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Seventy-ninth year

Provisional

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meeting

Monday, 12 February 2024, 10 a.m.

New York

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| <i>President:</i> | Mrs. Rodrigues-Birkett/Ms. Persaud | (Guyana) |
| <i>Members:</i> | Algeria | Mr. Koudri |
| | China | Mr. Zhang Jun |
| | Ecuador | Mr. De La Gasca |
| | France | Mrs. Broadhurst Estival |
| | Japan | Mrs. Shino |
| | Malta | Mr. Camilleri |
| | Mozambique | Mr. Kumanga |
| | Republic of Korea | Mr. June Byoung Park |
| | Russian Federation | Mr. Nebenzia |
| | Sierra Leone | Mr. Kanu |
| | Slovenia | Mrs. Blokar Drobič |
| | Switzerland | Mr. Hauri |
| | United Kingdom of Great Britain and Northern Ireland . . | Mr. Kariuki |
| | United States of America | Mr. Wood |

Agenda

Threats to international peace and security

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The meeting was called to order at 10 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Germany and Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in the meeting: Mr. Miroslav Jenča, Assistant Secretary-General for Europe, Central Asia and the Americas, Departments of Political and Peacebuilding Affairs and Peace Operations; and Mr. Steve Sweeney, political activist and journalist.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Jenča.

Mr. Jenča: Later this month, we will mark two years since Russia's full-scale invasion of Ukraine, launched in blatant violation of the Charter of the United Nations and international law. As a result of the war that followed, thousands of civilians have been killed and injured. Millions have been displaced. And for those who have stayed, the damage and destruction of critical infrastructure and the continuous threat of attacks impact all aspects of their daily lives. The approaching anniversary of the invasion is not only an occasion to recount the horrors of the past two years, but also a reminder that the armed conflict in Ukraine did not begin on 24 February 2022, but has been ongoing in the country's east since 2014. The United Nations has been, and will remain, fully committed to the sovereignty, independence and territorial integrity of Ukraine.

Today's meeting is also a reminder that, over the years, there were numerous efforts to settle the situation by diplomatic means. Unfortunately, those efforts did not result in a lasting solution, or stop the Russian Federation from launching a full-scale armed attack on its neighbour. The United Nations was not formally part of any mechanism related to the peace process in Ukraine, such as the Normandy format. The United Nations was not invited to be a participant in the various negotiations in Minsk, or to the 2014 and 2015

agreements. Neither was the United Nations involved in the implementation efforts led by the Organization for Security and Cooperation in Europe (OSCE) in the Trilateral Contact Group. We therefore refer to those directly involved to reflect on the details of those processes and the implementation of the related agreements. Over the years, the United Nations had expressed full support to all involved in their diplomatic efforts and to the full implementation of the Minsk agreements and related measures, in accordance with resolution 2202 (2015) and the presidential statement of 6 June 2018 (S/PRST/2018/12).

The OSCE Special Monitoring Mission, despite the often-difficult conditions, played a crucial role in providing information about ceasefire violations to maintain dialogue, reduce tensions and prevent escalation, in line with its mandate. The hard work and dedication of the more than 1,000 monitors and the Mission's leadership deserve to be recognized and commended. We are grateful to the OSCE for the good and constructive cooperation over the years.

In line with Chapter VIII of the Charter, the United Nations provided its expertise, when requested and as appropriate, to the OSCE Special Monitoring Mission on specific matters, including women, peace and security and ceasefire monitoring. When requested, we also supported some of the working groups under the OSCE-led Trilateral Contact Group. In order to provide assistance to those affected by the conflict, our colleagues on the ground consistently coordinated with the OSCE Special Monitoring Mission on security, humanitarian and human rights access-related issues. As the security challenges and tensions in the OSCE region persist, we express our commitment to continued partnership, in line with Chapter VIII of the Charter.

Last week in the Council (see S/PV.9544), Under-Secretary-General DiCarlo once again raised alarm about the increasing civilian casualties and the deteriorating humanitarian situation in Ukraine. She also regretted the lack of prospects for peace. Indeed, we remain concerned about the escalatory trajectory of this war, with intensifying attacks on civilians and acts that could further diminish the prospects for a just and lasting solution.

What we know is that peace agreements alone will not end violence. Peace processes must address the root causes of the conflict and include the full and equal participation of women and youth and the inclusion of civil society voices. What we need for Ukraine,

for the region and for the world is a just, lasting and comprehensive peace, in line with the United Nations Charter, international law and the resolutions of the General Assembly. In that regard, I would like to reiterate the calls by the General Assembly to support de-escalation and encourage diplomatic efforts to that end. The United Nations continues to stand ready to support.

The President: I thank Mr. Jenča for his briefing.

I now give the floor to Mr. Sweeney.

Mr. Sweeney: I thank the Security Council for the invitation. It is a great honour to address the Council today.

I am speaking to members from the city of Donetsk. In the background now, I can hear the familiar sounds of artillery fire, the blasts from the heroic air defences working so hard to keep the people safe, the blasts from incoming — often Western-supplied — missiles, and alerts from the menace of drones, which strike fear into the residents here. We hear those sounds because of the failures of the Minsk agreements. Those accords should have been the framework that brought peace to the region and an end to aggression and the suffering of the civilian population.

It was very hard to sell the accords to the people here. They had to be persuaded to stay within a federated Ukraine, with more autonomy, with the rights to speak Russian, for many their mother tongue, and with the right to practice their traditions and culture without fear. But they accepted it. They believed the guarantees offered by France and Germany, along with the Kyiv Government. But time has proved that they were wrong to do so. We know now that France and Germany had no intention of abiding by the Minsk I or II agreements— we heard it from the horses' mouths themselves.

The failure of Minsk is also the failure of nations not united and a Council that provides no security. That is how the people on the ground see the situation, as I learned when I spoke to them, on which I will expand later.

As we know, before February 2022, there was a road to peace and a road to war. Unfortunately, many of the most powerful nations on the planet chose the latter. They brought war to some of the world's poorest people and in the most brutal way imaginable.

This conflict did not start in 2022 for the people of Donbas. It started back in 2014 when the Ukrainian Government launched air strikes on its own people in Luhansk, when neo-Nazi militias patrolled and controlled the streets, killing at will and with impunity.

The failure of Minsk has real life consequences, with homes, hospitals and infrastructure destroyed, as thousands lie dead as a result. All of those deaths could have been avoided. But behind those statistics lie families, people who are loved, people with names — like Lyudmila, Natasha, Viktoria and Irina — killed in a terror attack the Kyivsky district of Donetsk just a few weeks ago.

Ukrainian forces fired western-supplied weapons into a busy marketplace. As a result, 27 people were massacred — old men and women selling home-made items at the side of the road, women baking bread. The first thing I saw when I arrived at the scene was a babushka sliced in half, her legs nowhere to be seen. Next to her laid an elderly man, blood streaming from his head, staining the snow red. I heard the screams as relatives found their loved ones. Walking through the scene, I saw a hand here, a foot there, a leg, a face torn off — the stench of death, a community in shock. Those people could have been anyone's grandmothers, mothers, fathers, sons or daughters — killed on a Sunday morning, on a bright clear day, the perfect sky for bombing.

Of course, I expect the usual platitudes — that Russia is responsible for the killing, that it is the aggressor. Those are stock answers, superficial, and an insult to the memory of the dead and to those living under the constant shelling of western-supplied weapons.

The dead do not have a voice, but the living do. And they are not afraid of Vladimir Putin. They are not afraid of Russia, who they see as protecting them from a potential genocide, the same that the Council is failing to stop in Gaza. They are afraid of the Council, of the Member States sitting around this table, which, instead of talking about peace, security and an end to conflict, are agreeing on more money and more arms to Ukraine to rain down on their communities.

And Ukraine constantly appeals to the West, saying it has no ammunition with which to fight, that it needs weapons, aircraft, money and military support. Yet despite that, there seems to be a never-ending supply when it comes to attacks on civilians — Schroedinger's ammunition, if you like.

