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**STATEMENT BY MR. VLADIMIR ZHEGLOV,
DEPUTY PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1288th MEETING OF THE OSCE PERMANENT COUNCIL
VIA VIDEO TELECONFERENCE**

5 November 2020

On the situation in Ukraine and the need to implement the Minsk agreements

Mr. Chairperson,

A new gust of political turbulence has swept through Ukraine following the local elections. Almost immediately after the conclusion of the first stage of the electoral process, a grave constitutional crisis has erupted in the country. The confrontation between the executive and judicial branches of government is accompanied not merely by a striving to involve the legislature in the dispute, but also by pronouncements implying a willingness to resort to methods that are dubious from a legal point of view in order to defend one's position. Parallels are being drawn with the situation prevailing during the unconstitutional removal of President Viktor Yanukovich from power in 2014. The criterion invoked at the time to justify his ousting was its alleged "righteousness" as perceived by certain members of the political elite, rather than its conformity with the law. It is in this vein that, for example, the President of Ukraine, Volodymyr Zelenskyy, expressed himself when appearing on the talk show *Svoboda slova (Freedom of Speech)* on the channel ICTV on 3 November. Against this backdrop, some of Ukraine's external "minders" hastened to proclaim the local elections that took place in the country on 25 October to be "a fresh chapter" in Ukrainian democracy. The street protests that have broken out anew are a vivid illustration of what this "chapter" has turned out to be like.

Political instability is not conducive to settlement of the internal conflict in eastern Ukraine. In addition, the country is now approaching the moment when it must take policy decisions on extending and making permanent the law on the special status of Donbas. For on 31 December this instrument, which was adopted six years ago, is set to expire. We would remind you that in the past a number of caveats were introduced into the text of the law, which render its practical implementation impossible. The problem of incorporating the "Steinmeier formula" (on the procedure for giving effect to the "status law") into Ukrainian legislation has not been solved either. Nor has there been any headway on other Donbas-related aspects of the political settlement, namely on an amnesty and constitutional reform.

Meaningful discussions are not taking place within the Trilateral Contact Group (TCG) between the representatives of the Ukrainian Government and the authorities in Donetsk and Luhansk with regard to the arrangements for local elections in certain areas of Donbas. The Ukrainian Government has effectively ruled out the possibility of such a dialogue, since Resolution No. 795-IX of 15 July 2020 of the Verkhovna Rada

(Ukrainian Parliament) on the scheduling of regular local elections in 2020 sought to impose on the electoral process in Donbas conditions that are not provided for in the Minsk agreements. Incidentally, not a single one of the Ukrainian Government's obligations under the Minsk Package of Measures of 12 February 2015 has to this day been fulfilled.

On 31 October, in an interview on the television channel "5 Kanal", the deputy head of the Ukrainian delegation to the TCG negotiations, Oleksiy Reznikov, who is also Deputy Prime Minister and Minister for Reintegration, revealed the key principles underlying the Ukrainian Government's current policy on Donbas. As he put it, "Donbas is a bunch of sick territories – mentally sick too", which, to quote him further, are in need of "treatment". It is all too obvious what such "treatment" would consist of. As Mr. Reznikov acknowledged, plans are being drawn up in Kyiv to "create a training centre that will train people who will go there [to Donbas] to implement Ukrainian authority" on the ground; those people would become "mayors of cities and towns, senior military and civilian officials, future members of parliament".

As one can see, in Mr. Reznikov's scheme of things there is no scope whatsoever for meaningful negotiations with the representatives of certain areas of the Donetsk and Luhansk regions. Nor is there any scope for acknowledging the authority of those who, in accordance with the Package of Measures, are to be elected as a result of local elections in Donbas. Besides, Mr. Reznikov insists that the Minsk agreements themselves need to be amended. He openly admitted that "preparations are under way for rewriting the Minsk agreements, though a political decision has yet to be taken". Clarification is required as to what exactly Mr. Reznikov had in mind when he spoke of "rewriting" the Package of Measures, which has been endorsed by United Nations Security Council resolution 2202. Incidentally, in this context it is worth recalling the rather telling dismissal in September of the first deputy head of the Ukrainian delegation to the TCG, Vitold Fokin, after he had called for adherence to the letter and the spirit of the Minsk agreements.

