

Reference: C.N.285.2018.TREATIES-XXVI.5 (Depositary Notification)

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING,  
PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON  
THEIR DESTRUCTION

OSLO, 18 SEPTEMBER 1997

UKRAINE: COMMUNICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above communication was effected on 31 May 2018.

(Original: English)

“The Ministry of Foreign Affairs of Ukraine presents its compliments to the Secretary-General of the United Nations, as the Depositary of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 18 September 1997 (hereinafter referred to as the Ottawa Convention), and has the honour to communicate the following information.

Ukraine became a State party to the Ottawa Convention on 1 June 2006. Ukraine continues undertaking measures to fully comply with all the Ottawa Convention’s provisions and would like to draw attention of the Secretary-General of the United Nations to the situation regarding implementation of Article 5 of the said Convention under current specific circumstances.

In 2007 Ukraine fulfilled its obligation under Article 5 of the Ottawa Convention by submission to the Secretary-General of the United Nations its initial declaration, which indicated the absence of areas, polluted with anti-personnel mines, on the territory of Ukraine.

In February 2014 Ukraine lost its effective control over the Autonomous Republic of Crimea and the city of Sevastopol and later - on certain districts of Donetsk and Luhansk regions as a result of the armed aggression of the Russian Federation against Ukraine and illegal occupation of these territories. It is important to note that the mentioned temporarily occupied territories remain an integral part of sovereign territory of Ukraine but its jurisdiction on these territories is limited. Shortly after the commencement of the military confrontation Ukraine started to discover on the liberated territories the mined areas containing anti-personnel mines, originated from the State, which is non State party to the Ottawa Convention. Ukraine has been regularly reflecting such facts in its annual declarations since 2015.

The mentioned occupation is in gross violation of the Charter of the United Nations, the Helsinki Final Act principles, the Charter of the Council of Europe, other legally binding international instruments and constitutes the threat not only to the international peace and security, but also creates serious legal obstacles to Ukraine in compliance with the Ottawa Convention.


In order to ensure the vital interests of the society and the State the Verkhovna Rada (Parliament) of Ukraine, the Cabinet of Ministers of Ukraine and other authorities adopted legal acts that constitute a basis for the derogation of Ukraine from certain obligations under few international agreements. In particular, the Verkhovna Rada of Ukraine adopted Laws of Ukraine No. 1207-VII “On Ensuring the Rights and Freedoms of Citizens and Legal Regime on the Temporarily Occupied Territory of Ukraine” of 15 April 2014 and No. 2268-VIII “On particular aspects of public policy aimed at safeguarding state sovereignty of Ukraine over the temporarily occupied territory of Donetsk and Luhansk regions” of 18 January 2018. According to the provisions of these laws the Russian Federation, as the Aggressor State and Occupying Power, bears full responsibility for its actions and their consequences on the temporarily occupied territories under international law. Ukraine bears no responsibility for illegal actions of the Russian Federation and its occupying administration.

Taking into account the above mentioned and without any prejudice to the application of other provisions of the Ottawa Convention, Ukraine states that from 20 February 2014 and for the period of temporary occupation by the Russian Federation of the Autonomous Republic of Crimea, the city of Sevastopol and certain districts of Donetsk and Luhansk regions as a result of the armed aggression of the Russian Federation committed against Ukraine and until the complete restoration of the Ukrainian constitutional law and order in such occupied territories, including effective control by Ukraine over the Ukrainian-Russian state border, the application and implementation by Ukraine of the obligations under Article 5 of the Ottawa Convention, as applied to the aforementioned occupied territories of Ukraine, is limited and is not guaranteed.

Ukraine will inform the Secretary-General of the United Nations about future developments and notify him when the circumstances which led to submitting this Verbal Note have ceased to operate and the provisions of the Ottawa Convention are being fully applied again to the whole territory of Ukraine within its internationally recognized borders.

At the same time Ukraine is ready for a wider discussion on the issue. This solution will contribute to efficiency of the Ottawa Convention and promote its universalization by creation of an algorithm for resolving technical challenges originated from an aggression against a State party to the Ottawa Convention, including by a State being a non State party to this Convention.”

12 June 2018

A handwritten signature in black ink, consisting of stylized, overlapping letters, positioned below the date.