the relevant parties to intensify their cooperation in good faith via those frameworks.

**The President:** I shall now make a statement in my capacity as the representative of the United States.

I would first like to join my colleagues in thanking our briefers — Deputy Secretary-General Eliasson, Assistant Secretary-General Šimonović, Director of Operations Ging and Ambassador Apakan. Teams from the United Nations and the Organization for Security and Cooperation in Europe (OSCE) are active on the ground, working in extremely difficult conditions, and we would like to express the gratitude of the United States and, I am sure, of the broader international community to them. We thank Foreign Minister Klimkin and Foreign Minister Linkevičius for joining us.

I would like to start by apologizing for the late start to this meeting; the delay was unavoidable and very important to protecting the integrity of the Security Council. I also must stress the absolute criticality and centrality of the independent reporting of facts to

the implementation of the Minsk agreements and of resolution 2202 (2015).

In arguing, as the Russian Ambassador did earlier, that the Office of the High Commissioner for Human Rights (OHCHR) should not brief, one does wonder what Russia seeks to hide. But we understand its very unfortunate desire to prevent the Council from hearing inconvenient facts, and it is absolutely essential that we not let that happen and that the facts be presented such as they are.

As we have heard today, the present situation in Ukraine looks different than it did when we last met in June, just a few days, then, after a combined Russian separatist force offensive that coordinated attacks west of the ceasefire line in Donetsk. But the horrific situation back in June cannot become the baseline for our assessments or our actions. While major combat is down since the 1 September ceasefire, and that is extremely important for all of the lives affected, this crisis remains no less real, no less urgent and no less troubling. There are still, as we have heard, daily ceasefire violations, and, as has been described in great detail today, the citizens of Ukraine, all of Ukraine, continue to suffer enormously.

Let us be clear about why we are gathered again and what continues to drive this crisis. We are here because Russia continues to occupy Ukraine's autonomous region of Crimea, in defiance of international law, its treaty obligations, the Helsinki Final Act and resolution 68/262, adopted by 100 members of the General Assembly, which rejected the phony Crimea referendum and called for Ukraine's territorial integrity to be respected.

Its authorities there have opened criminal cases against critics of the occupation and specifically targeted the Tatar community, subjecting them to beatings, arbitrary detention and police raids. We are here because even today Moscow continues to arm, train, support and fight alongside separatists in eastern Ukraine. On Wednesday, OHCHR confirmed the continued "inflow of ammunition, weaponry and fighters from the Russian Federation into the territories controlled by the armed groups". A robust combined Russian separatist military force, led by Russian officers, continues to operate in Ukrainian territory.

We are here because Moscow and the separatists continue to obstruct international monitoring efforts, undermining the ceasefire and the prospects for peace.

Organization for Security and Cooperation in Europe (OSCE) monitors face obstruction on a daily basis. Just this past weekend, OSCE monitors on patrol were threatened by separatists with automatic rifles.

We are here because, in blatant disregard for the commitments that have been made, the Russian-backed separatists continue to attack Ukrainian positions along the line of contact almost every day, at times with mortars banned under weapons-withdrawal agreements. Ukrainian soldiers and civilians continue to be killed or wounded in these attacks, and we cannot afford to get used to that. The cumulative impact of Moscow's aggression remains the widespread and unnecessary suffering of Ukrainian civilians. Almost 1.5 million people are unable to return to their homes, their schools or their daily lives. Winter has arrived, and as many as 300,000 people residing along the contact line are in need of blankets, fuel and clothes to get them through the cold weather.

Yet despite the urgent need, few relief organizations are able to work in the separatist-controlled areas, because, as we heard from John Ging, the separatists suspended and expelled United Nations and international humanitarian organizations in July. Only a fraction of the aid required by the 2 million people in need in these areas is getting through. We heard earlier a very moving account by the Ambassador of the Russian Federation on the plight of people living in Donbas, yet it is Russia's separatists that expelled humanitarian organizations and, by and large, have not let them resume their functions.

