



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

PC.DEC/1400
21 January 2021

Original: ENGLISH

1299th Plenary Meeting

PC Journal No. 1299, Agenda item 3

**DECISION No. 1400
EXTENSION OF THE DEPLOYMENT OF OSCE OBSERVERS TO
TWO RUSSIAN CHECKPOINTS ON THE
RUSSIAN-UKRAINIAN BORDER**

The Permanent Council,

Recalling its Decision No. 1130 of 24 July 2014 on the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border (PC.DEC/1130),

Decides:

1. To extend the mandate of the deployment of OSCE observers to the two Russian border checkpoints of Donetsk and Gukovo on the Russian-Ukrainian border until 31 May 2021;
2. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/5/21 of 18 January 2021. In this respect, authorizes the use of 468,000 euros from cash surplus to fund the proposed budget for the duration of the mandate to 31 May 2021.

**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 Portugal, 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 decision of the Permanent Council on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, the European Union would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure.

The European Union’s views on the vital importance of the monitoring of the Ukrainian-Russian State border are well known. Effective and comprehensive monitoring of this border is an integral part of a sustainable political solution in line with OSCE principles and commitments, which re-establishes full Ukrainian control over its sovereign territory, including the border. We recall that the Minsk Protocol calls for permanent monitoring of the border and verification by the OSCE and that the Minsk Package of Measures includes a commitment to reinstate full Ukrainian control over its entire international border.

The OSCE Observer Mission’s currently very limited mandate and its small size does not provide for a comprehensive border monitoring. We therefore reiterate our call for a significant expansion of the Observer Mission to all border crossings on the Russian-Ukrainian State border currently not under control of the Ukrainian Government as well as monitoring between these border crossings. This should be supported and co-ordinated with border monitoring on the Ukrainian side of the border by the Special Monitoring Mission to Ukraine (SMM) and we reiterate the need for the SMM to be assured safe and unhindered access to all parts of the border currently not under Ukrainian Government control since border and ceasefire monitoring are very closely interlinked. Further, we underline the need for sufficient equipment and sufficient freedom of movement for the Observer Mission at the current crossing stations in order to monitor movements on the border more effectively.

We do not see any grounds for the Russian Federation’s continued resistance to the long overdue expansion of the Observer Mission, including the improvement of its equipment and urge it to reconsider its position.

We welcome the mandate extension by four months, and would support an extension to a longer period of time, increasing the Mission’s continuity and consistency.

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

The candidate countries the Republic of North Macedonia¹, Montenegro¹ and Albania¹, and the EFTA countries Iceland and Norway, members of the European Economic Area, as well as the Republic of Moldova, Georgia, Andorra and San Marino align themselves with this statement.

1 The Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.

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Attachment 2

ENGLISH
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**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
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By the delegation of the Russian Federation:

“The Russian Federation has joined the consensus regarding the Permanent Council decision on the extension of the mandate of the team of OSCE observers at the two Russian checkpoints of Gukovo and Donetsk on the Russian-Ukrainian border for four months (until 31 May 2021), viewing the work of this team as a confidence-building measure outside the context of the fulfilment by the parties to the internal Ukrainian crisis – the Ukrainian Government, Donetsk and Luhansk – of their commitments within the framework of the Minsk agreements signed already after the team’s deployment.

The Minsk Protocol of 5 September 2014 in no way mentions the deployment of OSCE observers on the Russian side of the border with Ukraine. Nor is there any reference to this in the Package of Measures for the Implementation of the Minsk Agreements adopted on 12 February 2015 and subsequently endorsed by United Nations Security Council resolution 2202. The decision to allow OSCE observers on Russian territory and Ukrainian border guards and customs officers to be present at Russian checkpoints is solely a gesture of goodwill on Russia’s part.

The long-standing work of the team, which has confirmed the consistently calm situation on the Russian-Ukrainian border, should have had a positive effect on the resolution of the internal Ukrainian crisis. However, no progress is being observed in this regard because the leadership of Ukraine is not making any meaningful efforts to achieve a lasting, comprehensive political settlement of the internal conflict in the east of the country. There is also the desire of a number of participating States to politicize the activities of the team of observers through calls to change its mandate without good reason.

We reaffirm the immutability of the mandate and the places of work of the team, which were clearly laid down in Permanent Council Decision No. 1130 of 24 July 2014. That decision was based on the invitation made on 14 July 2014 by the Russian Federation in the wake of the Berlin Declaration issued on 2 July 2014 by the Ministers for Foreign Affairs of Russia, Germany, France and Ukraine. The organizational modalities of their work, which are laid down in the mandate of the team of OSCE observers, do not provide for functional co-operation with OSCE field operations in other States.

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
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By the delegation of the United Kingdom:

“In connection with the decision of the Permanent Council on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, the United Kingdom would also like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

We very much share the views expressed by the European Union and others that the establishment of genuinely comprehensive monitoring of the entire segment of the Russian-Ukrainian State border outside Ukrainian Government control, as well as the restoration of full Ukrainian control over that border, is essential.

While joining consensus on this decision, we wish to reiterate that the Mission’s limited scope, as well as the excessive restrictions placed on it by the host country, mean that it is a far cry from the comprehensive border monitoring foreseen under the Minsk agreements.

The Mission is only present at two checkpoints along an over 400-kilometre stretch of the Russian-Ukrainian State border which is outside of Ukrainian Government control; and even at those two checkpoints, its freedom of movement is severely limited. This impedes its ability to observe certain categories of crossing (such as people in military-style outfits) and the trains at Gukovo border crossing point. The Mission’s observation is further hindered by Russia’s refusal to allow the observers to use monitoring tools such as binoculars.

