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**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1267th MEETING OF THE OSCE PERMANENT COUNCIL
VIA VIDEO TELECONFERENCE**

14 May 2020

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

Mr. Chairperson,

For more than six years now, the situation in eastern Ukraine has been characterized by a smouldering conflict-ridden armed confrontation that continues to claim lives and perpetuate suffering.

Meetings of the Trilateral Contact Group (TCG) and its working groups are taking place these days. As you know, the Ukrainian Government announced a kind of beefing up of its representation within that negotiation format. However, in the very next breath and as strange as it may seem, Ukraine in fact disavowed its intention to intensify dialogue in that format with the representatives of Donetsk and Luhansk. This intention had been recorded in the minutes of the TCG meeting of 11 March 2020. Now it turns out that the Ukrainian negotiators have no intention of talking with the representatives of Donbas at the TCG, the people they have been dealing with throughout the previous years.

This gives rise to a legitimate question: what practical value will the increase in the level of its representation announced by the Ukrainian Government have besides a media effect? After all, it is not the level of representation of its participants (which is already high enough for the Ukrainian Government and the authorities of Donetsk and Luhansk) that is the key condition for the effectiveness of the TCG's work. What is important is its focus on reaching mutually acceptable decisions, getting them down on paper and keeping the minutes of the meetings, as well as monitoring their implementation.

Let us turn once again to the Minsk Package of Measures of 12 February 2015, which was endorsed by the United Nations Security Council. There is clear mention in that document of the need for direct dialogue between the opposing sides – between the representatives of the Ukrainian Government and the representatives of Donetsk and Luhansk. They have also committed themselves to a number of measures in the political, security-related, socio-economic and humanitarian spheres under that instrument.

We are obliged to note that this most important document, which has become part of international law and is recognized as the sole basis for resolving the crisis in Ukraine, is not being implemented properly. First and foremost, this is because of the Ukrainian Government's unwillingness to do so. Incidentally, the

same applies to a number of TCG decisions and agreements adopted on the basis of that framework, although all the Package's measures should have been implemented before the end of 2015.

The shooting continues despite the first paragraph of the Package of Measures ordering a ceasefire. Thus, more than 12,000 ceasefire violations have been recorded since the start of May. Furthermore, in those cases where the OSCE Special Monitoring Mission to Ukraine (SMM) has been able to determine the direction of fire (in some 4,000 ceasefire violations), more than 3,500 clearly point to the involvement of the Ukrainian armed forces. For example, over 2,000 rounds of ammunition were fired during the concentrated shelling in the direction of certain areas of the Donetsk region on 5 May.

Over the past few weeks, there has been a dramatic rise in the number of civilians injured as a result of the Ukrainian military's actions. All these incidents have been recorded in certain areas of the Donetsk and Luhansk regions. The figures ascertained by the SMM are dismal: since the beginning of May, one person has been killed and at least nine injured, including five children (during this period, reports have come in of no fewer than 19 casualties). Residential buildings in a number of settlements have sustained damage as a result of firing from Ukrainian armed forces' positions: Oleksandrivka, Zolote-5/Mykhailivka, Holmivskiy, Yasynuvata, Sakhanka, Syhnalne and others. Social infrastructure has come under fire again.

The SMM not only regularly records the presence of Ukrainian armed forces' heavy weapons near the actual line of contact, but also instances of such weaponry being brought into Donbas by rail. For example, on 3 May, the monitors saw 11 Gvozdika 122 mm howitzers and 10 Akatsiya 152 mm howitzers at Druzhkivka station; on 4 May, they saw 22 tanks at Bakhmut station in the Donetsk region. The Ukrainian military has no qualms about deploying hardware near residential buildings – since the beginning of May, the SMM has recorded Ukrainian armoured vehicles in the settlements of Mariupol, Pavlopil, Chermalyk, Bohdanivka, Kodema, Maksimilianivka, Semyhiria and Stanytsia Luhanska.

At the TCG, the Ukrainian Government is categorically refusing to confirm its commitments to a ceasefire and to the supporting measures, namely, the banning of the use of any weapons, offensive action and reconnaissance operations, and the deployment of heavy weapons near civilian infrastructure objects; the issuing and promulgation of orders for a ceasefire and the introduction of disciplinary measures for those who violate these orders, etc. So far, the Ukrainian authorities have not submitted their proposals for an updated mine action plan, thus disrupting the fulfilment of one of the instructions issued at the Normandy Four summit held in Paris on 9 December 2019.