We urge Moscow to finally honour the commitments that it made when it signed the Minsk agreements and ensure that separatists lift restrictions and allow the immediate resumption of critically needed aid. We also encourage the Government of Ukraine to accelerate efforts to facilitate the movement of civilians and cargo across the contact line and continue the provision of social, educational and economic benefits to internally displaced persons and others in need.

There has also been a deeply concerning deterioration of the human rights situation in Donbas, as described in depth by the United Nations human rights monitoring mission. Their report this week notes "new allegations of killings, torture and ill-treatment, illegal detention and forced labour" in separatist-controlled areas. The self-appointed authorities in the east have systematically failed to stop, investigate or

hold to account those believed responsible for abuses and ill-treatment. The mission also reported incidents in areas controlled by the Ukrainian Government; we urge the Government to immediately investigate all serious and credible allegations.

Just as we know who is driving this conflict, we know what must be done to end it. The September 2014 and February 2015 Minsk agreements are the best and only way to achieve peace in eastern Ukraine. Over the six months since we last met, we have seen how even incomplete steps towards the implementation of Minsk, like the 1 September cease-fire, can reduce casualties and provide space for progress on other fronts. What is needed now, what is long overdue is the full implementation of the Minsk agreements. All sides must seize the opportunity to bring this conflict to a peaceful end. This year has seen some progress in this direction, with fewer casualties and some limited weapons withdrawals. Now is the time to implement Minsk and settle this conflict. This would allow the people of Ukraine to resume a normal life and focus on building the democratic European society that Ukrainians have fought and, in many cases, died for.

Let me be specific about the path to peace laid out by the Minsk agreements. Most immediately, the daily violations of the ceasefire line must come to an end. Heavy weapons must be withdrawn from the front line, and the OSCE must be allowed full access all the way to the border. Legitimate local elections must then be held in Donbas. Minsk is crystal-clear on the requirements for these elections: they must be held according to Ukrainian law and OSCE standards, and they must be held under OSCE observation.

In October, President Putin recommitted to these Minsk-required standards and agreed on the urgent need for the sides to agree on election mechanics that conform to these standards. But since then, Russia and the separatists have rejected proposals by Ukraine and the OSCE because they included elements such as free media access and the right of Ukrainian political parties to participate. While the rest of Ukraine held local elections on 25 October and 15 November, residents of Donbas continue to be deprived of legitimately elected representatives, and Russia and its surrogates continue to stonewall the work of the Trilateral Contact Group.

Holding legitimate elections is the key to unlocking the remaining steps of Minsk and enabling the separatist-held territories to be peacefully reintegrated back into



the Ukrainian political and legal system. As agreed in Paris in October, the elections must be followed by the implementation of Ukraine's special-status law and the entry into force of the amnesty legislation. Constitutional reform must also occur, and Ukraine has been working towards this for many months. Its draft amendments on decentralization were endorsed by the Venice Commission's international legal experts and in August received the first of two required approvals by Parliament.

Finally, Russia and the separatists must fulfil other outstanding Minsk obligations, which include withdrawing all foreign fighters and military equipment, releasing all hostages and unlawfully detained persons, including Nadia Savchenko and Oleg Sentsov, and turning over control of the international border back to the sovereign Government of Ukraine.

When all sides faithfully uphold their commitments, we will see progress on this conflict. Until then, there will be casualties, and their number will inevitably rise.

Let me conclude by trying to humanize the stakes. Marina Reznik is 13 years old. On a Saturday back in January, Marina was visiting her father in a residential neighbourhood of Mariupol. That day, separatists announced an offensive against the city. The rocket fire that followed killed at least 29 people and injured 97 others. Marina was one of those injured. When the shell hit the house, her father tried to use his body to shield her, but two shell fragments sliced into her. One hit her spinal cord. Nearly a year later, Marina, whose love of dance led her to dream of being a professional hip-hop dancer, still cannot feel her right leg. She cannot walk. Instead of dancing, she now hopes to help other children who have been affected by this conflict.

