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AT THE 1295th MEETING OF THE OSCE PERMANENT COUNCIL
VIA VIDEO TELECONFERENCE**

10 December 2020

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

Mr. Chairperson,

A year has passed since the meeting of the leaders of the “Normandy format” countries in Paris on 9 December 2019. It took place against the backdrop of an unsatisfactory state of affairs regarding the settlement of the crisis in Ukraine. During the summit, an understanding was reached on the need to carry out immediate measures to stabilize the situation in the conflict zone in the east of the country and also to implement the political provisions of the Minsk agreements. The common agreed conclusions of the Normandy Four meeting contain specific instructions that were meant to help to improve the situation. They should have been implemented through mechanisms for co-operation between the representatives of the Ukrainian Government and the Donetsk and Luhansk authorities in the Trilateral Contact Group (TCG). The “Normandy format” instructions were to be carried out by April 2020. However, a year after the summit, just two of the seven points have been implemented, and even then only partially.

Two exchanges of detained persons took place on 29 December 2019 and 16 April 2020, with 234 people having the chance to return home. Unfortunately, this momentum has not been kept up – in large part because the Ukrainian Government refused to implement fully the guarantees provided in writing to Donbas that the people who had been released would not face criminal prosecution. Many of them have still not had the charges against them dropped or their previous convictions expunged. This is why the discussions in the TCG on preparations for the next stages of the exchange are currently so ineffective. What is more, the representative of the Ukrainian Government in the TCG Humanitarian Working Group, Halyna Tretiakova, repeatedly denied this year that there was any need at all to fulfil the commitments regarding the “legal clearance” of people being handed over to the Donbas authorities.

On 22 July, the TCG just about managed to approve measures to strengthen the ceasefire regime. I would remind you that the representatives of Donetsk and Luhansk put forward proposals in the TCG in that regard both prior to and following the “Normandy format” summit, but each time they met with opposition from the Ukrainian Government. Nevertheless, the measures came into effect on 27 July and included a ban on the use of any sort of firearms. Direct contacts were also meant to be established between the Ukrainian military and the militia, as stipulated in the measures, within the framework of the co-ordination mechanism

for responding to violations of the “silence regime” through the facilitation of the Joint Centre for Control and Co-ordination (JCCC) in its current form. This has not happened.

The region is still not completely calm. Although there are no active hostilities and the overall number of exchanges of fire has decreased since July, the ceasefire still cannot be called a lasting one. Since the measures have been in force, the OSCE Special Monitoring Mission to Ukraine (SMM) has recorded over 3,000 violations. The situation near civilian objects remains difficult – since 27 July, shots have been fired more than 1,000 times within a five-kilometre radius of the Donetsk filtration station alone. Lastly, in certain areas of Donbas, civilian objects that according to the SMM are located far away from militia positions are again being shelled. For example, in its report dated 7 December the Mission reported fresh holes in an inhabited residence in the Petrovskyi district of Donetsk as a result of shelling on 5 December. There have also been casualties because of shelling – I am referring to the two residents of the Donetsk settlement of Oleksandrivka injured on 12 November (report dated 24 November). Also, according to the SMM’s monitoring data, in recent weeks the Ukrainian armed forces have been busy moving military equipment and weapons through railway stations in Donbas. The monitors have seen tanks and large-calibre heavy artillery belonging to the Ukrainian military hundreds of times.

It would appear that the demonstrative “opening” in November of the checkpoints on the line of contact near the settlements of Zolote and Shchastia was nothing more than a self-promoting gesture by the Ukrainian authorities. The Ukrainian Government first dragged its feet over providing security guarantees for the construction work to be carried out there and then completely “revised” the initial agreements on the functional designation of these checkpoints. Such a propagandistic attempt to open checkpoints unilaterally, and what is more without agreeing in the TCG with the Luhansk authorities how they should operate during the pandemic, cannot be regarded as a real contribution towards resolving the Donbas population’s problems.

Aspects of the disengagement of forces and hardware and demining, which were the focus of attention at last year’s “Normandy format” meeting, have not been implemented either. It might be recalled that during the summit, the Ukrainian delegation actually rejected the concept of disengagement along the entire line of contact, even though an understanding on the necessity for this had been reached by the “Normandy format” foreign policy advisers shortly before.

Lastly, over the past year, nothing has been done to carry out the “Normandy format” instructions regarding a political settlement. The Ukrainian Government is avoiding reaching agreement in the TCG with the representatives of Donetsk and Luhansk on all legal aspects of a special status for certain areas. The “Steinmeier formula” for enacting the law on the special status has not been incorporated into the legislation of Ukraine. The fact is that the status law, which has been adopted but not enacted, will expire in three weeks’ time. The resolution by the Verkhovna Rada (Ukrainian Parliament) of 15 July on local elections, which effectively made the procedure for a political settlement stipulated by the Package of Measures impossible, has also played a negative role. Incidentally, despite assurances from the Ukrainian representatives that the resolution is supposedly of a “technical” nature and practically a “one-time” measure, it continues to this day to be listed on the online legislative portal of the Verkhovna Rada’s website as a valid statutory instrument. Against that backdrop, not a single draft law aimed at the practical implementation of the Package of Measures has been submitted by the leadership of Ukraine to the Parliament.

