

PC.DEL/359/15
23 March 2015

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY
MR. ANDREY KELIN, PERMANENT REPRESENTATIVE OF THE
RUSSIAN FEDERATION, AT THE 1045th MEETING OF
THE OSCE PERMANENT COUNCIL**

19 March 2015

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

Mr. Chairperson,

As we can see, Kyiv with Washington's support is endeavouring to portray itself as the party that is strictly implementing the Minsk agreements. Today's statement by our Ukrainian colleague confirms that Kyiv is still stubbornly trying retroactively to rewrite these agreements, which were approved by a United Nations Security Council resolution. A number of provisions of these agreements are simply not being implemented by Kyiv.

Shelling of Donbas insurgent positions and settlements, including Donetsk airport, continues. Kyiv's claims that this is merely return fire are not in keeping with reality. A complete ceasefire will not work unless there is strict control of the volunteer military formations that are provoking clashes near the airport and Shyrokyne. I might add that they were involved in skirmishes amongst themselves yesterday in Mariupol. The ceasefire should be complete and implemented by both parties. The OSCE Mission and the Joint Centre for Control and Co-ordination should monitor this.

There is clearly an unwillingness to establish direct dialogue with the representatives of the Donetsk and Luhansk People's Republics, who signed these agreements and who represent the real authority in south-eastern Ukraine. Kyiv is openly hampering the formation of working groups within the Contact Group, which are stipulated in point 13 of the Package of Measures. It is trying unilaterally to resolve issues which according to the Minsk agreements should be discussed and agreed upon by the parties.

In particular, points 4 and 12 stipulate that questions related to local elections should be discussed and agreed upon within the Contact Group. Dialogue on the modalities of local elections and also on the future regime of certain areas of Donbas should begin on the first day following the withdrawal of heavy weapons. This has still not happened.

Contrary to the Minsk agreements, the Verkhovna Rada is adopting an amendment to the law on special self-government procedures, in which it imposes by way of an ultimatum

its conditions for the organization and holding of local elections, instead of discussing and agreeing upon these conditions beforehand with the representatives of Donetsk and Luhansk. This contravenes the Minsk agreements.

Furthermore, the amendment adopted by the Verkhovna Rada envisages that the provisions of the law on status will come into effect only after the newly elected local self-government authorities in certain areas of the Donetsk and Luhansk regions assume power. In this way, the Ukrainian Parliament has arbitrarily linked the entry into force of the law with the local elections, the date of which is unknown. This also contravenes the Minsk agreements.

Claiming that these areas are occupied territories is nothing short of offensive.

In the meantime, the introduction of special self-government procedures would be a good step towards strengthening mutual trust among the parties and developing dialogue on the Package of Measures' remaining points: in particular, point 11, which stipulates carrying out constitutional reform with a new constitution entering into force by the end of 2015, a key element of which is decentralization taking into account the characteristics of certain areas of the Donetsk and Luhansk regions agreed upon with the representatives of these areas, and also the adoption by the end of 2015 of permanent legislation with respect to the special status of these areas.

We have just received the news that a new draft law on amnesty has been registered in the Verkhovna Rada. Admittedly, it was introduced by a group of deputies from the opposition bloc, but it is very important that this law be adopted by the Ukrainian Parliament.

The further tightening of the blockade of Donbas and the severe restrictions on contacts between the inhabitants of the insurgent-controlled areas and the rest of Ukraine are a violation of the Minsk agreements. The United Nations Office for the Coordination of Humanitarian Affairs reports that the humanitarian situation continues to deteriorate, especially in the areas that have been cut off from benefits and services since December 2014. Kyiv's actions have led to a radical worsening of the situation of the people living there, making it increasingly difficult for them to access basic services and food. The situation has been complicated even further by the restrictions imposed on the movement of persons and transportation of goods. The regime introduced by Kyiv for crossing the line of contact has led to delays in the delivery of humanitarian aid, including medicines and medical equipment. Because of the blocking of banks in Donbas, people are forced to stand in queues for long periods to enter the regions where they can obtain their pensions and social benefits.