We used to speak about indiscriminate firing into residential areas. But in the space of a few weeks, we saw 27 killed in a marketplace, 28 in a bakery in Lysychansk, three killed outside a busy supermarket, next to the busiest thoroughfare in Donetsk — the scene of which me and my team came under fire from. We also saw an attempt to strike the Palace of Culture here, in Donetsk, when people were gathered there for an event, with an emergency worker, Nikita Danilov, killed.

Those are deliberate acts of terror, designed for maximum casualties and to break the will of the people. But they are not simply Ukrainian acts of terror, these are western-sponsored war crimes, and they happen here on a daily basis. The arms the West supplies are not being used against the Russian Armed Forces. A marketplace is not a military base, a babushka selling home-made jam or home-grown fruit and vegetables is not a soldier.

Last September I attended the scene of an attack in which an AGM-88 high-speed anti-radiation missile (HARM) destroyed a home in a poor, residential area close to the Kalmius River. It could have been very much worse, as a gas pipeline caught fire, the consequences of which are unimaginable. I found the remnants of the missile used in the attack. These are missiles that are usually used to take out air defences or the like, and it was made in the United States, with an expiry date of 31 March 1991, out-of-date stock being rushed to the front line.

This was just a week after an AGM-88 HARM, the exact same missile, crashed into a babushka's living room on the ninth floor of an apartment block. She was killed as her daughter and granddaughter slept in a room next door. Among the blood and the rubble I saw a children's tiara, dress-up shoes and a colouring book.

The impact on children cannot be overstated — 230 killed and 846 wounded since the conflict began. I met one of them — 12-year-old Volodya. I attended the scene of an attack on his home in Donetsk. A western-supplied artillery shell crashed through his bedroom as he slept. There was blood everywhere. His leg was torn off, and doctors battled, successfully, to save his life. I asked him later, at the hospital, what he wanted — “peace”, he said. Children have the same hopes and dreams here as those in every country across the world. But the children of Donetsk are having those hopes shattered and their dreams stolen by NATO, by the West and by the failures of the Security Council.

Cluster munitions have also now become a familiar sound in these areas. Just days after the United States authorized their use, they claimed they first civilian victim — journalist Rostislav Zhuravlev. He was killed as his car was struck, ironically, as he was part of a group of journalists that had been reporting on the use of cluster munitions on civilian areas in Zaporizhzhya. Condemned by UNESCO and the International Federation of Journalists, who called for an independent probe, his death was celebrated by the National Union of Journalists of Ukraine, who welcomed the demise of “a Kremlin propagandist”. Another war crime unpunished.

I attended the home of a babushka, wounded when a cluster munition ploughed into her kitchen as she prepared a meal. The remnants were scattered across the local area, including a children's playground. One eyewitness to the attack said that she had recently moved into the area, believing it was safe. Her previous four homes have been destroyed by Ukrainian attacks.

Last year, the peace of a Monday morning was shattered by a High Mobility Artillery Rocket System attack in Donetsk city, striking a passenger bus during rush hour and destroying civilian homes and, as we heard most recently, the killing of 28 people in a bakery in Lysychansk in the Luhansk republic in the early afternoon, with scores buried under the rubble, a child and a pregnant woman among the dead.

Internationally banned petal mines litter the streets and continue to maim and wound civilians, shops displaying adverts warning people to remain vigilant, and people advised not to walk on the grass.

Drones are now more of a menace, as well, with 97 shot down over Donetsk city and Makeyevka in just three days. In January alone, 966 drones were taken down over Donetsk, Makeyevka and Gorlovka, with 200 attacks prevented. Many are supplied through crowdsourcing platforms such as FundRazr, which, despite being alerted to the fact they are being used against civilians, continue to facilitate the purchase of those killer drones.

One British mercenary with links to intelligence services even boasts about the uncrewed aerial vehicle strikes and is proud to have supplied them. He has killed Russians directly and indirectly, while also threatening to kill Vladimir Putin, yet he is allowed to move in and out of Britain freely.

Much of the community here in Donetsk lives without hot water, with water supplied only on certain

days and constant electricity blackouts because Ukraine targets the city's infrastructure, power stations and water supply — all of which constitute war crimes.

After the marketplace massacre, I went back to the scene and asked people what they thought of the Security Council. They said to me — where are they, why do not they come here? They are just tools of the United States. They do not care. Our lives do not matter to them. It is their weapons that are killing us and our children.

What happened there is a war crime and an act of terror — just one of many that stretch back for a decade, unreported and carried out with impunity. The people describe living here as Donetsk roulette, not knowing whether they are going to live or die, but they have had enough — they just want it to stop. The Council has the ability to make it happen and bring this to an end. It can use the anniversary of Minsk to set out a path to end the conflict, the cycle of terror and the deaths of thousands upon thousands of people. Every weapon supplied by the countries sitting around this table takes us a step further away from peace in a conflict that Ukraine simply cannot win. The Council owes it to Lyudmila, Viktoria, Irina, Natasha, Rostislav, Volodya and the thousands that have been killed here with Western-supplied weapons.

The President: I thank Mr. Sweeney for his briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): I think that what Mr. Sweeney just said is what we should have heard from the representative of the Secretariat who briefed us today, instead of empty speeches stuffed with hackneyed clichés.

We took the initiative of convening today's meeting in order to remind everyone present of the consequences of the deliberate sabotage by the Kyiv regime and its sponsors of the founding document for the settlement of the internal Ukrainian crisis, the package of measures for the implementation of the Minsk agreements. It was signed exactly nine years ago, on 12 February 2015, and is an integral part of resolution 2202 (2015), of 17 February of that year. I would also like to remind Council members that a presidential statement (S/PRST/2018/12) was adopted in support for the implementation of the package of measures on 6 June 2018 (see S/PV.8276).

We would like to briefly recall the contents of that document. The package of measures laid out a clear sequence of steps towards reconciliation to be implemented by the parties, the order of which was agreed on and not subject to change. They were, first, a ceasefire; second, the withdrawal of weapons; third, monitoring by the Organization for Security and Cooperation in Europe (OSCE); fourth, the start of a dialogue between Kyiv and Donbas; fifth, amnesty; sixth, the exchange of detainees; seventh, humanitarian access; eighth, the lifting of the economic blockade; ninth, the restoration of Kyiv's control over the border, assuming the implementation of the eleventh step, that is, constitutional reform granting Donbas special status; tenth, the withdrawal of foreign troops and mercenaries; twelfth, agreement on rules for the conduct of elections; and thirteenth, intensification of the work of the Trilateral Contact Group in Minsk. Of the 13 provisions, only two were fulfilled, and then only notionally — on the work of the Trilateral Contact Group in Minsk and the OSCE Special Monitoring Mission.

From the very beginning, the Ukrainian side took a course of total refusal to directly engage with Donbas in the Contact Group, in violation of the document's provisions unequivocally establishing that obligation. Kyiv distorted the agreements in every possible way and claimed that paragraph 9, giving it control over the border with the Luhansk and Donetsk people's republics, had to be implemented first. Any attempts to find a solution were futile, including the so-called Steinmeier formula, which proposed that the Ukrainian law on local self-governance for the Luhansk and Donetsk people's republics provisionally enter into force on the day of voting in local elections. But the Kyiv regime got away with everything, and none of our Western colleagues has had the gumption to acknowledge Kyiv's sabotage of the Minsk agreements. However, Kyiv and its Western sponsors, including those in this Chamber, repeated like a mantra the completely unfounded claim that it was Russia that refused to implement the Minsk agreements, though Russia had no obligations of any kind under the package of measures and every attempt to put the blame on it and present it as a party to the conflict was absolutely baseless.

Kyiv's consistent, good-faith implementation of the Minsk agreements was the only chance to restore peace in Ukraine. What was vital to a settlement was first and foremost a direct, inclusive and mutually respectful dialogue between the parties to the conflict — Donetsk, Luhansk and Kyiv, as provided for in the agreements. I

want to briefly remind the Council about what preceded the signing of the Minsk document and why it was so important. After the bloody coup d'état in Kyiv in February 2014, the tenth anniversary of which is coming up in the next few days, the nationalist and neo-Nazi Kyiv regime that came to power began to impose its will on the part of the country that refused to reject its historical and cultural roots. The people of the Donbas did not want much. They wanted to live peacefully on their land, have local self-government, speak the Russian language, teach it to their children and honour the memory of those who liberated their land from the Nazis, not those who collaborated with them. They asked for nothing beyond the rights enjoyed by national minorities in any country in Western Europe. However, the new authorities met those calls for dialogue with violence and bloodshed. To understand the intentions of the authorities' supporters, we need only recall the brutal massacre on 2 May 2014 of protesters in Odessa, as a result of which about 50 people were burned alive in the Odessa Trade Union House and anyone who escaped the fire was ruthlessly finished off. Those guilty of that crime remain at large in Ukraine and have not even made any particular effort to hide.

