



Security Council

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Letter dated 23 October 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith updated information on the current status of the implementation of the Minsk arrangements (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Oleksandr **Pavlichenko**
Chargé d'affaires a.i.



Annex to the letter dated 23 October 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the President of the Security Council

State of implementation of the Minsk arrangements

Provisions of the Minsk protocol

Status

1. Immediate bilateral ceasefire

Related to the following articles of the memorandum:

Article 1: Ceasefire is considered common

Article 2: All military and armed units stop at the line of their contact as of 19 September

Article 3: Use of all types of weapons and offensive activities are banned

Article 4: All munitions with calibre over 100 mm are to be withdrawn at a distance of their fire range (at least 15 km) from both sides of the contact line within 24 hours after the memorandum is signed to create a 30-km security zone

Article 5: Heavy weaponry and equipment are banned in the area bounded by towns of Komsomolske, Kumachove, Novoazovsk and Sakhanka and are to be monitored by the Organization for Security and Cooperation in Europe (OSCE)

Article 6: Setting new minefields in the security zone is banned while previous minefields are to be cleared

Ukraine:

- Ukrainian forces follow the ceasefire regime. They do their best to avoid full-scale military actions and use weapons only to defend themselves in case of attacks.
- Ukrainian military has prepared positions for withdrawal of heavy weapons at least 15 km away from the line of fire contact and take other measures to create instead a demilitarized buffer zone in Donetsk and Luhansk regions.

Russia and Russia-backed militants:

- At 10 a.m. on 21 October, a regime of artillery silence was established in eastern regions pursuant to an agreement between the Chiefs of Staff of the Ministries of Defence of Ukraine and Russia.
- In breach of all the agreements, Russia-backed militants continue shelling positions of the Ukrainian armed forces as well as civilian locations.
- Since 5 September, Ukrainian forces and civilians have been shelled over 1,800 times. A total of 89 Ukrainian servicemen have been killed and 500 wounded. There are at least 54 casualties among civilians.
- On 8 October, the United Nations Human Rights Monitoring Mission in Ukraine reported that 331 fatalities had been recorded in the period between 6 September and 6 October. It admitted, though, that some individuals might have been killed prior to the ceasefire.

2. OSCE monitoring and verification of the ceasefire

Related to the following articles of the memorandum:

Article 7: Military flights and foreign unmanned aerial vehicles, except those used by OSCE, are banned in the security zone along the line of contact at least 30 km wide immediately after the memorandum is signed

Article 8: OSCE must deploy its observers into the area of ceasefire within 24 hours after the memorandum is signed

- Militants have not withdrawn from the combat line and still conduct offensive operations. Major fighting continues at the airport of Donetsk and in the outskirts of the towns of Debaltseve and Schastya. In particular, militants use Grad and Smerch multiple-launch rocket systems to shell Ukrainian forces. In particular, the remains of fired Smerch rockets are labelled as produced at a Russian military plant in June 2003, while the last time Ukraine received similar rockets was in 1991.
- Militants have not cleared minefields. Moreover, some of the recent deaths among the Ukrainian military occurred as a result of mine traps.

Ukraine:

- Ukraine has rendered all necessary assistance for the initial deployment and further expansion of the OSCE Special Monitoring Mission to Ukraine to ensure proper monitoring and verification of the ceasefire.
- Ukraine welcomes the delivery of the first two unmanned aerial vehicles to the OSCE Special Monitoring Mission in the Donetsk region.
- It is expected that the OSCE Special Monitoring Mission will be significantly expanded and reinforced with unmanned aerial vehicles to improve its activities and reporting.
- The working group of the joint control and coordination centre, which was set up on 28 September and includes Ukrainian and Russian military officers in the presence of representatives of the OSCE Special Monitoring Mission, continues to elaborate modalities for ensuring the sustainable ceasefire and gradual stabilization of the combat line with Donetsk and Luhansk ringleaders.

