

Chairmanship: Sweden

**SPECIAL MEETING OF THE PERMANENT COUNCIL
(1308th Plenary Meeting)**

1. Date: Wednesday, 31 March 2021 (via video teleconference)

Opened: 10 a.m.

Closed: 10.30 a.m.

2. Chairperson: Ambassador U. Funered

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. 1401 (PC.DEC/1401) on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine, the text of which is appended to this journal.

Canada (interpretative statement, see attachment 1 to the decision), United States of America (interpretative statement, see attachment 2 to the decision), Russian Federation (interpretative statement, see attachment 3 to the decision), Armenia (interpretative statement, see attachment 4 to the decision), United Kingdom (interpretative statement, see attachment 5 to the decision), Ukraine (interpretative statement, see attachment 6 to the decision), Portugal-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Andorra, Georgia and San Marino, in alignment) (interpretative statement, see attachment 7 to the decision)

Agenda item 2: REVIEW OF CURRENT ISSUES

None

Agenda item 3: ANY OTHER BUSINESS

None

4. Next meeting:

Thursday, 15 April 2021, at 10 a.m., via video teleconference



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

PC.DEC/1401
31 March 2021

Original: ENGLISH

1308th Plenary Meeting

PC Journal No. 1308, Agenda item 1

**DECISION No. 1401
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), No. 1289 of 22 March 2018 (PC.DEC/1289), No. 1323 of 29 March 2019 (PC.DEC/1323) and No. 1366 of 19 March 2020 (PC.DEC/1366) 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/29/21),

Decides:

1. To extend the mandate of the OSCE Special Monitoring Mission to Ukraine until 31 March 2022;
2. To approve the financial and human resources requirements as presented in annex 1 and annex 2 of PC.ACMF/16/21 for the OSCE Special Monitoring Mission to Ukraine for the period 1 April 2021 to 31 March 2022 as well as the arrangements, as contained in PC.ACMF/13/21/Rev.1. In this respect, to authorize the assessment of 91,315,900 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**

By the delegation of Canada:

“Madam Chairperson,

Canada 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 adopted at today’s Special Permanent Council meeting No. 1308 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 and congratulate the Swedish Chairmanship for its successful adoption, along with the budget of the Mission.

The resources provided to the SMM by participating States demonstrate the value we place in its mandate, staff, and leadership. We thank all members of the SMM for their continued courageous and crucial work under difficult circumstances, exacerbated by the ongoing COVID-19 pandemic, and reiterate that their safety, security, and freedom of movement are of primary importance. We also repeat that all attempts to interfere with SMM unmanned aerial vehicles and other technical monitoring assets violates the Minsk Agreements and we call once again for the assessment of operational, security and financial consequences of all obstructions. Those responsible for any wilful damage, destruction or loss of SMM unmanned aerial vehicles and other assets should be held accountable, both politically and financially.

We reiterate that the SMM mandate remains unchanged and includes, *inter alia*, the provisions of Permanent Council Decision No. 1117, and that we expect that the OSCE SMM will be granted ‘safe and secure access throughout Ukraine’, as defined by the Constitution of Ukraine. This applies to the entire country of Ukraine, including the Autonomous Republic of Crimea and City of Sevastopol. We wish to reiterate our full support for Ukraine’s sovereignty and territorial integrity within its internationally recognized borders. Canada has not, and will not, recognize the illegal annexation of Ukraine’s Autonomous Republic of Crimea by the Russian Federation.

Finally, as expressed on a number of occasions, we encourage future chairmanships to work towards reducing the voluntary portion of the budget to zero, and to have all future expenses covered by the assessed budget of the SMM.

Canada requests that this statement be attached to the decision, and reflected 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 the United States of America:

“Thank you, Madam 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 and in subsequent years. 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 unwavering 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 unmanned aerial vehicle 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, Madam Chairperson.”

PC.DEC/1401
31 March 2021
Attachment 3

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 proceeds on the basis that the geographical area of deployment and the activities of the Mission are strictly defined by the parameters of its mandate, which was approved by Permanent Council Decision No. 1117 of 21 March 2014. This mandate does not apply to the territory of the Republic of Crimea and the federal city of Sevastopol, which became integral parts of the Russian Federation before the SMM came into being.

We take note of the fact that the new Mission budget has been agreed at a level slightly below the appropriations approved for the 2020/2021 financial year. This decision also takes into account some Russian proposals. Nevertheless, we are convinced that the SMM could further reduce its expenditure without detriment to its programmatic activities. This is evidenced, in particular, by the multimillion cash balances that it generates each year. Failure to fully utilize the approved financial resources indicates deficiencies in budget planning and the existence of significant reserves to find additional savings.

