

Chairmanship: Slovakia

SPECIAL MEETING OF THE PERMANENT COUNCIL (1223rd Plenary Meeting)

1. Date: Friday, 29 March 2019

Opened: 10 p.m.

Closed: 10.25 p.m.

2. Chairperson: Ambassador R. Boháč

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: DECISION ON THE EXTENSION OF THE MANDATE OF
THE OSCE SPECIAL MONITORING MISSION TO
UKRAINE

Chairperson

Decision: The Permanent Council adopted Decision No. 1323 (PC.DEC/1323) on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine, the text of which is appended to this journal.

Chairperson (Annex), Romania-European Union (with the candidate country North Macedonia; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Andorra, Georgia, Moldova and San Marino, in alignment) (interpretative statement, see attachment 1 to the decision), Russian Federation (interpretative statement, see attachment 2 to the decision), Ukraine (interpretative statement, see attachment 3 to the decision), Canada (interpretative statement, see attachment 4 to the decision), France (interpretative statement, see attachment 5 to the decision), United States of America (interpretative statement, see attachment 6 to the decision)

Agenda item 2: REVIEW OF CURRENT ISSUES

None

Agenda item 3: ANY OTHER BUSINESS

None

4. Next meeting:

Thursday, 4 April 2019, at 10 a.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1223
29 March 2019
Annex

Original: ENGLISH

1223rd Plenary Meeting
PC Journal No. 1223, Agenda item 1

STATEMENT BY THE CHAIRPERSON

The Chairmanship welcomes the extension of the mandate and approval of the budget of the OSCE Special Monitoring Mission to Ukraine (SMM). The Chairmanship would on this occasion, on the eve of the SMM's fifth anniversary, also like to express its unwavering support for the SMM, its staff and their extremely valuable work.

The SMM plays a critical role in its mission to contribute to reducing tensions and fostering peace, stability and security, and to monitoring and supporting the implementation of all OSCE principles and commitments. Gathering information and reporting on the security situation in its area of operation, the SMM will continue to support and help facilitate the implementation of the Minsk agreements.

The Slovak Chairmanship recalls that the SMM was mandated, operating under the principles of impartiality and transparency, to, *inter alia*, monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. In order to fulfil its mandate, the Mission should be provided with safe and secure access throughout Ukraine.

This statement will be attached to the journal of the day.



1223rd Plenary Meeting

PC Journal No. 1223, Agenda item 1

**DECISION No. 1323
EXTENSION OF THE MANDATE OF THE
OSCE SPECIAL MONITORING MISSION TO UKRAINE**

The Permanent Council,

Recalling its Decision No. 1117 of 21 March 2014 on the deployment of an OSCE Special Monitoring Mission to Ukraine (PC.DEC/1117), and its Decisions No. 1162 of 12 March 2015 (PC.DEC/1162), No. 1199 of 18 February 2016 (PC.DEC/1199), No. 1246 of 16 March 2017 (PC.DEC/1246) and No. 1289 of 22 March 2018 (PC.DEC/1289) on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine,

Taking into account the request of the Government of Ukraine for the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (CIO.GAL/34/19),

Decides:

1. To extend the mandate of the OSCE Special Monitoring Mission to Ukraine until 31 March 2020;
2. To approve the financial and human resources requirements as presented in annex 1 and annex 2 of PC.ACMF/14/19/Rev.2 for the OSCE Special Monitoring Mission to Ukraine for the period 1 April 2019 to 31 March 2020 as well as the arrangements, as contained in PC.ACMF/16/19/Rev.3. In this respect, to authorize the assessment of 84,709,400 euros on the basis of the field operation scale, with the remaining balance being financed through voluntary contributions.

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

The delegation of Romania, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

“In connection with the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM), the European Union and its Member States would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure:

The European Union welcomes the adoption of the decision to extend the mandate of the OSCE Special Monitoring Mission to Ukraine in its entirety and thanks the Slovak Chairmanship for its dedication and efforts in facilitating this extension. The SMM has a vital role to play in the implementation of the Minsk Protocol, the Minsk Memorandum, and the package of measures for implementation of the Minsk agreements towards a sustainable political solution based on the full respect for OSCE principles and commitments.

We recall our unwavering support to the sovereignty, territorial integrity, unity and independence of Ukraine within its internationally recognized borders. We strongly condemn the clear violation of Ukrainian sovereignty and territorial integrity by acts of aggression by the Russian armed forces since February 2014 and the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol to the Russian Federation, which we will not recognize. We further reiterate that the SMM mandate covers the whole of Ukraine, including illegally annexed Crimea and the Ukraine-Russia State border.

