

UKRAINE

Statement on Article 5 of the Ottawa Convention

1. Ukraine appreciates the activity of the Committee on Article 5 Implementation, and its Chair in particular, as we have ongoing relevant problem and interested in its quick and effective resolution as well as in fruitful cooperation with the Committee and all its members.

2. Ukraine carefully studies the relevant national experience of the other States-Parties to the Ottawa Convention in solving the problems with implementation of Article 5 of the Convention.

3. Let me remind you that Ukraine became a State-Party to the Ottawa Convention on 1 June 2006. In 2007 Ukraine fulfilled its obligation under Article 5 of the Convention by submission its initial declaration, which indicated the absence of areas, polluted with anti-personnel mines, on its territory.

In 2014, shortly after the commencement of the military aggression of the Russian Federation against Ukraine, the latter started to discover on the liberated territories the mined areas containing anti-personnel mines, undoubtedly originated from the aggressor's arsenals. These facts have been regularly reflecting in the annual declarations of Ukraine since 2015.

4. It is important to note that the temporarily occupied territories of Ukraine remain under the jurisdiction of Ukraine, but cannot be controlled by Ukraine as long as the belligerent actions of the Russian Federation are in progress. Nevertheless in legal terms this situation created obligations of Ukraine under the Article 5 of the Ottawa Convention.

5. In order to ensure the interests of the society and the state, the Verkhovna Rada (Parliament), of Ukraine, the Cabinet of Ministers of Ukraine and the other Ukrainian authorities adopted legal acts that constitute the derogation of Ukraine from certain obligations under a range of international agreements. In particular, the Verkhovna Rada of Ukraine adopted the Law of Ukraine №1207-VII "On Ensuring the Rights and Freedoms of Citizens and Legal Regime on the Temporarily Occupied Territory of Ukraine" of 15 April 2014.

Without any prejudice to the application of other provisions of the the Ottawa Convention it gives grounds to derogate from obligations of Ukraine, established in Article 5 of the Ottawa Convention in certain areas of the Donetsk and Luhansk regions of Ukraine for the period until the end of the Russian Federation armed aggression, the restoration of constitutional order on the occupied territories of Ukraine, including effective control by Ukraine over the state border.

ON 31 MAY 2018 6. Ukraine has sent to the Secretary-General of the United Nations, in his capacity as the Depository of the Ottawa Convention, the note explaining this situation and requesting to circulate it among the States-Parties to the Convention.

7. Regarding the territories, remaining under the jurisdiction and control of Ukraine, being polluted by anti-personnel mines as a result of hostile actions by the occupying State, Ukraine prepared a paper which constitutes the rational response to discovery of previously unknown or newly appeared mined areas. Ukraine asked the IPU to circulate it for consideration of a Meeting of the States-Parties. We are ready for consultation in drafting the text.

8. We believe that such solution will contribute positively to efficiency of the Ottawa Convention and promote its universalization by creation of an algorithm to respond to challenges originated from an aggression against a State-Party to the Ottawa Convention, including by the State being non State-Party to this Convention.

9. Ukraine is ready for a wider discussion on the issue, including its technical aspects.

10. Ukraine continues undertaking measures to fully comply with all the Ottawa Convention's provisions and would like to effectively resolve the situation regarding implementation of Article 5 of the Convention under current specific circumstances.