

Law of Ukraine

«On Ukraine's Participation in Peace Support Operations»*

*Includes annexes and amendments, made in accordance
with the Law of Ukraine # 1106-IV dated 10.07.2003*

Considering Ukraine's responsibility in maintaining international peace and stability as a UN member-state, the Ukraine has a commitment to provide assistance to the UN in activities that are performed in accordance with the UN Charter, as well as fulfilling its commitments as an OSCE member-state, to constructively cooperate in implementing OSCE comprehensive potential for conflict prevention and management.

Ukraine considers its participation in Peace Support Operations (PSOs) to be the/an important component of its foreign policy.

This Law provides legal, organizational and financial background for Ukraine's participation in PSOs, as well as outlining procedures for providing training and support for Ukrainian military and civil staff for participation in international peace and stability making and support activities.

Article 1. Terminology definition

The terminology provided in the Law has the following meanings:

Peace Support Operation (PSO) — international activities or arrangements carried out under UN Security Council Resolutions in accordance with Charters of the UN, OSCE and other organizations responsible for maintaining international peace and security, with regard to the statements of Chapter VIII of the UN Charter. In addition, the term refers to activities and

* Unofficial translation. The Law is adopted in its recent form in July 2003

arrangements carried out under the UN Security Council's (UNSC) general supervision by multinational forces established under the UNSC, with consent to:

- Prevent interstate or interior conflicts;
- Resolve, or create conditions for resolving, interstate and interior conflicts with the consent of the parties involved in the conflict or through coercive actions approved by a UNSC Resolution that can include observation and control over ceasefire Agreement implementation, disengagement, disarmament and demobilization, major and minor construction works and so on;
- Provide humanitarian assistance to the local population, who have suffered from interstate or interior conflicts;
- Perform law-enforcement (police) functions aimed at maintaining security and human rights;
- Provide assistance in post-conflict management;
- **Peacekeeping contingent** — military units equipped with appropriate armament and weapons, support and communications assets that are provided by Ukraine in order to participate in international PSOs, including military units of the Armed Forces of Ukraine, and other military formations, as a component of joint military units, that are established in cooperation with other states for participating in international PSOs (joint battalions, and so on).
- **Peacekeeping personnel** — individual military servicemen or employees of the Armed Forces of Ukraine, other military formations, persons from leadership and regular staff of national security authorities and other governmental bodies or civil institutions of Ukraine, that are assigned by Ukraine for participating in PSOs and are not incorporated into peacekeeping contingent staff;
- **Logistic support and services** — logistic support and services provided by Ukraine for international PSOs, including combat and special equipment, separate types of armament, communications, vehicles with crews, food stock, medical supplies and so on.

Article 2. Terms of Ukraine's participation in PSOs

Ukraine, exclusively under terms defined by the Presidential Decree; under Parliamentary approval and in accordance with the Constitution and national legislation, takes part in Peace Support Operations under the auspices of:

- United Nations (UN), Subject with regard to UN Security Council Resolutions;
- Organization for Security and Cooperation in Europe (OSCE) or other regional organizations responsible for maintaining international peace and security in accordance with the provisions of Chapter VIII of the UN Charter;
- Multinational forces that are established with UNSC consent and are operated under UNSC general supervision.

Ukraine's participation in PSOs may be realized through contributing of a peacekeeping contingent/personell, as well as logistic support and services to the appropriate authorities in charge of the operation.

Article 3. Submission of proposition on Ukraine's participation in PSOs

The Ministry of Foreign Affairs, in coordination with the Ministry of Defence of Ukraine and other executive authorities concerned, submits proposition on Ukraine's participation in international PSO to the National Security and Defence Council. The proposition should include both current information about peacekeeping contingent/personell, its missions, numeric strength, armament, military equipment, chain of command, terms of tenure and prolongation, replacement and withdrawal procedures, guarantees and benefits to servicemen and employees of the Armed Forces of Ukraine, other military formations, national security authorities, other governmental bodies and civil institutions of Ukraine, as well as members of their families; and information regarding financial costs related to Ukraine's participation in PSO.

(Part I, Article 3 is presented herewith amendments, made in accordance with the Law of Ukraine #1106-IV dated 10.07.2003).

