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AT THE 1248th MEETING OF THE OSCE PERMANENT COUNCIL**

21 November 2019

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

Mr. Chairperson,

Six years ago against the backdrop of the protests on the Maidan in Kyiv, the West's flagrant meddling in the internal affairs of Ukraine led to a coup d'état and, as a result, armed confrontation in Donbas.

The crisis in eastern Ukraine is still far from being resolved. The Minsk Package of Measures of 12 February 2015, endorsed by United Nations Security Council resolution 2202 and by the leaders of the Normandy Quartet, is the key framework for its resolution, and it is the only one. It provides for commitments by the parties – the Ukrainian Government and the authorities of Donetsk and Luhansk – each to take steps in the political, security-related, humanitarian and socio-economic spheres. In the run-up to the meeting of the Normandy Quartet leaders scheduled for 9 December, the status of the Package's implementation cannot be called satisfactory. One need only look at the text of that document and carefully read each of its provisions to appreciate that unfortunately almost none of them have been fully implemented so far.

The situation as regards the political aspects of a settlement is extremely complicated. The agreement by the Ukrainian Government and the representatives of Donetsk and Luhansk in the Trilateral Contact Group (TCG) of the "Steinmeier formula" on the procedure for the entry into force of the law on the special status of Donbas gave hope for progress. At the same time, in little over a month, on 31 December, the period for which this law, which has still not entered into force, was extended, will expire. The Ukrainian Government has still not decided on its future, trying to shift responsibility for the implementation of its political commitments to the "Normandy format". The search for a decision on the establishment by law of a special status for Donbas should take into account the views of its representatives in the TCG. We should not forget about the need to consolidate the changes to the special status of Donbas in the Constitution of Ukraine in accordance with the provisions of the Package of Measures (paragraph 11) or about the entry into force of the law on amnesty (paragraph 5). Against this background, the constant calls from the Ukrainian Government for almost "total lustration" in Donbas and for those with whom the Ukrainian Government is in *de facto* contact, particularly in Minsk, to be excluded from the political future of the region are unlikely to lead to progress.

According to the OSCE Special Monitoring Mission to Ukraine (SMM), the Package of Measures continues to be violated daily, beginning with its first paragraph concerning the ceasefire. More than a dozen truces declared over the years since its signing have not been fully respected. “Complete silence” has not been established, despite the agreement by the Ukrainian Government and the representatives of Donetsk and Luhansk to resume the truce indefinitely from 21 July. Since the beginning of November alone, the SMM has recorded more than 16,000 violations. The civilian population continues to suffer. On 14 November, a resident of the Petrovskyi district of Donetsk was injured as a result of shelling. On 17 November, the Mission documented how three Ukrainian military personnel fired a grenade launcher at the residential outskirts of the Donetsk settlement of Staromykhailivka. Since the start of the truce, 17 people have been injured as a result of shelling of certain areas of Donbas, while three people have been injured in territories controlled by the Ukrainian armed forces.

Military equipment continues to be spotted in violation of the withdrawal lines. Over the past week, the SMM found seven times as many instances of weapons being missing from storage facilities on territory controlled by the Ukrainian armed forces than in militia-held territory. Ukrainian military equipment, including large-calibre heavy artillery, is still being transported by rail. On 14 November, the SMM spotted six heavy self-propelled howitzers (2S7 Pion, 203 mm calibre) at the railway station in Pokrovsk (formerly Krasnoarmiisk) in the Donetsk region. This is clearly not conducive to de-escalation.

Despite some progress with the disengagement of forces and hardware in Zolote and Petrivske, the SMM has reported shelling in the five-kilometre zone near these areas. The most complicated situation is in Zolote, where armed radical nationalists previously tried to prevent the withdrawal of forces and hardware by the Ukrainian military. Thus, over the past week alone, 229 violations involving the use of firearms and other weapons were reported close to Zolote. In order to further reduce tension, it is necessary to complete the full demilitarization of the disengagement areas within the time-frames set by the TCG in Minsk and to intensify work on agreeing on new areas. Political will and determination are required of the Ukrainian Government, which has at last taken up the task of remedying its violations in Zolote and Petrivske of the Framework Decision on Disengagement of Forces and Hardware, in order to finally make disengagement possible along the entire line of contact.

