



Address by the Special Representative of the Chairperson-in-Office  
Ambassador Heidi Tagliavini to the OSCE Permanent Council  
Vienna, 20 November 2014  
--Check against Delivery--

Mr. Chairman

Distinguished Members of the Council,

Ladies and Gentlemen,

I come to speak to you at a difficult moment. Only a few days ago, the 20 Heads of State and Government meeting in Brisbane tried to achieve progress in their efforts to promote the peace process in the Eastern Ukrainian crisis, thus underlining its seriousness. In the meantime, the situation in the area has nowhere improved. Fighting at a number of important locations in Eastern Ukraine continues, notably at Donetsk airport and on the outskirts of Mariupol. And there is no one who could safely tell us what lies ahead of us - if there will be or not a new chance for peace, as we all hope there should be.

And the outlook is still bleak. There are reports coming in about a new military build-up at the zone of conflict, adding to our concerns. The crisis in Eastern Ukraine continues to be highly dangerous, not only for the stability of the region but additionally with a very dangerous fall-out all over Europe and beyond. And if not handled with utmost care and the strictest sense of responsibility the crisis might quickly aggravate, too.

These are, indeed, disturbing news. And we must be aware that we are not just speaking about a war-like situation in terms of abstract facts and figures. The sad statistics of this conflict just tell us that there are more than 4.000 dead, close to 10.000 wounded, tens of thousands who lost their homes and hundreds of thousands who have fled the region which has been seriously affected and partly devastated by the fighting.

These are the dire facts. But let me ask you: do we understand what all this really means in human terms, in each terrible case of lost lives and forgone dreams ? What does it mean when human beings are suddenly being taken away out from the middle of their relatives and friends, when families are broken and torn apart, and when their homes are laid in ruins together with their places of education, health care and employment? When daily life becomes a constant battle for clean water, light and

heating, and when every mall trip to some downtown destination may result in death, wounding, abuse or arrest?

These realities are of extreme cruelty. What we are facing in Eastern Ukraine is a situation of deep human tragedy, of broken lives and shattered hopes. And on behalf of all us I express my deepest sympathy and compassion to all those who suffered and who still continue to feel the burden of this war.

Mr. Chairman,  
distinguished Delegates,  
Ladies and Gentlemen,

The Trilateral Contact Group is the only institution where the opposing sides in this conflict are working directly together on all matters pertaining to a peaceful settlement, and where they are directly supported in these efforts by the international community through the good offices of the CiO of OSCE. There are other formats doing good and important work as well, but none of them is meeting the same requirements. It is good to remember these facts now and then. There is no substitute and no replacement for the Trilateral Contact Group. In the interest of the peace process, we should continue to support it and not easily give it away.

It is also true that the two documents signed in Minsk, the Protocol of 5 September and the Memorandum of 19 September, 2014, gave rise to sincere hopes that we were on the right road and that the goal of a sustained peace could be achieved after additional efforts being made in good faith by all sides concerned.

And yet since these signing dates there has hardly been a single day when we did not hear disturbing news again about continued fighting at several locations close to the line of contact. This fighting takes place frequently, it is sustained and heavy weapons are used. All this indicates that the responsibility for these incidents must be assumed not only by forces on the ground but primarily so at the higher end of the chain of command.

Furthermore there are serious breaches of the political provisions of the two Minsk documents, in particular in the context of the so-called elections in the rebel-controlled parts of the Donetsk and Luhansk regions of 2 November, 2014. These unwarranted pseudo-elections led to a chain of reactions coming from Ukraine as well as the vast majority of the international community also including the OSCE. The Russian Federation issued a carefully worded and rather cautious comment. This unequivocal international echo should make it understood by the forces who are in control in these two regions that the international community is not prepared to accept breaches of these or any other provisions of the Minsk documents.

Among the many events during these past six months of work of the Trilateral Contact Group let me recall two particularly challenging moments:

With particular dismay and deep emotions we heard about the downing of Malaysian airliner MH 17 on 17 July, 2014, costing the lives of almost 300 passengers - men, women, children - , most of them coming from countries represented in this Council. Let me again express my heartfelt compassion over this tragic event which we shall never forget. Right after this sad event, the Trilateral Contact Group was able to provide first communication channels to the rebels, allowing for the initial access to the crash site by helpers, experts and investigators. There is still a need for sad and serious work to be done there, and we hope that those who are in control over the area will do their utmost to facilitate access, security and support. In this context, I would also like to mention with much appreciation the invaluable work done by SMM in order to carry out all necessary work at the site of the terrible crash.