Having seen the true face of the new neo-Nazi Government, the residents in southern and south-eastern Ukraine decided that they wanted nothing to do with it, and when the Kyiv clique began its so-called counter-terrorist operation — which, by the way, was in violation of the country's Constitution, involving the army and nationalist battalions and raining down shells and bombs on peaceful cities — many of the residents of Donetsk and Luhansk took up arms. Then Kyiv's aggression against Donetsk and Luhansk was halted. In order to save its military units from total defeat, in September 2014 Kyiv was forced to sign the first Minsk protocol and then, exactly nine years ago, the Minsk package of measures.

However, as we know without a doubt today thanks to the revelations from Merkel and Hollande, the then leaders of Germany and France, and Petro Poroshenko, the former President of Ukraine, neither Kyiv nor the Minsk guarantors represented by France, Germany and Poland had any intention of implementing anything. They cynically took advantage of the respite created to rearm the Ukrainian army and prepare it for war with Russia. They were assisted in that by various representatives of the OSCE Special Monitoring Mission to Ukraine. As evidence obtained after the start of the special military operation shows, rather than

monitoring the ceasefire agreement they were actually involved in spying for Kyiv and sharing intelligence data with it.

To cite statements made by representatives of the Zelenskyy regime in January and February of 2022 — that is, right on the eve of the special military operation — on 31 January, Oleksii Danilov, Secretary of Ukraine's National Security and Defence Council, said that the implementation of the Minsk agreements would mean the destruction of the country. On 1 February, Zelenskyy himself said that there were differing attitudes in Kyiv regarding the order of implementation of the various provisions of the Minsk agreements. And on 4 February, Dmytro Kuleba, the Minister for Foreign Affairs, said that the Minsk agreements could not be implemented on Russian terms, among which, for some reason, he included direct dialogue between Ukraine and Donbas.

Ukrainian leaders made no secret of the fact that they were not prepared to implement the Minsk package of measures. Had they done so, the tragedy that is taking place in Ukraine today would not have happened, a tragedy in which the United States and the collective West are complicit as they try to achieve their geopolitical aims at the expense of Ukraine and the lives of its citizens. The shelling of peaceful cities in Donbas intensified abruptly immediately after those statements. In mid-February 2022, new waves of refugees poured into Russia, fleeing the actions of the Ukrainian army. Today approximately 7 million Ukrainians have found refuge in Russia. In that situation, Russia had no right to stand by on the sidelines. We tried to make use of all the diplomatic tools at our disposal. We appealed to Kyiv's Western backers and the guarantors of the Minsk process, but to no avail. Only when there was a clear realization that all means for a political and diplomatic settlement had been exhausted and there was no other way to protect the people of the Luhansk People's Republic and the Donetsk People's Republic from extermination did we decide to launch the special military operation under Article 51 of the Charter of the United Nations.

Implementing the Minsk package of measures was the best possible scenario for resolving the intra-Ukrainian conflict, because, if those agreements had been implemented, Donbas would have returned to Ukraine — if only Ukraine had done something to that end, such as, first and foremost, become a civilized country that equally respects the rights of all citizens

without any discrimination based on politics, language or nationality. We must also recognize the failure of the Security Council in the area of prevention. Even though many of our Western colleagues are so fond of talking about the importance of prevention, they were well aware of what was really happening and what it was likely to lead to, but they did nothing, hoping that the neo-Nazi Russophobic monster that they raised on our borders would help the West to defeat or at least significantly weaken Russia. Moreover, after the special military operation had already begun, the Western puppeteers of the Kyiv regime prevented Ukraine from signing a peace agreement that had already been initialled in Istanbul. They are therefore complicit in this tragedy and fully responsible for the consequences of the reckless actions that proved fatal for Ukraine: sabotaging the Minsk agreements and abandoning the agreements reached in Istanbul.

Today we will no doubt hear the same old tired tune about so-called Russian aggression and occupation and our alleged non-implementation of the Minsk agreements. However, we know full well what we will not hear from the Kyiv regime and its Western sponsors today. We will not hear about the results of the proceedings in the International Court of Justice in The Hague, initiated by Kyiv, with a claim against Russia alleging its supposed financing of terrorism in the Donbas and discrimination against Crimean Tatars and Ukrainians in the Crimea. That clumsy attempt ended recently with the final decision of the Court, which decided that neither the Donetsk People's Republic nor the Luhansk People's Republic are terrorist organizations. In other words, there was no terrorist presence in Donbas. There were only those who demanded that the new Government respect their legal rights and whom Kyiv instead began killing. The Court also refused to recognize Russia as an aggressor State or to lay the blame on it or the Donetsk People's Republic for the downing of Flight MH-17. It refused to recognize Russia as a State sponsor of terrorism or as a State that discriminates against the Crimean Tatars and Ukrainians in Crimea. What do our former Western partners say to that?

In addition, on 2 February, the International Court of Justice took a procedural decision on Ukraine's third claim against Russia regarding Russia's alleged abuses of the Convention on the Prevention and Punishment of the Crime of Genocide in order to justify the special military operation, as Russia allegedly justified the special military operation through genocide carried out

by Ukraine in the Donbas. These baseless claims were refuted by the International Court of Justice. Thus, Kyiv has put itself on the defendants' bench and must now prove that the Kyiv regime did not commit genocide in the Donbas. Let us once again recall that the punitive operation against its own peaceful citizens in the Donbas was dubbed by Kyiv an anti-terrorist operation. In other words, an operation against terrorists who, as the International Court of Justice has ruled, were not present in the Donbas. Just consider what that means for the entire narrative that members have been promoting and continue to promote regarding the Minsk agreements and Russia's actions and what it means for understanding the true nature of the criminal clique that came to power in Kyiv in 2014, which continues to send hundreds of thousands of Ukrainians to die as cannon fodder for Western geopolitical interests.

Mr. Wood (United States of America): I would like to thank Assistant Secretary-General Jenča for his briefing and for attempting to ground the significant myths and disinformation that the Russian Federation has advanced in its efforts to rewrite history.

The deaths that Russia is lamenting are a direct consequence of its flagrant violation of the United Nations Charter after it invaded a sovereign nation. The so-called separatist movement in Ukraine is the one that Russia trained as proxy force to undermine Ukraine's stability. But no matter how hard Russia tries, it cannot obscure the simple fact that it was Russia that ignored all commitments it made as a signatory of the Minsk agreements in 2014. It is Russia that is the aggressor, and Ukraine that is simply defending its people, its territorial integrity and its freedom, in line with Article 51 of the United Nations Charter. But let us be clear: this war is indeed a tragedy. Russia and no one else is responsible for this war, which has caused so much bloodshed in the past decade. Russia invaded Ukraine's Crimean peninsula and eastern Ukraine. It funded, prepared and led proxy forces in an attempt to establish an artificial pretext to prevent Ukrainians from exercising their right to self-determination.

Russia is, and always has been, the sole instigator of this conflict. It participated directly in the negotiation of the Minsk agreements, and its direct representative signed the three documents constituting the agreements in 2014 and 2015. The Security Council voted unanimously in 2015 to endorse the implementation of the agreements (see S/PV.7384). Russia reaffirmed, at the Normandy four summit in 2019, that all three

Minsk agreements remain the basis for the peace process. Russia methodically obstructed the Special Monitoring Mission of the Organization for Security and Cooperation in Europe, which served as impartial monitor on the ground. Russia then launched a full-scale invasion of the sovereign nation of Ukraine. While other Minsk agreement signatories sought to implement their commitments in good faith, President Putin cast them aside in favour of revanchist greed, claiming to annex regions in Ukraine that its forces have not even reached — actions that have warranted the General Assembly's strong and repeated condemnations.