We call on all sides to provide safe, secure and unhindered access for SMM monitors and SMM technical assets in all of Ukraine and we regret that Russia-backed armed formations continue to systematically deny access for the SMM to certain parts of Donetsk and Luhansk. Threats directed towards SMM monitors and other impediments to their work and the operations of their technical equipment are in violation of their mandate and must be stopped. We underline that the operational, security and financial consequences of all obstructions must be assessed. Those responsible for any wilful damage, destruction or loss of SMM UAVs and other assets should be held accountable, both politically and financially.

We reiterate the importance that the SMM budget is financed by the highest possible share of assessed contributions, while allowing for extrabudgetary contributions to enable continued support from partners.

We express our gratitude to all members of the SMM for their dedicated service under difficult and dangerous conditions.

I request that this interpretative statement be attached to the decision and to the journal of the day.”

The candidate country North Macedonia¹, the EFTA country Iceland, member of the European Economic Area, as well the Republic of Moldova, Georgia, Andorra and San Marino align themselves with this statement.

1 North Macedonia continues to be part of the Stabilisation and Association Process.

PC.DEC/1323
29 March 2019
Attachment 2

ENGLISH
Original: RUSSIAN

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“In joining the consensus in support of the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM), the Russian Federation takes the position that the geographical area of deployment and the activities of the aforementioned Mission are strictly defined within the parameters of its mandate approved by Permanent Council Decision No. 1117 of 21 March 2014, which reflects the existing political and legal realities and, specifically, the fact that the Republic of Crimea and the federal city of Sevastopol are integral parts of the Russian Federation.

In view of the need to implement the provisions of the Package of Measures for the Implementation of the Minsk Agreements of 12 February 2015, including those concerning the establishment of a lasting ceasefire regime and verification of the withdrawal of weapons, the SMM should give priority attention to monitoring the line of contact in Donbas equally on both sides. Hushing up or distorting information and presenting it in support of or against one of the parties to the internal Ukrainian conflict is inadmissible. We note the need in accordance with the mandate for the intensification of efforts to support dialogue on the ground, establish contact with local authorities, civil society, ethnic and religious groups, and the local population on both sides of the line of contact in order to reduce tensions and promote normalization of the situation.

In the light of Ukraine’s violation of its human rights commitments under international law, including OSCE commitments, instances of flagrant violation of human rights in Ukraine, including discriminatory legislative measures adopted by the Ukrainian authorities infringing the linguistic, religious, cultural, educational and other rights of Ukrainian citizens, there is a need to increase the volume and quality of the SMM’s reporting on the domestic political situation across Ukraine, and manifestations of nationalism and discrimination on various grounds. The Mission should not only monitor but also support respect for human rights and fundamental freedoms.

We are disappointed that the SMM’s proposal to introduce the post of a minority rights officer was blocked by Ukraine. The need for that post was dictated by the situation that has developed in Ukraine as a result of the policy of the current authorities.

In that connection, we support the statement by the Chairmanship on the extension of the mandate with a focus on monitoring and supporting respect for human rights and fundamental freedoms, including the rights of national minorities. We trust that the new human rights officer, whose post has been introduced instead of the post of a minority rights officer, will take on this task. We expect the Mission to step up its activities to monitor and promote protection of the religious, linguistic and educational rights of national minorities, and also to intensify the corresponding work of the SMM's regional teams.

We request that this statement be attached to the adopted decision and included in the journal of the day.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Ukraine:

“Mr. Chairperson,

In connection with the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM), the delegation of Ukraine would like to make the following interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe.

Ukraine expresses its gratitude to the OSCE participating States for supporting the request of the Government of Ukraine to extend the mandate of the OSCE Special Monitoring Mission for the next period of 12 months. Having placed the request for extension of the mandate, Ukraine has contributed with constructiveness and flexibility to achieving a timely consensus on the decision. We regret that the adoption of the decision comes at a late stage because of the position of the Russian Federation.

Since 2014, the Government of Ukraine regards the adoption of such decision to be the expression of continued readiness of the Organization to uphold the founding OSCE principles and assist the country in countering the severe and multifaceted consequences of the ongoing aggression of the Russian Federation against Ukraine. This aggression constitutes a flagrant breach of imperative norms of international law, the Helsinki Final Act, bilateral and multilateral agreements, which guarantee Ukraine’s territorial integrity, inviolability of frontiers and non-intervention in internal affairs of Ukraine.

