

Delegation of the Russian Federation

**STATEMENT BY MR. ANDREY KELIN,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1021st MEETING OF THE
OSCE PERMANENT COUNCIL**

30 October 2014

**On the situation in Ukraine and the continuing violations of the norms of
international humanitarian law**

Mr. Chairperson,

The Minsk agreements remain the basis for a peaceful settlement of the crisis in Ukraine.

Although the intensity of the shelling and armed clashes has diminished compared to what it was in August 2014, violations of the ceasefire agreement continue on both sides. Not only have there been the ceasefire violations mentioned by our colleagues, but towns and villages controlled by the militias have also been shelled. There are reports of ballistic missiles being used against Donetsk. Civilians who have only just begun to return to their homes and re-establish their lives are being killed.

Reports by the OSCE Special Monitoring Mission to Ukraine reflect this information to some degree. The monitors have noted the shelling of residential areas on the outskirts of Donetsk and of nearby towns and villages, including on the day after the elections. Telmanovo and nearby towns and villages are shelled every day.

The Ukrainian security forces are using prohibited cluster munitions in populated areas. Even Human Rights Watch has reported this. This can be classed as a war crime.

We took note of the statement by the representative of Ukraine at the last Permanent Council meeting, in which he argued that there has been no so-called anti-terrorist operation since 5 September. If, as the Ukrainian leadership claims, it did not give the order to use cluster munitions against Donetsk, it needs to be clarified on whose initiative these weapons were employed.

Despite attempts to write off uncomfortable facts as “Russian propaganda”, it is becoming increasingly clear that members of punitive battalions are engaging in violence, reprisals, torture and looting with a vengeance. Some battalions, for example Shakhtarsk,

have been disbanded by the Ukrainian authorities for this reason. All of the crimes that have been committed during the Ukrainian crisis need to be thoroughly investigated.

The most important task, and this concerns all those who have influence over the parties to the conflict, is to prevent the use of weapons. People continue to lose their lives and vital infrastructure is being destroyed as a result of the use of these weapons. We call on our colleagues to take a realistic look at the Minsk agreements. It is impossible to launch a peace process in Ukraine without establishing a lasting ceasefire regime.

One obstacle here is insufficient control by the opposing sides' leaders over their armed formations. The Donbas militias are, for their part, taking appropriate steps. We trust that Kyiv, particularly following the elections, will also be able to ensure observance of the ceasefire by all of its security forces.

There is also a problem regarding the final agreement of the line of separation and the withdrawal of heavy armaments. Unfortunately, there have been reports that the Ukrainian authorities have withdrawn their signature from the document agreeing to the line of separation. If this information turns out to be true, it will be a bad sign. We hope that the parties will be able to reach a mutually acceptable and sustainable agreement all the same, after which the withdrawal of heavy armaments would be possible and there would be guarantees that the shelling would not resume.

According to the United Nations, at least 3,724 people have been killed as a result of the conflict, and 9,205 wounded. There are around 430,000 internally displaced persons and at least 454,000 refugees.

There is a dire shortage of food, medicines and other essential items in the affected districts of Donbas. This catastrophic situation needs to be dealt with immediately. Aid from the west is not reaching Donetsk and Luhansk.

Russia is sending a fourth humanitarian convoy to Donbas and has transmitted a note to the Ukrainian authorities to this effect. Ukrainian customs officers and border guards remain at the Russian checkpoints and can promptly carry out all the procedures needed to comply with the formalities. We believe that the OSCE observers at the Donetsk and Gukovo checkpoints could also monitor the convoy. This is within their mandate.

The procedural references mentioned by our Ukrainian colleagues with the aim of attempting to hinder the passage of humanitarian aid are not surprising. Since it has not been possible to suppress the population of Donbas, they now evidently want to starve them or let them die of disease.

Mr. Chairperson,

I suggest that we look into the issue of the elections on 2 November in the Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR). I would ask that this matter be handled with care.

The Protocol of 5 September on the results of the consultations of the Trilateral Contact Group provides for the holding of early local elections in accordance with the

Ukrainian Law on Special Arrangements for Local Self-Government in Some Districts of the Donetsk and Luhansk Oblasts (this law was signed by Petro Poroshenko on 16 October).

In this connection, the holding of elections during the period from 19 October to 3 November was agreed separately with the Ukrainian authorities. DPR and LPR representatives decided to hold these elections on 2 November on the basis of precisely this schedule. This date was also discussed in the Trilateral Contact Group.

Despite this fact, some colleagues claim that this decision allegedly contravenes the commitments regarding the holding of elections in the DPR and LPR “in accordance” with the aforementioned Ukrainian law, since the law requires the elections to be held on 7 December. This date, however, appeared arbitrarily, without being discussed with the militias, and is not consistent with the time-frame agreed upon in Minsk.

I should like to draw particular attention to the fact that the law on local self-government does not work in practice, since it does not stipulate the specific districts where it should be applied. This question is suspended until some additional decision by the Verkhovna Rada, and as to when it will be adopted, nobody knows. It is clear that this will not be soon and perhaps never, if we consider the current situation in the Verkhovna Rada. The fact is that elections cannot take place on the basis of a law on special status, which is null and void.

But this is not the main point. The conflicting parties did not agree on a date for holding the elections. They did not agree because there is no dialogue between them. Perhaps we should not turn this into a tragedy, but help them to establish a dialogue.

We should also like to draw attention to the fact that elections per se cannot threaten the peace process. Only forces focused on war can threaten this process if they win the elections. This applies not only to the DPR/LPR but also to the elections to the Verkhovna Rada. As a result of the elections in Donbas, the Ukrainian authorities will have a dialogue partner with whom they can negotiate – a partner who will be able to negotiate in a responsible manner and implement the agreements achieved. The peace process can only benefit from this. It is the sovereign right of the States concerned whether or not to recognize these elections. Recognition or the absence thereof does not affect the balance of power in Donbas. If the Ukrainian authorities reject the Donbas elections ahead of time, it means they are still refusing to enter into dialogue with their citizens in the east and to try to resolve the conflict, and this is a sorry situation. It means that we are still a very long way off from a political settlement as envisaged by the Minsk agreements, and faith is being placed not in dialogue but in suppression.

Thank you for your attention.