We note the SMM’s efforts to improve cost-effectiveness as regards the maintenance and repair of its vehicle fleet and the procurement of spare parts. Such costs should steadily sink as the vehicle fleet is updated. It is our understanding that a similar approach can also be applied to the new vertical take-off and landing mid-range unmanned aerial vehicles. We expect further reductions in expenditure to that end.

We intend to monitor closely the achievement of the post occupancy rate set by the SMM for the next financial year. We consider this figure to be excessively high.

We believe it is unacceptable to divert the SMM’s limited funds towards functions that are not directly related to its mandate. First and foremost, this concerns measures to promote environmental and gender-related aspects. These issues are in no way reflected in Permanent Council Decision No. 1117. We see no grounds for increasing their funding.

We urge the Mission to spend its allocated budgetary resources more efficiently and economically, and to increase the transparency and accountability of its financial activities.

This task is acquiring particular importance given the difficult economic situation faced by OSCE participating States in the context of the coronavirus pandemic.

In view of the fact that many of the Mission's staff members are reaching the permissible length of service in the SMM, we consider it necessary for the Mission to pursue a transparent and fair staffing policy based on the selection of staff solely on the basis of their professional qualifications. In doing so, it is important to avoid a dramatic reduction in the number of representatives of individual States in the Mission.

The Mission's budgetary and human resources should be directed towards building its activities on the principles of impartiality, objectivity and transparency. The SMM should give priority attention to monitoring the situation at the line of contact in Donbas equally on both sides, in particular by using technical means. Balanced monitoring is especially relevant against the backdrop of the continuing spikes in tension in Donbas and in view of the need to implement the measures to support a sustainable ceasefire regime and verification of the withdrawal of weapons, including in the context of the tasks set as part of the settlement, namely the involvement of a co-ordination mechanism for responding to ceasefire violations, the disengagement of forces and hardware, demining and the resolution of urgent humanitarian problems. The Mission's efforts to support dialogue on the ground in order to reduce tensions and promote normalization of the situation, and to establish and develop contact with the local authorities, all of which is expressly stated in the SMM mandate, need to be intensified.

Responding in a timely manner to any incidents or reports of incidents should remain a priority. Regular publication by the Mission, including in the form of thematic reports, of data on all confirmed civilian casualties and destruction of civilian objects is required.

The Mission should record and reflect in its reports aspects of the obstruction of everyday life in certain areas of the Donetsk and Luhansk regions, including the consequences of the Ukrainian authorities' severing of socio-economic ties and disruption of transport links across the line of contact, and of the introduction of discriminatory conditions for the payment of pensions and social benefits.

Intensified monitoring efforts by the SMM at the line of contact in eastern Ukraine should not mean that less attention is paid to the situation throughout the territory controlled by the Ukrainian Government. It is important that the Mission should be able to harness the full potential of its mandate of 21 March 2014. There needs to be careful monitoring of and reporting on the situation of the Russian-speaking inhabitants of Ukraine and national minorities, the state of affairs with the Ukrainian Orthodox Church, the Ukrainian Government's crackdown on freedom of speech and its attempts to establish media censorship. The regular manifestations of aggressive nationalism, neo-Nazism, xenophobia and anti-Semitism in Ukraine, which also need to be summarized in a relevant thematic report, require particular attention and reflection in the Mission's reports.

The SMM's activities should be carried out in the interests of achieving its main objective, namely a sustainable and viable settlement of the crisis in Ukraine. The basis for such a settlement is the complete and rigorous implementation by the parties to the internal Ukrainian conflict – the Ukrainian Government and the authorities in Donetsk and Luhansk – of the provisions of the Package of Measures of 12 February 2015 (which was endorsed by

United Nations Security Council resolution 2202) in a full, systematic and co-ordinated manner.

I request that this statement be attached to the adopted decision and included in the journal of today's meeting of the Permanent Council.”

**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 Armenia:

“Madam Chairperson,

In connection with the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine the delegation of Armenia would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

Armenia attaches great importance to the OSCE’s role in conflict prevention and resolution. The delegation of Armenia is convinced that the OSCE, as the largest security organization, with its concept of comprehensive and indivisible security and its early warning and conflict-related mandates and mechanisms, should play an active role in preventing conflicts and ensuring peaceful settlement of disputes and conflicts. Furthermore, it is equally important that all the existing conflicts in the OSCE region are dealt with the same degree of urgency, engagement and commitment, without prioritizing one at the expense of others. We also believe that budgets of all conflict-related mandates, agreed formats, programmes and projects should be adopted as a matter of priority in a synchronized, uniform, and balanced manner.

The delegation of Armenia calls on the OSCE current and future chairmanships to continue to remain seized of the matter and support the timely extension and adoption of all OSCE conflict-related mandates, without hierarchy.

