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AT THE 1275th MEETING OF THE OSCE PERMANENT COUNCIL**

16 July 2020

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

Mr. Chairperson,

Last week, the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group (TCG), Heidi Grau, and the Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (SMM), Yaşar Halit Çevik, gave assessments here confirming that the momentum in the settlement process for the crisis in Ukraine remains discouraging. Both of them acknowledged that the progress made was insignificant and that there had been no progress at all on a number of issues.

The reason for this is obvious – there is currently no political will on the part of the Ukrainian Government for real progress towards peace and national harmony. In recent months, an indicative trend could be observed – Ukraine’s beefing up of its representation in the TCG in early May and its declared readiness to work round the clock have not translated into practical agreements and documents. On almost all aspects of the settlement process, the Ukrainian Government seems simply to be going through the motions of engaging in negotiation, which can only be described as disappointing.

None of this is surprising against the background of the highly contradictory statements by Ukrainian politicians at various levels. On the one hand, the Ukrainian Government is trying to convince the international community of its alleged commitment to the Minsk agreements as a “road map” for a settlement. On the other hand, we have heard more and more often statements by the representatives of Ukraine about the need to revise the Package of Measures of 12 February 2015, which, I would remind you, was endorsed by United Nations Security Council resolution 2202 and recognized by the international community as the sole framework for a political and diplomatic settlement of the crisis in Ukraine.

The reality is as follows. More than five years after the signing of the Package of Measures, not one of its provisions has been implemented in full. The vast majority of the tasks set during the “Normandy format” summit in Paris on 9 December 2019 have not been carried out either. The recent common understandings reached on 3 July at a meeting of the advisers to the Normandy Four leaders were effectively disavowed by the Ukrainian Government’s representatives already on 8 July during a TCG videoconference.

Today, the representatives of Ukraine are openly stating that they have no intention of engaging in direct dialogue in the TCG with the real representatives of the authorities in Donetsk and Luhansk, although

such dialogue is provided for by the Minsk agreements. They reject the conceptual understanding enshrined by the “Normandy format” of the need for synchronized progress in the implementation of security measures and the political package. Lastly, they declare on an all too regular basis their desire to rewrite the Minsk agreements, as allegedly these “do not reflect the current reality”. All this tellingly reveals the essence of the Ukrainian Government’s approach to the agreements reached in Minsk – to avoid by any means having to fulfil the obligations set out in those agreements. What is more, the leadership of Ukraine recently admitted that the only reason the Ukrainian Government needs the Minsk agreements is so that the pressure of sanctions can continue to be exerted on Russia.

Every day, the SMM records hundreds of violations of the ceasefire regime in Donbas. We note with alarm how against this background the command of the so-called Joint Forces Operation continues to provoke military tensions. Here is a typical example: on 13 July, on the outskirts of the village of Zaitseve in the Donetsk region, a Ukrainian military intelligence team moved off from the Ukrainian armed forces’ forward positions and advanced into the “grey zone” towards militia positions on some “combat mission”, as headquarters reported. It is unclear what motivated these actions, which only resulted in fresh casualties and threatened to lead to further escalation. Such incidents would not happen if the Ukrainian Government were to take a responsible approach to reaching agreement in the TCG on a package of effective measures that would make it possible to ensure a sustainable “silence regime”. We are referring not only to the issuance of orders for a ceasefire but also to a ban on reconnaissance, offensive and sabotage operations.

The discussions about the other tasks from the Normandy Four summit – identification of additional areas for disengagement of forces and hardware, release and exchange of detainees, and so on – have become bogged down, too. There was only cautious optimism about the identification of demining areas when putting together the relevant updated plan, and about the measures started in the Luhansk region in preparation for the opening of two checkpoints on the line of contact.

At the same time, things have come to a complete standstill on one of the most important aspects of the settlement – the political aspect. The Ukrainian Government’s comments to the Western expert community reveal its true intentions. The underlying message is that, regardless of the course of the discussions in the TCG, the Ukrainian leadership has no intention at all of implementing the political provisions of the Package of Measures.

The fact that the Ukrainian Government is only putting on a semblance of activity in this regard is also confirmed by the example of the TCG Advisory Board, which never came to fruition. As has been mentioned on several occasions, the Ukrainian Government was originally one of the initiators of the establishment of such a platform for dialogue with Donbas, but afterwards it abandoned this idea. I shall cite one further case in point. In late June, the Ukrainian delegation to the TCG submitted for discussion a new version of the draft law on the special status of Donbas and initial suggestions for incorporating the “Steinmeier formula” into it. However, two weeks later, on 8 July, the first deputy head of the Ukrainian delegation, Deputy Prime Minister and Minister for Reintegration, Oleksiy Reznikov, published an article on the Atlantic Council website, where he stated directly that “there is no point” in discussing a special status for Donbas. The Ukrainian Government refused to do this, he said, “in deference to the will of the Ukrainian people”.