Russia's ultimate intention remains to fully subjugate Ukraine and deny the existence of a unique Ukrainian identity. The fundamental purpose of the Minsk agreements, as defined by all signatories, was to fully reintegrate the conflict area with the rest of Ukraine and restore Ukraine's territorial integrity. But Russia is not interested in peace, and it is demonstrably clear that Russia is not interested in abiding by international law. If Russia was truly interested in respecting the United Nations Charter, it would have withdrawn from Ukraine long ago. Moscow has called us together today to lament the very violence it began, fuelled and has continued to perpetrate daily. We can all feel the irony that, when resolution 2202 (2015) was adopted in 2015, the representative in Russia's chair expressed that it was an opportunity to "turn this tragic page in [Ukraine's] history" (S/PV.7384, p. 2).

For the United States' part, we had supported the efforts of the Normandy format and the Trilateral Contact Group, while calling for the full implementation of the Minsk agreements by all sides. Russia's own actions, because of Putin's decision to launch an unprovoked and unjustifiable war against his neighbour and by his recognition of the so-called People's Republics in eastern Ukraine and purported annexation of the same, have fully and forever nullified the Minsk agreements. We can now join Ukraine in acknowledging that reality. The United States calls on Russia to stop its relentless attacks against Ukraine and its people, withdraw its forces from Ukraine's territory and end this brutal war today.

Mr. De La Gasca (Ecuador) (*spoke in Spanish*): I thank Assistant Secretary-General Jenča for his informative briefing and welcome the representatives of Ukraine and Germany to this meeting.

I begin by stressing the importance of fulfilling our commitment to strictly adhere to the fundamental principles of the Charter of the United Nations, which

prioritizes the resolution of disputes by peaceful means and rejects the use of force against the territorial integrity and political identity of all States. Nine years ago in a unanimous gesture of its commitment to peace, the Security Council adopted resolution 2202 (2015), which endorsed the Minsk agreements as the cornerstone for addressing the complex situation in eastern Ukraine. That decision reflected the conviction that, through dialogue and negotiations based on the principles of the Charter, we could overcome disagreements and foster lasting peace. However, what has transpired since then has been less than encouraging. Despite the signing of the agreements, the clashes continued, which demonstrated a persistent divergence in the interpretation and implementation of their terms. Russia's invasion of Ukraine in February 2022 sounded the death knell on the Minsk agreements, which until then had given hope for achieving peace and stability in the region. As we have seen, the chances of reaching a mutual understanding and returning to the negotiating table have been severely hurt. Nevertheless, we must value every effort to that end.

We are troubled to find ourselves reflecting on the Minsk agreements in the middle of a war about to enter its twenty-fourth month and that continues to exacerbate the humanitarian situation in Ukraine and gravely affect the civilian population. I reiterate the urgent need for the parties to respect international humanitarian law, especially with regard to the protection of civilians and civilian infrastructure. The application of the principles of proportionality, distinction and precaution is critical to mitigating the impact of the conflict on innocent lives.

We cannot allow for past disagreements to prevent us from acting in the present. It is in everyone's interest to end the relentless human suffering and waste of resources that conflicts cause. We urge all parties to return in good faith to cooperation and dialogue embodied in the signing of the Minsk agreements, framed within the mechanisms set out in Chapter VI of the Charter. The invasion of Ukraine must end.

I therefore conclude my statement as I began it, by reiterating once again the need to adhere strictly to the fundamental principles of the United Nations.

Mr. Zhang Jun (China) (*spoke in Chinese*): With regard to the question of Ukraine, China has always maintained that the sovereignty and territorial integrity of all countries should be respected, that the purposes and principles of the Charter of the United Nations

should be upheld, that the legitimate security concerns of all countries should be taken into account and that all efforts conducive to the peaceful resolution of the crisis should be supported. It is therefore of great significance that we are here today to discuss the lessons learned from the Minsk agreements.

Nine years ago, the parties to the Ukraine issue negotiated the new Minsk agreement, which were unanimously endorsed by the Security Council and recognized by all parties, as a fundamental political document for the settlement of the issue in eastern Ukraine. The document is legally binding and deserves to be fully and effectively implemented by all parties concerned. Regrettably, however, most of its provisions have yet to be implemented.

The large-scale conflict that subsequently erupted has continued to this day. That is indeed regrettable and warrants serious reflection by all parties. We urge the parties concerned to respond positively to the international community's call for peace, strengthen contacts, resume negotiations and gradually build consensus, with a view to establishing a ceasefire as soon as possible. The international community should actively promote peace and negotiations and create the conditions necessary for a political settlement of the crisis. Certain countries should immediately stop adding fuel to the fire and refrain from undermining the international community's diplomatic efforts.

The crisis in Ukraine has revealed a deeper yet simple truth which, as President Xi Jinping has repeatedly emphasized, is that humankind forms a community of a common future. Security is indivisible. One country's security is indivisible from the security of all. Security rights are indivisible from security obligations. The security of one country cannot be achieved at the expense of the security of others, and regional security can in no way be ensured through strengthening, or even expanding, military blocs. Countries' security interests are equal. The legitimate and reasonable security concerns of any country should meaningfully be taken into account and properly addressed. Only by resolving differences peacefully through dialogue and consultations and building a balanced, effective and sustainable security architecture can we realize universal and common security. If we take stock of events around the globe, we see a world caught up in change and turmoil. Humankind is facing unprecedented risks and challenges.

Building a safer world is the aspiration of the international community and the shared responsibility of all countries, and, above all, it is the path that will lead us in the right direction in our times. We must adhere to genuine multilateralism, respect the sovereignty and territorial integrity of States and avoid the practice of selectivity and, more importantly, of double standards. We must promote clarity where there is confusion, uphold the purposes and principles of the Charter and strengthen strategic mutual trust rather than draw ideological lines, provoke confrontation, create exclusive cliques, let alone put blind faith in force and engaging in bloc confrontation and military expansion everywhere. We must adhere to dialogue and consultation in dispute resolution with a commitment to the general direction of a political settlement rather than engage in pressure, smear campaigns, unilateral sanctions or the use of force under the slightest pretext. In particular, NATO should wake up and shed its infatuation with force and stop threat- and war-mongering. China is a powerful force for international peace and has always stood on the side of peace and justice. We are ready to work with the international community to spare no effort to promote the political settlement of hotspot issues, such as the Ukrainian crisis, and maintain international peace and security.

Mr. Camilleri (Malta): I also thank Assistant Secretary-General Jenča for his informative briefing. We have also taken note of the views expressed by Mr. Sweeney in his statement.

We are meeting today ahead of the two-year mark of Russia's invasion of Ukraine. With every passing day, the senseless war continues to inflict its devastating consequences on Ukraine and extreme hardships on its people. By calling for this meeting, Russia continues to pursue its tactic of attempting to distract the international community with a narrative that does not reflect reality. In response to the cynical propaganda, it is crucial for us to recall the facts.

On 17 February 2022, the Russian Federation, in its role as President of the Security Council, confirmed that the package of measures for the implementation of the Minsk agreements was the only international legal basis for settling the conflict in Ukraine (see S/PV.8968). Soon after the start of its full-scale invasion, Russia went a step further and organized so-called referendums in four regions within the internationally recognized borders of Ukraine, it partly occupied. They were meant to justify its illegal annexation of the Donetsk,

Kherson, Luhansk and Zaporizhzhya regions. However, the General Assembly declared those sham referendums unlawful. They were considered to be in violation of Ukraine's territorial integrity and sovereignty and inconsistent with the principles of the Charter of the United Nations. It is pertinent to recall that the Minsk agreements offered a chance for dialogue. They were the only mutually agreed format aimed at paving the way in good faith towards defining mutually acceptable solutions. Unfortunately, Russia's aggression against a sovereign Member State has undermined the prospects for resolving differences through diplomacy.

