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**STATEMENT BY MR. VLADIMIR ZHEGLOV,
DEPUTY PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1290th MEETING OF THE OSCE PERMANENT COUNCIL
VIA VIDEO TELECONFERENCE**

19 November 2020

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

Mr. Chairperson,

At the end of this week it will be the seventh anniversary of the start of the protests on the Maidan in Kyiv, which were accompanied by the unprecedentedly massive interference of a number of Western countries in the internal affairs of Ukraine. The exploitation of social divides in that country and the financial and logistic support provided from abroad for the anti-government actions of radical elements led to armed civil confrontation, the violent overthrow of the Government in February 2014 and the start of the military operation of the “Maidan authorities” against the population in those regions of Ukraine where people refused to recognize the outcomes of the coup d’état.

To this day the Ukrainian public have still not received answers to the question as to who were the main actors responsible for organizing the disturbances and massacres. Some remarks on that score made by a former Prosecutor General of Ukraine, Viktor Shokin, in an interview he gave in March of this year are instructive. Familiar as he is with the course and details of the investigation, Mr. Shokin pointed out that the truth about the events on the Maidan – should it actually ever be revealed – would undoubtedly startle the public.

The current Ukrainian leadership promised, on coming to power in 2019, to shed light on the events of those days. However, this has not led to any practical results – just as no headway has been made on the fulfilment of many other promises, including the pledge to end the conflict in Donbas by the end of 2020 on the basis of the Minsk agreements.

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 in Donetsk and Luhansk – to implement reciprocal political, security, humanitarian and socio-economic measures. One need only look at the text of that document, though, and carefully read each of its provisions to appreciate that, unfortunately, almost none of them have been properly implemented so far.

The situation as regards the political aspects of a settlement is extremely complicated. When more than a year ago the Ukrainian Government and the authorities in Donetsk and Luhansk agreed, within the Trilateral Contact Group (TCG), to the “Steinmeier formula” on the procedure for the entry into force of the law on the special status of Donbas, this gave hope for progress. Yet, in little over a month, namely on 31 December, the period for which this law, which has still not entered into force, was extended is due to expire. Over in Kyiv the authorities have still not decided what to do about this law and are trying to shift responsibility for the implementation of their political commitments on to the “Normandy format”.

We would remind you that the recommendations from the “Normandy format” summit held in Paris on 9 December 2019 establish the need for agreement on all legal aspects relating to the enshrinement of a special status for Donbas to be reached in the manner provided for by the Package of Measures – that is, with due account taken of the opinion of the representatives of Donetsk and Luhansk at the TCG. We should not forget about the necessity of enshrining in the Constitution of Ukraine the specificities of self-government for certain areas of the Donetsk and Luhansk regions in accordance with paragraph 11 of the Package of Measures, enacting an amnesty law (paragraph 5) and agreeing on the modalities for the holding of local elections (paragraphs 4, 9 and 12). Against this background, progress is hardly likely to result from the constant calls from Kyiv for almost “total lustration” [i.e., a purge of civil servants] in Donbas and for excluding from the region’s political future those whom the Ukrainian authorities have *de facto* to deal with, notably within the TCG framework.

Furthermore, the notion of “rewriting Minsk” that is currently being advanced by the representatives of Ukraine altogether puts a question mark over the prospects for a settlement. From pronouncements about the alleged need to “modernize” the Minsk agreements, the Ukrainian Government has moved on to concrete proposals – these ideas have been set down on paper, where they were christened the “Joint Action Plan”, and were presented at the TCG last week. In its current form that document not only disregards a number of substantive provisions of the Package of Measures but also implies, to all intents and purposes, forcing certain areas of Donbas to capitulate: military control is to be established over its territory without any political guarantees whatsoever being provided to the population. The proposals presented by the Ukrainian Government were one of the topics discussed at the videoconference of the foreign policy advisers to the leaders of the “Normandy format” countries held on 13 November.

The humanitarian situation, too, remains complex. Addressing the inhabitants of Donbas through his vlog on 14 November, the President of Ukraine, Volodymyr Zelenskyy, stated: “Ukraine is open to you. In every sense of the word.” At the same time, he did not indicate any specific time-frame or even just confirm his intention of lifting the socio-economic, trade and transport blockade of the region.

