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TEXTS ADOPTED

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**P9\_TA(2021)0515**

**Situation at the Ukrainian border and in Russian-occupied territories of Ukraine**

**European Parliament resolution of 16 December 2021 on the situation at the Ukrainian border and in Russian-occupied territories of Ukraine (2021/3010(RSP))**

*The European Parliament,*

- having regard to its previous resolutions and reports on Ukraine and Russia,
- having regard to the UN Charter, the UN Convention on the Law of the Sea, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Helsinki Final Act of 1 August 1975 and its subsequent documents,
- having regard to the Charter of Paris for a New Europe of 19-21 November 1990,
- having regard to the Minsk Memorandum of 19 September 2014. and the package of measures for the implementation of the Minsk Agreements, adopted and signed in Minsk on 12 February 2015, and endorsed as a whole by UN Security Council resolution 2202 (2015) of 17 February 2015,
- having regard to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, and in particular Title II thereof on political dialogue and convergence in the field of foreign affairs and security<sup>1</sup>,
- having regard to the first EU-Ukraine dialogue on cyber security held on 3 June 2021,
- having regard to the US-Ukraine Charter for Strategic Partnership signed on 10 November 2021 by US Secretary of State Antony Blinken and Ukrainian Foreign Minister Dmytro Kuleba,
- having regard to the statement of the High Representative for Foreign Affairs and Security Policy, Josep Borrell, following the Foreign Affairs Council of

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<sup>1</sup> OJ L 161, 29.5.2014, p. 3.

13 December 2021 that any aggression against Ukraine will come with political consequences and at a high economic cost for Russia,

- having regard to the statement by NATO Secretary General Jens Stoltenberg following the meeting of NATO Ministers of Foreign Affairs of 30 November 2021,
  - having regard to the G7 Foreign Ministers' statement of 12 December 2021 on Russia and Ukraine,
  - having regard to the joint statement of Ukrainian President, Volodymyr Zelenskyy, European Council President, Charles Michel, and Commission President, Ursula von der Leyen, of 12 October 2021, following the 23rd EU-Ukraine Summit,
  - having regard to the UN General Assembly resolution of 9 December 2021 entitled 'Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov',
  - having regard to the Budapest Memorandum on Security Assurances of 5 December 1994,
  - having regard to the EU's policy in response to the crisis in Ukraine, including its restrictive measures, which have been in force since 2014,
  - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas in line with the UN Charter and the principles of international law, all states 'shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state';
- B. whereas against the backdrop of a crisis on the EU-Belarusian border, the Russian Federation has been steadily increasing its military presence along the borders of Ukraine, amassing a current total of around 100 000 troops, and in the Donetsk and Luhansk areas of Ukraine that are currently occupied by Russian-backed forces, and has significantly increased the scale of its military activities in occupied Crimea, as well as in the Black Sea basin; whereas this military build-up was confirmed by recent commercial satellite imagery; whereas the recent build-up is considered to be more substantial than the previous military build-up of spring this year;
- C. whereas US intelligence reports assess that Russia could this time be deploying up to 175 000 troops by early 2022; whereas these offensive developments may be interpreted either as preparations for a multi-front military offensive aggression or as a threat to use force against neighbouring Ukraine with the aim of interfering with the latter's sovereignty and political independence, which is in contradiction with the Russian Federation's international obligations; whereas Aliaksandr Lukashenka has announced full-scale support for Russia in the event of military action against Ukraine;
- D. whereas the recent movements of Russian troops near the Ukrainian border have been matched by enhanced interference and disinformation campaigns by Russian proxies and media outlets in the EU, Ukraine and Russia itself; whereas such hybrid tactics have included an increase in denigrating content towards NATO and Ukraine, attempts to assign the blame for potential future Russian military escalation on Ukraine and NATO,

and the spread of false narratives, including by President Putin and former President Medvedev personally;

