

Statement delivered by the Minister of Foreign Affairs of the Republic of Poland Mr. Jacek Czaputowicz at the Security Council on 29th of May, 2018 during the briefing on situation in Ukraine

Excellencies,

Ladies and Gentlemen,

To begin with, I would like to thank Under-Secretary-General DiCarlo, Ambassador Apakan and Assistant Secretary-General Mueller for their useful and comprehensive briefings.

This year marks fourth anniversary of the „Revolution of Dignity”, sparked by the will of Ukrainian people to be part of a broader community, based on democracy and rule of law, a blooming civil society and a well-founded market economy. This will, this spirit will not be broken – neither by the illegal annexation of Crimea, nor by the conflict in the East of the country. Those who thought so, misunderstood not only the Ukrainian soul but also basic rules of democracy.

Ukraine and its people have responded to brute force and to direct aggression from its neighbor with a tremendous effort to reshape and modernize the country.

Your Excellency, Minister Pavlo Klimkin I congratulate your country and your people on taking that effort.

This conflict lingers on and the world must not forget about it. The aim of the meeting is to discuss the situation in Ukraine and possible ways to end this protracted conflict. We believe it is vital that Ukraine be present on the UN agenda. We should not forget about the primary responsibility of the Security Council for maintenance of international peace and security, as stipulated in chapter 5, article 24 of the Charter of the United Nations. This is the responsibility of all the Security Council members – both permanent and the elected ones.

Ladies and Gentlemen,

The highest price for the conflict in eastern Ukraine is paid by the civilians. Over 2800 civilians have been killed and many thousand were wounded in the conflict so far. A number of people have lost their homes. Over 1.5 million are internally displaced. Civilians should be protected in line with international humanitarian and human rights law. Humanitarian actors must have access to the entire territory of Ukraine, including the zones outside of the Ukrainian Government's control.

We see a systematic human rights violation in Crimea, targeting especially NGO activists and indigenous Crimean Tatars.

There are also numerous cases of unlawful or arbitrary detention, torture, ill-treatment and sexual violence that occur in the area of the conflict. Our utmost priority must be to stop these grave human rights violations.

We believe in the UN's role to defend the human rights of the civilians. In this regard, we commend the work of the UN Human Rights Monitoring Mission in Ukraine as well as the role of the Office of the United Nations High Commissioner for Human Rights in the exchange of detainees in eastern Ukraine in December 2017. The human rights violations have been duly reported in the High Commissioner 21st report on the situation of human rights in Ukraine.

I would like to underline at this point that the United Nations General Assembly resolution of December 2017 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol recognizes that there is an international armed conflict between Ukraine and Russia and condemns the retroactive application of the Russian legal system in the occupied territory and the imposition of automatic Russian citizenship on Ukrainian citizens. The resolution urges Russia to fully implement the order of the International Court of Justice on interim measures to restore the rights and freedoms of Ukrainian citizens on the peninsula and calls on the Russian occupation authorities to ensure the availability of education in the Ukrainian and Crimean Tatar languages. It also calls on Russia to allow unrestrained entry for international human rights monitoring bodies to Crimea.

The humanitarian aid for Ukraine is a burning issue. Poland, along with its consistent support for Ukraine at the political level, has been providing the humanitarian aid in Kharkiv,

Zaporizhia, Dnipropetrovsk and Donetsk regions to internally displaced people from the affected areas. Polish support is not limited to immediate life-saving assistance. Our initiatives also aim at integrating internally displaced people with their host communities and giving them opportunity to function independently. I would like to express my appreciation for the work of the European Union Advisory Mission Ukraine. For over three years the mission has assisted the Ukrainian authorities towards a sustainable reform of the civilian security sector through strategic advice and practical support. Our goal is to make a civilian security sector efficient, accountable and trustworthy.

Ladies and Gentlemen,

The international law has an important role to play as well. As President of Poland, Andrzej Duda stressed during the Security Council's open debate on upholding international law on May 17 only international law, its observance and execution can ensure peace and security.

Unfortunately, in the case of Ukraine, the international law is being violated. Russia's belligerent behavior against a sovereign country and illegal annexation of Crimea is a glaring example of breaking of the basic principles and rules of international law embedded in the UN Charter as well as the Helsinki Final Act, the Charter of Paris and the Budapest Memorandum.