3. Decentralization, including by the adoption of the law on interim local self-government in certain districts of the Donetsk and Luhansk regions

Russia and Russia-backed militants:

- Russia-supported militants could not extend security guarantees to OSCE personnel to all areas that they control and occasionally impede the Special Monitoring Mission from performing its mandated activities. So far, the Mission has registered numerous ceasefire violations by the militants. In particular, it has confirmed that militants shelled Ukrainian forces' positions at Talakivka (16 km north-east of Mariupol) and observed fire damage to a Ukrainian tank.

Ukraine:

- The Ukrainian parliament adopted a law on interim local self-government in certain districts of the Donetsk and Luhansk regions on 16 September, although its draft triggered skepticism in the Ukrainian society and was opposed by certain political forces. Under this law, regional authorities received additional budget, taxation, cultural and other powers.

Russia and Russia-backed militants:

- Russia and militants continue to make efforts to promote statehood for the self-proclaimed entities in the Donetsk and Luhansk regions. Separatists have declared that they intend to claim independence and separate from Ukraine and have continued in their endeavour to develop State institutions, in particular line ministries, border guard units etc.
- Russian authorities, on their part, have boosted a discourse on *Novorossiya* (New Russia), a pseudo-historical name for certain areas in eastern Ukraine. As part of this campaign, President Putin has, in his public speeches, several times referred to the east of Ukraine as *Novorossiya*.

4. OSCE constant monitoring and verification of the Ukrainian-Russian State border and creation of a security zone in the border areas of Russia and Ukraine**Ukraine:**

- Ukraine does its utmost to assist OSCE in ensuring monitoring and verification of the border between Ukraine and Russia.
- It is expected that the OSCE Special Monitoring Mission will be expanded and staffed with professional observers. Also, international partners are encouraged to provide financial and in-kind contributions (in particular, with drones and armoured vehicles) to improve the activities and reporting of the Mission.

Russia and Russia-backed militants:

- Militants have not withdrawn from the Ukrainian checkpoints they temporarily occupy.
- At the meeting of the OSCE Permanent Council on 22 October, the Russian side agreed to prolong by one month the mandate of the OSCE Observer Mission, which runs at two Russian checkpoints at the Ukrainian-Russian border, Donetsk and Gukovo (observation range is only 1 km of the border), but refused to extend its activities to all Russian border checkpoints along the 400-km segment of the border that is currently out of Ukraine's control.

5. Immediate release of all hostages and illegally held persons**Ukraine:**

- Ukraine proposes to make an all-for-all exchange. About 1,500 Ukrainians have been set free.

Russia and Russia-backed militants:

- Militants ignore the all-for-all proposal of Ukraine and still keeps over 500 Ukrainian citizens hostage.
- Russia refuses to release illegally detained Ukrainian political prisoners (Nadiya Savchenko and Oleg Sentsov, among others).

6. Adoption of the law on the prevention of persecution and punishment of persons in connection with the events that took place in separate districts of the Donetsk and Lugansk regions of Ukraine

- On 21 October, the National Security and Defence Council of Ukraine reported that militants had unilaterally stopped the process of releasing hostages.

Ukraine:

- Ukraine's parliament adopted this law on 16 September, although it raised vivid debates in Ukrainian society.

7. Further promotion of an inclusive national dialogue

Ukraine:

- Ukraine consistently works on promoting an inclusive nationwide dialogue. Round tables were held in Kyiv on 14 May, in Kharkiv on 17 May and in Mykolayiv on 21 May.
- To secure due representation of Donbas residents in the national legislative body and thus ensure their active participation in political processes and democratic reforms in Ukraine, it was decided to hold early parliamentary elections on 26 October.
- On 14 October, the parliament of Ukraine adopted the law on amendments to the Criminal Code of Ukraine (strengthening responsibility for violating citizens' electoral rights). This act introduces a clear and specific responsibility for bribery, falsification of elections documents, ballots and protocols, illegal seizure of ballot boxes and any other attempt to falsify elections.