- E. whereas it has been over six years since the adoption of the Minsk Agreements and over seven years since the illegal annexation of the Crimean peninsula by the Russian Federation and the start of the war in Ukraine waged by Russia; whereas more than 14 000 people have lost their lives during the ongoing conflict; whereas the conflict has resulted in close to two million people becoming internally displaced persons (IDPs); whereas the livelihoods of the population of the Russian-controlled and annexed territories in Ukraine and the surrounding regions continue to be severely affected; whereas Russia is a party to the conflict, and cannot therefore present itself as a mediator;
- F. whereas the implementation of the package of measures for the implementation of the Minsk Agreements of February 2015 has suffered serious setbacks, in particular due to unilateral measures taken by the Russian Federation in contradiction with its commitments under the agreements;
- G. whereas the presence of employees from the Russian private military company the Wagner Group alongside pro-Russian separatists in eastern Ukraine has been reported since 2014, beginning with around 250 fighters initially and now amounting to 2 500 individuals;
- H. whereas the latest report of the UN Human Rights Monitoring Mission in Ukraine published on 1 December 2021 noted an escalation of hostilities in the Donbas conflict zone, an increase in civilian casualties on the Ukrainian side and damage to infrastructure; whereas the report also noted that the courts of the self-proclaimed Donbas republics continued to sentence civilians for conflict-related crimes without a fair trial;
- I. whereas there are more than 160 illegal prisons in the Russian-occupied territories of Ukraine in the Donetsk and Luhansk regions, where more than 3 000 people have been illegally held captive and subjected to torture and inhuman treatment since the beginning of the conflict;
- J. whereas Russia continues to violate the ceasefire in Donbas, with 2 346 attacks launched against Ukrainian positions, leaving 65 Ukrainian soldiers dead and 261 wounded, including 29 servicemen of the Ukrainian Armed Forces killed by snipers between 27 July 2020 and 2 December 2021;
- K. whereas in April 2021 the Russian Ministry of Defence unilaterally closed the waters around the Kerch Strait to non-commercial vessels from other countries, thereby obstructing the free passage of ships to and from the Sea of Azov; whereas although Russia had announced it would lift the restrictions in October 2021, they are still in place; whereas these impediments have negative consequences for Ukraine's ports in the Sea of Azov and for international maritime transit in the Black Sea;
- L. whereas Russian President Putin signed a decree on 15 November 2021 on simplified trade rules allowing access of goods to and from the temporarily non-government-controlled Donetsk and Luhansk areas of Ukraine;

- M. whereas the US-Ukraine Charter on Strategic Partnership of 10 November 2021 stipulates that the United States and Ukraine intend to continue a range of substantive measures to prevent external direct and hybrid aggression against Ukraine and hold Russia accountable for such aggression and violations of international law;
- N. whereas on 1 December 2021 President Putin demanded legally binding guarantees from NATO that it will not conduct any further eastern enlargements; whereas NATO Secretary General Jens Stoltenberg stated on 30 November 2021, after the meeting of NATO Foreign Ministers, that Russia has ‘no veto, no right to interfere in that process’ in reference to Ukraine’s potential membership of NATO;
1. Supports Ukraine’s independence, sovereignty and territorial integrity within its internationally recognised borders; reiterates its strong support for the EU’s policy of non-recognition of the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol; condemns Russia’s direct and indirect involvement in the armed conflict in eastern Ukraine, as well as the persistent human rights violations carried out in these territories and in annexed Crimea;
  2. Condemns the current large Russian military build-up along the borders with Ukraine and rejects any Russian justification for it; recalls that this is the second such occurrence this year; underscores that this military build-up has been accompanied by a dramatic increase in belligerent rhetoric on the Russian side;
  3. Demands that the Russian Federation immediately and fully withdraw its military forces, cease its threat against the territorial integrity of Ukraine, which has a destabilising effect for the whole region and beyond, stop all measures that further aggravate the conflict and de-escalate tensions in line with Russia’s international obligations; emphasises the need for a peaceful political solution to the conflict;
  4. Underlines that the Russian military build-up also presents a threat to the overall peace, stability and security of Europe and calls on Russia to abide by its international obligations, such as the principles and commitments of the Organization for Security and Co-operation in Europe (OSCE) on the transparency of military movements, including the Vienna Document; urges Russia, furthermore, to uphold its obligation under the UN Convention on the Law of the Sea and guarantee the freedom of navigation and transit passage through the international Kerch Strait to the ports of the Sea of Azov;
  5. Is gravely concerned about the continued militarisation of the Sea of Azov, the Black Sea and the Baltic Sea region, particularly about the militarisation of the Kaliningrad District and the illegally occupied Crimea, including the development of anti-access and area denial (A2/AD) capabilities by the Russian Federation, which involve the use of new S-400 anti-aircraft systems, and an unprecedented build-up of conventional forces and preparations for possible deployment of nuclear weapons;
  6. Expresses its solidarity with the people of Ukraine, who have suffered greatly since 2014 as a result of the war, accompanied by a severe economic crisis, and are now living under the threat of a full-scale military offensive threatening the lives of all its citizens;

