

**MEMORANDUM
OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF UKRAINE AND THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE (OSCE)
CONCERNING THE CREATION OF A NEW FORM OF CO-OPERATION**

The Government of Ukraine and the Organization for Security and Co-operation in Europe (OSCE),

Taking note of the report on Ukraine of the Personal Representative of the Chairman-in-Office of 30 April 1999,

Bearing in mind the OSCE Permanent Council Decision No295 of 1 June 1999,

Considering that the respect for OSCE principles and commitments constitutes the basis for future co-operation between the Government of Ukraine and the OSCE,

Have agreed as follows:

Article 1

1. To establish a new form of co-operation between Ukraine and the OSCE. This co-operation will be based on planning, implementation and monitoring of projects between relevant authorities of Ukraine and the OSCE and its institutions. Such projects may cover all aspects of OSCE activities and may involve governmental as well as non-governmental bodies of Ukraine.
2. The modalities of the projects will be worked out in co-operation between the OSCE and relevant Ukrainian governmental and non-governmental bodies.
3. Within the Government of Ukraine, the Ministry of Foreign Affairs will be responsible for the final approval of projects to be planned and implemented in Ukraine as well as overall co-ordination and monitoring of project implementation, in contact with the relevant institutions.

Article 2

1. For the purpose of carrying out these tasks a post of the OSCE Project Co-ordinator in Ukraine (hereafter the Co-ordinator) is established.
2. The Co-ordinator is appointed by the OSCE Chairman-in-Office after consultations with the Government of Ukraine. The Co-ordinator's staff is appointed by the Co-ordinator in accordance with established procedures.
3. The Co-ordinator will present a list of projects to be planned and implemented in Ukraine, including information concerning their objectives, funding and duration. The list will be regularly updated as projects are proposed or finalised. The Co-ordinator will keep the Ministry of Foreign Affairs of Ukraine fully informed of the planning and implementation of each project.
4. The Co-ordinator will provide regular progress reports on planning and implementation of the projects to the Permanent Council which will review the work and take the appropriate decisions concerning its continuation every 6 months. The Co-

ordinator's mandate may also be terminated by agreement when there are no longer any projects under planning or implementation. Reports may also, as appropriate be provided to OSCE institutions involved.

Article 3

The Co-ordinator's staff will be composed of a core of international and locally hired staff as well as international or locally hired experts and technical staff required for implementation of the projects. The size of the Co-ordinator's expert staff may be changed as required by the projects. The duration of the stay in Ukraine of the expert staff will depend on the duration of the projects. The Co-ordinator will inform the Ministry of Foreign Affairs of Ukraine in advance of the arrival and departure of international staff members. The core staff will consist of the Co-ordinator, two international staff members and locally hired staff required for their support.

Article 4

The initial costs for the Co-ordinator, his/ her staff and project activities will be covered by the funds which have been allocated to the former OSCE Mission on the OSCE budgets for 1999 and in accordance with normal OSCE procedures. Further costs will be covered by the budgets of the OSCE and its institutions and by possible voluntary contributions. Expert staff costs will be covered by the budgets for each project.

Article 5

1. The Co-ordinator and his/ her staff will occupy the office premises of the former OSCE expert group in Kyiv, located on the compound of the Embassy of Norway at 15 Striletska Street, the agreement of the Government of Norway having been obtained.

2. The Co-ordinator and his/ her staff will have access to appropriate telephone and telecommunications equipment of Ukraine and may also use their own communications equipment, including satellite, mobile and hand held radio equipment, subject to observance of the relevant laws of Ukraine and regulations of the Government of Ukraine.

Article 6

1. The Co-ordinator and his/ her international staff, as well as members of their families forming part of their households, will enjoy on the territory of Ukraine the same status, rights, privileges and immunities as are accorded by the Government of Ukraine to diplomatic representations and the diplomatic personnel accredited in Ukraine and to members of their families forming part of their households, in accordance with the Vienna Convention on Diplomatic Relations of 1961.

2. The national Ukrainian staff members recruited locally by the Co-ordinator will enjoy a status equal to that of locally hired staff of diplomatic representations. They will remain subject to national legislation of Ukraine. However, they will be immune from civil and administrative jurisdiction with respect to all acts performed by them in their official capacity as employees of the Co-ordinator.

3. The Co-ordinator and his/ her staff will respect the local laws and will refrain from activities not compatible with their mandate and tasks.

4. The Co-ordinator and his/ her international staff will, upon arrival, be issued diplomatic identification cards. The Co-ordinator's and his/ her international staff's motor vehicles will receive diplomatic registration plates.

Article 7

Any disputes concerning interpretation or application of this Memorandum of Understanding will be settled by diplomatic means through consultations between an authorised representative of the Government of Ukraine and the Co-ordinator or a representative of the OSCE Secretary General.

Article 8

The provisions of this Memorandum of Understanding may be reviewed with the mutual consent of the Parties. Consultations with a view to amending this Memorandum of Understanding may be held at the request of the Government of Ukraine or the Chairman-in-Office. Any amendment will be made by joint written agreement in the form of a separate protocol constituting an integral part of this Memorandum of Understanding.

Article 9

This Memorandum of Understanding will be provisionally applied from the day of its signature in the part, which complies with the legislation of Ukraine, and will enter into force upon notification concerning fulfilment of the appropriate internal procedures in Ukraine. It will remain valid for the duration of the implementation of the new form of co-operation.

Done at Vienna on 13.07 1999 in two equally authentic copies, each in the Ukrainian and English languages. Should any disagreement arise in interpretation of the provisions of the Memorandum, the English version will be the operative one.

FOR THE GOVERNMENT
OF UKRAINE:

M. Koval

FOR THE ORGANIZATION FOR
SECURITY AND CO-OPERATION
IN EUROPE:

J. Kurb