The United Kingdom joins the many other calls on Russia to end all undue restrictions placed on the Observer Mission and end its objection to the expansion of the Mission to the entirety of the uncontrolled section of the border. We also reiterate the importance of full, safe and unimpeded access for the Special Monitoring Mission to Ukraine to the entire territory of Ukraine, including the border.

Let me also take this opportunity to reiterate the United Kingdom’s unwavering support for the sovereignty and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters.

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

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Attachment 4

Original: ENGLISH

**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:

“Madam Chairperson,

In connection with the decision of the Permanent Council on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, Canada would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

Canada strongly believes that a comprehensive and substantial OSCE Observer Mission mandate would include the entire Russian side of the border adjacent to Russia-occupied parts of the Donetsk and Luhansk regions of Ukraine. The request for expanding the mandate to all sections of the border that are currently not under control of the Ukrainian authorities has been reiterated several times by participating States, with the exception of one. We regret that the Russian Federation continues to resist an expanded geographical mandate and much needed equipment for the OSCE border Observation Mission.

As ceasefire and border monitoring are closely interlinked, Canada reiterates the call to allow OSCE monitors the necessary freedom of movement for the implementation of their mandate, with assurances of the Special Monitoring Mission to Ukraine’s safe and unhindered access to all parts of the border currently not under Ukrainian Government control and the Observer Mission access to the current crossing stations to monitor movements more effectively. We urge the Russian Federation, as signal of good will, and as part of its Minsk Protocol commitments, to lift all restrictions, which undermine the efficiency of the Mission’s monitoring efforts.

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

Thank you.”

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**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
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By the delegation of the United States of America:

“In connection with the adoption of the decision for the extension of deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, the United States would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

The United States finds it deeply regrettable that Russia continues to block the expansion of the geographic scope of the Observer Mission, despite the clear, strong, and continued support from other participating States to do so. We once again must accept an inadequate, limited-scope mission covering just two border checkpoints, which together account for only a few hundred metres of the 2,300 kilometre Russian-Ukrainian border, much of which Ukraine does not control.

Due to Russia’s unwarranted restrictions of the border Observer Mission’s work, the Mission fails to ascertain the full extent to which Russia participates in or facilitates the flow of arms, funding, and personnel to support its proxies in eastern Ukraine.

We note that point 4 of the Minsk Protocol delineates a clear role for the OSCE to monitor and verify both sides of the Russian-Ukrainian international border, and to create a security zone in the border areas of Russia and Ukraine. There are strong linkages between ceasefire monitoring and border monitoring, and it is to the detriment of all efforts to resolve the conflict that the OSCE approach to these activities has been impeded by one participating State. Russia’s repeated refusal to allow expansion of the scope of this mission demonstrates, regrettably, once again, Moscow’s unwillingness to take its Minsk commitments seriously.

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

Thank you, Madam 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 Ukraine:

“Mr. Chairperson,

In connection with the Permanent Council decision on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, 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.

The delegation of Ukraine consistently reiterates the importance of having a substantial and comprehensive OSCE monitoring at the segment of the Russian-Ukrainian border adjacent to the Russia-occupied parts of Donetsk and Luhansk regions of Ukraine. We regret that the OSCE border Observer Mission at the Russian border checkpoints ‘Gukovo’ and ‘Donetsk’ is forced to operate under difficult conditions and in a framework of stringent impediments imposed by the Russian Federation. We urge the Russian Federation to lift all restrictions, which undermine efficiency of the Mission’s monitoring in ‘Gukovo’ and ‘Donetsk’ checkpoints.

Having signed the Minsk Protocol of 5 September 2014, the Russian Federation committed to ensure permanent monitoring of the Russian-Ukrainian State border and verification by the OSCE with the establishment of a security zone in the border areas of Ukraine and the Russian Federation. As a part of the implementation of this provision, the mandate of the OSCE Observer Mission at the Russian border checkpoints ‘Gukovo’ and ‘Donetsk’ must be geographically expanded to all border checkpoints at the Russian-Ukrainian border adjacent to the Russia-occupied parts of Donetsk and Luhansk regions of Ukraine, as well as to all sections between these border crossings. This will greatly contribute to sustainable de-escalation and peaceful resolution of the Russian-Ukrainian conflict.

We urge the Russian Federation to allow expansion of the mandate of the border Observer Mission to the whole segment of the State border which is temporarily not under control of the Ukrainian Government. We deeply regret that the Russian Federation continues to strongly resist it. At the Tirana Ministerial Council, 35 participating States clearly indicated strong support to such expansion. Persistent reluctance on the part of Russia can be attributed only to its unchanged intention to continue intervention in Ukraine’s Donbas,

including by sending heavy weapons, military equipment, regular troops, fighters and mercenaries, sponsoring the terrorist activities in the territory of Ukraine. We consistently continue to urge Russia to cease immediately these internationally wrongful acts.

The OSCE Special Monitoring Mission to Ukraine and the border Observer Mission at the Russian side of the Russian-Ukrainian State border together can conduct comprehensive monitoring and verification.

The delegation of Ukraine recalls that Russia has not responded to numerous requests for explanations regarding presence in the temporarily occupied parts of Donbas of modern Russian weapons and military equipment including multiple rocket launchers and electronic warfare systems recorded by the OSCE Special Monitoring Mission to Ukraine.

We call upon the Russian Federation to demonstrate its full commitment to the implementation of the Minsk arrangements in good faith and to allow proper and comprehensive permanent monitoring by the OSCE of the Russian-Ukrainian State border adjacent to the temporarily occupied areas of the Donetsk and Luhansk regions with establishment of a security zone in border areas of Ukraine and the Russian Federation.

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.”