The delegation of the Republic of Armenia requests that this statement be attached to 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 the United Kingdom:

“In connection with the Permanent Council decision just adopted on the extension of the OSCE Special Monitoring Mission to Ukraine (SMM), the United Kingdom would like to make the following interpretative statement under Paragraph IV.1(A)6 of the OSCE Rules of Procedure.

We welcome the adoption of the decision and thank the Swedish Chairmanship for their efforts in this regard. It is our collective duty to provide the SMM with sufficient and timely resources to allow it to fulfil its critically important mandate and ensure the safety of its staff.

We recall our resolute support to the sovereignty and territorial integrity of Ukraine within its international borders, including its territorial waters. We strongly condemn Russia’s aggressive actions against Ukraine, including its illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol, which the United Kingdom will not recognize. We join our international partners in reiterating that the SMM’s mandate covers the entirety of Ukraine, including Crimea and the Ukraine-Russia State border.

The SMM must have full, safe, unimpeded and unconditional access to monitor throughout Ukraine. We call on Russia to bring the restrictions that the SMM overwhelmingly faces in non-government controlled areas to an end. We condemn any unilateral actions which jeopardize the safety of SMM monitors or damage their equipment, including the targeting of SMM unmanned aerial vehicles.

We support the Minsk agreements and the peaceful resolution of the conflict in full respect of Ukraine’s sovereignty and territorial integrity, and we underline the important role played by the SMM in helping to facilitate this. We therefore stress the importance of providing the SMM with the necessary resources to fulfil its mandate and ensure its funding is on a sustainable footing. The United Kingdom would have preferred to see a higher proportion of this budget funded by assessed contributions.

Finally I would like to put on record our gratitude to the brave women and men of the Special Monitoring Mission for the impartial, facts-based reporting that they produce on a daily basis, often in difficult circumstances. We are committed in our support for the SMM including politically, financially, and through seconding qualified personnel.

I request that this statement be attached to the decision and to 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:

“Madam 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.

The Government of Ukraine regards the adoption of the decision to be an expression of the continued readiness of the Organization to uphold the founding OSCE principles and assist the country in countering the severe 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. In this context, we underline the high relevance and significance of the SMM’s mandated tasks to monitor, establish and report facts concerning alleged violations of fundamental OSCE principles and commitments.

We see as important the role of the OSCE and the SMM in facilitating a peaceful political-diplomatic resolution of the Russian-Ukrainian conflict, including the de-occupation of the Autonomous Republic of Crimea and the city of Sevastopol. For implementing its mandate, the SMM 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.

Ukraine shares the deep concerns expressed by participating States on the strict and systematic restrictions of the SMM’s freedom of movement in the temporarily occupied by Russia territories of Ukraine in the Donetsk and Luhansk regions, especially in the areas adjacent to the segment of State border with the Russian Federation, which is temporarily not under the control of the Ukrainian Government, and in the southern part of the Donetsk region. These deliberate acts of impediments by the Russian Federation to the SMM’s

activities have been undermining the possibility to implement the Mission's mandate since the very deployment. In this context, we also condemn a new level of restrictions to the SMM's activities imposed by Russia under the pretext of countering the spread of COVID-19 in 2020, which remain in place until now.

According to the Common Agreed Conclusions of the Normandy Four Summit held in Paris on 9 December 2019, the SMM should be able to use all possibilities of its mandate and have safe and secure access throughout Ukraine in order to fully implement its mandate.

We strongly urge the Russian Federation to lift all restrictions to the SMM's activities, put an end to the threats and intimidation that the SMM's monitors encounter systematically in the Russia-occupied parts of Donbas, and provide access of the Mission's monitors to the temporarily occupied Crimea, where the dire human rights situation, as well as Russia's ongoing illegal activities aimed at further militarization of the peninsula, require special international attention.

Whilst the SMM's freedom of movement in the temporarily occupied territories of Ukraine remains significantly restricted by the Russian Federation, we encourage the Mission to enhance the effectiveness of using available technical assets, particularly long-range unmanned aerial vehicles. We reiterate that the opening of additional forward patrol bases in the temporarily occupied parts of Donbas is an indispensable precondition for enhancing the effectiveness of the SMM's monitoring, and we call on Russia to provide relevant security guarantees, the absence of which prevents the Mission from implementing this long-planned task.

The Government of Ukraine reiterates its original interpretative statement attached to Permanent Council Decision No. 1117 of 21 March 2014, which remains in force. Ukraine firmly supports the SMM in accomplishing its tasks relating to the implementation of the relevant provisions of the Minsk agreements, which include the Protocol and Memorandum of September 2014 and the Package of Measures of February 2015.

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

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 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 Swedish 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 the 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 unmanned aerial vehicles 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 countries the Republic of North Macedonia¹, Montenegro¹ and Albania¹, the EFTA countries Iceland and Norway, members of the European Economic Area, as well as 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.