We expect the SMM to act in strict compliance with its mandate, as stipulated by Permanent Council Decision No. 1117 of 21 March 2014, and to maintain close contact with the authorities of the host country on the priorities of its activities.

Ukraine considers as critically important the role of the OSCE and the SMM in facilitating a peaceful resolution of the Russia-Ukraine conflict in Donbas and in seeking de-occupation of the Crimean peninsula with full respect for Ukraine’s independence, sovereignty, political unity and territorial integrity. In this context we underline the high relevance and significance of the SMM’s mandated task of establishing and reporting facts concerning violations of the OSCE principles and commitments.

Ukraine firmly supports the SMM in accomplishing its tasks relating to implementation of relevant provisions of the Minsk agreements, which include the Protocol and Memorandum of September 2014 and the Package of Measures of February 2015.

The SMM must have the necessary human resources and technical means to perform effective monitoring and verification in the conflict-affected part of Donbas, including along the segment of the State border controlled by the Russian Federation. We encourage effective use of available assets, including the long-range UAVs. We strongly urge the Russian Federation to lift all restrictions and put an end to attacks, threats and intimidation which the SMM monitors encounter systematically in the Russia-occupied parts of Donbas.

The OSCE monitors must have full and unhindered access throughout Ukraine's territory within its internationally recognized borders, which includes the Autonomous Republic of Crimea and the city of Sevastopol. We encourage the SMM to use all available instruments to closely monitor and report within its mandate on the developments in Crimea, in particular regarding the militarization of the peninsula by the occupying power, restrictions to the freedom of navigation in the Sea of Azov and the Kerch Strait, the human rights situation for the local residents whose basic human rights and fundamental freedoms have been breached and limited by the Russian occupation administration. In connection with gross violation of human rights in Russia-occupied parts of Ukraine we supported the introduction in the SMM of the additional post of human rights officer to enhance respective monitoring and reporting by the SMM.

The Government of Ukraine reiterates its original interpretative statement appended to Permanent Council Decision No. 1117 of 21 March 2014 which remains in force. Having entered the sixth year of Russia's aggression against Ukraine we draw particular attention to a part of the statement in question that 'amid Russia's invasion of the Autonomous Republic of Crimea and growing tensions therein, Ukraine requested for the establishment of an international mission of observers, including from the OSCE, to establish facts on the ground in Ukraine, including specifically in the Crimean peninsula (PC.DEL/222/14 of 3 March 2014)'.

The delegation of Ukraine requests that this statement be attached to the decision and registered in the journal of the day.

Thank you, Mr. Chairperson.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Canada:

“Mr. Chairperson,

Canada also wishes to make an interpretative statement under Paragraph IV.1(A)6 of the OSCE Rules of Procedure in connection with the Permanent Council decision just adopted on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM).

We welcome the adoption of this decision to extend the SMM mandate budget, and we congratulate the Slovak Chairmanship for successfully achieving this result. The SMM is indeed the most important mission deployed by the OSCE, and we salute Ambassador Apakan and all of our monitors for their continued courageous and valuable work under difficult circumstances.

We would reiterate that the decision in no way changes the SMM mandate, and recall that this includes, *inter alia*, the provisions of Permanent Council Decision No. 1117, in which the Permanent Council tasked the SMM, operating under the principles of impartiality and transparency, to:

- Gather information and report on the security situation in the area of operation;
- Establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments;
- Monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities;
- In order to fulfil its tasks, to establish contact with local, regional and national authorities, civil society, ethnic and religious groups, and members of the local population;
- Facilitate the dialogue on the ground in order to reduce tensions and promote normalization of the situation;

- Report on any restrictions of the monitoring mission’s freedom of movement or other impediments to fulfilment of its mandate;
- Co-ordinate with and support the work of the OSCE executive structures, including the High Commissioner on National Minorities, the OSCE Office for Democratic Institutions and Human Rights and the OSCE Representative on Freedom of the Media, in full respect of their mandates, as well as co-operate with the United Nations, the Council of Europe and other actors of the international community.

In this context, we wish to reiterate our full support for Ukraine’s sovereignty and territorial integrity. As per the mandate we have just extended, we expect that the OSCE SMM will be granted “safe and secure access throughout Ukraine”, as defined by the Constitution of Ukraine. I would stress that Canada has not, and will not, recognize the attempted illegal annexation of Ukraine’s Autonomous Republic of Crimea by the Russian Federation.