There can be no doubt that the Ukrainian Government’s operation to open quickly various checkpoints along the line of contact in the Luhansk region was carried out exclusively for propaganda purposes. Thus, after the closing of the only checkpoint in that region, namely the one at Stanytsia Luhanska, on 15 October, the officials from the State Border Guard Service of Ukraine responsible for checking who was exceptionally to be allowed to cross were unable to make sense of the humanitarian reasons and criteria on the basis of which such permission was to be given. (The OSCE Special Monitoring Mission to Ukraine (SMM) referred to this in its report dated 24 October.) Under the pretext of the complicated epidemiological situation, the prohibition on that checkpoint operating fully was extended until 15 November. What is more, in parallel to this, the Government of Ukraine drew up a decree introducing a nationwide “holiday quarantine”, which entered into force last week. Nevertheless, on 10 November Ukraine unilaterally opened the checkpoint at Stanytsia Luhanska and other checkpoints along the line of contact without informing the representatives of Donbas at the TCG of its plans. This problem also affected the checkpoints on the outskirts of the villages of Shchastia and Zolote: preparations for making these operational had taken place in accordance with the instructions from the “Normandy format”, but it proved impossible to open them simultaneously on both sides of the line of contact.

The Ukrainian Government did not activate in good time the mechanisms of the relevant TCG working group in order to co-ordinate with the authorities in Donetsk and Luhansk on the special arrangements for the functioning of checkpoints during the coronavirus epidemic. It is not surprising that the Ukrainian Government's unilateral opening of crossing points along the line of contact on 10 November was interpreted in Donbas as a provocation. It would seem that on that day the Ukrainian authorities decided cynically to manipulate the desire of ordinary people to return home and see their relatives, and condemned them to wait in vain to be allowed to cross. It is only today, on 19 November, that a videoconference of the working group has been convened on this topic.

One might also recall how for a long time the Ukrainian Government would not give the inhabitants of the Luhansk region security guarantees for the construction of checkpoint infrastructure near Shchastia and Zolote, and how it refused to provide information, via the TCG mechanisms, about the status of construction work on its own territory. Or how it unilaterally "revised" the agreement reached within the TCG on the checkpoint at Shchastia becoming the first checkpoint for vehicles, including humanitarian convoys, in the Luhansk region. Incidentally, the need for humanitarian considerations to be taken into account when deciding whether to make new checkpoints along the line of contact operational was agreed on at the "Normandy format" summit held in Paris on 9 December 2019 and reflected in its final communiqué.

In this situation the appeals by some participating States to Russia that it should arrange for checkpoints of the militia to be made operational cannot but strike us as most shameful. It would be far more appropriate to insist on direct meaningful dialogue at the TCG between the Ukrainian Government and the authorities in Donbas with a view to tackling the problem.

The Ukrainian side's provocative actions are not limited to the unilateral opening of checkpoints along the line of contact. Significantly, on 11 November the Ukrainian armed forces conducted military drills near the formally open checkpoint at Novotroitske in the Donetsk region (SMM report dated 12 November). The next day, a live-fire exercise was identified as taking place near Shchastia, in an area of the Luhansk region controlled by the Ukrainian military (SMM report dated 13 November).

And, naturally, one cannot but be alarmed by the instances recorded by the SMM of weapons belonging to the Ukrainian armed forces being transported to railway junctions in Donbas: more than 60 tanks and over a dozen large-calibre heavy weapons in the past four days alone, all of which were outside the designated storage sites.

In the current context what is required from President Zelenskyy's team are not only declarations of commitment to a political and diplomatic solution to the crisis in eastern Ukraine, but specific practical steps. The formula for success is well known: substantive dialogue between the Ukrainian Government and the representatives of Donbas at the TCG on all aspects of the settlement process. Apart from essential humanitarian and socio-economic issues, urgent efforts are required to ensure concerted progress on political and security matters, as was agreed within the "Normandy format".

We once again call on 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 with a view to achieving swift implementation of the Package of Measures on the basis of direct and meaningful dialogue between the Ukrainian Government and the authorities in Donetsk and Luhansk.

Thank you for your attention.