



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

PC.DEC/1198
21 January 2016

Original: ENGLISH

1086th Plenary Meeting
PC Journal No. 1086, Agenda item 2

**DECISION No. 1198
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 30 April 2016;
2. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/72/15. In this respect, authorizes the use from the provisional 2014 cash surplus to fund the proposed budget of 366,600 euros for the duration of the mandate to 30 April 2016.

**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 the Netherlands, 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 Ukrainian-Russian State 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 border monitoring on the Russian-Ukrainian State border are well-known. Effective and comprehensive monitoring of this border should be an integral part of a sustainable political solution, which fully upholds OSCE principles, and re-establishes Ukrainian control over its sovereign territory. We recall that the Minsk Protocol calls for effective monitoring of the border and verification by the OSCE and that the Minsk Package of implementation measures includes a commitment to re-establishing full Ukrainian control over its 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 Russian checkpoints along parts of Russia-Ukraine State border currently not under control of the Ukrainian Government as well as monitoring of the border 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 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.

We regret that the Russian Federation continues to oppose an expansion of the Observer Mission.”

The candidate countries the former Yugoslav Republic of Macedonia¹, Montenegro¹ and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as the Republic of Moldova and Georgia align themselves with this statement.

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

PC.DEC/1198
21 January 2016
Attachment 2

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**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:

“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 the Russian Federation continues to block expanding 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 account for just a few hundred metres of the 2,300 kilometre border.

Due to Russia’s unwarranted restrictions of the border observation mission’s work, the mission will continue to be unable to ascertain the full extent to which Russia is participating in and/or facilitating the flow of arms, funding, and personnel to support the separatists in eastern Ukraine.

We note that Step 4 of the 5 September Minsk Protocol delineates a clear role for the OSCE to monitor and verify on both sides of the Ukrainian-Russian 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. The Russian Federation’s repeated refusal to allow expansion of the scope of this mission shows, once again, that it has yet to fulfil its Minsk commitments.

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

“Mr. Chairperson,

In connection with the PC 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 reiterates the importance of substantial and broad OSCE monitoring on the Russian side of the Ukrainian-Russian border in zones adjacent to the certain areas of Donetsk and Luhansk regions.

Having signed the Minsk Protocol of 5 September 2014, all signatories including the Russian Federation undertook to ensure permanent monitoring of the Ukrainian-Russian State border and its verification by the OSCE with the formation of a security zone in the border areas of Ukraine and the Russian Federation.

Expanding the mandate of the OSCE Observer Mission at the Russian checkpoints ‘Gukovo’ and ‘Donetsk’ to all sections of the border adjacent to certain areas of the Donetsk and Luhansk regions is critical for sustainable de-escalation and peaceful resolution of the situation in Donbas.

We regret that the Russian Federation has again objected to the expansion of the mandate of the OSCE Observer Mission at the Russian checkpoints ‘Gukovo’ and ‘Donetsk’ to all sections of the border that is temporarily not under control of the Ukrainian authorities.

Such persistent reluctance on the part of Russia can only be attributed 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. As repeatedly emphasized in the formal communications of the Ministry of Foreign Affairs of Ukraine to the Ministry of Foreign Affairs of the Russian Federation, these actions by Russia constitute internationally wrongful acts, which entail international responsibility. We continue to urge Russia to immediately cease these acts.

In this regard it is notable, in particular, that for months Russia has been unable to provide explanations on the presence in the occupied areas of Donbas of sophisticated modern Russian weaponry, including TOS-1 'Buratino' and radio-electronic jamming system R-330 'Zhytel', used exclusively by the Russian armed forces.

We call upon the Russian Federation to demonstrate its full commitment to the implementation of the Minsk agreements in good faith and to allow proper and comprehensive permanent monitoring by the OSCE on the Russian side of the Ukrainian-Russian State border adjacent to the areas in Donbas which presently are not controlled by the authorities of Ukraine.

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."

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Attachment 4

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**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:

“The Russian Federation joined the consensus on 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 three months until 30 April 2016, regarding the work of this team as an additional confidence-building measure.

We reaffirm that the places of deployment and functions of the team of OSCE observers are clearly defined by the parameters of the team’s mandate approved by Permanent Council Decision No. 1130 of 24 July 2014, which is based on the invitation of the Russian Federation of 14 July 2014 made in the wake of the Berlin Declaration of the Foreign Ministers of Russia, Ukraine, France and Germany of 2 July 2014.

The Minsk Protocol of 5 September 2014 does not mention 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 the presence of Ukrainian border guards and customs officers at Russian checkpoints in the absence of a full-scale peace settlement are solely a goodwill gesture on Russia’s part.

As for the Ukrainian side of the border, Ukraine bears complete responsibility for its security and for reaching agreements with the forces that control the situation on the ground on the deployment of international observers there.

I request that this statement be appended to the decision adopted, and included in the journal of the day.”