Attempts to artificially downplay the significance of the Minsk-based TCG and replace it with the “Normandy format” continue unabated. All of this has nothing to do with the Package of Measures or the instructions of the Paris summit itself, which enjoin the Ukrainian Government to decide on the fate of Donbas in dialogue with the region’s representatives.

On 2 December, an Arria-formula discussion timed to coincide with the anniversary of the summit on progress in the settlement of the crisis in Ukraine was held in the United Nations Security Council. It took place with the participation of the plenipotentiary representatives of certain areas of the Donetsk and Luhansk regions – Natalya Nikonorova and Vladislav Deinego. The Ukrainian Government demonstratively ignored this event, although earlier, in the signed minutes of the TCG meeting of 11 March 2020, it recognized the authority of these individuals to speak on behalf of Donbas. As you are aware, the Ukrainian Government's negotiators also dealt with these same people in Minsk in previous years.

The attempts by some of Ukraine's external "minders" and our "Normandy format" partners to obstruct the organization and information coverage of the Arria-formula meeting were quite revealing and speak volumes for their inability or unwillingness to face the truth. In the case of France and Germany, this also raises questions as to their readiness in their capacity as co-mediators to really facilitate a settlement rather than to assume the role of political sponsors for one of the parties to the internal Ukrainian conflict.

We well remember the situation surrounding the agreement of 21 February 2014 on the settlement of the political crisis in Ukraine. At the time, our French and German partners acted as its guarantors, but then simply turned a blind eye when the armed opposition failed to implement the agreement's provisions and overthrew the legitimate authorities in a bloody coup. We would not want a similar fate to befall the Package of Measures too.

In a word, the reality is disappointing. Over the past year, we have observed countless attempts to distort the essence of the internal Ukrainian crisis, twist the meaning of the Minsk agreements, devalue their political component and discredit the Package of Measures endorsed by United Nations Security Council resolution 2202. Just take, for example, the repeated statements by the Ukrainian Government's key negotiators about the supposedly "obsolete" nature of that document and their desire to rewrite it. The Deputy Prime Minister and Minister for Reintegration, Oleksiy Reznikov, and the head of the Ukrainian delegation to the TCG, Leonid Kravchuk, have said as much. Or what about the declaration by President Volodymyr Zelenskyy on 3 October in an interview with *Politico Europe* that he was "personally dissatisfied" with the Minsk format, its composition, and the sequence and wording of some of its points.

Against that background, the leadership of Ukraine suspended those who had spoken out in favour of following the letter and the spirit of the Minsk agreements and called for dialogue with Donbas from working on a settlement of the crisis. For example, the activities of Vitold Fokin, first deputy head of the Ukrainian delegation to the TCG negotiations, or Serhiy Syvokho, an adviser to the secretary of the National Security and Defence Council of Ukraine, were no longer welcome.

Lastly, the Joint Action Plan submitted by the Ukrainian Government to the TCG in November speaks for itself: 40 of its 51 points (i.e., 78 per cent of them) contravene the provisions of the Package of Measures. Ukraine is doing all of this with the tacit agreement, if not indulgence, of its Western "minders", who call such an approach by their protégé "constructive". Under these circumstances, it is clear that the fabrications circulated by certain participating States about some kind of "Russian aggression" are merely a propagandistic cover-up of the intention to fuel the conflict in eastern Ukraine.

We recall that during the "Normandy format" summit on 9 December 2019 President Zelenskyy declared his commitment to full implementation of the Package of Measures, which provides for direct dialogue between the Ukrainian Government and the authorities in Donetsk and Luhansk. He gave himself one year to achieve results. Today, however, there is little talk of a breakthrough towards sustainable peace. Constant references by Ukrainian officials to some kind of plan B for Donbas are cause for serious concern. The National Security and Defence Council of Ukraine may approve it in early 2021, as Mr. Kravchuk

reported in an interview with RIA Novosti on 7 December. One may reasonably ask whether all this means the Ukrainian Government is preparing for the next stage of a scenario involving the use of force.

The need for the Ukrainian authorities to demonstrate political will towards meaningful dialogue with the representatives of certain areas of Donbas is the key factor in a settlement. In the meantime, however, there are arguably parallels with the situation after the “Normandy format” summit in Berlin in 2016. It took the Ukrainian Government more than three years to carry out only some of the summit’s instructions. We therefore urge those who have significant influence over the leadership of Ukraine to encourage it to implement in a responsible manner the practical steps unambiguously set out in the Package of Measures and the common agreed conclusions of the meeting of the Normandy Four leaders in Paris.

Thank you for your attention.