7. Reiterates that an EU security dialogue with Ukraine should be ambitious and contribute to a convergent assessment of the security challenges on the ground; stresses that friendly countries should step up their military support to Ukraine and their provision of defensive weapons, which is in line with Article 51 of the UN Charter that allows individual and collective self-defence; welcomes the decision taken on 2 December 2021 by the Council of the EU to provide Ukraine with a package of EUR 31 million under the European Peace Facility (EPF) to help strengthen resilience and defence capabilities; notes that Ukraine's potential future participation in permanent structured cooperation (PESCO) projects would significantly improve Ukraine's national defence capabilities in line with EU best practices and standards, as declared in the Association Agreement;
8. Underlines that recurring Russian military build-ups at the Ukrainian border are a tool to extract political concessions from the West at the expense of Ukraine; emphasises that any country's choice of alliances must not be subject to a third country's approval, and therefore rejects any attempts by Russia to include some countries in its 'sphere of influence' and thus shape their future; recalls that acts of compromise or appeasement by the West would be perceived as weakness by the Russian side and only embolden it to further escalate its aggressive approach;
9. Highlights that the Russian military build-ups also form part of a wider strategy, which also includes elements of hybrid warfare, waged by Russia against the European Union and its likeminded partners, by causing chaos and confusion in its neighbourhoods, at its borders and within the European Union; reiterates that Russia is using a confluence of threats, such as military, digital, energy and disinformation, taking advantage of the open system of the EU to weaken it; believes that the EU needs to be aware of its own vulnerabilities and those of its partners in the neighbourhood, and to strengthen resilience in order to be able to effectively counter any hybrid attacks and improve cooperation with partners, in particular on disinformation, as well as enhancing capabilities aimed at peaceful conflict resolution, with a special focus on the situation of women and vulnerable groups in conflict areas;
10. Underlines that the European Union must be ready to send the Russian Federation a very stark warning that military hostilities will not only be unacceptable, but also come at a high economic and political price; welcomes the latest statements by the EU and the G7 Foreign Ministers expressing firm support for coordinated international action against a potential military aggression by the Russian Federation against Ukraine;
11. Urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to ensure that the Council remains informed of military actions by the Russian Federation and remains prepared to agree swiftly on further joint action, in particular the adoption of severe economic and financial sanctions in close coordination with the United States, NATO and other partners, in order to address the immediate and credible threats posed by Russia, rather than wait for another invasion to take place before taking action; Underlines the need for a unified approach on deterrence by the EU and its partners; underlines that all action should be taken in coordination with Ukraine;
12. Underscores that the new package of sanctions should include the Russian officer corps and flag officers involved in the planning of a possible invasion, and the immediate circle and oligarchs in the orbit of the Russian President and their families; demands

that such sanctions entail the freezing of financial and physical assets in the EU, travel bans and the exclusion of Russia from the SWIFT payment system, thereby excluding Russian companies from the international financial market and prohibiting the purchase of Russian sovereign debt on the primary and secondary markets, and that they target important sectors of the Russian economy and disrupt the financing of intelligence services and the military;

13. Underlines that in the event of a Russian attack on Ukraine, the EU's first and immediate course of action should be to cancel all travel opportunities and withdraw the visa exemption for Russian diplomatic passport holders, with the exception of accredited diplomats;
14. Demands that the EU take urgent and credible steps to reduce its dependence on Russian energy imports and asks that the EU show stronger energy solidarity with Ukraine, in accordance with the Association Agreement, by increasing interlinkages of energy infrastructures; urges the EU institutions and all Member States, therefore, to make sure that the Nord Stream 2 pipeline is not operationalised, regardless of whether it at some point fulfils the provisions of the EU Gas Directive<sup>1</sup>; reiterates its long-term, fundamental concerns about the political, economic and security risks related to the Nord Stream 2 project; underlines the need to stop the construction of the controversial Rosatom-built nuclear power plants;
15. Underlines that the Member States should ensure that they are no longer welcoming places for Russian wealth and investments of unclear origin, including by establishing a Global Anti-Corruption Sanctions Mechanism, and consistently implementing and enforcing existing anti-money-laundering directives; calls on the Commission and the Council to increase efforts to curb the Kremlin's strategic investments within the EU for the purposes of subversion, undermining democratic processes and institutions, and spreading corruption, and to create greater transparency, especially in relation to the funds deposited or spent in the EU by the Russian elite;
16. Underscores the importance of taking resolute measures to deter Russia from circumventing existing EU sanctions; believes that, to this end, the EU should review and update its applicable regulations to close multiple loopholes in order to render sanctions more efficient and make Russia pay a genuinely higher price for its hostile acts;
17. Calls on the European Council to discuss and thoroughly evaluate, in its meeting of 16 December 2021, any possible reactions to the threats against European security posed by the Russian Federation and to continue its previous discussions on a comprehensive EU strategy towards Russia; calls for the EU and European partners to discuss long-term plans for European security with a view to dealing jointly with future military threats on the continent; expresses its concern about the ongoing deterioration of the core pillars of international security and arms control architecture, which have been subjected to manipulation and repeated violations by Russia; calls on the Council and the Commission, in this regard, to accordingly assess Russia as a major threat to the