The destruction and suffering that Russia's war is causing, particularly for the communities near active conflict zones in eastern and southern Ukraine, are staggering. According to the Office of the United Nations High Commissioner for Human Rights, more than 14 million people need humanitarian assistance in Ukraine. More than 6 million have had to flee the country and remain refugees, mostly across Europe. The repercussions of the war have also affected thousands of Ukrainian children who have been orphaned, displaced, deported and deprived of the lives they used to know. Furthermore, we are deeply concerned about the effects of the widespread attacks on schools and hospitals on the right of children to health and education. Women and girls, targeted with sexual violence by Russian forces, are also facing grim consequences. We cannot fail in our responsibility to prosecute those crimes. The perpetrators must be held accountable. Malta will continue to underline the imperative need to prevent further human suffering and loss of life. That was one of the key messages delivered by my Foreign Minister, Ian Borg, during his recent visit to Kyiv in his capacity as Chairperson-in-Office of the Organization for Security and Cooperation in Europe.

In conclusion, we reiterate that Russia has the power and responsibility to end this war today. It can do so by withdrawing its military forces from the entire territory of Ukraine within its internationally recognized borders, ceasing its aggression and abiding by the Charter and international law.

Mr. Koudri (Algeria): I thank Assistant Secretary-General Jenča for his briefing. I also listened carefully to the briefing by Mr. Sweeney.

Nine years ago, the Security Council unanimously adopted resolution 2202 (2015), which endorsed the package of measures for the implementation of the Minsk agreements. It was the culmination of hard

work that prioritized preventive diplomacy first and foremost. It was supposed to be a historical milestone and a perfect example of the virtues of negotiation and dialogue. The provisions of the agreement brought the hope for a better, shiny future with an immediate and comprehensive ceasefire and the launch of a dialogue, while ensuring pardons, amnesty and access to humanitarian assistance.

Unfortunately, none of that has become a success story. That is why we are convening here today instead of celebrating success, with the death toll continuing to rise. The humanitarian situation is becoming more dire and the targeting of civilians and civilian infrastructure more frequent. Above all, there are no prospects for a comprehensive and inclusive dialogue between the parties. That is a sad reality, but it should not be fatal. Failure is the past form of future success. The lessons of the past are useful only if they make our present bright and our future brighter.

As members of the Security Council, it is our legal mandate and moral duty to work as hard as we can to promote the virtues of dialogue and preserve international peace and security. The implementation of the Minsk agreements may have failed, but we should still be inspired by their spirit — the same spirit that is dedicated to ensuring that dialogue and negotiations are pre-eminent in the peaceful settlement of disputes, and that has created consensus around peace rather than confrontation and fostered cooperation rather than polarization. That is the essence of Algeria's position on this crisis, one that we have repeatedly expressed in this Chamber. We call for intensifying the diplomatic efforts for a just and lasting peace based on the purpose and principles of the Charter of the United Nations and for addressing the legitimate security concerns of all the parties.

Mrs. Shino (Japan): I thank Assistant Secretary-General Miroslav Jenča and the other briefer for their briefings.

Today we once again listened to a statement by the representative of Russia attempting to justify the unjustifiable, echoing the same claims it has made for nearly two years. Russia spoke of violations of the Minsk accords, which are a series of international agreements. However, Russia is violating fundamental principles of the Charter of the United Nations, despite the fact that according to the Russian Federation's foreign-policy concept it claims to be opposed to arbitrary interpretations of the Charter. Whatever

claims Russia may make about the Minsk agreements, Russia's aggression against Ukraine can never be justified. It is an act that shakes the very foundation of the international order and is a blatant violation of the Charter, worthy of condemnation. That fact will not be obscured in the future, because an overwhelming majority of the General Assembly has already made its position clear.

Even as the Security Council is expending valuable time and resources, Russia's attacks on Ukraine continue, resulting in a catastrophic humanitarian situation. Japan respects the people of Ukraine, who are defending themselves and their independence, sovereignty and territorial integrity against aggression, in accordance with the Charter. We have repeatedly stated that we stand with the Charter. It is an honour that this message has been conveyed to the people of Ukraine and all over the world through our discussions in the Council. In order to stop Russia, the sole architect of this unprovoked war of aggression, and to ensure that justice is served, war crimes are accounted for and a just and lasting peace is brought to Ukraine, Japan will continue its concerted efforts. We have stood by Ukraine and will continue to do so for as long as it takes.

Mr. Kariuki (United Kingdom): I thank Assistant Secretary-General Jenča for his briefing.

Russia has called this meeting in another attempt to distort history. Once again, the Russian delegation is seeking to use the Security Council in a desperate effort to justify Russia's unprovoked, unnecessary and illegal invasion of Ukraine. The Permanent Representative of Russia claimed that Putin's war was necessary to prevent conflict and alleviate suffering in the Donbas. He claimed that it was Ukraine and its partners that were responsible for undermining the Minsk agreements. The members of the Council know better. It was Russia's aggression that killed the Minsk process. It was Putin who declared that the Minsk agreements no longer existed. And it was Russia that systematically failed to implement its obligations, which it freely signed up to under the Minsk agreements unanimously endorsed by the Council in resolution 2202 (2015).

Two years ago, we urged Russia in this Chamber to act in the interests of peace and to give the Minsk agreements a chance. The United Kingdom consistently called on all the parties to implement their commitments under the agreements in full, right up until Putin signed a decree recognizing Donetsk and Luhansk as so-called independent entities. Three days later, he

invaded Ukraine. Since then, millions of people across Luhansk, Donetsk and other temporarily Russian-controlled territories have suffered terribly because of Russia's invasion. Russia's actions have deprived them of humanitarian assistance, despite consistent calls by the General Assembly that Russia allow humanitarians safe access to these areas.

The Russian Permanent Representative made various claims about the International Court of Justice today. The Court found that Russia had violated international law in three ways: it discriminated against Ukrainians; it failed to investigate allegations of terrorist financing; and it failed to comply with the Court order not to aggravate the dispute with Ukraine. And, of course, Russia has failed to comply with the provisional measures of March 2022 ordering Russia to leave Ukraine. The truth is that this war is entirely of Russia's choosing. Putin's decision to launch his illegal and barbaric invasion in February 2022 shows us clearly that he was never interested in peace. We urge Russia once again to end its illegal invasion, withdraw from Ukraine and respect the principles of the United Nations Charter. Until then, the United Kingdom will continue to stand with Ukraine, to defend the Charter and to call out Russian disinformation.

Mrs. Blokar Drobič (Slovenia): I wish to thank Assistant Secretary-General Jenča for his briefing. We also take note of the statement by Mr. Sweeney.

Slovenia has continuously encouraged both sides to fully implement the Minsk agreements as a whole. The aim of the agreements was to bring peace to eastern Ukraine and reintegrate separatist-controlled areas with the rest of the country. Owing to the Russian invasion, we will never know if the agreements had a chance for success. If peace is to come to Ukraine, we need to understand where the soft spots of the Minsk agreements were in order to secure a just peace for Ukraine in the future. While we profoundly disagree on many points made by the Russian Federation, we would like to offer our take on the issue.

First, with its direct involvement in the conflict in eastern Ukraine, Russia violated the Budapest Memorandum, as well as the provisions of the Helsinki Final Act on the inviolability of borders in Europe. Rebuilding trust will be a tremendous task. It is Russia who will need to demonstrate it can be trusted to hold up commitments.

Secondly, it is Russia who started a full-scale invasion in Ukraine, which ultimately put an end to the Minsk agreements. It needs to be said again that it is Ukraine that is under aggression, with its sovereignty and territorial integrity violated. With that in mind, we will continue to support Ukraine fully.

Thirdly, it is Ukraine who will have to decide when and how it wants to engage in discussions towards a peace agreement. We will listen and help. We believe, however, that the terms of the future ceasefire will need to be much more specific. It was the abstract nature and the ambiguity of the text of the Minsk agreements that enabled arbitrary interpretations, which provided an alibi for violations.

It may seem impossible at times, but let me underline that what is needed is to work towards just, lasting and comprehensive peace in Ukraine. Dwelling on past agreements that did not work will not take us any closer to that goal. Instead, Russia should start respecting international law and its basic principles, such as the sovereignty and the territorial integrity of another State, and immediately withdraw its troops from Ukraine. Diplomacy will pick up from there.

Mr. Kumanga (Mozambique): I thank the Guyanese presidency for convening this briefing. I also wish to thank Mr. Miroslav Jenča, Assistant Secretary-General, and Mr. Steve Sweeney for their important contributions. I recognize the presence of the representatives of Ukraine and Germany in this meeting.

