

Chairmanship: Sweden

1338th PLENARY MEETING OF THE COUNCIL

1. Date: Thursday, 7 October 2021 (in the Neuer Saal and via video teleconference)

Opened: 10 a.m.

Closed: 12.50 p.m.

2. Chairperson: Ambassador U. Funered

Prior to taking up the agenda, the Chairperson welcomed the new Permanent Representative of Spain to the OSCE, H.E. Ambassador C. Valdés

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: UPDATE BY THE SPECIAL REPRESENTATIVE OF THE OSCE CHAIRPERSON-IN-OFFICE IN UKRAINE AND IN THE TRILATERAL CONTACT GROUP, AMBASSADOR MIKKO KINNUNEN

Discussion under agenda item 2

Agenda item 2: REPORT BY THE CHIEF MONITOR OF THE OSCE SPECIAL MONITORING MISSION TO UKRAINE

Chairperson, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (PC.FR/34/21 OSCE+), Slovenia-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Georgia, Moldova and Ukraine, in alignment), (PC.DEL/1570/21), Russian Federation (Annex), Canada, Turkey (PC.DEL/1566/21 OSCE+), United Kingdom, Switzerland (PC.DEL/1563/21 OSCE+), United States of America (PC.DEL/1555/21), Georgia (PC.DEL/1565/21 OSCE+), Bosnia and Herzegovina (PC.DEL/1562/21 OSCE+), Norway (PC.DEL/1558/21), Ukraine (PC.DEL/1564/21)

Agenda item 3: REPORT OF THE SECRETARY GENERAL

- (a) *Announcement of the distribution of a written report of the Secretary General (SEC.GAL/135/21 OSCE+):* Secretary General
- (b) *Announcement of the distribution of the 2022 OSCE Unified Budget Proposal (PC.ACMF/69/21 Restr.):* Secretary General (SEC.GAL/135/21 OSCE+)
- (c) *Participation of the Secretary General, on 30 September and 1 October 2021, in an international simulation-based training event on combating trafficking in human beings, held in Vicenza, Italy, from 27 September to 1 October 2021:* Secretary General (SEC.GAL/135/21 OSCE+)
- (d) *Participation of the Secretary General in the 2021 Warsaw Security Forum, held on 5 and 6 October 2021:* Secretary General (SEC.GAL/135/21 OSCE+)
- (e) *Meetings between the Secretary General and the Minister for Foreign Affairs of Turkey, H.E. Mr. M. Çavuşoğlu, held on 5 October 2021, the Minister for Foreign Affairs of Finland, H.E. Mr. P. Haavisto, held on 5 October 2021, the Minister for Foreign Affairs of Ukraine, H.E. Mr. D. Kuleba, held on 5 October 2021, H.E. Mr. M. Adomėnas, Deputy Minister for Foreign Affairs of Lithuania, held on 5 October 2021, and the Minister for Foreign Affairs of Poland, H.E. Mr. Z. Rau, held on 6 October 2021:* Secretary General (SEC.GAL/135/21 OSCE+)
- (f) *Meeting between the Secretary General and the Director of the Office for Democratic Institutions and Human Rights, held in Warsaw on 6 October 2021:* Secretary General (SEC.GAL/135/21 OSCE+)
- (g) *Expression of appreciation for support for the OSCE Academy in Bishkek:* Secretary General
- (h) *Update on the COVID-19 vaccination campaign for OSCE staff:* Secretary General, Chairperson

Agenda item 4: REVIEW OF CURRENT ISSUES

Execution of Mr. E. Johnson in the US state of Missouri: Slovenia-European Union (with the candidate countries Albania, Montenegro, North Macedonia and Serbia; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Moldova, San Marino and Ukraine, in alignment) (PC.DEL/1571/21), United States of America (PC.DEL/1557/21)

Agenda item 5: REPORT ON THE ACTIVITIES OF THE
CHAIRPERSON-IN-OFFICE

- (a) *Visit of the Chairperson-in-Office to Bosnia and Herzegovina on 4 October 2021:* Chairperson