In short, the Ukrainian authorities simply have no intention of establishing a special status for Donbas on a permanent basis, as prescribed by the Minsk agreements, nor of reflecting the particularities of self-government for the region in the national Constitution. This approach was also defended by the Minister for Foreign Affairs, Dmytro Kuleba, who made the point that Ukraine “is an independent State and not a bureau for the fulfilment of some other countries’ wishes”. This is strange rhetoric. Firstly, because the obligation of carrying out constitutional reform, including a reference to the specificities of the

self-government of Donbas, follows directly from paragraph 11 of the Package of Measures, and this is an obligation that the Ukrainian Government assumed voluntarily. Secondly, because one must bear in mind the new evidence published last week regarding the gross interference by the United States of America in the internal affairs of Ukraine during President Poroshenko's tenure and how this "independent" country has been steered, marionette-like, from across the ocean by telephone.

Another important subject is that of local elections in Donbas. According to paragraph 4 of the Package of Measures, the Ukrainian Government is supposed to conduct meaningful dialogue with the representatives of Donbas in the TCG on modalities for holding local elections, which should take place in accordance with the law on the special status of Donbas. In paragraph 9 of the Package of Measures, it is underscored that local elections are an important element of the comprehensive political settlement. However, on 15 July, the Verkhovna Rada adopted a resolution on the scheduling of regular local elections in 2020, which openly contravenes the Package of Measures. The resolution stipulates that local elections cannot be organized in Donbas and that their scheduling is subject to a number of conditions, including the Ukrainian Government first obtaining control of the border. Clearly, the hope is that this will be achieved by establishing military control over the territory of Donbas in its entirety. Such an approach is at odds with the provisions of paragraph 9 of the Package of Measures, in accordance with which reinstatement of control of the border should start on day one after the local elections and end after the comprehensive political settlement, provided that all the political aspects of the Minsk agreements have been implemented, including carrying out constitutional reform and granting special status to certain areas of Donbas on a permanent basis.

Consequently, the Verkhovna Rada's decision is a blatant and high-handed attempt by the Ukrainian Parliament to rewrite the Package of Measures, paying no regard to what the Minsk agreements say. We are waiting for principled assessments from Ms. Grau and also from our "Normandy format" partners, who have assumed the role of guarantors of the Minsk agreements. One may legitimately ask whether Ukraine's actions mean that the Ukrainian Government has after all decided to give up on the Package of Measures and refuse to implement it altogether.

Under such circumstances, it is perfectly clear that the Ukrainian Government's show of activity in the TCG serves only to create a semblance of negotiations, which it is in fact seeking to drag out as much as possible. It seems that further sabotage of the Minsk agreements, for which Ukraine's patrons have apparently given the Ukrainian Government carte blanche, is fully in keeping with the plans of the current Ukrainian leadership. Yet, this is a dangerous path that is bound ultimately to lead to the freezing of the conflict in eastern Ukraine for many years.

Once again, we note that the crisis in Ukraine is the result of the February 2014 coup d'état, which was orchestrated, funded and organized from abroad and has led to the armed confrontation in Donbas and the wholesale suffering of millions of civilians.

We call on our international partners, the OSCE and Ukraine's external "mindes" to exert maximum influence on the Ukrainian leadership in order to encourage it to act in the interests of peace and civil harmony, the aim being to achieve swift implementation of the Package of Measures in a full and co-ordinated manner on the basis of direct and sustainable dialogue between the Ukrainian Government and the authorities in Donetsk and Luhansk.

Mr. Chairperson,

Last week, the SMM Chief Monitor, Mr. Çevik, reported that the Mission had been able to reach an understanding with the representatives of Donbas regarding the modalities for the monitors to travel across

the line of contact, subject of course to compliance with medical measures to ensure the safety of the Mission's personnel and the inhabitants of the region in the context of the coronavirus epidemic.

We reaffirm the call for the SMM to intensify its work not only in Donbas but also in the rest of Ukraine, especially in the light of its mandate to monitor and support respect for human rights and freedoms, including the rights of persons belonging to national minorities. We urge the SMM as well as the participating States and relevant OSCE institutions to take note of the recently published report of the Ministry of Foreign Affairs of Russia on the situation concerning human rights in Ukraine, where these rights have unfortunately long been violated in a systematic manner.

Thank you for your attention.