

Position Paper

On the situation in Ukraine

I. The Current Situation

European Greens note with satisfaction that on October 26, 2014 Ukrainian citizens democratically elected their new parliament. We equally regret that citizens on Crimea and in parts of Eastern Ukraine were prevented from participating. The new parliamentary majority promises a European orientation, while ultra-nationalists, right extremists and communists found only little support. We regret, however, that the Minsk agreement has not been fully implemented.

1.1 On 5 September in Minsk the trilateral Contact Group reached an agreement on a ceasefire in Eastern Ukraine based on a 12-point protocol posted on the OSCE website calling for an immediate cease fire, the release of hostages, measures to improve the humanitarian situation and for the inclusion of provisions for a decentralisation of authority and early elections in the Donetsk and Luhansk regions. The ceasefire agreement is still fragile but overall holding in spite of reports of violations in particular around the areas of Donetsk and Mariupol.

1.2 European Greens welcome the signing of the Minsk ceasefire agreement and call on all sides to make every effort to implement it in full and in good faith with a view to paving the way for the start of a genuine peace process. We further call on all parties to continue the negotiations in order to clarify all pending issues with regard, in particular, to the status of the Luhansk and Donetsk regions or part of them within the framework of a united Ukrainian state.

1.3 In the weeks before the ceasefire agreement Russia had increased military and logistical support of the separatist militias through a steady flow of weapons, ammunitions, armoured vehicles and equipment, mercenaries and soldiers in disguise in spite of the calls of the EU to make every effort to de-escalate the situation. Since the beginning of the crisis the Russian Federation had amassed troops and military hardware on the border with Ukraine.

1.4 European Greens reiterate our commitment to the independence, sovereignty and territorial integrity of Ukraine and stress that only a genuine political solution to the crisis can pave the way to a full reconciliation between the parties and strengthen the unity of the country. Nobody must be allowed to treat Ukraine as a pawn in a geo-strategic game. This is and must continue to be a clear principle of European foreign and peace policy.

1.5 We underline that the OSCE plays a crucial role in the Ukrainian crisis due to its experience in dealing with armed conflict and crises and the fact that both the Russian Federation and Ukraine are members of this organisation. We call on the EU Member States, the EU High Representative for Foreign and Security Policy, and the European Commission to make every

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effort to strengthen and increase the OSCE Special Monitoring Mission in Ukraine both in terms of personnel and in terms of logistics and equipment. We emphasize the need to deploy without any further delay the OSCE monitors all along the parts of the Ukrainian-Russian border currently under the control of the separatists.

2. The Immediate Consequences

2.1 During the military conflict in Eastern Ukraine more than 3000 people have lost their lives. Many more have been injured. More than a million people left the conflict zone seeking refuge in the Russia Federation and in other Ukrainian regions not affected by the hostilities. Altogether, the situation in the conflict area is a matter of deep concern both from a humanitarian, social and health point of view. Given the large population displacements and the lowest vaccination rate in Europe, Ukraine is at high risk of outbreaks of communicable diseases, especially amongst children.

2.2 The social situation in Ukraine is dramatic. We call for full transparency regarding the agreements with the IMF, and demand accompanying measures aimed at alleviating the current situation with regard, in particular, to the most vulnerable sections of the population.

2.3 European Greens urge the European Commission to start the preparation of a third and ambitious package of Macro-financial assistance to Ukraine as well as to play a leading role in organizing the Donor Conference for Ukraine due to take place before the end of 2014 involving international organisations, international financial institutions and civil organisations. The international community must commit to support economic and political stabilisation and reform in Ukraine, notably in the framework of Ukraine's political association and economic integration with the EU, together with a credible emergency plan for reconstruction and development in the regions affected by the conflict and humanitarian and medical assistance for refugees and displaced people.

2.4 European Greens draw attention to recent reports published by the UN High Commissioner for Human Rights and Amnesty International which accused both sides in this conflict of human rights violations, listing crimes such as abduction, torture, extra-judicial killings and the use of heavy weapons against densely populated urban areas.

