



Permanent Mission of Ukraine
to the International
Organizations in Vienna

PC.DEL/1470/18
27 November 2018

ENGLISH only

Statement on the latest Russia's act of unprovoked armed aggression against Ukraine

As delivered by Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1204th special meeting of the Permanent Council,
26 November 2018

Mr. Chairperson,

We are grateful to the Italian Chairmanship for promptly convening this special meeting of the Permanent Council upon request of the delegation of Ukraine in order to react to the latest act of Russia's aggression against Ukraine, this time in the sea. This is a matter of urgency and grave impact on peace and security, regionally and across the OSCE space.

Let me start by few quotations. "Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression: an attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State (article 3(d)). No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression". These are from the UN GA Resolution 29/3314 of 14 December 1974 on the definition of aggression. Now, we will show the video footage of what just one attack of Russian military on the Ukrainian navy vessels looked like. I wish to underscore – an unprovoked attack (footage shown on screen). Based on the internationally recognized definition, Ukraine determined Russia's actions against Ukraine's navy vessels, that took place on 25 November 2018, to be an act of armed aggression.

Mr. Chairperson,

It was a ram attack carried out yesterday by a Russian coastguard ship on the Ukrainian navy tugboat "Yani Kapu", which together with the two small armored artillery boats "Nikopol" and "Berdyansk" were on their way to cross the Kerch Strait on a planned transit from Odesa to Mariupol. Later on in the day this attack was followed by the use of force against all three boats, when Russian coastguard ships opened deadly fire, damaged them, wounded 6 Ukrainian sailors and captured by force all boats and members of crew.

Let me emphasise – for the Ukrainian boats it was a planned and absolutely legal maritime operation, which did not envisage any likelihood of military actions. The Ukrainian boats were carrying regular armament without any special means on board, with weapons covered, and followed the same route and procedure as earlier in September this year, when the “Donetsk” and “Korets” vessels moved into the Sea of Azov. Yesterday’s unprovoked use of force by the Russians took place against the Ukrainian vessels, which were crossing the sea in full accordance with freedom of navigation and the provisions of all effective multilateral and bilateral international treaties and navigation rules. I will, in particular, quote from article 2 of Ukraine-Russia Treaty on co-operation in the use of the Azov sea and the Kerch strait of 2003, ratified by the parliaments of the two countries: “Commercial vessels and military ships, as well as other state ships under the flags of Ukraine and the Russian Federation... enjoy freedom of navigation in the Azov sea and the Kerch strait”. The Ukrainian side has informed in a proper way via VHF radio the Russians and the de-facto authorities of the Kerch Seaport of our legitimate intention to pass through the Kerch Strait.

Instead of respect for the norms of international law, Kremlin took the decision to expand its military aggression against Ukraine to the sea. The Russian authorities physically blocked the passage through the Kerch Strait by locating there a tanker ship, only letting the Russian naval ships pass. As it proved impossible to pass the Strait, the Ukrainian boats turned around and headed back to Odesa. When they set their course back, they were immediately followed and attacked by Russian ships, declaring ultimatums, opening deadly fire and using units of special forces to capture Ukrainian vessels out of the 12 mile zone. As I already said, six Ukrainian servicemen got wounded, two of them seriously, one in a critical condition.

Yesterday’s Russia’s aggressive actions constituted a flagrant breach of the norms of the UN Charter, the Helsinki Final Act, the UN Convention on the Law of the Sea and a number of other multilateral and bilateral treaties. This latest act of Russia’s aggression put at risk the entire process of a peaceful politico-diplomatic resolution of the Russian-Ukrainian conflict. The MFA of Ukraine underscored that Russia’s actions also posed a threat to security of all states of the Black Sea Region and demanded a clear reaction of the international community. The Ukrainian competent authorities have already released the intercepts of communication between the Russian command in Moscow and commanding officers of Russian ships in the waters near the Kerch strait with orders to use force and attack the Ukrainian boats.

Faced with this latest act of unprovoked armed aggression from the Russian Federation, President of Ukraine Petro Poroshenko urgently convened the meetings of the Military Cabinet and the National Security and Defense Council of Ukraine. Based on analysis of the situation, the National Security and Defense Council of Ukraine unanimously endorsed the decision to propose to the President of Ukraine, in full accordance with the Constitution of Ukraine, the introduction of martial law for a period of 60 days. It has been emphasized that introduction of the martial law is not a declaration of war; this special legal regime is urgently required in view of needs of repelling the armed aggression and ensuring national security, eliminating threats to independence and territorial integrity of Ukraine. We stand ready to follow a peaceful politico-diplomatic path of resolution of the Russian-Ukrainian conflict, which

includes full implementation of the Minsk agreements and de-occupation of Crimea. At the same time we remind the aggressor-state of Ukraine's inherent right to self-defence, as enshrined in the UN Charter. Today the President of Ukraine signed a Decree enacting the decision of the National Security and Defence Council of Ukraine of 26 November 2018 "On extraordinary measures for ensuring the state sovereignty and independence of Ukraine and introduction of martial law in Ukraine". The Verkhovna Rada of Ukraine is currently holding an extraordinary session concerning approval of introduction of the martial law in the country.

Mr. Chairperson,

Today is only two weeks since the last time we met in the special OSCE Permanent Council to address the flagrant violation by Russia of Ukraine's sovereignty and territorial integrity and of Russia's own Minsk commitments by holding illegal and fake so called "elections" in the occupied areas of Donbas. We are again in the special PC because of yet another blatant act of Russia's armed aggression against Ukraine. The scale, intensity and gravity of Russia's aggressive actions continue to grow as Russia shows its contempt for international law and bilateral agreements. We do not rule out Russia's further acts of aggression either in the sea or on land. The firmness of the international response must be adequate to the threats posed by Russia's aggressiveness and revisionism. There is a need to significantly step up international pressure on Kremlin, individuals and their assets, to strengthen individual, economic and sectoral sanctions. There is a need for additional military, political and economic support to Ukraine, which is at the frontline of defence of democracy and freedom, to deter the aggressive Russia, which is significantly stronger in military and economic terms. Restoration of territorial integrity and sovereignty of Ukraine within the internationally recognized borders must remain the key objective of our work in the OSCE if trust and confidence in the OSCE space are to be restored. Russia's aggressive actions and flagrant breaches of founding OSCE principles draw deep divisions in the continent between the expansionist authoritarian Russia and the OSCE community that wants to live in Europe whole, free and at peace. As the first step towards deescalating the current situation caused by the latest Russia's act of armed aggression, we demand the Russian side to provide urgent medical assistance to the wounded, to ensure their immediate safe return home, to return the captured navy boats and to compensate for the damage caused. We call upon the OSCE Chairmanship, the Secretary General and Director of the CPC to use decisively all instruments and assets within their mandates to help deter Russia's ongoing gross violations of OSCE principles and commitments and make Russia comply with the above demands which are fully legitimate and consistent with the OSCE norms and principles.

Thank you, Mr. Chairperson.