We are here today because of Moscow's aggression, because of how it continues to fuel this conflict and because of how this conflict hurts innocent people like Marina. We will continue meeting about this crisis. We will continue to insist that we hear the facts until the aggression ceases and until Ukraine's sovereignty and territorial integrity are restored. We urge Moscow to choose the path of peace and uphold its Minsk commitments.

I now resume my functions as President of the Council.

I give the floor to Mr. Pavlo Klimkin, Minister for Foreign Affairs of Ukraine.

**Mr. Klimkin (Ukraine):** I thank you, Madam President, for convening today's meeting. It has been a while since the Security Council discussed the situation in and around Ukraine (see S/PV.7498), a situation that is fluid and dangerous. The details have changed, but not the basics. The Russian aggression has reached new heights; it most certainly has not stopped. Crimea is under occupation. Donbas is under attack. Minsk looks like a jigsaw puzzle that has not been put together—hopefully it will be. It is high time that we took a closer look at things.

I thank my friend Lithuanian Foreign Minister Linas Linkevičius for helping to convene this meeting. I also thank the briefers — Deputy Secretary-General Jan Eliasson, Assistant Secretary-General Ivan Šimonović, Chief Monitor of the Special Monitoring Mission (SMM) of the Organization for Security and Cooperation in Europe (OSCE) Ertuğrul Apakan, and Director of the Coordination and Response Division of the United Nations Office for the Coordination of Humanitarian Affairs John Ging — for their informative contributions to this meeting.

Almost 300 days have passed since the adoption of resolution 2202 (2015), by which the Council unanimously endorsed the Minsk agreements. Months have passed. Hundreds and thousands of people have died. Why are the Minsk agreements not yet implemented? Why has peace not been reached?

Reaching peace is a matter of motivation. Peace is possible only if peace is wanted. Ukraine wants peace, because peace is our chance at survival. Is Russia motivated? That is an open question. Right after the Minsk accords were agreed, in February, we expected, at the very least, that the ceasefire would be implemented. We expected to see the withdrawal of weapons and troops within days or weeks. We expected a final political solution to be reached by the end of 2015. That was the expectation when the parties to the Minsk accords were signing them.

However, the ink of the Russian signature was not yet dry when the Russian regular army, along with pro-Russian proxies, launched a full-scale military attack on Debaltseve. Ukraine kept suffering. It now seems that Russia is still wondering whether that was enough or whether it should go on. The actions in the small town of Debaltseve were a tour de force, just a preview of how Russia would "implement" the Minsk accords.

It started a pattern that we continue to see up to now: sabotage, blockade and lies.

What did Ukraine do while Russia was tormenting our minds and souls? It is very simple: Ukrainian forces ceased their fire, as was verified by the OSCE among others, and withdrew their weapons. The OSCE Special Monitoring Mission got full access to all areas under the control of the Government of Ukraine. Despite endless provocations and shelling by Russia-supported terrorists, Ukraine, in cooperation with the OSCE and the international community, made every effort to implement its commitments to avert a humanitarian crisis. We have been paying social benefits to the residents of occupied Donbas and to everyone who is able to escape from the Russian-proxy-controlled area. And we have given without the expectation of reimbursement.

Ukraine is establishing special humanitarian logistics centres and is carrying out projects on infrastructure reconstruction, with thousands of people coming to the centres every day. With the withdrawal of the security clearance, teams have been sent out to repair the damage to critical electricity and water supply infrastructure. After an inclusive national dialogue, including with representatives of the Donbas region, the Ukrainian Parliament adopted, at first reading, some constitutional amendments on decentralization, stipulating a special order on local self-government in certain areas of the Donetsk and Luhansk regions. Furthermore, as previously mentioned, Ukraine presented to the Trilateral Contact Group a concept paper on modalities for holding local elections in Donbas. Finally, we have been providing comprehensive support to the OSCE to enable it to implement its mandate throughout the entire territory of Ukraine.