Eagerness to bypass the sequence of steps laid down in the Package of Measures, including the sequence whereby local elections are to be held in Donbas and then control of the border is to be reinstated, was also expressed by the head of the Ukrainian delegation to the TCG, Leonid Kravchuk, in an interview on 2 November with the Interfax-Ukraine news agency. What is more, he threatened to walk away from the Minsk negotiation format. In these circumstances the fine talk by the Ukrainian representatives about preparing some sort of "action plan" for the TCG's future work seems most puzzling. Mr. Kravchuk has already shared some of its elements today: they run counter to the provisions of the Minsk agreements and to the understandings reached within the "Normandy format".

All these arguments by the Ukrainian representatives are, to all appearances, meant to divert attention from the crux of the matter: the Ukrainian Government nominally declares its adherence to the Package of Measures, but actually has no intention of implementing it. Nor is anything being done to carry out most of the instructions from the "Normandy format" summit held in Paris on 9 December 2019, during which President Zelenskyy proclaimed his commitment to full implementation of the Minsk agreements.

For example, since April of this year there has been no progress on the exchange of detainees according to the principle of "all for all". As is known, work on the lists and preparations for the next exchange have been hampered by the Ukrainian Government's refusal to drop criminal charges against individuals who have already been released and handed over to the authorities in Donbas. I would remind you that this issue was emphasized by the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the TCG, Heidi Grau, in her update to the Permanent Council on 8 October. By her reckoning, "legal clearance" still needs to be extended to around 60 per cent of the aforementioned individuals. To make matters worse, new criminal charges are being brought against them in Ukraine. Thus, on 20 October a court granted the prosecutors' request to have three men who had been handed over to the authorities in Donbas as part of the exchange of detainees on 29 December 2019, namely Pavlo Abroskin,

Serhiy Zinchenko and Oleh Yanishevsky, placed on the international wanted persons list. We call on the Ukrainian Government to stop revising the humanitarian arrangements agreed on with the authorities in Donbas and to fully honour its obligation to apply “legal clearance” to and not prosecute individuals who have been released – an obligation that was confirmed in writing in December 2019 by the then head of the Ukrainian delegation to the TCG, Leonid Kuchma.

We are obliged to note that the increasing number of pronouncements by Ukrainian officialdom about their not being prepared to implement the Package of Measures in full, and about the need to rewrite the Minsk agreements and revise existing agreed arrangements, gives cause for great concern as to the fate of the entire settlement process. In that context, the statements by Ukraine’s foreign “minders” about the allegedly “constructive” approach of the Ukrainian authorities seem not just bizarre: giving the latter such “high marks” is, to all appearances, meant to serve as a kind of *carte blanche* for them to sabotage the Minsk Package and derail the settlement process.

The situation at the checkpoints along the line of contact remains dire. As reported by the OSCE Special Monitoring Mission to Ukraine, people can still cross the line in the Donetsk region, but the Ukrainian authorities have extended until 15 November the closure of the only checkpoint in the Luhansk region, namely the one on the bridge at Stanytsia Luhanska. It is still unclear which criteria are being applied by the Ukrainian military when deciding whom to allow through in exceptional cases, as had been announced. In this respect, it is legitimate to feel concerned about the prospects for putting into practice the agreement on opening two new checkpoints in the Luhansk region on 10 November, namely at Zolote and Shchastia, and also about whether these would then be able to operate properly. We once again stress the need for the Ukrainian Government and the authorities in Donetsk and Luhansk to reach agreement, within the TCG framework, on the special arrangements for the operation of such checkpoints during the coronavirus pandemic.

We call on the OSCE and Ukraine’s external “minders” to bring maximum influence to bear on the country’s leadership so as to induce it to act in the interests of peace and civil accord with a view to achieving swift implementation of the Package of Measures on the basis of direct and meaningful dialogue between the Ukrainian Government and the authorities in Donetsk and Luhansk.

Thank you for your attention.