All these measures are leading to further alienation of Donbas from the rest of Ukraine and in so doing threaten the country's unity.

All in all, Kyiv's desire to impose its conditions, which are not in line with the Minsk agreements, and its attempts retroactively to distort and rewrite the agreements threaten the entire process of a peaceful political settlement. This course of action was drawn up in a collaborative effort that included the Normandy format leaders. We urge the Minsk agreement guarantors to help step up the efforts to ensure their full implementation in strict accordance with the agreed sequence of steps.

Mr. Chairperson,

The OSCE Special Monitoring Mission (SMM) is called upon to play an important role in the implementation of the Minsk agreements. We need to continue to increase its monitoring of the ceasefire and verification of the withdrawal of heavy weapons and to ensure intensive patrolling of the security zone around the clock. Particular attention should be paid to the high priority areas identified by the SMM at President Poroshenko's request.

We frequently hear complaints from the Ukrainian leaders with respect to the effectiveness and technical capabilities of the SMM. The Permanent Council decision adopted last week on the extension of its mandate, including provisions on increasing the number of monitors to 1,000 and augmenting its technical equipment, including satellites, drones and radar systems should strengthen the Mission. These capabilities should be used immediately to enable more thorough monitoring of the security zone and of the withdrawal of weapons.

We call on the opposing parties to provide the monitors with all the information needed to verify the withdrawal of equipment. If the parties show the necessary political will, the SMM will be able to certify more quickly that heavy equipment has in fact been withdrawn from the security zone.

In the meantime, the Ukrainian security forces continue to prevent SMM monitors from identifying cases involving the "disappearance" of heavy equipment that had been withdrawn earlier (SMM reports dated 10, 12 and 14 March). We would ask the Chairmanship to also explain how we are to understand the constant demands by the Ukrainian security forces that information be provided on the nationality of SMM monitors (report dated 17 March). We have never before encountered such a practice in the OSCE.

We trust that the questions regarding the implementation of the priority "military" points of the Minsk agreements will be addressed fully.

Mr. Chairperson,

We understand that serious pressure is being exerted on the Ukrainian leadership by forces that are keen to solve the Donbas conflict by military means. This also has an impact on Kyiv's readiness to implement the Minsk agreements sincerely. The mysterious suicides of persons connected with the opposition or critical of the new authorities continue. People involved in the tragic events of 2 May in Odessa and their investigation have also died under no less mysterious circumstances.

Arrests and detentions for political reasons continue. Persons detained in south-eastern Ukraine remain under arrest to this day for the organization of or active involvement in mass disturbances accompanied by violence, arson, the destruction of property, the seizure of buildings or facilities and resisting representatives of authority, that is for precisely what the current "government of victors" in Kyiv did a year ago. Among the detainees is Spartak Golovachev, whom we mentioned at the last Permanent Council meeting and who has been detained since April of last year and has gone on hunger strike again. He should be released immediately.

Nothing has been heard about the outcome of the investigations into the “sniper incident” and the tragedies in Odessa and Mariupol. We would suggest that our Western colleagues who are loudly protesting about the terrible human rights situation in Donbas take a careful look at what is happening in the areas controlled by the central authorities, for example in Artemivsk and Mariupol.

We are confident that the Ukrainian authorities will at least be able to complete the investigation of the persons responsible for the road traffic accident in Konstantinovka on 16 March. As we understand, civilians, including an eight-year-old child, were killed when a Ukrainian armoured vehicle driven by drunken soldiers ran over a group of pedestrians. This incident provoked massive outrage among the local inhabitants. In this connection it is significant that the authorities immediately began to seek and ultimately found “terrorist accomplices” and also gave the order to shoot to kill in the event of further protests.

The level of trust on the part of Donbas in the central authorities is not great, to put it bluntly. It can be increased only through systematic and reciprocal implementation in good faith of the agreed Package of Measures. We believe that all countries interested in a peaceful settlement could provide the Ukrainian leadership with the necessary support in countering the radical forces that are hindering the peace process and calling for more bloodshed.

Thank you for your attention.