



Permanent Mission of Ukraine
to the International
Organizations in Vienna

Statement in response to the CiO Special Representative in Ukraine and the TCG Martin Sajdik and the SMM Chief Monitor Yaşar Halit Çevik

As delivered by the delegation of Ukraine
to the 1252nd meeting of the Permanent Council,
12 December 2019

Mr. Chairperson,

Ukraine joins other delegations in welcoming the CiO's Special Representative Ambassador Sajdik and SMM Chief Monitor Ambassador Çevik back to the Permanent Council. We thank both of you for your timely and thought-provoking reports.

On Monday, 9 December, a long-awaited Normandy Four Summit took place in Paris. Two sides to the conflict met to discuss implementation of the Minsk agreements and achieving peace in Donbas. We thank France and Germany, which continue playing mediator role in these difficult negotiations between Ukraine and Russia. Many issues remained unresolved, but a number of important practical arrangements were reached, including those, which must be implemented with facilitation and direct involvement of the OSCE and its assets. The N4 leaders agreed to hold another meeting in approximately 4 months.

I wish to inform you that today, the Ukrainian Parliament has prolonged the term of applicability of the "Law on the peculiarities of local self-government in certain areas of the Donetsk and Luhansk regions" for another year, till 31 December 2020. Ukraine remains devoted to fulfilling its commitments under the Minsk agreements. We urge the Russian side to act likewise.

Since September, when we last time had the opportunity to share our views with today's speakers, a number of positive developments on the ground took place. Mutual release of detainees between Ukraine and Russia, fulfilment, although not complete, of the ITLOS order by the Russian Federation, completed disengagement in three pilot disengagement areas and repair by the Government of Ukraine of the broken section of the bridge near Stanytsia Luhanska. These steps demonstrated Ukraine's political will to move forward in implementing the Minsk agreements and ceasing the conflict stemming from Russia's ongoing aggression against Ukraine.

We must state that those steps were not reciprocated by the Russian side. In August – November this year, the SMM recorded "an increase in the number of ceasefire violations, with the daily average being 23 per cent higher than in the previous reporting period". The Mission reported on over 1,000 weapons in violation of their respective withdrawal lines, about 80 per cent of which – in Russia-occupied

parts of Donbas. The Russian electronic warfare stations spotted by the SMM continue to jam the Mission's long-range UAVs, hiding even larger numbers of the Minsk-proscribed weapons from the eyes of the international community. The SMM continued to observe "vehicular activity, including cargo trucks, at night-time in non-government-controlled areas near the border with the Russian Federation in Donetsk region where there are no roads or border crossing facilities".

The full scale of this "vehicular activity" remains far from visible, as denials of the SMM access by the Russian armed formations in the border areas become even more intrusive and numerous. We fully share the SMM's view that "as a result of such denials, the extent of what the SMM was able to observe in border areas outside government control remained limited and could not be considered as broad and independent monitoring". The overall number of restrictions of the SMM freedom of movement has doubled, reaching 321 cases compared with only 157 in the previous reporting period. Over 90 per cent of those restrictions occurred in Russia-occupied parts of Donbas. The unwillingness of the Russian side to lift these restrictions was very obvious during the consultations on the possible "Declaration on the OSCE's efforts towards peace in and around Ukraine" and "Decision on the OSCE permanent monitoring and verification on the Ukrainian-Russian state border adjacent to the certain areas of the Donetsk and Luhansk regions of Ukraine" at the Ministerial Council in Bratislava last week.

Ambassador Sajdik,

As you are preparing to hand in your duties to Ambassador Grau, we wish to thank you for the work done in four years of your tenure, and ask you to do your best to accomplish several important tasks, including those agreed in Paris last Monday, before you leave:

- first, to agree on a concrete date of new ceasefire;
- second, to facilitate mutual release of the conflict-related detainees, based on the principle "all for all", starting with "all identified for all identified", until the end of this month;
- third, to give impetus to discussion on three additional disengagement areas;
- forth, to reach an agreement within the TCG on new EECs along the contact line in Donbas, based primarily on humanitarian criteria;
- fifth, to facilitate the issue of establishment of a new TCG Working Group on restoration of control of border by Government of Ukraine.

We are aware of the fact that you will need constructive approach by Russia to reach those goals, in particular through granting full and unconditional access of the international organizations, including the ICRC, to the detained persons, and through giving finally a consent to opening of Zolote entry-exit checkpoint, ready to become operational since March 2016. We urge the Russian side to let that happen.

Ambassador Çevik,

The Normandy Four leaders recalled in their statement that the SMM should have the capacity to implement in full its mandate and to have a safe and secure access throughout Ukraine for this purpose. Special attention should be paid to monitoring of

the ceasefire regime, which must become comprehensive until the end of this year. Launching monitoring of the security situation along the contact line at night time, when most violations of ceasefire happen, would be a critical part of implementation of this arrangement. The SMM mandate provides 24/7 operations as necessary. At the same time, we know that the monitors on the ground face severe security challenges when they patrol Russia-occupied parts of Donbas. We would appreciate if you elaborate and submit for consideration of participating States specific proposals on how to implement the abovementioned tasks given by the N4 leaders. The delegation of Ukraine has also taken note of the Mission's plans to close its forward patrol bases in Novoaidar, Shchastia and Dokuchaievsk, highlighted in your most recent report to the Permanent Council. We ask you to reflect on these plans taking into consideration the N4 Common agreed conclusions. The Ukrainian side is interested in opening new SMM's forward patrol bases and patrol hubs, especially near the border. More ground patrols sent to the border are also necessary to ensure proper permanent monitoring and verification of the areas adjacent to the Ukrainian-Russian state border, which are temporarily not under control of Ukrainian government. As it is expected that the SMM would require additional resources, be it human resources or technical assets, in order to implement its mandate in full, we urge you to inform participating States on such needs. In three months, a new SMM budget will be considered, along with the mandate extension. These needs must be reflected in it.

The activities of the SMM deserve our appreciation and backing. We express gratitude to participating States providing financial support to the Mission and seconding their monitors. We encourage expansion of such support. The Mission continues reporting valuable and verified information on Russia's military and economic presence in the occupied parts of Donbas. We continue to believe that the SMM can do more to inform participating States, in full accordance with its mandate, on the alleged violations of fundamental OSCE principles and commitments. Ukraine's sovereignty is violated in Russia-occupied parts of Donbas on the daily basis. Introduction of the Russian currency, Russian tax system, Russian legislation – all these steps represent violation of the OSCE principles. We thank the SMM for including information on the use of Russian rubles in Luhansk region south of Stanytsia Luhanska included into the weekly report of 3 December, and encourage the Mission to continue monitoring of this topic.

In conclusion, I have to remind the SMM that its mandate covers entire Ukraine. If the Russian Federation continues denying access of the Mission to the occupied parts of Ukraine, the Autonomous Republic of Crimea and the city of Sevastopol, this should be reported. The SMM mandate is very clear on this: the Mission has been tasked, I quote, to “report on any restrictions of the monitoring mission's freedom of movement or other impediments to fulfilment of its mandate”, end of quote.

Let me close my statement by thanking Ambassador Sajdik and Ambassador Çevik, as well as the entire SMM team, for their hard and dedicated work of contributing to peaceful resolution of the conflict, started by Russia, as well as to upholding the OSCE principles and commitments.

Thank you, Mr. Chairperson.