The other event I would like to recall is one of the Contact Group's noteworthy successes of special relevance to the OSCE and their SMM. This was the release at the end of June of eight OSCE monitors, held by the rebels in detention for several weeks, following two direct meetings with the rebels on 23 and 27 June.

Mr. Chairman,

Even as we have to denounce very serious incidents such as the downing of Malaysian airliner MH 17 and also the numerous violations of the two Minsk documents, we can also say that the work of the Trilateral Contact Group has brought us positive results, too. Yes, progress has been made and it is even substantial. There is no more fighting so far except for a limited number of locations, and it is also true that no new major military operations on a larger scale have taken place since the signing of the two Minsk documents. We were also able to note with satisfaction the release of hundreds of hostages and other illegally detained persons. This is another positive development which must be continued. There are others which we hope will materialize in the foreseeable future, for example in the humanitarian field.

The most important success is, however, the signing of the two Minsk documents of 5 and 19 September, 2014. Whatever its shortcomings may be and wherever they may need to be supplemented, the two documents are the door on the road to peace in Eastern Ukraine, and they will continue to be so - and they will be the reference points for any new agreements in whatever situation that may still develop in the future.

Before this background, I am unable to accept any remarks that the cease-fire arrangement of Minsk has fallen apart. Yes, it has been broken many times, but it is still the only agreement in place which has any restraining power on the use of force, and it is also the obvious starting platform for any further steps which may be taken, as we wish it should be done, for the strengthening and broadening of the peace process.

Mr. Chairman,  
distinguished Delegates,  
Ladies and Gentlemen

As you probably know, the Trilateral Contact Group is a non-stop working body, comprised of senior representatives of Ukraine, the Russian Federation and of the Special Representative of the OSCE Chairperson-in-Office. Its origins are a verbal agreement between the Heads of State and Government of Russia, Ukraine, Germany and France meeting in June this year in Normandy, France, in the margins of the commemoration of the allied landing operation in 1944. In addition to its more or less regular meetings, the Group rather frequently convenes at very short notice whenever such a request is made by any of its members. These meetings are normally not known to the general public and it may be for this reason that sometimes questions are being asked what might be the Group's schedule; I can assure you, however, that it is a very busy schedule. The Group's agenda covers issues raised related to the conflict in eastern Ukraine as may be agreed upon. There are no documents regulating the work of the Trilateral Contact Group. All decisions, recommendations, agreements, press releases etc. of the Group are adopted by consensus on a fair-procedure basis. In practice one of the biggest advantages of the Group is its extreme flexibility in organizing its work and setting its agenda.

The Group commenced its work on 8 June, and since 23 June it has also conducted a number of consultations with the rebels. For discussions on operational issues a number of video-conferences with the rebels were held, with assistance of the OSCE SMM. There were also several face-to-face meetings both in Donetsk and in Minsk which led to the signing of the two Minsk documents.

The Contact Group discussed the need for a cessation of hostilities on many occasions since the very beginning of its work, calling for an unconditional and sustained cease-fire. On 20 July, Ukrainian President Poroshenko announced his peace plan which continues to be the basis for a settlement of the crisis in Eastern Ukraine. President Poroshenko then also agreed to suspend the Government's so-called anti-terrorist operation declaring a week-long unilateral cease-fire, extended later for additional 3 days, i.e. until 30 July, but after that date expiring because the corresponding action from the rebel's side was considered as inadequate by the Ukrainian side.

The issue of control of the Ukrainian-Russian border was also among the topics most frequently discussed in the Contact Group. The Ukrainian representatives frequently express their concerns about the illegal crossing of the border by militants and by military supplies for the rebels as well as by regular troops with their weaponry and other equipment. It became increasingly clear that there can be no real stabilization of the cease-fire as long as the Ukrainian-Russian border is not efficiently monitored.

