Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2516 (2023)[1]

Ensuring a just peace in Ukraine and lasting security in Europe

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its firmest condemnation of the Russian Federation's ongoing brutal war of aggression against Ukraine – which is a crime in itself – and of the serious, persistent and widespread atrocities and other violations of international law, international humanitarian law and human rights for which the Russian Federation is responsible, through its political and military leadership, military forces and proxies.

2. Reaffirming its solidarity with the Ukrainian people and echoing the Reykjavik Declaration adopted by the heads of State and government at the 4th Council of Europe Summit (16 and 17 May 2023), the Assembly states, once again, its unwavering commitment to stand with Ukraine for as long as it takes for its victory and its support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders, including its territorial waters.

3. The Assembly reiterates its non-recognition of the attempted illegal annexation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol, as well as parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine, which violates international law and poses a direct threat to international security with serious consequences for the international community. It reaffirms its readiness to continue exerting restrictive pressure on the Russian Federation to counter its illegal actions through undertaking further measures against the Russian Federation.

4. The Council of Europe was established in the aftermath of the Second World War as a peace project, in the conviction that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation. Since its foundation, the Council of Europe has contributed to strengthening human rights, democracy and the rule of law within its member States, whose number has substantially increased since the end of the Cold War to embrace nearly all European countries.

5. Thirty years after the 1st Summit of Heads of State and Government of the Council of Europe in Vienna, which gave a signal of hope to all European States that shared the political aspiration to establish a common legal space, a common area of peace and a community of values, a full-scale war of aggression has taken centre stage in the heart of the continent, against the backdrop of a deteriorating security situation characterised by open and frozen conflicts, escalating tensions and hybrid threats. This state of affairs confirms the need for firmness in demanding that Council of Europe States fully uphold their commitments and obligations as members of the Organisation, as their adherence to Council of Europe standards is also a guarantee of security for each other, as is inherent in the principle of democratic security.

6. As the Russian Federation's aggression against Ukraine has continued for more than nine years and its full-scale military invasion of Ukraine enters its twentieth month, the international community should not lose sight of its primary objective: presenting a united front to stop the aggression and win a peace which is comprehensive, just and lasting, ensuring that the rule of law prevails over the rule of force. Without a comprehensive, just and lasting peace in Ukraine, there cannot be long-term security in Europe; without an effective system of global governance based on international law, there cannot be international peace and security.

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1. *Assembly debate* on 12 October 2023 (23rd sitting) (see Doc. 15842, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Iulian Bulai). *Text adopted by the Assembly* on 12 October 2023 (23rd sitting).

7. Achieving peace means supporting the victory of Ukraine militarily, financially, politically and diplomatically at bilateral and multilateral levels. The Assembly has already given its full backing to President Zelenskyy's peace formula as the most extensive proposal for a comprehensive, just and lasting peace in Ukraine, underlining that any peace talks can only take place under the conditions set out by Ukraine and after the withdrawal of the Russian troops and military equipment from the whole territory of Ukraine. Greater efforts are necessary to explain to the public and to international partners what is at stake in this war for security in Europe and for the preservation of a system of global governance based on the rule of law.

8. Achieving a comprehensive, just and lasting peace means recognising the nature, extent and gravity of the crimes committed by the Russian Federation. The violence being perpetrated, the hideous character of some crimes, including the deportation of Ukrainian children and sexual violence, and the rhetoric of the authorities indicate an attempt by the Russian Federation to annihilate the Ukrainian nation, waging a genocidal war. This deliberate policy stands out as a tragic reminder of an earlier attempt to wipe out Ukrainian nationhood, the Great Famine (the Holodomor), the 90th anniversary of which will be commemorated in November 2023.

9. There are tens of thousands of civilians who have disappeared or who have been illegally abducted, taken to filtration camps and deprived of their liberty as a result of the Russian Federation's war of aggression against Ukraine. Approximately 2 000 of these victims of enforced disappearances are over 70 years old. The Russian Federation's disrespect for the Geneva Convention relative to the Protection of Civilian Persons in Time of War is just one example of the Russian Federation's brazen and systematic neglect of its international legal obligations.

10. Since the beginning of the full-scale military invasion, the Russian Federation has not hesitated to use as weapons migrants, energy, ecocide, economic leverage, the "passportisation" of Ukrainian citizens and the forcible deportation of Ukrainian children. Illegal fake elections and referendums organised by the Russian Federation in the illegally and temporarily occupied territories of Ukraine, most recently between 8 and 10 September 2023, are a travesty of democracy and a weaponisation of political freedoms. Likewise, the decision of the Russian Federation to exit the Black Sea Grain Initiative in July 2023 is a further weaponisation of trade and food, intended to increase global instability and weaken international resolve for supporting Ukraine.

11. Achieving a comprehensive, just and lasting peace means setting up a comprehensive system of accountability of the Russian Federation for its crimes. In this regard, the Assembly welcomes the launch, in the form of an enlarged partial agreement of the Council of Europe, of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine. On the strength of the political momentum created by the Reykjavik Summit, it reiterates its call to set up an international mechanism to compensate the victims and a special international tribunal to investigate and prosecute the political and military leadership of the Russian Federation for the crime of aggression against Ukraine.

12. Achieving a comprehensive, just and lasting peace in Ukraine means investing in its reconstruction so that the country is sustainable from economic, social, environmental and political points of view. Physical reconstruction according to the principle of "build back better" must rely on strong and resilient public institutions at all levels, good democratic governance and the protection of human rights and fundamental freedoms, in the framework of respect for the rule of law. In this regard, the Assembly reiterates its call for extensive support for the Action Plan for Ukraine 2023-2026, which is instrumental to rebuilding greater democratic resilience in Ukraine.