We value international agreements, whether they are bilateral or multilateral in nature. They play a crucial role in fostering cooperation, resolving conflicts and promoting shared goals and common understanding between nations. The series of international Minsk agreements, aimed at bringing peace to Ukraine through negotiated steps, were a recognition of the important role of diplomacy as a pacific means of settling a dispute, at the service of international peace and security, as enshrined in the Charter of the United Nations. Very regrettably, however, their full implementation faced significant challenges and setbacks. The letter and spirit of the Minsk agreements should be revived and used as a source of inspiration to uphold the principle of peaceful settlement of disputes, as prescribed in Article 33 of the Charter. In that context, Mozambique welcomes the opportunity to re-examine the Minsk initiative, which was aimed at addressing, through

peaceful means, the dispute between two important United Nations Member States.

As the month of February marks both the second year of the open hostilities between Ukraine and Russia and the ninth year since the unanimous adoption of resolution 2202 (2015), which endorsed the Minsk agreement, the time is right for the concerned parties to engage in peace dialogue. Given the urgency, we recognize the added value in reflecting upon the lessons from the complex negotiations that led to the Minsk agreements. Indeed, despite the fact that the Minsk agreements did not achieve their intended outcomes, they highlighted the firm conviction that the resolution of the situation in Ukraine could only be achieved through a peaceful settlement.

The Charter is right when it asserts that conflicts between States are preventable through dialogue and adherence to international law. Modern treaty law upholds the principle of *pacta sunt servanda*, meaning that treaties are binding and must be observed in good faith by the signatory parties. In that context, the letter and spirit of the Minsk agreements should guide us in our search for a negotiated settlement of the Ukraine-Russia conflict. In our view, the agreement's key points, such as a call for an immediate ceasefire, weapon withdrawals, ceasefire monitoring, dialogue initiation and political reforms, are still pertinent.

Regardless of the strategic imperatives that have sustained this war of attrition, it is time to reassess and prioritize a negotiated settlement in the spirit of the Minsk agreements. In the light of the bloody deadlock at the frontlines, changes in military leadership, rising civilian casualties exacerbated by winter, diminishing political backing for an endless war and declining trust in multilateral organizations during times of multiple global crises, it is critical to pursue negotiations to resolve this conflict and tackle its underlying causes. As an elected non-permanent member of the Security Council, Mozambique firmly commits to supporting genuine, responsible and constructive dialogue aimed at resolving the conflict.

Mrs. Broadhurst Estival (France) (*spoke in French*): I thank Mr. Miroslav Jenča for his briefing.

Let us start by recalling what the Minsk agreements were: both ceasefire and political agreements, the main objective of which was the reintegration of certain regions of Donetsk and Luhansk — under full Ukrainian sovereignty — in exchange for a special

autonomous status granted to those regions. Russia chose to end them unilaterally by force. From April 2021, it amassed its troops and equipment on the Ukrainian border. On 21 February 2022, it unilaterally recognized the independence of the self-proclaimed Donetsk and Luhansk people's republics, rendering the Minsk agreements null and void. Three days later, it invaded Ukraine.

Whatever Russia says, the Minsk agreements allowed for a significant reduction in the level of violence. They had ended a high-intensity phase of the conflict that had lasted almost a year. An undeniable observation is that the level of violence suffered by the people of Donbas and of Ukraine as a whole since the launch of the Russian war of aggression against Ukraine on 24 February 2022 is incommensurate with the situation that previously prevailed. The same goes for the number of civilian and military victims, with more than 10,000 civilian deaths and hundreds of thousands of soldiers killed on both sides.

Prospects for a peaceful settlement of the conflict did exist. France and Germany were heavily invested in the Normandy format discussions. In the days and weeks preceding the invasion, the French President and the German Chancellor had stepped up efforts in favour of de-escalation. Our two countries worked tirelessly and in good faith from 2015 to 2022 to try to help Russia and Ukraine find common ground to implement the Minsk agreements.

Russia bears major responsibility for the failure of the negotiation process. For seven years, Russia helped fuel tensions in Donbas. It withdrew from the ceasefire verification mechanism in 2016. It contributed to preventing the implementation of the measures decided at the Paris summit in December 2019. Russia refused to get involved in good faith in discussions by claiming to be a mediator, even though it was a party to the conflict. Its objective was, from the very beginning, the internal destabilization of Ukraine.

There is no justification for violating the Charter of the United Nations. It is high time for Russia to stop its pretences, to admit the impasse represented by the use of force in Ukraine and to listen to the appeals made to it by the International Court of Justice on 16 March 2022 and by the General Assembly on several occasions, by an overwhelming majority.

Mr. Kanu (Sierra Leone): I thank Assistant Secretary-General Jenča for his briefing and note the

views shared by Mr. Sweeney. I also acknowledge the presence and participation of the representatives of Ukraine and Germany in this meeting.

Resolution 2202 (2015), of 17 February 2015, endorsed the Minsk II agreement. In that resolution, the Council called on all parties to fully implement the "package of measures for the implementation of the Minsk agreements", adopted on 12 February 2015. The Minsk agreements signed in 2014 and 2015 were aimed at resolving the conflict in eastern Ukraine between the Ukrainian Government and separatist forces backed by the Russian Federation. However, the agreements failed to achieve their objective in bringing a lasting resolution to the conflict.

Without absolving parties of their responsibilities and obligations under the Charter of the United Nations and international law, it may be reasonable to infer that, if the Minsk agreements had achieved their objectives, the current situation in Ukraine would have been averted, including the terrible loss of life, the destruction of civilian infrastructure and the dire humanitarian situation.

It is therefore important to understand the reasons for the failure of the agreement and to learn valuable lessons to ensure that, moving forward, there is lasting peace between Ukraine and the Russian Federation. The assessment is that the apparent disagreements over the interpretation of the agreements, leading to a lack of trust by both parties, ultimately led to the escalation of the conflict.

Notwithstanding the failure of the Minsk agreements, there are valuable lessons that we can draw upon for peacebuilding efforts.

First, it is fundamental to address the root causes of the conflict. Diplomatic efforts should focus on reducing tensions and encouraging dialogue based on good faith, mutual respect and adherence to international law.

Secondly, genuine commitment and trust are vital to the successful implementation of any peace agreement. Therefore, every effort must be made to foster such commitment and trust going forward.

From our experience in Sierra Leone, the parties involved have to engage directly to address critical issues, without prejudice to what has transpired before, in order to lay the foundation for lasting peace. We therefore urge the parties to the conflict, as well as the other parties involved, to take meaningful steps

towards the immediate cessation of hostilities and to engage constructively in good faith to find a political and diplomatic solution, as envisaged in Article 33 of the Charter of the United Nations.

Let me conclude by reiterating our call for full respect for the national sovereignty and territorial integrity of Ukraine within its internationally recognized borders. We also call for the legitimate concerns of the parties to be given due consideration.

Mr. Hauri (Switzerland) (*spoke in French*): I thank Assistant Secretary-General Jenča for his briefing and take note of Mr. Sweeney's remarks.

Nine years ago today, the Normandy format negotiations in Minsk resulted in an agreement that raised hopes of breaking the spiral of military escalation and finding a political and peaceful solution to the conflict in the east of Ukraine, as required by the Charter of the United Nations.

Russia was a signatory to the Minsk agreements and endorsed them by supporting resolution 2202 (2015). However, Moscow abruptly ended those agreements almost two years ago, recognizing the independence of the Luhansk and Donetsk people's republics and launching its military aggression against Ukraine. We reject Russia's attempts to justify that violation of international law and its blatant disregard for the fundamental principles of the United Nations and the Organization for Security and Cooperation in Europe (OSCE).

Switzerland's commitment to peace in Ukraine has remained unwavering since 2014 and will continue to be so. Following Russia's annexation of Crimea and the start of the conflict in eastern Ukraine, we have been actively engaged in ensuring that the relevant OSCE structures received the necessary political and financial support, as well as personnel resources, to fulfil their mandates. As such, we highlight the work of the Special Monitoring Mission in Ukraine. Over the years, it has impartially observed and reported on the situation on the ground.