There were other important developments on the ground. Soon after the adoption of the Minsk documents September, a delegation from the Russian General Staff num-

bering almost 80 officers arrived in the conflict zone. They came upon the invitation of the Ukrainian General Staff. Following their arrival a Joint Center for Control and Coordination (JCCC ) for issues related to the implementation of the cease-fire agreements was established. The JCCC may become an institution making an important contribution to the stabilization of the cease-fire and thus to the strengthening of the peace-process. Yet it is true that a number of questions still need to be answered, in particular JCCC's working mechanism and the relationship between JCCC and OSCE/SMM.

In mid-September, the Ukrainian Parliament adopted a law on a special status of certain parts of Donetsk and Lugansk provinces, meaning the areas controlled by the rebels. The coming into force of this special status law is one of the important political provisions of the Minsk protocol. The law applies to local elections in the area which shall be held on 7 December, 2014, in keeping with the Ukrainian legislation. Instead, the pseudo-election organized by the rebel forces on 2 November, 2014, led to the already mentioned negative reactions by the Ukrainian government and the international community. In view of these illegal acts by the self-proclaimed entities of Donetsk and Lugansk, the Ukrainian President declared his intention to abolish the Law on Special Status. At the same time, the Ukrainian authorities stated that they would consider a new law on the same subject if the situation in the conflict zone in the future should warrant such a move.

Mr. Chairman,

distinguished Delegates,

Ladies and Gentlemen,

We continue to believe that the conflict in Ukraine cannot be solved by military means. Therefore, there is no alternative to a peaceful dialogue and finally a peaceful settlement. The Minsk agreements remain the indispensable basis for all present and future peace efforts. Consequently, they should be faithfully respected and fully implemented.

The respect of the two Minsk documents by all sides therefore comes on top of the list of my expectations and my requests for the continuation of the work by the Trilateral Contact Group. This includes efforts made in good faith by those who are able to do so in order to exert all necessary influence on those elements, but who so far were unwilling to comply with the Minsk documents. This is especially important in terms of the strict observance of the cease-fire provisions.

Looking at our future work I cannot emphasize strongly enough that a political dialogue must be instituted. It should be an inclusive political dialogue and not a privileged one. If the time has come as I hope it will, the dialogue may consist not only of discussions at official levels, but it may also include round table discussion with a broader spectrum of participants who are credible representatives of the regions involved.

We might also reflect on a system of confidence-building measures in the affected regions as it has already proved to be helpful in a number of conflicts in other parts of the world. This system might possibly be reinforced later by the so-called second-track diplomacy, assisted by local and international NGOs, academic circles, trade unions and other well-respected citizens of the region.

One of directions of our future work must also be the improvement of security conditions in the conflict zone as a prerequisite for an effective supervision of the cease-fire and related agreements.

While humanitarian assistance should be offered according to the needs and irrespective of any political preconditions, the economic rehabilitation of the zone of conflict will be an additional major task following its own rules. I have little doubt that the international community together with the major financial institutions will be ready to help.

Obviously this effort can only materialize once the conditions of a stable cease-fire, overall security, cooperation at all levels and by all sides and first of all, of a stable as well as internationally accepted political environment are present. If so, an international post-conflict conference dealing with both the pressing political and economic issues would be the logical way to follow.

The related issue of a voluntarily return of refugees/IDPs to their domiciles should be also addressed as early as possible. This return will be contingent on the political stabilization of the region and it will probably also depend on adequate economic support including assistance from abroad.

Mr. Chairman,

Let me conclude my presentation on the Trilateral Contact Group by also pointing to the pre-conditions of its work. It is obvious that the TCG can only work on the basis and within the scope of decisions taken at higher political levels, both in a regional as well as in international contexts, and possibly also using more formats than the Trilateral Contact Group alone. We hope that new progress at the political levels may enable us to further providing good and efficient work for their implementation. We depend on that political progress.

At the same time it is my privilege to express thanks and appreciation to Ambassador Ertugrul Apakan, Chief Observer, of SMM and to all members of SMM alike for their excellent cooperation with the OSCE CiO Special Representative and the Trilateral Contact Group in carrying out their work. Indeed, this good cooperation is extremely helpful; we are grateful for it.

In concluding my remarks, Mr. Chairman, I look at you and at all Delegates in this conference room. May I ask you: what are your ideas and suggestions for the Contact Group's work? Let us engage in a friendly dialogue leading us to an even better understanding of the challenges that we are facing and to consistently better ways for achieving our common goal, the advancement of the peace process in Eastern Ukraine.

Thank you for you kind attention.