The National Security and Defence Council of Ukraine submits to the President of Ukraine proposition on Ukraine's participation in PSO, taking into consideration the national interests and legislation of Ukraine, as well as considering the international commitments of Ukraine in accordance with the UN Charter. It

must also take into account the availability of financial/logistic support and security concerns regarding Ukrainian citizens that will participate in PSO as a component of peacekeeping contingent/personell.

Article 4. Decision-taking concerning Ukraine's participation in PSOs

The President of Ukraine takes the decision on whether to provide Ukrainian peacekeeping contingent/personell and logistic support for participation in international PSO. At the same time the President submits to the Parliament of Ukraine a Draft Law on the Approval of the decision to provide Ukrainian peacekeeping contingent/personell. The Draft Law includes information required by Article 3 of this Law.

The decision of the President of Ukraine to send a Ukrainian peacekeeping contingent abroad for participation in international PSOs is acknowledged by signatures of Ukrainian Prime-minister and another minister responsible for implementation of this decision and is subject to Parliamentary approval in accordance with the Constitution of Ukraine, Article 85, Para 23. The Draft Law on sending Ukrainian contingent abroad submitted by the President is subject to urgent Parliamentary consideration.

Following the decision by President, the Cabinet of Ministers take the decision on logistic support to peacekeeping contingent/personell for participation in PSO.

Article 5. Peacekeeping contingent/personell manning

Peacekeeping contingent and peacekeeping personell are manned by the citizens of Ukraine — military servicemen and employees of the Armed Forces of Ukraine, persons from the leadership and regular staff of interior forces, other military formations and governmental bodies or civil institutions of Ukraine. Participants of peacekeeping contingent/personell must have appropriate professional and psychological training.

The citizens of Ukraine are inscribed in peacekeeping contingent/personell exclusively on a voluntary basis.

Article 6. Training of citizens of Ukraine for participation in PSOs

Citizens of Ukraine included in peacekeeping contingent or recruited for participation in PSOs as peacekeeping personell should preliminarily undergo special training at appropriate training centers.

Article 7. Return or withdrawal of peacekeeping contingent/ personell which participated in international PSOs

Peacekeeping contingent/personell provided for participation in PSOs returns to Ukraine after PSO has been terminated. They can also be withdrawn before the termination of PSO, if their further participation in the PSO becomes unreasonable due to significant changes in the international politico-military situation or in regional conditions, or due to financial suspensions or other reasons. The President of Ukraine takes the MFA submitted/MOD approved decision on peacekeeping contingent/personell withdrawal taking into consideration international commitments of Ukraine. Decision on withdrawal of contingent can be as well initiated by the Parliament of Ukraine and submitted for approval by the President.

Article 8. Social security support to PSO participants and members of their families

Social security support to PSO participants and members of their families is to be provided in accordance with current legislation of Ukraine.

If international agreements or treaties to which Ukraine is a party provide higher guarantees and benefits to PSO participants than those provided by Ukrainian legislation, then guarantees and benefits of the appropriate international agreement/treaty should be applied.

The tenure and length of service of the citizen of Ukraine during the duty within peacekeeping contingent/personell is determined as follows: one month of service within peacekeeping con-

tingent/personell is considered equal to three months of regular service.

Article 9. Financial support of Ukraine's participation in PSOs

The financial support of Ukraine's participation in PSOs can be provided from:

- State budget with further full or partial reimbursement of costs by UN, OSCE or other regional organization convening the PSO;
- State budget exclusively;
- Exclusively UN, OSCE or other regional organizations convening the PSO.

Financial procedures and resources are defined in decision by the Parliament of Ukraine on taking part in PSO.

(Article 9 is presented here in edition of the Law of Ukraine # 1106-IV dated 10.07.2003).

Article 10. Informing of the Parliament of Ukraine on Ukraine's participation in international peacekeeping activities

The Cabinet of Ministers of Ukraine submits to the Parliament of Ukraine an annual report on Ukraine's participation in activities aimed at supporting or restoring international peace and security.

Editors of the book express thankfulness to the Chairman of the Atlantic Council of Ukraine V.A. Grechaninov for providing the text of the Law for publication.