- (b) *Visit of the Chairperson-in-Office to Albania on 5 October 2021*: Chairperson
- (c) *Visit of the Chairperson-in-Office to Moldova on 6 October 2021*: Chairperson
- (d) *Commemoration of the 30th anniversary of the Moscow Document by the Chairperson-in-Office in Stockholm on 3 October 2021*: Chairperson
- (e) *Briefing on the monthly topic of the Swedish OSCE Chairmanship for October 2021, which is democracy*: Chairperson
- (f) *Update on the COVID-19 situation with respect to the conduct of OSCE meetings in Vienna (CIO.INF/87/21)*: Chairperson, Canada

Agenda item 6: ANY OTHER BUSINESS

- (a) *Cooperation Day of Turkic Speaking States, observed on 3 October 2021*: Turkey (PC.DEL/1560/21 OSCE+), Kyrgyzstan, Azerbaijan (PC.DEL/1561/21 OSCE+), Kazakhstan (PC.DEL/1559/21 OSCE+), Turkmenistan
- (b) *Local elections in Georgia, held on 2 October 2021*: Georgia

4. Next meeting:

Monday, 11 October 2021, at 10 a.m., in the Neuer Saal and via video teleconference



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1338

7 October 2021

Annex

ENGLISH

Original: RUSSIAN

1338th Plenary Meeting

PC Journal No. 1338, Agenda item 2

**STATEMENT BY
THE DELEGATION OF THE RUSSIAN FEDERATION**

Madam Chairperson,

We welcome the distinguished Ambassadors Mikko Kinnunen and Yaşar Halit Çevik.

The armed conflict in eastern Ukraine has been going on for more than seven and a half years now. The military operation initiated by the “Maidan authorities” in April 2014 to suppress dissent in Donbas continues to this day. The conflict is becoming protracted. Despite the toolkit developed with the OSCE’s assistance, no solution is actually in sight. In your statements today, both of you, distinguished Ambassadors Kinnunen and Çevik, spoke about a lack of progress in the settlement process and indeed an impasse in all areas. We suggest that you take an honest look at the reasons for this.

After having suffered a series of military defeats at the hands of the Donbas militia in 2014 and 2015, the Ukrainian leadership was forced to consider political and diplomatic ways of resolving the conflict. A compromise was reached in the form of the Minsk agreements signed by the representatives of the parties to the conflict – the Ukrainian Government and the authorities in Donetsk and Luhansk. The Minsk Package of Measures of 12 February 2015 was drawn up with the mediation of the “Normandy format” countries, namely France, Germany and Russia. It set out tasks in the military, political, socio-economic and humanitarian spheres the resolution of which through direct dialogue between the representatives of the Ukrainian Government and those of Donbas would pave the way for sustainable peace in eastern Ukraine. This document has special legal force because it was endorsed by United Nations Security Council resolution 2202, incorporated into the resolution’s text and, consequently, became part of international law subject to mandatory implementation. It remains the main point of reference for your work, notably because the work of the Trilateral Contact Group (TCG) and its working groups is based on paragraph 13 of the Package of Measures.

This key document of the settlement process and over twenty follow-up decisions developed within the TCG are not being implemented. Mr. Kinnunen, you are already the fourth Special Representative of the Chairperson-in-Office in Ukraine and in the TCG. Mr. Çevik, you are the second Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (SMM). Progress in the settlement process is in no small measure dependent on your

attitude in upholding the letter of United Nations Security Council resolution 2202 and of the Minsk agreements.

The Package of Measures makes direct reference to the need for direct dialogue between the representatives of the Ukrainian central authorities and those of certain areas of the Donetsk and Luhansk regions on all aspects of a settlement. It is for them to fulfil the obligations laid down in that document. The Ukrainian Government, however, is stubbornly disrupting the implementation of that key provision. We are seeing persistent attempts to force through once again a fruitless discussion about the parties to the conflict. Thus, it is proposed to exclude the representatives of certain areas of Donbas from the discussions about the future of this region as part of Ukraine and to replace them with representatives of Russia, who are participating in the TCG merely to assist the parties in finding mutually acceptable solutions. We would stress that the question as to who the parties to the conflict are has long been closed. All of them – the Ukrainian Government and the authorities in Donetsk and Luhansk – should work on implementing the Package of Measures.

