Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2506 (2023)[1]

Political consequences of the Russian Federation's war of aggression against Ukraine

Parliamentary Assembly

1. Seventeen months after launching a large-scale invasion, Putin's regime persists in its brutal war of aggression against Ukraine. After the battle of Bakhmut (August 2022-June 2023), which has been the longest in the war and has had a huge human cost, the Ukrainian counteroffensive is currently under way. As the Ukrainians advance and liberate areas of their territory illegally occupied by the Russian Federation, it is to be feared that new evidence of war crimes will emerge. The magnitude of the consequences of the destruction of the Kakhovka Dam, on 6 June 2023, will only be known in the coming weeks. This attack, aimed at delaying the Ukrainian counteroffensive, confirms the barbarism of Putin's war machinery and constitutes both a war crime and ecocide.

2. Recalling its previous resolutions and recommendations on this matter, the Parliamentary Assembly reiterates its firm condemnation of the Russian Federation's aggression against Ukraine as a violation of international law and an act of unprecedented gravity, in itself and because of its far-reaching political, geopolitical, legal, humanitarian, environmental and economic consequences, in Europe and beyond.

3. By defending the sovereignty, independence and territorial integrity of their country, Ukrainians are protecting the values of the Council of Europe and the basic principles enshrined in the United Nations Charter, which are the foundations of the peaceful co-existence between States. One of the main political consequences of the Russian Federation's war of aggression against Ukraine is that it has forged a renewed bond among democracies in support of Ukraine.

4. The 4th Summit of Heads of State and Government of the Council of Europe, held in Reykjavik on 16 and 17 May 2023, is the expression of this unity around common values, the resolve to support Ukraine for as long as it takes and the willingness to ensure that the Russian Federation and its leaders are held to account for their crime of aggression and manifold other wrongdoings. The Assembly welcomes the strong stance taken by European political leaders in Reykjavik, supports the summit's final declaration and will participate in the follow-up within the Assembly's remit, competences and outreach.

5. The Reykjavik Declaration sets the tone in unequivocal terms: supporting Ukraine should be a political imperative for the Council of Europe and its member States. To turn this commitment into a reality, it is of the utmost importance to step up assistance to Ukraine, complete and give effective implementation to a comprehensive system of international accountability of the Russian Federation, remove legal gaps and loopholes in the sanctions system and isolate the aggressor regime diplomatically.

6. For Council of Europe member States, supporting Ukraine is important not only as an issue of rule of law and international justice but also the protection of democratic security and stability in Europe. Not only has the Russian Federation brought a devastating war of aggression to Europe, it has also pushed the limits of what can be used as a weapon, for example migrants, energy, economic leverage, elite capture, ecocide, kidnapping of Ukrainian children and other citizens and the Russian "passportisation" of Ukrainian citizens in temporarily occupied territories.

1. *Assembly debate* on 22 June 2023 (18th sitting) (see Doc. 15797, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 22 June 2023 (18th sitting).

7. The Russian Federation's war against Ukraine has had significant global consequences, in particular food insecurity, massively increased energy prices, poverty and hunger. The resources that are now being used to remedy these problems can no longer be invested in achieving the United Nations Sustainable Development Goals (SDGs), which impedes global development. More than half of the 17 goals have been negatively affected by the Russian Federation's war. Because of the Russian Federation we will regress in the achievement of the SDGs, including concerning climate change.

8. The reach of the hybrid war of the Russian Federation is global and is felt in all corners of Europe. The Republic of Moldova, Georgia and the Western Balkans are subject to pronounced Russian-backed hybrid warfare methods that are designed to destabilise their democracies. The Assembly is alarmed by the extensive and unscrupulous use of disinformation, energy blackmail, nuclear blackmail, economic leverage and disinformation by the Russian Federation to exacerbate existing tensions and fractures in democratic societies.