2.5 We express our firm condemnation of the abductions, savage beatings, torture, murder, extra-judicial killings and other serious abuses of human rights and breaches of humanitarian law against activists, protesters, journalists and many other citizens not active in the conflict in eastern Ukraine that have occurred over the last three months. According to Amnesty

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International¹ these have been mainly perpetrated by armed separatists, but in some cases also by government forces. We support the call to the Ukrainian government to create a single and regularly updated register of incidents of reported abductions, and the thorough and impartial investigation of all allegations of excessive force, ill-treatment or torture.

2.6 There must be an independent and impartial investigation of the deadly events that occurred on Maidan on 20 February 2014 in Kyiv, in Odessa on 2 May 2014, as well as all other crimes that have taken place since November 2013. The investigation must include a strong international component and be placed under the supervision of the Council of Europe. Those responsible must be brought to justice.

2.7 The downing of Malaysia Airlines Flight MH17 is a crime that has shaken all of Europe and all of us. A preliminary report of the experts on the crash has been published that leaves many questions unanswered. We insist on the full and unrestricted access of the experts to the area of the wreckage in order to enable them to conclude their investigation and full cooperation of all States with the ongoing (criminal) investigations. Those responsible must be brought to justice.

2.8 The Ukrainian authorities must address in full the remarks referred to in the findings and the conclusions of the OSCE/ODIHR observation mission for the recent presidential elections.

2.9 Clear evidence of right-wing extremism has been seen on both sides of the conflict in Ukraine. Right wing extremists should not be given a single chance to exploit the drastic situation of the country. Paramilitary groups of all sides have to be disarmed as fast as possible. European Greens urge the Ukrainian authorities to engage in an open, transparent and inclusive dialogue with all the components of Ukrainian society. We call on them not to delay, after the new parliament enters into office, the necessary and long-awaited reforms at constitutional, political and economic level, including decisive action against corruption. We appreciate the recent proposals of President Poroshenko about a potential decentralization of Ukraine in the hope of maintaining the territorial integrity of the country.

2.10 We have always been in favour of Ukraine defending and guaranteeing all minority rights in the country including Crimea and we strongly emphasize this need. On the other hand we strongly call on the Russian Federation to stop repressive measures against Tartars and other minorities in occupied Crimea.

3. International Law and Sanctions

¹ "Abductions and torture in Eastern Ukraine", Amnesty International Publications 2014, <http://www.amnesty.org/en/library/asset/EUR50/034/2014/en/c8e25fcd-c791-4edb-ac3f-6b1a1ce12977/eur500342014en.pdf>

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3.1 Russian's direct and indirect military intervention in Ukraine including the annexation of Crimea violates international law including the UN Charter, the Helsinki Final Act, the 1994 Budapest agreement and the 1997 Bilateral Treaty of Friendship and Cooperation between Russia and Ukraine. European Greens do not accept the annexation of Crimea by the Russian Federation and demand that Russia respect Ukraine territorial integrity. Without Russian meddling, tensions within Eastern Ukraine would not have escalated to the level of military conflict. Russian aggression is therefore at the heart of the conflict. When Ukrainian government forces seemed to be gaining the upper hand, Russia escalated its intervention to prevent that.

3.2 After a lengthy and complex decision-making process, the latest set of EU sanctions on Russia entered into force on 12 September 2014. These aimed at further tightening of access to EU capital markets by Russian banks, energy and defense firms and a broadening of the previous sanctions.

3.3 The EU must make full use of non-military means in order to prevent the ceasefire agreement from turning Eastern Ukraine into another frozen conflict and into a region under the full control of Russia. It is necessary to keep up the pressure on Russia until substantial and irreversible signs of improvement in its policy towards Ukraine are proven. We welcome, therefore, the extension of EU sanctions including targeting the ability of Russia's top oil producers to raise capital in Europe. Any new sanctions would have to be carefully targeted to minimize their negative impact on ordinary Russian people.