But let us look at the other side. What has the Russian Federation done as a party to the Minsk agreements? It has done essentially nothing. Instead, Russia and Russian-backed illegal armed formations have engaged in provocations and massive assaults, thus rendering the ceasefire exceedingly fragile. It has failed to withdraw its heavy and lighter weapons, manoeuvring and hiding them in the prohibited areas. It has blocked access by the Special Monitoring Mission to the areas under its control. It has refused to release hostages in Donbas and the political prisoners being held in Russian prisons, such as Nadiya Savchenko, Alexander Kolchenko and others. It has hindered the activities of the international

humanitarian organizations in the region, including Doctors Without Borders. It has rejected the holding of local elections in Donbas in accordance with Ukrainian legislation and international standards. It has impeded any sort of involvement of the OSCE. And, naturally, Russia keeps rotating and reinforcing its military contingent in occupied Donbas.

Previously, the Council heard from the Russian representative that Russia is not a party to the conflict. It is the same old narrative about the conflict being a domestic one. Once again, it has been said by the Russian side, not just today but many times, that the Russian military personnel there are simply on vacation. But the truth can be proved in many ways: just two weeks ago we exchanged a Russian major for one of our own who was being held hostage. Russia can claim that Elvis is alive, but no amount of lying can ever change the facts.

We need to think about why the Russian narrative is so diametrically opposed to everything we have heard today from all four briefers. Is Russia living in a different reality? My answer would be, by no means. We are continuing to hear the same propaganda from Russia as we heard at the beginning, the reason being that the Russians want a Russian Donbas in a Russian Ukraine. Our simple goal is the full implementation of the Minsk agreements. Through peace, we can have a normal life and the return of law and order. What we want is a Ukrainian Donbas and peace for the Ukrainian people of Donbas in Ukraine. That is why Russia is telling all these lies.

It is not Ukrainians fighting against Russia, but the other way around. It is not Ukraine sending weapons to Russia, but the other way around. And it is not Ukraine annexing Russian land, but the other way around.

Since the Minsk agreements were signed, Ukrainian forces and civilian locations have been shelled or attacked more than 13,500 times. Russian forces and pro-Russian proxies carried out multiple massive offensives on Debaltseve on 15 February, Maryinka and Shchastya on 3 June, Starohnativka on 10 June and Shyrokyne on many occasions. There was a time recently when the death toll stopped rising. That is over now. Things are deteriorating again. The trend is very bad. The only chance to prevent things from backsliding into full-blown is via a full commitment to the Minsk agreements, not in words but in deeds. They may not be perfect, but they are the only way to end what is happening in Donbas. Ukraine is fully

committed to the agreements as our bridge into the future. We will not burn them.

But why should Russia be motivated to stop this? Things will not change until Russia changes its attitude. It must adhere to resolution 2202 (2015). It must implement all core elements of sustainable de-escalation. It must cease armed provocations against Ukrainian forces in Donbas, provide full access to the OSCE missions to the State border between Russia and Ukraine, verifiably stop supporting militants in Donbas, withdraw its troops and weaponry from the territory of Ukraine, start genuine, practical discussions on modalities for the reinstatement of full control of the border by Ukraine, and, of course, work clearly towards a real electoral regime in accordance with the criteria of the OSCE and Ukrainian law. If any of those indispensable elements of de-escalation is sabotaged, the outcome will be fragmented and unstable, as can be seen today. To secure sustainable de-escalation, coherent international action is necessary.

Back in March, Ukraine formally requested the United Nations to deploy a peacekeeping mission in order to support implementation of the Minsk agreements. That mission, or its probable alternative — the expansion of the mandate of the OSCE Special Monitoring Mission — would be essential for implementing such Minsk provisions as, inter alia, disarming the illegal armed formations, monitoring and verifying the withdrawal of Russian troops and weapons, delivering and distributing humanitarian assistance and securing an environment for local elections according to OSCE standards. I urge the Security Council once again to assume leadership in establishing such a mission.

