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Agenda item 65

The situation in the temporarily occupied territories of Ukraine

Letter dated 15 March 2021 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a summary, prepared by the delegation of Ukraine, of the debate on agenda item 65, which was held on 23 February 2021 by the General Assembly at its seventy-fifth session (see annex).

I would appreciate your kind assistance in having the present letter and its annex circulated as a document of the General Assembly under agenda item 65.

(Signed) **Sergiy Kyslytsya**
Ambassador
Permanent Representative



Annex to the letter dated 15 March 2021 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Summary of the debate on agenda item 65 “The situation in the temporarily occupied territories of Ukraine”, held on 23 February 2021 by the General Assembly at its seventy-fifth session

The consideration of agenda item 65 took place on 23 February 2021 at the 54th and 55th plenary meetings of the seventy-fifth session of the General Assembly.

The meetings were opened and chaired by the President of the General Assembly at its seventy-fifth session, who also made introductory remarks on the subject. The President recalled that Member States had pledged to adhere to the values and principles of international law, as stated in the Charter of the United Nations and had a responsibility to refrain from the threat or use of force against the territorial integrity or political independence of any other State as well as to respect each other's sovereignty, territorial integrity, freedom and political independence. The President strongly urged all parties to pursue a peaceful resolution of the conflict on the basis of Ukraine's territorial integrity and sovereignty, through direct political dialogue and other peaceful mechanisms. Recognizing the challenges posed by the coronavirus disease (COVID-19) pandemic, he reiterated the Secretary-General's call for a global ceasefire.

A total of 32 delegations made statements during the debate (including on behalf of the European Union and its member states, the group of Nordic and Baltic States, as well as Canada, New Zealand and Australia) expressing the position of 50 Member States overall.

The meeting was the third formal discussion by the General Assembly of the agenda item on the situation in all temporarily occupied territories of Ukraine. The aim of the meeting was to analyse the wide scale and far-reaching consequences of the Russian-Ukrainian international conflict in all its complexity (political, security, humanitarian, social, human rights, ecological and other dimensions) and comprehensiveness (encompassing both the occupied Crimean Peninsula and parts of the Donbas, Ukraine).

The delegation of Ukraine underlined that the Russian Federation was continuing its armed aggression against Ukraine, Georgia and other nations.

Since the beginning of the aggression against Ukraine in 2014, more than 13,000 people had died, including over 3,000 civilians, and approximately 1.5 million had become internally displaced persons. Despite Ukraine's efforts to advance progress in implementing the Minsk agreements and in Trilateral Contact Group talks, the Russian Federation still refused to finalize decisions.

The delegation of Ukraine stressed that security remained crucial for de-escalation and that the sovereign control of Ukraine over its State border should be renewed. United Nations peacekeepers, as one of the options, could play an important monitoring role.

Raising concerns about conditions on the ground, the delegation of Ukraine said that Donbas continued to face threats of technogenic and environmental catastrophe, given that in 2018 the occupying authorities had stopped pumping water from the Yunkom mine, the site of a Soviet Government nuclear explosion. Ukraine called on the United Nations to conduct the relevant assessments in the temporarily occupied territories of the Donetsk and Luhansk regions.

Touching upon the temporary occupation of Crimea, the delegation of Ukraine noted that Russia had implemented none of the General Assembly resolutions on Crimea. The occupying Power sought to destroy the identity of Ukrainians and the indigenous people of the peninsula – the Crimean Tatars. The Russian Federation had transferred 500,000 of its citizens to the peninsula, thereby changing the composition of the local population.

Noting Ukraine's launch of the Crimean Platform as a new format to consolidate international efforts, the delegation of Ukraine invited Member States to join the initiative, which would focus on five priority areas: non-recognition policy; security; effectiveness of sanctions; protection of human rights; and overcoming the negative impact of the temporary occupation of Crimea on the economy and the environment.

The delegation of Ukraine reported that Ukraine had instituted a case in the International Court of Justice against the Russian Federation on the interpretation and application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination, with an order issued in 2017 on provisional measures. Yet the Russian Federation continued to ignore that order. In January, the European Court of Human Rights had ruled on the admissibility of an inter-State claim in Ukraine's case against the Russian Federation, rejecting Russia's jurisdictional objections.

In national statements as well as those made on behalf of groups of States, the unwavering support expressed for the sovereignty, territorial integrity, unity and independence of Ukraine within its internationally recognized borders and territorial waters was repeatedly expressed. Some delegations underlined that they reinforced that support with robust sanctions against Russia.

Many Member States said that, by its aggressive actions against Ukraine, Russia had violated several international agreements and other instruments – notably the Charter of the United Nations, the Final Act of the Conference on Security and Cooperation in Europe, the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (1994), the Charter of Paris for a New Europe (1990), the founding agreement of the Commonwealth of Independent States (1991), the bilateral Treaty on friendship, cooperation and partnership between Ukraine and the Russian Federation (1997) and the Treaty between the Russian Federation and Ukraine on cooperation in the use of the Sea of Azov and the Kerch Strait (2003).

Some delegations underlined that the situation in eastern Ukraine and the Crimean Peninsula remained one of the most pressing security challenges in Europe and that the international community must keep Ukraine high on its agenda and intensify its financial support for the humanitarian response.

It was also underlined by delegations that, as the Security Council had not been able to support efforts to bring peace to Ukraine politically and through concrete actions, the debate was thus also an expression of complementarity between the General Assembly and the Security Council.

Touching upon the situation in temporarily occupied Crimea, the majority of delegations expressed deep concern about the ongoing Russian militarization of the peninsula and the serious deterioration of the human rights situation.