Furthermore, we have encouraged and contributed to dialogue within the framework of the OSCE Minsk process. Although their implementation was difficult, the Minsk agreements made that dialogue possible. Considerable efforts have been made in that regard at various levels, notably within the Trilateral Contact Group. Those examples highlight the fact that, for years, the OSCE and the Minsk agreements have contributed

to de-escalation and the dispatch of humanitarian aid for the benefit of affected populations in eastern Ukraine.

As the Secretary-General said on Wednesday, wars destroy, peace builds. We must pursue efforts to achieve a comprehensive, just and lasting peace in Ukraine, in line with the Charter of the United Nations. We reiterate that international organizations, including the OSCE, can play an important role in de-escalating the current situation and resolving the conflict peacefully. That role was also underlined in General Assembly resolution ES-11/4.

The OSCE has continued to work for peace through the Moscow Mechanism, invoked three times since the outbreak of the military aggression. The OSCE is helping to establish the facts, which is a crucial task if the perpetrators of the crimes we are seeing are to be held accountable. With the implementation of the Extra-Budgetary Support Programme for Ukraine, the organization now has a framework enabling it to use its vast expertise for the benefit of Ukraine and its people. Switzerland fully supports the efforts of the Organization's Chairpersonship to keep the OSCE's attention focused on Russia's military aggression against Ukraine.

We reiterate our firm condemnation of Russia's actions aimed at undermining Ukraine's sovereignty and territorial integrity and call on it to immediately cease its military aggression against Ukraine. The Council can count on Switzerland's continued commitment to rebuilding the path to peace at both the multilateral and national levels.

Mr. June Byoung Park (Republic of Korea): I would like to express my appreciation to Assistant Secretary-General Miroslav Jenča and Mr. Steve Sweeney for their respective briefings. I also warmly welcome the participation of the representatives of Ukraine and Germany in today's meeting.

Nine years ago, with a view to addressing the conflict in the Donbas region of Ukraine, the parties signed a package of measures for the implementation of the Minsk agreements that was subsequently endorsed by resolution 2202 (2015). Unfortunately, the agreements were not fully implemented, ensuring that the region has remained an active conflict zone ever since. The agreements collapsed completely as a result of Russia's illegal invasion of Ukraine in February of 2022, which has created untold human suffering in Ukraine over the past two years. As a country that has

signed numerous inter-Korean agreements for peace and security on the Korean peninsula, we are fully aware of how crucial it is to ensure the implementation of such agreements in both letter and spirit. Indeed, beyond breaching an agreement, resorting to the use of force not only jeopardizes the fundamental basis for resolving the conflict but poses threats to international peace and security.

Herculean efforts were made to save the Minsk agreements. They include the strenuous efforts of the Organization for Security and Cooperation in Europe to monitor and verify a ceasefire, as well as the diplomatic engagement in the Normandy format, which lasted until the very month that Russia invaded Ukraine. My delegation reiterates that Russia's armed invasion of Ukraine and its annexation of Ukrainian territories and use of force constitute serious violations of the Charter of the United Nations — the core values that have underpinned the international system for more than 70 years. What we need today is an end to the ongoing violation of the Charter of the United Nations and a return to the spirit of the Minsk agreements, with a view to ensuring permanent peace in Ukraine.

Next week marks the first anniversary of the General Assembly's adoption of resolution ES-11/6, on the principles of the Charter underlying a comprehensive, just and lasting peace in Ukraine. Among other things, Ukraine's sovereignty, political independence and territorial integrity should be fully respected. We urge the Russian Federation to immediately withdraw its military forces from Ukraine and end its brutal war.

The Republic of Korea is firmly committed to working with the international community for permanent peace in Ukraine, in line with the Charter and United Nations resolutions. And we will continue our support for Ukraine in the areas of security, humanitarian affairs and reconstruction.

The President: I shall now make a statement in my capacity as the representative of Guyana.

I thank Assistant Secretary-General Miroslav Jenča and Mr. Sweeney for their briefings.

Nine years ago, the Council adopted resolution 2202 (2015), which called for the implementation of the Minsk agreements, in the hopes that it would prevent us from reaching the point at which we now sadly stand. We are meeting today to once again discuss the ongoing tragedy of the war in Ukraine — a war that has gone on for far too long.

The Minsk agreements were intended to offer a path to peace. Their inclusion of the critical elements of a ceasefire, the withdrawal of heavy weapons, the provision of humanitarian assistance and exchanges of prisoners of war, among other things, would undoubtedly have prevented the tragedy we are now witnessing. While some efforts were made to implement them, the unfortunate reality is that many elements were in fact violated and undermined. Despite that reality and the failed implementation of the Minsk accords, we cannot become resigned to the suffering of the millions who continue to live under constant bombardment, who are facing an unimaginable humanitarian crisis and have been displaced both within their homeland and across borders.

Guyana once more calls for an immediate end to this war and reiterates its appeal for a return to a diplomatic process that can bring a just and lasting peace. The use of force in the conduct of international relations does incalculable damage to all the parties involved, leaving death and destruction in its wake. It is imperative that we see a restoration of dialogue and respect for international law and the principles of the Charter of the United Nations, by which we are all bound.

The fact that the conflict has escalated to this point regrettably demonstrates that the Minsk agreements did not achieve the intended results. However, it is imperative that we draw the right lessons from their non-implementation and not use this unfortunate experience to push unhelpful narratives. There are those who will point to their non-implementation as a failure of diplomacy and will question the utility of dialogue under the threat of international armed conflict. We urge that that type of dangerous cynicism be avoided. The pursuit of diplomacy and the peaceful resolution of conflicts is always worthy. Despite the difficulties that we may confront in dialogue with our adversaries, the challenges of negotiation are preferable to the calamity of warfare.

Guyana remains steadfast in support of the sovereignty and territorial integrity of Ukraine and reaffirms its unwavering solidarity with the people of Ukraine.

I now resume my functions as President of the Council.

The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): We are once again struck by the duplicity of our Western colleagues and their awkward if unsurprising attempts to ignore inconvenient topics or facts even when they are obvious. Today the representative of the United Kingdom attempted to focus attention on the order on provisional measures issued by the International Court of Justice, which, by the way, became irrelevant given the procedural decision taken by the Court on 2 February. He also ignored the essence of the Court's final decision regarding two of Ukraine's claims against Russia.

I will repeat it again for him. The Court essentially did not confirm any of Ukraine's accusations and demands about Russia. It ruled in particular that the Donbas republics are not terrorist organizations. Accordingly, everything that Kyiv did in 2014 by unleashing a war against them in the guise of combating terrorism had absolutely no legal justification. The Council should finally recognize and acknowledge that and stop helping its clients in Kyiv, who have already completely lost the legal proceedings. With regard to the third case, Kyiv will now have to prove that it did not commit genocide in Donbas.

With regard to claims that Minsk is dead, the representative of the United Kingdom is distorting the facts. The President of Russia said that the West essentially killed the Minsk agreements. He was simply stating the reality that Western countries created.

The President: I now give the floor to the representative of Ukraine.

Mr. Kyslytsya (Ukraine): I recognize Assistant Secretary-General Jenča and Putin's envoy in the permanent seat of the Soviet Union. I thank the Permanent Representative of Germany for its participation in this meeting.

Today's meeting, which was called by the Russian Federation to discuss the agreements it effectively killed, is one more example of its total waste of time and resources.

Indeed, it has always been Russia's *modus operandi* to kill international agreements, peace and security, the credibility of international institutions and, first and foremost, innocent people, as it did last Friday in Kharkiv, killing seven people from two families. A drone attack on a fuel depot caused a fire that quickly spread across the nearby residential area. A flow of burning oil trapped people in their houses.

The emergency services and firefighters succeeded in saving and evacuating 54 people. Unfortunately, an elderly married couple was killed in one house, while in another an entire family, parents and their three sons — seven-year-old Oleksii, four-year-old Mykhailo and seven-months-old Pavlo — perished. This is what the Chief Police Investigator of the Kharkiv region reported from that part of the tragedy.