In these circumstances, an important role rests with both of you as co-ordinators of the discussions within the TCG and the Working Group on Security Issues and also with your colleagues in the Working Groups on Political, Economic and Humanitarian Issues. It is important to have regular contact not only with representatives of the Ukrainian authorities. Proper communication with the representatives of Donbas as full participants in the discussions at the TCG is essential, as is the timely and unhindered circulation of the documents they distribute. Unfortunately, this does not always happen – despite the insistent requests by these representatives.

Visits to the region facilitate the development of such communication. We note that in September, after the period covered by his report, Mr. Çevik visited certain areas of Donbas and familiarized himself with the real situation on the ground. Why was information about this not publicly reported through the OSCE's online media? We should also like to check with Mr. Kinnunen as to when he himself plans to visit Donetsk and Luhansk.

It must be recognized that the momentum of the settlement process is unsatisfactory. This is due to the obstructionism on the part of the Ukrainian Government in the TCG and to its lack of consistency in the discussions and in the implementation of agreed decisions, both of which attitudes very much depend on political developments in Ukraine. That was the case, for example, with the draft decision, prepared by experts, on the disengagement of forces and hardware along the entire line of contact – an idea that President Zelenskyy discarded all of a sudden at the “Normandy format” summit of 9 December 2019. It was the same with the confirmation in writing (in the minutes of the TCG meeting of 11 March 2020) of the Donbas representatives' authority and then the inexplicable refusal to recognize that authority. And likewise with the implementation of the ceasefire-strengthening measures of 22 July 2020, which were effectively disavowed by the Commander-in-Chief of the Armed Forces of Ukraine, Valerii Zaluzhnyi, in an interview with Radio Svoboda on 25 September, and by the commander of the “Joint Forces Operation”, Oleksandr Pavliuk, during a visit to the line of contact on 5 October. In addition, the spokesperson of the Ukrainian delegation to the TCG, Oleksii Arestovych, said in September that “as far as the Minsk agreements are concerned, Ukraine has now got itself off the hook.” All of this has brought the situation to a stalemate.

According to the SMM, the intensity of the shelling in Donbas is increasing nowadays, and the number of confirmed casualties is setting sorry records. Mr. Çevik's report indicates that 74 per cent of all the casualties in the summer months occurred in the non-government-controlled part of Donbas. Twice as much destruction of civilian objects was noted there. According to the Mission's reports, all 100 per cent of the casualties for September were recorded in certain areas of the Donetsk region. Will they be saying in Kyiv again that the people in those areas are shelling themselves? In total, more people suffered as a result of the escalating situation along the line of contact in August and September than during the preceding one-year period since the ceasefire-strengthening measures came into effect on 27 July 2020. In just one day, 17 September, four residents of the city of Donetsk were wounded as a result of gunfire on its outskirts.

We can see from Ambassador Çevik's report that the Ukrainian armed forces are "at the top of the league" when it comes to deploying heavy weapons in residential areas near the line of contact. It is noted there that the number of ceasefire violations caused by such weapons has doubled overall. This invites the question – how much of the shelling was carried out using those dozens of units of large-calibre weaponry belonging to the Ukrainian armed forces that the SMM observed being transported in the spring and summer at railway junctions near the line of contact and continues to observe even now? Do the patrols note down the serial numbers of these pieces of equipment and compare them with those they detect near the line of contact?

Also worrying are the SMM data on the Ukrainian armed forces' engineering works identified over the summer, including new mortar positions and a significant extension – by more than half a kilometre in total – of the Ukrainian armed forces' trenches, that is to say advancing in the Donetsk region towards the militia's forward positions. Lastly, against this backdrop, on 5 October Ukrainian military intelligence publicly speculated about a possible escalation in Donbas. What is this – an announcement of hostilities by the Ukrainian Government?

Ambassadors Kinnunen and Çevik,

Given that your work is part of the OSCE's conflict prevention and crisis management efforts, we believe it is essential to draw attention to such egregious facts with a view to providing early warning of a possible escalation. So far there has been no public reaction to the aforementioned statements by Ukraine's military leadership about sabotaging the Minsk agreements and the ceasefire-strengthening measures.

