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PC.DEL/1672/20
26 November 2020
ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1291st MEETING OF THE OSCE PERMANENT COUNCIL
VIA VIDEO TELECONFERENCE**

26 November 2020

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

Mr. Chairperson,

We note the continuing absence of political will in Kyiv for a settlement of the conflict in the eastern regions of Ukraine. According to the monitors of the OSCE Special Monitoring Mission to Ukraine (SMM), since the measures to strengthen the ceasefire regime came into effect the number of ceasefire violations in Donbas has gone down considerably, with some 2,500 such violations recorded since 27 July. Prior to the entry into force of the aforementioned measures, such figures were often recorded on a daily basis. However, there can be no talk of these measures being fully implemented. Shooting continues in Donbas, and civilians are again becoming casualties of shelling. For example, in its 24 November report, the SMM confirmed that two residents of Oleksandrivka in the Donetsk region were injured on 12 November. A residential area had been subjected to shelling again.

The co-ordination mechanism for responding to ceasefire violations through the facilitation of the Joint Centre for Control and Co-ordination (JCCC) in its current form provided for by the Trilateral Contact Group (TCG) decision of 22 July has still not been created. The Ukrainian military still does not want any contact with the Donetsk and Luhansk representatives of the militia who currently form part of the JCCC in certain areas of Donbas.

In recent weeks, there have been increasing signs of the “new tactic” announced by the Ukrainian Government in the negotiation process, which is expressed in a desire to revise the agreements already reached – for example, in the question of the unilateral opening of checkpoints on the line of contact. The results of the videoconference of the Minsk-based TCG held on 25 November also attest to this.

It should not be forgotten that the instruction issued by the “Normandy format” summit to reach agreement by 8 January 2020 on new checkpoints on the basis of humanitarian criteria was not carried out within the established time-frame. It was not until six months later, in July, that representatives of the Ukrainian Government and the Luhansk authorities in the TCG managed to come to an understanding on the simultaneous opening of checkpoints in Shchastia and Zolote. However, after the construction of the checkpoint infrastructure on either side of the line of contact, the Ukrainian Government not only refused to discuss arrangements for their operation during the coronavirus epidemic, but also conducted a propaganda

campaign to unilaterally start their operation – while tightening quarantine measures inside the country. What is more, unbeknown to the Luhansk side, the checkpoint at Shchastia was changed from being a vehicle checkpoint to a pedestrian one. As for Zolote, the Ukrainian Government refuses to agree on the provision of a bus service through the neutral territory between the checkpoints, a distance of about three kilometres. This service needs to be established for humanitarian reasons. It is reasonable to ask what is preventing them from ensuring that the checkpoints operate in a co-ordinated manner on the basis of humanitarian criteria and in accordance with the mode of operation already agreed upon in the TCG. We call on the Ukrainian Government to engage in meaningful dialogue on this issue with the representatives of certain areas of Donbas.

This is not the first time that the Ukrainian Government has resorted to actions for propagandistic effect instead of reaching a proper agreement in the TCG on the operating procedure for the crossing points on the line of contact. One might recall, for example, the unilateral “opening” of the checkpoint in Zolote on 24 March 2019 without the necessary demining work near it being carried out.

The situation with the political aspects of a settlement is discouraging. As we approach the anniversary of the “Normandy format” summit held on 9 December 2019 in Paris, it is clear that the Ukrainian Government has failed to carry out the summit’s instructions to reach agreement with the representatives of Donetsk and Luhansk in the TCG on all the legal aspects of the special status for Donbas.

We are obliged once again to point out these failures. The Ukrainian authorities have not done the work to make the law on the special status of Donbas permanent or to reflect the specificities of the self-government of the region in the country’s Constitution. The mechanism for the enactment of the status law under the “Steinmeier formula” is in abeyance. There has been no progress on an amnesty for those involved in the events in Donbas, which would not only pave the way for a comprehensive political settlement, but would also make it possible to implement the agreement on the exchange of detained persons according to the principle of “all for all”. Persons released earlier are still being prosecuted.