“During the air-raid sirens, parents with children usually hid in the basement, but that time flames burst into the yard. When the family ran to hide, two cars and fuel were already burning near the house. All of them found themselves in a fire trap. As we preliminarily established, the older and younger boys were near their mother, and the middle son, Mykhailo, always ran after his father. The man probably lost consciousness first, and the boy curled up in the corner, alone in the kitchen. That is where we found him. The mother with two other sons, tried to save them in the bathroom, holding the children in her arms.”

Again, that utmost disregard for the lives of innocent people stems from Russia's long-lasting practice of violating international agreements to which Moscow is a party. That includes the Minsk agreements. We have heard everything before and are compelled to listen to the same propaganda narratives now. That is why I am not going to repeat the same statement I delivered a year ago, and I will refer Council members to the record of the 9262nd meeting of the Security Council, which took place on 17 February 2023 (see S/PV.9262).

The Russia Today bunkum and balderdash of Mr. Sweeney deserves no extensive comment. What I can offer, however, for the graduates of the Moscow State Institute of International Relations and the Diplomatic Academy in Moscow with a major in International Economic Relations is an introductory-level crash course on everything one needs to know about the International Court of Justice judgments delivered on 31 January and 2 February.

In order to add some value to our meeting today, I would like to respond to Russia's manipulations about two International Court of Justice judgments.

It is important, as the International Court of Justice has established, that Russia is a violator of international law. In its judgment issued on 31 January, the Court found that Russia had violated international law in three separate aspects. Russia had violated the

1999 International Convention for the Suppression of the Financing of Terrorism, the 1969 International Convention on the Elimination of All Forms of Racial Discrimination, as well as the Court's order on provisional measures of 19 April 2017.

Putin's envoy claimed that the International Court of Justice, in its judgment of 31 January, refused to recognize Russia as an aggressor State. That statement is false, as Ukraine did not ask the Court to rule on the issue of Russia's aggression in that case, and the Court expressly acknowledged that fact in its judgment.

Putin's envoy asserted, in reference to Russia, that the International Court of Justice also "refused to ... lay the blame on it or the Donetsk People's Republic for the downing of Flight MH-17". He again grossly misinterprets the Court's findings with regard to the downing of Malaysia Airlines Flight MH-17, as the Court did not examine Ukraine's claim on that matter. While the Court decided not to review Russia's responsibility for the downing of Malaysia Airlines Flight MH-17, it did not dismiss the terrorist nature of the act or Russia's accountability for shooting down the civilian airplane. In any case, other judicial bodies have ruled on the downing of Malaysia Airlines Flight MH-17, and they have rejected Russia's narrative on both the facts and the law and found Russia and the Donetsk People's Republic responsible for those acts.

Putin's envoy claimed that the International Court of Justice "refused to recognize Russia as a State sponsor of terrorism". That is yet another attempt to deceive the audience and misinterpret the judgment. The truth of the matter is that the financing by a State of acts of terrorism is not addressed by the International Convention for the Suppression of the Financing of Terrorism. It lies outside the scope of the Convention. The Court made that pronouncement in its judgment rejecting Russia's preliminary objections back in 2019. The Court therefore had no jurisdictional basis to find that Russia had been financing terrorism, as Ukraine had raised no such claim under the Convention.

Putin's envoy contended that the International Court of Justice "refused to recognize Russia ... as a State that discriminates against the Crimean Tatars and Ukrainians in Crimea". He downplays the Court's findings about Russia's suppression of Crimean Tatars and grossly misinterprets the Court's ruling on Russia's discrimination against Ukrainians in Crimea. The truth is that the Court, however, found that Russia targeted Crimean Tatars for their political opposition to the

conduct of the Russian Federation in Crimea. What Putin's envoy does not say is that Russia breached its obligations under international law by maintaining the ban on the Mejlis. The Court found "that the Russian Federation, by maintaining the ban on the Mejlis, has violated the Order indicating provisional measures". Russia's statement about Ukrainians in Crimea is immediately shown to be false, in the Court's findings in the case. The Court found the existence of a pattern of racial discrimination against Ukrainians in Crimea, noting "a steep decline in the number of students receiving their school education in the Ukrainian language" and finding that it "produced a disparate adverse effect on the rights of ethnic Ukrainian children and their parents".

I would also like to use this opportunity to quote paragraphs 397 and 398 of the same judgment.

"The Court observes that, subsequent to the Order indicating provisional measures, the Russian Federation recognized the DPR and LPR as independent States and launched a 'special military operation' against Ukraine. In the view of the Court, these actions severely undermined the basis for mutual trust and co-operation and thus made the dispute more difficult to resolve.

"For these reasons, the Court concludes that the Russian Federation violated the obligation under the Order to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

Unsurprisingly, Russia tends to pretend that it does not exist.

With regard to the International Court of Justice judgment of 2 February, that means that Ukraine's case against Russia, under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, is moving forward. Russia's use of force against Ukraine remains an element of the case. The reason is that the Court's order of provisional measures, delivered on 16 March 2022, and demanding for Russia to immediately suspend its military operations remains valid and binding for Russia. We urge Russia to stop falsifying reality and lecturing us about international law, which Russia itself continues to violate frequently. Russia must start implementing the Court's orders on provisional measures, which are Russia's obligations under international law.

The President: I now give the floor to the representative of Germany.

Ms. Leendertse (Germany) (*spoke in French*): I thank you, Madam President, for this opportunity to address the Council today in order to shed light on the joint efforts of France and Germany to negotiate peace in Ukraine before 2022.

The Minsk agreements were essential in stopping Russia's initial aggression against Ukraine in 2014, after the illegal occupation of Crimea and territories in eastern Ukraine by Russian proxy and regular forces.

Within the framework of the Normandy format, France and Germany have met repeatedly at political and senior official levels with both countries so as to reach a peaceful solution. The resulting Minsk agreements initially made a decisive contribution to significantly reducing the level of violence unleashed by Russia. A special mission of the Organization for Security and Cooperation in Europe supervised their implementation on the ground. These agreements also envisaged a political solution based on Ukraine's constitutional order.

However, after initial positive developments, Russia began to disrupt the process and ignore the Minsk agreements. It did so through administrative measures, including issuing Russian passports and holding Douma elections in occupied territories in 2021. It has also continuously violated the ceasefire.

Nevertheless, until the massive Russian invasion of Ukraine in February 2022, discussions on the implementation of the Minsk agreements were under way and conducted in good faith by Ukraine, France and Germany. Unfortunately, throughout 2021, Russia refused to participate in a high-level meeting in the Normandy format, despite repeated attempts by then Chancellor Angela Merkel to move the process forward.

Let me be quite clear: the aim of the Minsk agreements was to avoid further bloodshed and pave the way for a peaceful solution in Ukraine. It was Russia that obstructed the implementation of the Minsk agreements, and it was Russia that decided to embark on an agenda of imperialist conquest. It ignored all diplomatic attempts and solutions proposed

by Germany and other countries to keep the peace. It became clear to Germany that Russia was not interested in a peaceful solution.

As long as Russia's brutal aggression continues, Ukraine has the right to exercise its legitimate right to self-defence. Any country in the world would do the same.

Germany will continue to support Ukraine in its fight for survival, with the necessary political, humanitarian and military means. Germany will also support all efforts towards a just and lasting peace in Ukraine, based on last year's General Assembly resolution ES-11/6 and the peace formula presented by the Ukrainian President.

The International Court of Justice's decision of 2 February 2024 confirmed its provisional measures of March 2022, thus imposing on Russia the obligation to immediately suspend its so-called special military operation.

Ukraine did not and does not constitute a threat to Russia. Ukraine wants peace. Therefore, if Russia puts an end to its military aggression against Ukraine and withdraws all its troops from Ukrainian soil, this war could end tomorrow, and the suffering of millions of innocent civilians would cease.

The President: The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): I do not intend to comment on the pseudo-legal interpretations of the decisions of the International Court of Justice provided by the representative of the Kyiv regime, who is sitting in the chair of the former Ukrainian Socialist Soviet Republic. I will just point out that it is very good that he has laid out his mendacious statements to form part of the record of today's meeting.

We intend to disseminate a letter to the members of the Security Council and the General Assembly, wherein we will provide the accurate interpretation of the decisions and rulings of the International Court of Justice, and they will receive it shortly.

The meeting rose at 11.45 a.m.