9. In addition, the aggression and the resulting new geopolitical context magnify security risks because of their impact on the functioning of multilateral mechanisms aimed at preventing and resolving conflicts, including those established under the auspices of the Organization for Security and Co-operation in Europe (OSCE).

10. At the same time, hard security is a grave concern. The Russian leadership has brandished reckless threats of nuclear warfare and has increased the risk of nuclear accidents involving the Zaporizhzhia nuclear power plant, which is illegally under Russian control. The Russian Federation uses the occupation of the Zaporizhzhia nuclear power plant for blackmail purposes in contravention of the Convention on Nuclear Safety and the safeguards system of the International Atomic Energy Agency (IAEA), of which the Russian Federation is a member. The Assembly welcomes the visit of a delegation of the IAEA to the site on 15 June 2023 and calls for its recommendations to be fully executed. The Assembly expresses its gravest concern that the Russian Federation may be planning to carry out a deliberate attack on or cause a deliberate incident at the Zaporizhzhia nuclear power plant, as mentioned by President Zelensky on 22 June 2023. This would risk provoking an escalation in the war, and lead to a radiation leak with devastating consequences for Europe.

11. The Assembly is deeply concerned by the deployment of Russian tactical nuclear weapons in Belarus, which started in May 2023, and by reports that the deployment of strategic weapons may be under consideration. As Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), both the Russian Federation and Belarus are in violation of their non-transfer and non-possession obligations, under Articles 1 and 2 of that treaty, respectively. Similarly, the Assembly deeply regrets the withdrawal of the Russian Federation from the Conventional Armed Forces in Europe (CFE) Treaty, a cornerstone of European security and stability and of conventional arms control architecture.

12. Europe can only achieve enduring peace if the Russian Federation becomes a democracy and loses its military potential to attack its neighbours. Thus, engagement and co-operation should be strengthened with Russian democratic forces and civil society organisations that aspire to a democratic change in the Russian Federation, share the values of the Council of Europe and support the sovereignty, independence and territorial integrity of Ukraine, as well as with those advocating for the principle that the Russian Federation, as a State, should provide full compensation to Ukraine once the war is over, and endorsing the idea that the Russian regime should face an international tribunal for its actions. Similarly, the Belarusian democratic forces and their leader, Sviatlana Tsikhanouskaya, as well as others who are ready to rise up against the Lukashenka regime in Belarus deserve the full support of the Council of Europe and its member States.

13. Since the last time the Assembly debated this war of aggression, a number of peace initiatives have been launched. In this regard, the Assembly reiterates its position laid down in Resolution 2463 (2022) "Further escalation in the Russian Federation's aggression against Ukraine" that any peace talks can only take place on the conditions set by Ukraine. It highlights, in this regard, that the Reykjavik Declaration expresses full support for the principles of a just and lasting peace as outlined in President Zelensky's Peace Formula.

14. 14. As the Reykjavik Declaration points out, there cannot be peace without accountability. The Assembly therefore welcomes the establishment of the Registry of Damage Caused by the Aggression of the Russian Federation against Ukraine. The Assembly shall continue to pursue its efforts in view of the establishment of an international compensation mechanism and a special tribunal for the crime of aggression to prosecute the political and military leadership of the Russian Federation, as requested by the Assembly in several texts and most recently in Resolution 2482 (2023) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine".

15. 15. The Assembly points out that international accountability must extend to all private military companies, proxies and allies linked to the Russian Federation that are committing crimes and illegal acts on the territory of Ukraine, including the Wagner Group and the military forces of Ramzan Kadyrov. An INTERPOL Red Notice (warrant) should be issued by Council of Europe member States against the leaders and members of these international terrorist groups.