The unwillingness of the Ukrainian Government to implement the Minsk Package of Measures at all is eloquently demonstrated by the head of the Ukrainian delegation to the TCG negotiations, Leonid Kravchuk, in his description of this document, which has been endorsed by United Nations Security Council resolution 2202. In his opinion, the Package of Measures is “a tremendous mistake” and “one of the obstacles that is preventing decisions from being taken across the board”.

Against the backdrop of the Ukrainian Government’s sabotage of the Package of Measures and its proposals to rewrite the Package, submitted to the TCG in the form of the so-called “Joint Action Plan”, the Ukrainian armed forces continue to move weapons closer to the line of contact in Donbas.

On numerous occasions, the SMM has spotted tanks and large-calibre artillery being transported at railway junctions in Kostiantynivka, Druzhkivka and Pokrovsk. Some 180 pieces of equipment and weapons, which were missing from the designated storage sites, were discovered there over the past week alone. It is noteworthy that for two days in a row – 18 and 19 November – the Ukrainian military did not allow the monitors access to the station in Kostiantynivka. In these circumstances, SMM monitoring near the line of contact in Donbas and behind the lines of the Ukrainian armed forces, where military equipment is being amassed, needs to be intensified.

Active monitoring by the Mission is needed not only in Donbas but also in the rest of Ukraine. Discrimination on the basis of language continues in the country, as do attacks on the rights of the non-Ukrainian-speaking population.

As you are aware, in January 2021, new restrictions that will further limit the possibilities for using Russian and minority languages will come into force under the law on supporting the functioning of the Ukrainian language as the State language. Earlier, when analysing Ukrainian law-making in the field of language use, experts from the Venice Commission of the Council of Europe noted that some of the norms introduced conflict with Ukraine's international human rights obligations, including the provisions of the European Convention on Human Rights. In 2019, specialists drew up specific recommendations for the Ukrainian Government on revising the discriminatory provisions of the existing legislation, which, however, have not been taken into account.

Instead, the restrictions only increase. Last week, the Commissioner for the Protection of the State Language, Taras Kremen, demanded that the members of several local councils rescind the decisions in force in a number of regions of Ukraine granting other languages the status of regional languages, and also sent a request to the Prosecutor General of Ukraine, Iryna Venediktova, asking for appropriate pressure to be applied, including by means of the courts. I am referring to the decisions of certain regional, city, village and settlement councils in the Chernivtsi, Dnipropetrovsk, Kherson, Luhansk, Mykolaiv, Odessa, Zakarpattia and Zaporizhzhia regions.

The leadership of Ukraine seems to be aware of the scale of the discrimination in the linguistic sphere. According to the sociological research data "put into service" and published by the Cabinet of Ministers of Ukraine in October this year, the Ukrainian language is used in family and everyday communication by less than half of the country's population – only 46 per cent. It is emphasized that in Donbas this figure is zero.¹ This situation has been classified by the Ukrainian authorities as "threatening".

This shows that the true purpose of the legislative regulation of the language sphere in Ukraine is not the popularization and development of the Ukrainian language, but a coercive change in the linguistic identity of non-Ukrainian-speaking citizens living in the country. It is not in any way consistent with Article 10 of the Constitution of Ukraine, which guarantees the free development, use and protection of the Russian language and the languages of national minorities. As for Donbas, it is also worth recalling paragraph 11 of the Package of Measures, which provides for the right of its residents to linguistic self-determination.

Once again, we note that the ongoing 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 the international community, including the OSCE and Ukraine's external "minders", to exercise as fully as possible their undeniable influence on that country's leadership so as to induce it to act in the interests of peace and civil accord on the basis of the fulfilment in good faith of its commitments under international law, including with regard to the settlement of the conflict in the eastern regions of Ukraine.

Thank you for your attention.

1 <https://zakon.rada.gov.ua/laws/show/1233-2020-%D1%80#n9> [in Ukrainian].