I might add that even the "Normandy format" and its recommendations are not a panacea. With the same degree of success, the Ukrainian Government is dragging out the implementation of other decisions as well – decisions of the Paris summit of 9 December 2019 and of previous meetings of the Normandy Four leaders. Let me give you one example. During yesterday's meeting of the TCG Humanitarian Working Group, the Ukrainian Government's new representatives, referring to their insufficient preparation for the discussions, actually asked for the item on preparing for the opening of new checkpoints along the line of contact to be removed from the agenda. They also backtracked on substantive work regarding a further exchange of detainees. Incidentally, during last week's briefing, the Humanitarian Working Group's co-ordinator, Mr. Toni Frisch, also drew attention to the problem of an absence of political will on the part of the Ukrainian Government to make further headway on a number of areas.

During the "Normandy format" contacts, it was increasingly understood that politico-diplomatic means were the only possible way of establishing lasting peace in Ukraine. A comprehensive political settlement as the basis for a viable solution to the internal Ukrainian conflict is central to the Package of Measures. Elements of the Package include granting special status to Donbas and making this permanent through the relevant constitutional reform, holding local elections and providing an amnesty for those

involved in the events in Donbas. All this should be carried out in consultation and agreement with the representatives of certain areas of Donbas at the TCG. Nothing has happened so far. Instead, as we can see, the Ukrainian Government simply wants to change the composition of the TCG, excluding from it altogether the current representatives of Donbas, with whom, it turns out, it was only pretending to conduct negotiations all these years.

At the same time, we hear assurances from Ukrainian officials about their readiness to switch to some kind of “secret plan B” for Donbas. All this is taking place against the backdrop of the Ukrainian Government’s active attempts to beef up the military component. On 11 May, the Ukrainian Ministry of Defence reported that it had conducted tests using Vilkha-M and Neptune missile systems and Typhoon-1 multiple-launch rocket systems. It has been noted that missile weapons capable of delivering devastating strikes will be an important factor “in ending the conflict” in the east of the country. What is this – part of the promised “plan B”?

Unfortunately, even the 75th anniversary of victory over Nazism was not an occasion for Ukraine to seek ways of national reconciliation. In Odessa, on 9 May, nationalists disrupted a Victory Day motorcade and, by skirmishing (the SMM reported this), prevented people from honouring the memory of the anti-fascist heroes. Young neo-Nazis distinguished themselves in Lviv – on the Hill of Glory, they openly demonstrated their symbols as people laid flowers on the soldiers’ graves, and one “activist” even broadcast an audio recording similar to public announcements made during the Nazi occupation via a powerful loudspeaker that he had set up in front of the memorial. It is baffling that in the SMM report these antics have been presented as simply a group of young people “standing at the entrance to the memorial site”. There has been no response from government officials either.

On 10 May, the Ukrainian media published a copy of the letter sent by a department of the National Police of Ukraine in the Ivano-Frankivsk region to the head of the Jewish community of Kolomyia, Yakov Zalishchiker. They had demanded that he provide a complete list of names of the members of the Jewish community, their home addresses and telephone numbers, as well as the details of Jewish students and the names of the regional universities and faculties where they were studying. All this was under the banner of allegedly “fighting against transnational and ethnic organized groups and criminal organizations”. Such lists of Jews were compiled in Ukraine during the Nazi occupation. These are very bad parallels that are being drawn here.

It is worth remembering that the solemn funeral of a 99-year-old veteran of the SS Division Galicia, who had been made an honorary citizen of the city of Ivano-Frankivsk in 2017, took place in the regional capital on 28 January. People were wearing Nazi uniforms at the funeral service, which was attended by the regional governor Oleksandr Sych (a video report about this event was even shown on local television). On the orders of the municipality, this member of the SS was buried in the central Avenue of Glory in Ivano-Frankivsk.

We have repeatedly heard from the distinguished Permanent Representative of Ukraine that the problem of the whitewashing of Nazi collaborators and of the growth of neo-Nazism in Ukraine is allegedly a baseless one. But these are facts. They suggest very worrying and dangerous trends that are not conducive to national harmony. The rise in radical nationalism and neo-Nazism that is occurring in Ukraine with the connivance and sometimes even the approval of the authorities requires particular attention and a proper assessment and response. We repeat our call to the SMM to catalogue all these data in a separate thematic report.

Thank you for your attention.