16. Supporting Ukraine also requires curtailing the Kremlin's ability to finance its war of aggression. A large coalition of countries and the European Union have imposed an unprecedented range of diplomatic, financial and economic restrictive measures against the Russian Federation and should continue making joint efforts to increase the pressure of sanctions and international isolation of the violating State. The existence of loopholes in the sanctions system, however, and the development of various techniques of sanctions avoidance by the Russian Federation and private companies – especially involving third countries – have considerably reduced the system's effectiveness. The Assembly believes that the international community should address this problem with resolve and without any further delay. The issue of Council of Europe member States helping the Russian Federation circumvent sanctions should be examined by the Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in its work. In addition, helping the Russian Federation bypass sanctions should be a circumstance that precludes future candidates from joining the Council of Europe.

17. The Assembly condemns the biased and misleading narratives being spread by the Russian Federation, and amplified by some countries, about the war of aggression and the restrictive measures introduced against Putin's regime. The Assembly considers that Council of Europe member States should be proactive in countering this pervasive misinformation and disinformation.

18. In light of the above considerations, as regards accountability, the Assembly:

18.1. welcoming the fact that 45 States and the European Union have already joined or indicated their intention to join the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, invites the largest possible number of countries to join;

18.2. calls on the countries represented in the Conference of Participants of the Register of Damage to clarify in the register's rules on admissibility that the register will also record acts committed by private military groups, paramilitary groups and other military groups fighting for the Russian Federation, including the Wagner Group and Kadyrov's forces;

18.3. calls on member States and other States having custody of the Russian Federation's assets to establish an international mechanism for compensation, making use of confiscated assets to pay for war damages in Ukraine without delay;

18.4. calls on member States of the Core Group on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine to accelerate their negotiations to set up a special international criminal tribunal for the crime of aggression against Ukraine, and calls on additional States to join the Core Group;

18.5. welcomes the launch of the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA);

18.6. invites parliaments of Council of Europe member States to designate the Wagner Group and Kadyrov's Guard as terrorist organisations and to call for the full accountability of all military and paramilitary groups that participate in the Kremlin's aggression against Ukraine;

18.7. supports the investigation of the situation in Ukraine by the International Criminal Court (ICC), calls on all States Parties to the Rome Statute to execute the arrest warrants issued by the ICC and asks the ICC to issue arrest warrants against the members and leaders of the above-mentioned Wagner Group and Kadyrov forces;

18.8. welcomes the adoption of the Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes and urges Council of Europe member States to ratify it as soon as possible in order to deliver justice to the victims of those crimes;

18.9. joins the call to facilitate the supply of additional capabilities, including by means of re-export, for the self-defence purposes of Ukraine;

19. With a view to strengthening Europe's democratic security and resilience against soft and hybrid security threats, the Assembly calls on Council of Europe member States to:

19.1. enhance co-operation and political dialogue with countries and regions that are particularly exposed to the Russian Federation's interference, bilaterally, through the Council of Europe and international platforms;

19.2. redouble efforts to promote the further European integration of Ukraine, the Republic of Moldova, Georgia, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo[2];

19.3. step up international co-operation to fend off interference by the Russian Federation in their democratic processes and introduce a whole-of-society approach to building societal resilience against disinformation and misinformation;

19.4. step up diplomatic efforts to isolate the Russian Federation and Belarus as its accomplice, at the international level, as a result of the war of aggression against Ukraine, and thus deprive them of support;

19.5. counter the false narratives about the war of aggression and the sanctions system spread by the Russian Federation, its allies and partners;

19.6. set up a platform for reflection on mechanisms for conflict prevention and resolution in Europe, taking into account the new geopolitical context.

20. The Assembly also calls on Council of Europe member States that are North Atlantic Treaty Organization (NATO) members to support Ukraine to become a member of NATO.

21. As regards assistance in the reconstruction and democratic governance of Ukraine, the Assembly:

21.1. calls on all member States of the Council of Europe Development Bank to rapidly subscribe to the capital increase, approved in 2022, to endow the bank with the means to continue its support to Ukraine and to neighbouring countries hosting refugees and persons displaced by the war against Ukraine;

21.2. calls on the widest number of countries and the European Union to contribute to the Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026 and make resources available to ensure the long-term democratic resilience of Ukraine.