We also call upon Russia and Russian-backed forces to allow full, unfettered, and unimpeded access to SMM monitors and ensure their safety and security. We also reiterate that all attempts to interfere with SMM UAVs and other technical monitoring violates the Minsk agreements and is unacceptable.

Canada requests that this statement be attached to the decision, and reflected in the journal of the day.

Thank you, Mr Chairperson.”

PC.DEC/1323
29 March 2019
Attachment 5

ENGLISH
Original: FRENCH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of France:

“France aligns itself with the interpretative statement made on behalf of the Member States of the European Union.

It would also like to make a national interpretative statement in its own name under paragraph IV.1(A)6 of the Rules of Procedure of the OSCE covering the following elements.

Above all it welcomes with relief the adoption of the decision to extend the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM) in its entirety.

It also wishes to bring the following elements to the attention of the Slovak OSCE Chairmanship in 2019 and of the OSCE Permanent Council.

As this delegation has repeated many times, the resolution of the conflict in the east of Ukraine, the territorial integrity of Ukraine and the inviolability of Ukraine’s internationally recognized borders are our first priority in the OSCE. We firmly believe that the SMM plays a crucial role in this process.

As shown in the past, France intends to remain true to the same political and financial commitment that it has always shown.

For those reasons, we support this decision on the extension of the SMM’s mandate and the adoption of its budget.

Nevertheless, this delegation would also like to stress the following points.

In the current context marked by an absence of agreed scales of contributions, our support for the adoption of the SMM’s budget is an exception which we consent to but which does not in any way alter our position regarding the need to adopt new scales of contributions. Given the fact that these scales expired in December 2017 and that no scale has been adopted since then, France is still unable to approve the Unified Budget for 2019 without new scales. As we have already pointed out, our position does not result from political considerations, such as those raised by several participating States in December 2001, but from legal ones.

Unlike the Unified Budget, the SMM's budget is linked to its mandate. It is thus vital that the SMM's mandate be extended and its budget adopted to enable the Mission to continue its work without interruption. France is therefore willing to make a significant political concession by agreeing to the adoption of this decision even in the absence of a basis for its budgetary implementation.

In that context, this delegation can only stress once again that until new scales are adopted, there is no agreed legal basis guaranteeing that contributions can be effectively paid. This is a reality we have to accept. France calls on the Slovak OSCE Chairmanship in 2019 to continue with the utmost determination the negotiations it launched at the beginning of the year to reach agreement as rapidly as possible on the scales as the only way to meet the call for contributions that will result from the decision that has just been adopted.

I request that this interpretative statement on the decision we have just adopted be attached to that decision.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“Thank you, Mr. Chairperson.

The United States welcomes the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM). In so doing, we reaffirm the interpretative statements we made upon adoption of the mandate on 21 March 2014, upon the first extension of the mandate on 24 July 2014, the second extension of the mandate on 12 March 2015, the third extension of the mandate on 18 February 2016, the fourth extension of the mandate on 16 March 2017, and the fifth extension of the mandate on 22 March 2018. These interpretative statements were made under paragraph IV.1(A)6 of the Rules of Procedure, and we note they remain in force.

We remind the Permanent Council of the key elements of these statements:

The United States reaffirms its firm commitment to Ukraine’s sovereignty and territorial integrity within its internationally recognized borders, including its territorial waters.

We note that the Special Monitoring Mission to Ukraine has a mandate to work throughout Ukraine, including Crimea.

We note that all participating States must co-operate with the SMM and must take no action to obstruct its access to Crimea or any other region of Ukraine.

We offer our gratitude to all monitors, staff, and leadership of the SMM for their dedicated service under difficult and at times dangerous conditions.

We call on Ukraine, Russia, and the forces Russia arms, trains, leads, and fights alongside, to ensure that the SMM has unfettered movement throughout the entire territory of Ukraine, and to guarantee the safety and security of SMM monitors as they carry out their duties.

We stress, once again, that attacks, threats, and intimidation of any kind against SMM monitors are unacceptable, inconsistent with this mandate, and must end. Attempts to interfere with SMM operations, including SMM UAV flights and other technical monitoring

means, are also inconsistent with this mandate and must end as well. Such acts undermine implementation of the Minsk agreements.

I request that this interpretative statement be attached to the decision and to the journal of the day.

Thank you, Mr. Chairperson.”