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<sup>1</sup> Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

European continent in the Strategic Compass, as was also stated in the NATO Reflection Group's report;

18. calls on the Russian Federation to cease taking unilateral measures that contradict the commitments made under the Minsk Agreements, impede their further implementation, aggravate the conflict in eastern Ukraine and raise doubts internationally about the political will and capacity of the Russian Federation to honour its commitments;
19. Urges Russia and Russian-backed separatists to adhere to the ceasefire agreement; calls on Russia to engage constructively in the Normandy Format and the Trilateral Contact Group and to implement its international obligations, particularly under the Minsk Agreements and the UN Convention on the Law of the Sea; calls for the immediate release of all illegally detained and imprisoned Ukrainian citizens; encourages the Council to also broaden the scope of its sanctions to cover 'passportisation', the organisation of illegal elections in Crimea and the decision to involve residents of the non-government-controlled areas of Ukraine's Donetsk and Luhansk regions in the State Duma elections of September 2021, and to increase the price Russia pays for blocking the implementation of the Minsk Agreements and the Normandy Format talks; invites the International Criminal Court to investigate the crimes committed by the Russian side and its proxies in the Crimean peninsula and in eastern Ukraine; highlights the role that the International Court of Justice and universal jurisdiction cases can play in this regard; considers that the political and military leadership of the de facto authorities of the Luhansk and Donetsk so-called People's Republics should be sanctioned in the framework of the EU Global Human Rights Sanctions Regime;
20. Stresses the importance of the OSCE Special Monitoring Mission to Ukraine and of it being able to continue its work beyond March 2022, when its mandate is currently expected to end, and without restrictions; strongly condemns Russia's actions preventing the OSCE Special Monitoring Mission from performing its role by jamming the Mission's unmanned aerial vehicles and blocking observers' access to the occupied territories; deplores Russia's decision to close the OSCE observer mission at the Gukovo and Donetsk Russian checkpoints;
21. Strongly supports Ukraine's efforts to bring Russian mercenaries who committed war crimes to justice and urges the EU and its Member States to increase their cooperation to that end;
22. Reiterates its support for the international investigation into the circumstances of the tragic downing of the Malaysian Airlines Flight MH17, which could constitute a war crime, and reiterates its call to bring the people responsible to justice;
23. Condemns the signing by President Putin of the decree on simplified trade rules to allow access measures to increase access of goods to and from the temporarily non-government-controlled Donetsk and Luhansk areas of Ukraine, and calls on Russia to revoke it; underscores that such unilateral measures violate Ukraine's sovereignty and territorial integrity, including with regard to customs control, and could increase tensions and prolong the status quo, while impeding the future reintegration process;
24. Welcomes the establishment and activities of the International Crimea Platform; considers it an important tool to keep the topic of the illegal annexation of the Crimean peninsula high on the international agenda; expresses satisfaction at the strong EU

support for this initiative and calls for the EU to further contribute to the development of its consultation and coordination format; deplores the fact that international organisations and human rights defenders are still denied access to Crimea;

25. Calls on the Russian people not to believe in the omnipresent official propaganda depicting the West as enemies of the Russian people and the Russian State; recalls that democracy and freedom are a threat only to corrupt Russian elites and not to the people; expresses a wish to engage in dialogue and build future relations with a democratic Russia; recalls that the externally and internally aggressive policy of 'Kremlin first and foremost' victimises the Russian people;
26. Supports the Ukrainian authorities in their efforts to reform the country in line with the provisions of the Association Agreement and Deep and Comprehensive Free Trade Area; calls for the EU institutions to maintain a credible long-term perspective for Ukraine's EU accession in line with Article 49 of the Treaty on European Union, as for any European state; underlines that such efforts are necessary to increase Ukrainian resilience and to more effectively counter current and future Russian aggression;
27. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe, the President, Government and Verkhovna Rada of Ukraine, and the President, Government and State Duma of the Russian Federation.