Against the backdrop of the recent awful terrorist attacks, we should not forget the innocent victims of the crash of Malaysia Airlines Flight MH-17. One year after that incident, a group of like-minded States, seeking justice for victims and their families, initiated the establishment of an international mechanism that would have the highest international legitimacy, effectiveness, accountability and transparency for bringing those responsible to account. Not surprisingly, only one State blocked the adoption of the draft resolution in that regard (see S/PV.7498). However, the Russian veto did not discourage us, quite the opposite. The vote on the draft resolution concerning the crash of Flight MH-17 was the moment of truth, and truth is what we want. Ukraine is working closely with Australia, Belgium, Malaysia, the Netherlands and other grieving nations to

identify another credible and effective mechanism for delivering justice. Ukraine believes that the Security Council should remain actively seized of this matter. When the time is right, the Council must send a clear message that it will not tolerate any infringements on the safety of civil aviation and the delivery of justice — first and foremost for those who lost their daughters, sons, grandfathers and grandmothers in that terrible disaster.

In violation of General Assembly resolution 68/262, the Ukrainian Autonomous Republic of Crimea and the city of Sevastopol remain occupied by the Russian Federation, which continues to pursue its policy of oppression against the local population, especially Crimean Tatars and Ukrainians. I would recall that, under international law, Russia bears responsibility as an occupying authority. We call on Russia to immediately put a halt to human rights violations and allow international human rights monitors free and unconditional access to Crimea.

Every war is a perversion. War perverts nature, God and humanity. Still, history has not seen many wars more perverted than this one. This is a war between people who often speak the same language, read the same books and listen to the same music. They got along pretty well until propaganda convinced the Russians that Ukraine was ruled by Nazis. It is a war that officially does not exist, against an enemy that never existed. It is a war that makes Russia feel strong but that in reality makes it weak. It is a war of the past against the future. We have to stop it. Let us use the opportunity of Minsk before it slips away.

It has been said that a mistake repeated is not a mistake, but a decision. More than 9,000 people have died between 2014 and 2015 because of Russia's decisions. The time has come for new attitude. Ukraine does not want to impose anything on other nations. But we will not sacrifice our own freedom for anything in the world. All we want is peace and quiet and to decide our own destiny — and once the aggression is over, we definitely will. Those who came to make war must go. Those who killed those 9,000 must, and will, be punished. Those who were simply fooled by propaganda can be forgiven. And those who thought they would break Ukraine's will must realize that they failed.

**The President:** The representative of the Russian Federation has asked for the floor to make a further statement.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): Unfortunately, our discussion today did not reach the requisite level of objective analysis with respect to the implementation of the Minsk agreements and resolution 2202 (2015). The pervasive lies in the statement of the representative of the United States of America prove that throughout the crisis in Ukraine, from its inception right to today, Washington, D.C., by supporting its Kyiv partners, is playing a destructive role that departs from the context of the Normandy format. That is certainly one of the reasons that work on a political settlement is not so simple. Frankly speaking, there was no greater objectivity in the statement by the Ukrainian Minister for Foreign Affairs. Most important, he did not say that the Ukrainian leadership understood its responsibility for implementing the Minsk agreements of 12 February and resolution

2202 (2015), which made that into a legally binding document. The Kyiv authorities did the opposite — and not just once — they undermined the opportunity for a political settlement to the crisis in Ukraine.

Under both the Normandy format and in the Tripartite Contact Group, Russia is carrying out its responsibilities. It will continue to do so. We hope that the political will necessary for the implementation of the Minsk agreements and resolution 2202 (2015) will prevail in the end among the Ukrainian authorities as well. Perhaps it really is time for a new approach.

*The meeting rose at 1:50 p.m.*