They condemned the construction of the Kerch Strait bridge without the consent of Ukraine, which constituted a further violation of Ukraine's sovereignty and territorial integrity. They also called on Russia to ensure navigation in the Sea of Azov and safe passage through the Kerch Strait by implementing mutually agreed arrangements.

They underlined that, since the attempted annexation by the Russian Federation, the human rights situation in the Crimean Peninsula had severely deteriorated. Delegations expressed concern that residents of the peninsula faced systematic restrictions of human rights and fundamental freedoms, such as the freedom of expression, religion or belief and association and the right to peaceful assembly. In particular, the human rights of Ukrainians and Crimean Tatars had been targeted.

In this regard many delegations condemned Russia for ignoring General Assembly resolutions on Crimea. It was also underlined that Russia continued to ignore the need for the United Nations High Commissioner for Human Rights to visit Crimea so as to provide a full, independent assessment of the human rights situation in line with General Assembly resolutions.

Commenting upon the situation in the temporarily occupied Donetsk and Luhansk regions, delegations underlined that the Minsk agreements remained the basis for a political solution of the conflict. They called on Russia to fully implement them and honour its commitments in full in order to achieve a sustainable political solution to the conflict.

Expressing support for ongoing efforts, including by the Normandy format, they commended Ukraine's political will and constructive approach to finding ways to resolve the conflict and urged the Russian Federation to act likewise.

They fully supported the efforts of the Organization for Security and Cooperation in Europe, the Normandy format and the Trilateral Contact Group. They also welcomed the Normandy Four summit, held in Paris in December 2019, and the exchange of detained persons that had followed.

It was underlined that although the recommitment by the sides to the ceasefire, that had started on 27 July 2020, had contributed to a significant decrease in violence on the ground, recent spikes in violations and sniper activity had resulted in casualties among military personnel. They urged Russia in particular to respect commitments to ensure that the ceasefire was fully implemented.

They also called on Russia to immediately stop fuelling the conflict by providing financial and military support to the occupying authorities and expressed deep concern about the presence of Russian military equipment and personnel in occupied areas.

They also condemned the continuous deterioration in respect for human rights in the non-government-controlled areas of the Donetsk and Luhansk regions. There was a reference made to the inhumane practices of mistreatment and torture of prisoners in the secret prison "Izolyatsia" in occupied Donetsk. It was underlined that the duration of economic sanctions against Russia was linked to the complete implementation of the Minsk agreements.

Special attention was paid to the continued restrictions on the freedom of movement of the Special Monitoring Mission to Ukraine of the Organization for Security and Cooperation in Europe in the occupied territories, particularly in non-government-controlled areas of the southern Donetsk region and near the border with the Russian Federation. The delegations underscored that the Mission must have safe, secure, unconditional and unimpeded access to the entire territory of Ukraine, in line with its mandate.

Welcoming Ukraine's inclusive approach towards the population of the conflict-affected areas, they underlined that civilian crossing over the Stanytsia Luhanska Bridge has been made easier since the opening of the new section of the bridge on 20 November 2019. At the same time, they remained concerned that other points along the line of contact remained closed. It was emphasized that, while Ukraine had

fulfilled its obligation from the Paris summit conclusions to open new checkpoints in Zolote and Shchastya in November 2020, they still remained closed from the other side to the present day. The Russian Federation was urged to reopen all existing crossing points. It was underlined that the International Committee of the Red Cross should be granted full, unconditional access to all detained persons.

They stressed that the ongoing COVID-19 pandemic put an additional strain on the humanitarian and human rights situation, and should not be used as an excuse by the so-called representatives of the areas currently not under the control of the Ukraine government to limit unduly the freedom of movement through the line of contact.

Special attention was paid to the dire humanitarian situation in the temporarily occupied territories of Ukraine. It was underlined that 3.4 million Ukrainians were in need of humanitarian assistance. The delegations called on the sides to guarantee unhindered and sustained access for humanitarian actors, including the Office of the United Nations High Commissioner for Refugees, to all people in need.

Some delegations referred to the downing of flight MH17 in July 2014 by a Buk missile system belonging to the Russian army, when 298 innocent people were killed. They called for truth, justice and accountability, stating that that was what the victims and their next of kin deserved. Noting that a criminal trial of four suspects had started, they called on all countries, first of all the Russian Federation, to cooperate with the ongoing investigation.

Many delegations welcomed Ukraine's efforts to continue to seek justice using international legal instruments and courts, including the European Court of Human Rights, arbitration courts and the International Court of Justice.

Some delegations also welcomed Ukraine's Crimean Platform initiative, and expressed the hope that many more Member States would consider joining that diplomatic effort to push back on Russia's ongoing aggression and make it clear that the brutal occupation must end.

The Russian Federation (the only one out of 50 countries) rejected the facts and arguments presented above. The main emphasis of that country's statement was to deny its participation in the conflict.

Two delegations questioned and attempted to undermine the General Assembly's authority to consider and make recommendations that it deemed necessary with regard to any issue brought to it by a Member State, including on the maintenance of international peace and security.

One delegation also raised the issue of minorities in Ukraine. It underlined that it was understandable that the Ukrainian authorities would like to strengthen the role of the State language, but that doing so must not lead to the substitution of the mother tongue of a national minority.

The discussion revealed the continuing and close attention of the international community to the issue of illegal military actions by the Russian Federation against Ukraine, actions that have kept undermining international peace and security and have thus required urgent and meaningful actions by the United Nations.

The debate also clearly demonstrated that the item "The situation in the temporarily occupied territories of Ukraine" should remain on the active agenda of the General Assembly and continue to be considered until the sovereignty and territorial integrity of Ukraine within its internationally recognized borders has been restored.