8. Improvement of humanitarian conditions in Donbas

Ukraine:

- The Ukrainian Government makes every effort to alleviate humanitarian conditions in Donbas. In particular, in early August it dispatched 800 tons of humanitarian aid to affected areas, of which only a part was distributed owing to militants' interference. Another part of this aid was handed over to locals in mid-September.

- Using the funds of the Ukrainian State budget, the State Emergency Service of Ukraine has recently delivered over 217 tons of humanitarian aid to the residents of the Donetsk and Luhansk regions.
- Ukrainian authorities have taken comprehensive steps to reconstruct areas that returned under their control, ensure due payment of social benefits and provide vital services to the residents.
- The Ukrainian side encourages international partners to contribute to the reconstruction of the Donetsk and Luhansk regions and improve the humanitarian situation on the ground.

Russia and Russia-backed militants:

- In August and September, Russia sent three “humanitarian aid convoys” that broke through the border of Ukraine without the consent of and inspection by the Ukrainian authorities and without the coordination of the International Committee of the Red Cross. The content of all three convoys remains largely unknown, as does their impact on the humanitarian conditions in Donbas.

9. Early local elections according to the law on interim local self-government in certain districts of the Donetsk and Luhansk regions

Ukraine:

- According to the new law, local elections in some areas of Donetsk and Luhansk regions are scheduled for 7 December and are intended to produce legitimate local elites, which will make proper use of new enhanced powers to ensure the further development of Donbas.
- Ukraine intends to ensure that these elections are held in accordance with national legislation and under sustainable bilateral ceasefire. Candidates must enjoy equal opportunities in conducting their pre-election campaign. The Ukrainian side also encourages international counterparts to delegate observers to follow these elections.

10. Retreat illegal armed groups, military equipment as well as militants and mercenaries from the territory of Ukraine

Related to article 9 of the memorandum: withdrawal of all foreign armed forces, military equipment as well as militants and mercenaries from Ukraine under the OSCE monitoring

Russia and Russia-backed militants:

- Militants have scheduled their own so-called presidential and parliamentary pseudo-elections on 2 November.
- So far, Russia has not taken sufficient steps to dissuade militants from holding their pseudo-elections.

Russia and Russia-backed militants:

- Russia has withdrawn some military personnel and equipment. At the same time, it continues to send manpower and heavy weaponry into Ukraine through uncontrolled border crossings.
- On 18, 19 and 21 October, large amounts of Russian military hardware and groups of personnel were observed entering Ukraine illegally.
- Russian subversion and reconnaissance groups still regularly penetrate Ukraine.
- Russian regulars and militants continue to reshuffle in the east of Ukraine and conduct reconnaissance activities by unmanned aerial vehicles in the border areas.
- On 11 October, President Putin authorized the return of Russian regular troops that had been concentrated near the Ukrainian border since the summer to their bases. This does not, however, fully annul the threat to Ukraine from behind the Russian border.
- Russia has concentrated forces in the north of Crimea.
- Russian authorities silence numerous deaths of Russian regulars in the east of Ukraine. Human rights activists and media representatives who investigate these deaths are intimidated and assaulted.

*Provisions of the Minsk protocol**Status*

11. Adoption of the programme of economic recovery for Donbas**Ukraine:**

- The Ukrainian Government estimates that damage to infrastructure in the Donetsk and Luhansk regions amounts to almost \$1 billion. The Office for the Coordination of Humanitarian Affairs of the United Nations has estimated that damage to infrastructure amounts to approximately \$440 million. These figures are rough, however, and will definitely be corrected once there is access to areas currently occupied by militants. The economic damage is great: 80 per cent of Donbas enterprises have stopped their activities; many are heavily damaged.
- To address this situation, the Government of Ukraine has prepared a plan for economic recovery for 2014-2016 and called the international donor conference on Ukraine and, in particular, for the rehabilitation of Donbas at the beginning of next year, to ensure urgent international assistance for reconstruction of the conflict-affected areas, the settlement of internally displaced people etc.

12. Guarantees for participants of the consultationsFully implemented