Of all the aspects of a settlement, the Ukrainian Government is unnaturally highlighting only the final aspect, related to the control of the border in Donbas. It is trying to make this effectively the starting point for any progress in the implementation of the Minsk agreements. At the same time, we would remind you that in accordance with paragraph 9 of the Package of Measures, the process for the transfer of control of the border by the militia to the Ukrainian Government should begin on day one after local elections in certain areas of Donbas; it should be implemented in consultation with and upon agreement by its representatives, and end after the comprehensive political settlement, the cornerstone of which is the granting of special status to Donbas on a permanent basis.

There has been no progress in the exchange of detained persons for almost two years. The last major exchange between the Ukrainian Government and the authorities of Donetsk and Luhansk took place on 27 December 2017, despite the fact that paragraph 6 of the Package of Measures calls for its implementation according to the principle “all for all”. There is a need now to step up the work of the TCG’s relevant working group to clarify and verify the lists of persons to be exchanged.

The completion of the repairs to the bridge in Stanytsia Luhanska will improve the flow of pedestrians at the only crossing point across the line of contact in the Luhansk region. At the same time, the ongoing checkpoint regime and the trade, economic and transport blockade of Donbas imposed by the Ukrainian authorities continue to cause misery for the population. For example, according to the SMM, a pensioner died near the checkpoint at the bridge in Stanytsia Luhanska on 17 November.

The Ukrainian Government has still not taken any effective steps to meet its social obligations to the inhabitants of Donbas. In violation of paragraph 8 of the Package of Measures, modalities have not been agreed for the full resumption of social transfers, including the payment of pensions and other benefits. Under these circumstances, Russia continues to deliver humanitarian aid to the region's population. The 92nd Russian humanitarian convoy was sent to the region today.

Mr. Chairperson,

The leadership of Ukraine is approaching the planned meeting of the Normandy Quartet leaders with a significant lack of progress in the implementation of the Minsk agreements. We are willing, in co-operation with France and Germany, to provide the Ukrainian Government the necessary advice and assistance in arranging its work with Donetsk and Luhansk. In the current conditions, what is needed from Volodymyr Zelenskyi's team is not simply statements about their commitment to the political and diplomatic resolution of the crisis in eastern Ukraine, but also specific practical steps. All of the keys to success are well known: direct substantive dialogue between the Ukrainian Government and the representatives of Donbas in the TCG, together with parallel progress in the political and security spheres, as agreed in the "Normandy format" on 19 October 2016 and confirmed in the statement by the Presidents of Russia, France and Ukraine and the Federal Chancellor of Germany of 29 March 2018.

At the same time, ahead of the Quartet's meeting in Paris, some very contradictory statements are being made by the Ukrainian Government about its categorical rejection not only of direct dialogue with Donbas but also of the granting of special status to the region and an amnesty to its inhabitants in general. In addition, the Minister for Foreign Affairs of Ukraine, Vadym Prystaiko, announced the adoption of some decisions at the "Normandy" summit that did not seem to have been agreed upon with the representatives of Donbas nor any of the participants in the forum. If there is no progress, he is threatening some kind of plan B for the Minsk agreements, up to and including the withdrawal from the Minsk process. This unconstructive approach, to put it mildly, to the preparations for the "Normandy" meeting is justified cause for concern. We urge the Ukrainian Government's mentors to use all the influence they have to encourage the Ukrainian authorities to stop ramping up this irresponsible rhetoric and to begin full implementation of the Minsk Package of Measures in order to achieve lasting peace in Donbas.

Thank you for your attention.