13. The way in which the international community responds to the Russian Federation's war of aggression against Ukraine will set the course of European history and affect the system of global governance in the years to come. The Russian Federation has blatantly and unashamedly violated the most fundamental principles enshrined in the Charter of the United Nations and paralysed the functioning of the United Nations Security Council. Securing a comprehensive, just and lasting peace entails re-establishing respect for the rule of law, including the obligation for all States to refrain from the threat or the use of force against the territorial integrity or political independence of any State, as underlined in point 5 of President Zelenskyy's peace formula.

14. In light of these considerations, the Assembly:

14.1. decides to recognise the Great Famine (the Holodomor) as an act of genocide intended to break the backbone of Ukrainian nationhood, language and culture, and commemorates its victims;

14.2. encourages the parliaments of Council of Europe member States and other parliaments which have not yet done so to adopt resolutions commemorating the victims of the Holodomor and recognising it as genocide.

15. As regards the establishment of a comprehensive system of accountability, the Assembly:

15.1. gives it full support to the Enlarged Partial Agreement of the Council of Europe on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, and invites the largest possible number of countries to join;

15.2. calls on the countries represented in the Conference of Participants of the Register of Damage to work swiftly to ensure that the Register of Damage is operational as soon as possible and that the register relies on, among other sources, the information coming from Ukrainian non-governmental organisations and human rights defenders; and to provide periodic reporting on its functioning;

15.3. calls on member and non-member States and other States to swiftly agree steps to ensure accountability and justice, namely the establishment of a comprehensive compensation mechanism, including an international commission for the examination of claims for damages recorded in the Register of Damage, and a compensation fund to pay out on decisions on compensation for damage awarded by the commission, in particular by confiscating and otherwise using the Russian Federation's assets to pay for damage caused by the war in Ukraine;

15.4. supports the activity of the "core group" of countries prepared to support the creation of a special international tribunal for the crime of aggression and calls on this "core group" to come to an agreement on the tribunal's legal form as soon as possible, taking into account the need to maximise its international legitimacy and to minimise possible legal issues, in particular regarding the possible reliance of key suspects on personal or functional immunity;

15.5. calls on the international community to strongly support the International Criminal Court (ICC) and the Joint Investigation Team (JIT), including the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA), to investigate and prosecute the numerous war crimes and crimes against humanity that Russian soldiers, commanders and their proxies have committed or ordered in Ukraine since the beginning of the aggression in 2014, as well as the crime of aggression committed by the political and military leadership of the Russian Federation, and to support efforts to bring to justice those responsible for the forcible transfer of Ukrainian children;

15.6. standing in solidarity with all Ukrainian victims of enforced disappearances, their families and relatives, calls on the international community to demand:

15.6.1. that the Russian Federation compile a list of illegally detained persons as a result of the aggression against Ukraine for its transmission to the United Nations, Ukraine or a third country that will ensure their return to Ukraine;

15.6.2. the immediate and unconditional release of victims of enforced disappearances, the dismantling of filtration camps and the punishment of the perpetrators.

16. Recalling the speech delivered by President Zelenskyy to the United Nations General Assembly in September 2023, the Assembly calls on all States that uphold the rules-based international order to:

16.1. support President Zelenskyy's peace formula;

16.2. support Ukraine in its struggle to defend its independence, sovereignty and territorial integrity by providing political, financial, legal, humanitarian and military assistance, and by mobilising the resources that will be necessary to finance the reconstruction of Ukraine, redress environmental damage and restore the rich cultural and religious heritage of the country.

17. Welcoming the initiative of the Council of the European Union to hold a meeting of Foreign Ministers in Kyiv on 2 October 2023, for the first time ever in a non-European Union member State, the Assembly calls on parliaments and governments of Council of Europe member States to spare no effort to support Ukraine in its path towards accession to the European Union as a fully fledged member.

18. Welcoming the conclusions of the European Conference of Presidents of Parliaments held in Dublin on 28 and 29 September 2023, which stressed the contribution that national parliaments can make to setting the course of Europe's future, the Assembly:

18.1. invites parliaments of member and non-member States to support Ukraine by:

18.1.1. holding governments to account in their resolve to secure the victory of Ukraine and a comprehensive, just and lasting peace;

18.1.2. ensuring the provision of the relevant budgetary resources and taking the necessary legislative decisions;

18.1.3. raising awareness among their citizens about the issues at stake in the war;

18.1.4. working towards the implementation of an effective system of accountability of the Russian Federation;

18.1.5. making every possible effort to ensure the return of deported Ukrainian children to their families;

18.1.6. addressing the alarming situation of Ukrainian political prisoners illegally detained by the Russian Federation so that all those unjustly incarcerated for their political beliefs are immediately released;

18.2. encourages parliaments to boost parliamentary diplomacy, interparliamentary dialogue and diplomatic efforts to rally allies in support of Ukraine at the global level and promote a multilateral system of global governance firmly rooted in the rule of law;

18.3. will continue to contribute, by providing expertise and advice, to strengthening the institutional capacity of the Verkhovna Rada and Ukraine's democratic resilience;

18.4. encourages parliaments to actively participate in the parliamentary dimension of the International Crimea Platform, including taking part in its forthcoming Second Parliamentary Summit to be held in Prague, Czech Republic, on 23 and 24 October 2023;

18.5. invites parliaments of member States to keep open channels of dialogue with democratic opposition forces in the Russian Federation and in Belarus that respect Council of Europe values, including the specific criteria established in this regard, support the victory of Ukraine, respect the territorial integrity of Council of Europe member States and publicly condemn Russian aggression.