22. Also welcoming that the 11th package of sanctions to be adopted by the European Union aims at enhancing the effectiveness of the system of restrictive measures, the Assembly:

22.1. calls on countries aspiring to join the European Union, including Council of Europe member States, to ensure strict alignment with decisions taken under the European Union Common Foreign and Security Policy;

22.2. calls on European Union member States, in the course of such negotiations, to support robust deterrent measures and the introduction of secondary sanctions;

22.3. invites the European Union to expand efforts to withhold financial assistance to those who support the Kremlin in its war of aggression. This should include financial assistance which is provided to third countries, for example in the context of partnership and co-operation agreements;

22.4. calls on the parliaments of Council of Europe member States to withdraw from the pending ratification of the free trade agreement between the European Union and the Republic of Cuba (PDCA);

22.5. encourages Council of Europe member States to introduce full-scale political and economic sanctions against the Iranian regime;

22.6. supports the sanctions against the Russian Federation introduced by the United States of America.

23. The Assembly joins the anti-war movement in the Russian Federation calling on the member States which have passed "Magnitsky laws" and the European Union to add those responsible for the arbitrary prosecution of Vladimir Kara-Murza to the list of persons subject to targeted sanctions.

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2. (All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

24. The Assembly calls on Council of Europe member and observer States and the European Union to take into account the following elements, as they provide an effective framework to address sanctions avoidance:

24.1. creating strategic European economic autonomy from Russian oil and gas that are used for Russian imperialistic geopolitical purposes;

24.2. introducing measures to reduce the resale of Russian oil and gas to Europe via third countries;

24.3. expanding the list of individuals and entities targeted by restrictive measures in the Russian Federation and third countries;

24.4. identifying the major categories of entities and individuals which play a significant role in sanctions avoidance, such as banks, insurance companies, financial advisers, financial institutions, transport and logistics companies, ports and service companies;

24.5. setting up effective mechanisms to monitor compliance with sanctions, for instance a dedicated task force;

24.6. introducing and implementing secondary sanctions, and monitoring compliance with them;

24.7. setting up a public register of companies and individuals working for Russian interests;

24.8. setting up a public register of companies and individuals involved in sanctions avoidance;

24.9. introducing international guidelines for financial institutions to assess risks carefully for customers and transactions prone to sanctions avoidance. These guidelines would require heightened scrutiny when dealing with individuals or entities operating in jurisdictions known for evading sanctions;

24.10. strengthening co-operation and harmonising sanctions among like-minded countries, in order to avoid loopholes;

24.11. enforcing robust tracking and verification systems to prevent sanctioned goods and materials from entering global markets through indirect channels, including by conducting regular audits and collaborating with industry partners to ensure compliance throughout the supply chain;

24.12. introducing significant financial penalties for sanctions avoidance;

24.13. introducing criminal liability for individuals and groups of individuals who deliberately provide assistance for the purpose of evading sanctions;

24.14. considering the establishment of a pan-European body with the authority to investigate and prosecute persons involved in sanctions avoidance. Such a body (task force), working as a register of the States and entities, banks and firms that are circumventing sanctions, should be established as soon as possible and it should work in parallel with the Register of Damage;

24.15. introducing monetary incentives for whistle-blowers reporting specific details of sanctions avoidance.

25. As regards its own work, the Assembly:

25.1. resolves to establish channels of dialogue and co-operation with Russian democratic forces and civil society organisations that aspire to a democratic change in the Russian Federation, share Council of Europe values and support the sovereignty, independence and territorial integrity of Ukraine, including the Russian Action Committee;

25.2. encourages further reflection on the issue of sanctions against the Russian Federation;

25.3. reiterates its concern at Russian abuse of the right to veto, which is an international threat to the international rules-based order and the democratic security of Council of Europe member States. In this respect, the Assembly supports all efforts and discussions seeking to unblock the situation at the United Nations, thus enabling the latter to deliver on its mandate.