We do not understand why the SMM is highly selective in its reporting of live-fire exercises outside the security zone. In particular, the Mission's reports should include information on military exercises conducted on Ukrainian territory with the involvement of foreign troops and equipment. Seven joint exercises involving Ukraine and NATO countries are being held this year. All this is in no way consistent with the provisions of paragraph 10 of the Package of Measures, which stipulates the withdrawal of all foreign armed formations and military equipment from the territory of Ukraine under monitoring by the OSCE. Incidentally, during the exercises that have already taken place, according to official reports from the Ukrainian authorities, offensive operations were rehearsed, as were "clearing" scenarios in urban areas. Where does the Ukrainian military intend to use these skills?

In order to divert attention from their military activity near the line of contact, the authorities of Ukraine, with the support of their external “handlers”, continue harping on the issue of their Government’s control of the border in Donbas, which is meant to be the concluding stage of the settlement process. In short, it is proposed to start at the end so as to do nothing at all – and all this against the backdrop of speculation about some imaginary “external aggression”.

In the meantime, the other areas of the settlement process are also deadlocked. Work on drawing up the “Joint Action Plan” for the implementation of the Minsk agreements became bogged down. The Ukrainian Government has never responded to the written proposals submitted almost a year ago by the representatives of Donetsk and Luhansk on a road map.

There has been no headway whatsoever in the political sphere, notably with regard to the implementation of the recommendations that the “Normandy format” summit of 9 December 2019 made to the TCG on reaching agreement on all the legal aspects of a special status for Donbas. The law on the special status of Donbas, which was adopted in 2014 but never entered into force, is set to expire again in less than three months. There has also been zero progress as regards incorporating the “Steinmeier formula” (on the procedure for giving effect to such a law) into Ukrainian legislation. Instead, the Ukrainian Government announced that it would adopt, without discussing it with the authorities in Donbas, a law on the so-called “transition period”, which contains no reference at all to the provisions of the Package of Measures. Mr. Kinnunen, what is being done specifically in order to find a way out of the impasse in solving the political issues? We should also like to know your assessment as to whether the draft law on the “transition period” submitted by the Cabinet of Ministers of Ukraine is compatible with the provisions of the Minsk agreements.

Urgent attention needs to be paid to resolving socio-economic and humanitarian issues in the interests of the population of Donbas. The socio-economic blockade of the region, imposed by the Ukrainian Government in violation of paragraph 8 of the Package of Measures, remains in force. Mr. Kinnunen, what is the likelihood, in your view, of the Ukrainian Government lifting this blockade and what is being done to that end in the Economic Working Group and by you personally?

From the report presented by Mr. Çevik, we can also see the other problematic issues faced by the inhabitants of Ukraine – signs of linguistic discrimination, pressure on and violence against the faithful of the Ukrainian Orthodox Church, attacks on journalists and interference by the Ukrainian authorities in the work of the media.

We continue to observe in the SMM’s reports regular references to actions by Ukrainian nationalist groups, including paramilitary ones. We note that they have long been part of Ukraine’s political landscape and are still influencing the decisions adopted by the authorities. We call on the Mission to carefully record excesses committed under the slogans of aggressive nationalism, neo-Nazism and xenophobia. We would remind you of the long-overdue need to publish a thematic report on this topic, for which there would certainly be no lack of material.

We urge you, distinguished Ambassadors Kinnunen and Çevik, not only to monitor all these aspects and catalogue your observations, but also to respond to any violations in accordance with the powers conferred on you.

The conflict in eastern Ukraine can and must be stopped through the implementation in good faith of all the provisions of the Package of Measures as the sole framework for achieving sustainable peace in Donbas. Strong signals need to be sent to the Ukrainian Government concerning the necessity of returning to the logic of that document. Attempts, including those undertaken by Ukraine's external "handlers", to shield the Ukrainian authorities as they sabotage the Minsk agreements are harmful and dangerous for the whole settlement process.

In closing, allow me to wish you and your colleagues the best of health and the much-needed success in your work.

I request, Madam Chairperson, that this statement be attached to the journal of today's meeting of the Permanent Council.

Thank you for your attention.