Also the recognition of the Autonomous Republic of Crimea and the city of Sevastopol is in itself a violation of international law. It constitutes an attempt to legalize an unlawful situation.

Another breach of the international law is the construction of the Kerch Strait bridge carried out by the Russian Federation without permission of the Ukrainian state and contrary to a position adopted by the UN General Assembly in its resolution 68/262 of 2014 on the territorial integrity of Ukraine.

Despite the steps taken by the international community so far the military situation in eastern Ukraine remains very tense. The Minsk agreements require immediate and comprehensive ceasefire and withdrawal of heavy military equipment to create security

zone. They however have been not observed and do not prevent continuous fighting and regular use of heavy weapons that severely disrupt everyday life of the local population.

Russia itself is a signatory to the Minsk agreements but its actions on the ground undercut the diplomatic efforts to settle the conflict. It continues to finance, arm and train the militants. Russia is continuously and directly engaged in the fight as we were reminded again by recent news on Malaysia Airlines Flight 17, shot down over the territory of eastern Ukraine in July 2014, resulting in death of almost three hundred people.

On May 24th the Joint Investigation Team revealed that the missile launcher used to shoot down the plane came from the 53rd anti-aircraft missile brigade of Russian Armed Forces.

We welcome the recent findings of Joint Investigation Team as highly professional, impartial and independent. We reaffirm our support for Resolution 2166 and call on all States to cooperate fully to meet its objectives. We also call on Russia to accept its responsibility and cooperate fully with the process.

We believe Russia should reverse all moves that contravene the sovereignty, territorial integrity, unity and independence of Ukraine within its internationally recognized borders.

Russia should use its influence over the militants in order to observe the ceasefire. It should withdraw heavy weapons in accordance with the Minsk agreements and allow international community to bring humanitarian assistance to the local population.

Solutions to settle the conflict proposed by initiatives such as Normandy format, comprising the representatives of Russia, Ukraine, Germany and France, have not brought about the expected outcome.

We notice the positive role and appreciate the effort of OSCE Special Monitoring Mission (SMM), mainly through providing credible information to the international community and offering a real assistance and service to the conflict-affected population. The Mission comprises over 700 people from 44 countries – thus being the largest and the most expensive OSCE mission ever. Poland has seconded 40 experts to the Special Monitoring Mission and will do its utmost to support further strengthening of this mission.

Here, I would like to express my appreciation to Chief Monitor, Ambassador Ertugrul Apakan, for his dedication and tireless effort towards the conflict resolution. The Mission functions despite the numerous cases of intimidation and attacks it endures. At this point we urge Russia to return to the Joint Centre for Control and Co-Ordination (JCCC) which used to be an effective tool in increasing security of the Mission.

What should be the UN role in this context? Given the stalemate in the political negotiations and prolonged suffering of local population, UN should strive for deployment of a fully-fledged UN-mandated peacekeeping mission to the conflict zone. We highly value Ambassador's Kurt Volker, United States Special Representative for Ukraine Negotiations efforts in that respect.

The mandate of the mission should ensure sustainable de-escalation of conflict and implementation of the Minsk agreements, facilitate the withdrawal of foreign armed formations, as well as supervise public order and the process of reintegration. It should be able to effectively monitor the entire Russian-Ukrainian internationally recognized border and areas affected by the conflict and to safeguard secure environment to enable local elections.

We also call for the appointment of a special UN envoy for Ukraine. This would be a tangible proof of UN engagement in the conflict resolution and would give new dynamics to the peace process. The envoy could monitor the activity of the UN agencies and specialized organizations on site and report on their activity.

Ladies and Gentlemen,

Let me conclude by reiterating that we do believe that the efforts and dedication of the Ukrainian government will allow ordinary Ukrainians to fulfill their ambitions and aspirations. Poland will continue to support Ukraine in order to facilitate this goal. We also hope the rest of the world will do so as well.

We believe the UN Security Council has a role to play here too. The ongoing violence in eastern Ukraine and the illegal annexation of Crimean Peninsula remain one of the greatest sources of instability in the entire region. The Security Council should contribute to easing of the tensions on the ground and working out a solution to the Ukrainian issue

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including through establishing a peacekeeping mission and appointing of a special UN envoy for Ukraine.

We have to remain engaged constructively and actively and foster our efforts in order to ensure territorial integrity of Ukraine in its internationally recognised borders.

Thank you for your attention.