3.4 We welcome Germany's decision to cancel arms exports to Russia. We are relieved that France suspended the export of the first Mistral class helicopter carrier in November due to the Russian aggression of Ukraine and we want France to revoke this contract completely. We urge the United Kingdom to immediately withdraw all current arms exports licences to Russia and equally urge the EU Member States to reinforce the EU arms embargo on Russia by not only banning future exports, but all current contracts and licences.

3.5 European Greens do not support NATO expansion to Ukraine. We do not consider this to be in the interest of stability in the wider region. We regret that various voices from NATO, in particular the former Secretary General Rasmussen, have made statements that were confrontational. On the other hand, we take seriously the security concerns from Russia's immediate western neighbours. These concerns must be dealt with in the framework of Euro-Atlantic security institutions and arrangements.

4. EU-Ukraine Association Agreement

4.1 The political provisions of the Association Agreement (AA) between the EU and Ukraine were signed in March 2014 and in June 2014, the EU and Ukraine officially signed the remaining part of this Agreement, which includes a Deep and Comprehensive Free Trade Agreement

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(DCFTA).

4.2 The European Parliament and the Verhovna Rada simultaneously ratified the Association Agreement on 16 September 2014 which is a fundamental step for the deepening of relations between the two parties. We underline the importance of putting in place an adequate structure (Task Force) to provide technical support to Ukraine, as well as of providing the necessary financial assistance in order to ensure a successful implementation of the agreement. We point out the importance of defining a clear roadmap for implementation so that Ukraine can benefit from access to the EU market as soon as possible.

4.3 We call on the EU Commission to strongly repudiate demands from Russia to change the Association Agreement.

4.4 The Association Agreement does not constitute the final goal in EU-Ukraine relations, nor does it pre-empt a future possibility of EU membership. Nonetheless it is undoubtedly clear that the immediate focus of European support has to lie in the creation of democratic, political, and economic stability, guaranteeing fundamental freedoms and human and minority rights, and the rule of law and an effective fight against corruption. The EU must remain firm in demanding full implementation of the anti-discrimination directives, including for LGBT persons. We think it is good that this possibility remains open.

4.5 We welcome the decision of the Council to move to the second phase of the Visa Liberalisation Action Plan in June 2014. A quick finalisation of the visa-free regime between the EU and Ukraine as a concrete response to the European aspirations of the people is necessary. In the meantime we advocate introduction of temporary, very simple and inexpensive visa procedures.

5. Energy

5.1 We take note of the agreement, reached on 31 October 2014 between Ukraine and Russia facilitated by the EU on gas supply.

5.2 We support the initial measures adopted by the Commission to enable Ukraine to tackle the energy crisis following Russia's decision to cut off gas supplies to the country, and urge, in this respect, the Council and Commission to continue giving assistance and support to Kyiv. We call on the EU and the European Bank for Reconstruction and Development to step up their support for energy-saving measures in Ukraine, where energy consumption per unit of GDP is currently three times the EU average.

5.3 At the same time the EU must move to reduce the strong dependence on the Russian Federation as well as on other authoritarian regimes as regards energy supplies. Policies must be

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put in place particularly to help those Member States that currently rely on Russia as single supplier. The Commission should pursue the full implementation of the Third Energy Package and support energy efficiency projects as well as promote diversification of energy sources by developing renewables with more ambitious targets in order to free European foreign policy from fossil addiction. The October European Council must adopt an effective, credible and comprehensive emergency plan for the months to come, including also the respective stakeholder positions and taking account of the views of the European Parliament.

5.4 The Ukrainian crisis has underscored the need for ambitious and binding targets for energy efficiency of 40% and renewable energies of 45% in the 2030 framework discussions in order to create EU jobs in these sectors, increase security of supply, fulfil our climate goals and reduce European dependency on fossil fuel imports.

5.5 European Greens ask the EU to consider gas storage, inter-connectors and flow back facilities as strategic assets and therefore regulate the share of third party business contracting parties in those crucial sectors. We urge the Member States to cancel planned agreements with Russia in the energy sector, especially the South Stream gas pipeline.