



1263rd Plenary Meeting
PC Journal No. 1263, Agenda item 1

**DECISION No. 1366
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) and No. 1323 of 29 March 2019 (PC.DEC/1323) 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/32/20),

Decides:

1. To extend the mandate of the OSCE Special Monitoring Mission to Ukraine until 31 March 2021;
2. To approve the financial and human resources requirements as presented in annex 1 and annex 2 of PC.ACMF/17/20 for the OSCE Special Monitoring Mission to Ukraine for the period 1 April 2020 to 31 March 2021 as well as the arrangements, as contained in PC.ACMF/16/20. In this respect, to authorize the assessment of 91,516,200 euros on the basis of the field operation scale, with the remaining balance being financed through voluntary contributions.

PC.DEC/1366
19 March 2020
Attachment 1

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 aforementioned 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 assume that the Mission’s activities will be based on the principles of impartiality, objectivity and transparency. Against the background of the spikes in tension that occurred in Donbas at the start of 2020 and in view of the need to implement the provisions of the Package of Measures for the Implementation of the Minsk Agreements (adopted on 12 February 2015), including those concerning the establishment of a lasting ceasefire regime and verification of the withdrawal of weapons, and also in view of the need to carry out the tasks that have been defined as part of the settlement, namely of ensuring the disengagement of forces and hardware, conducting demining activities and resolving urgent humanitarian problems, 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, and to responding in a timely manner to any incidents or reports of incidents. The Mission’s efforts to support dialogue on the ground must be intensified in order to reduce tensions and help normalize the situation, and to establish and develop contact with the local authorities, all of which derives directly from the SMM mandate.

In view of the continued suffering of the population as a result of the hostilities, there is a particular need for the Mission to monitor, catalogue and regularly publish data on all civilian casualties and the destruction of civilian objects.

We assume that the Mission will continue to record all aspects of the obstruction of everyday life in certain areas of the Donetsk and Luhansk regions, including the consequences of the severing of socio-economic ties and disruption of transport links, and of the introduction of discriminatory conditions for the payment of pensions and social benefits.

It is important that the SMM should be able to harness the full potential of its mandate of 21 March 2014. Intensified monitoring efforts by the SMM at the line of contact in eastern Ukraine should not lead to a slackening of the attention paid to the situation in the rest of the country. The Mission's resources should be directed at a careful examination of the state of affairs regarding the rights of the Russian-speaking citizens of Ukraine and of national minorities, the situation with the Ukrainian Orthodox Church, the Ukrainian Government's crackdown on freedom of speech and its attempts to establish media censorship. The Mission should pay particular attention to information on the continuing manifestations of neo-Nazism, xenophobia and anti-Semitism in Ukraine, which, along with information on the situation regarding national minorities, needs to be compiled into relevant thematic reports.

Attempts to set tasks for the Mission that are not covered by its mandate, including tasks in the environmental field, are unacceptable. The funds allocated to the SMM should be used to achieve 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 – the Ukrainian Government and the authorities in Donetsk and Luhansk – of the provisions of the Package of Measures of 12 February 2015 in full and in a co-ordinated manner.

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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The delegation of Croatia 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 Albanian 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 for 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 of the Russian armed forces since February 2014 and the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by 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 the 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 the Donetsk and Luhansk regions. Threats directed towards the 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, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as Ukraine, 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.

PC.DEC/1366
19 March 2020
Attachment 3

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.

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 at the OSCE. We firmly believe that the OSCE Special Monitoring Mission to Ukraine (SMM) plays a crucial role in this process.

As previously indicated, 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.

This delegation would also like to draw attention to the current context, marked as it is by an absence of scales of contributions, since the previous scales expired in December 2019. There is no agreed legal basis guaranteeing that contributions can be effectively paid. France calls on the Albanian OSCE Chairmanship to launch negotiations aimed at the adoption of new scales.

We request that this interpretative statement on the decision which has just been 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 Canada:

“Mr. 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 on the extension of the mandate of the OSCE Special Monitoring Mission (SMM) in Ukraine adopted at the 19 March special meeting of the Permanent Council.

We welcome the adoption of this decision to extend the SMM mandate and approve its budget, and we congratulate the Albanian Chairmanship for successfully achieving this result in the face of the additional difficulties caused by the global COVID-19 pandemic.

The SMM is the most important mission deployed by the OSCE, and the resources provided to it by the participating States demonstrate the value we place in its mandate, staff, and leadership. We thank all of our monitors for their continued courageous and valuable work under difficult circumstances and reiterate that their safety and security is always of primary importance.

We would 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 the 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.

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

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
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By the delegation of the United Kingdom:

“In connection with the Permanent Council decision, just adopted, on the extension of the mandate 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 Albanian Chairmanship for their efforts in this regard.

We recall our resolute support for the sovereignty and territorial integrity of Ukraine within its internationally recognized 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 the European Union and 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 and unimpeded 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 the 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 SMM 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:

“Mr. Chairperson,

In connection with the adoption of 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 SMM for the next period of 12 months. We appreciate the readiness of the OSCE participating States to approve a considerable increase of the SMM budget proposed with the aim to enhance its monitoring capacity, ensure sustainability of the increased level of operational activities, and prepare the SMM to be able to undertake operational activities that may emerge from further developments on the ground.

Since the beginning of Russia’s armed aggression against the sovereignty and territorial integrity of Ukraine in 2014, the Government of Ukraine regards the activities of the SMM to be the expression of the continued readiness of the Organization to uphold the founding OSCE principles and assist one of its participating States in countering the severe and multifaceted consequences of violations of these principles by the Russian Federation. 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 the 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 Russian-Ukrainian 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 within its internationally recognized borders, including surrounding maritime waters. 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, as the host country, firmly supports the SMM in accomplishing its tasks relating to the 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 parts of Donbas occupied by the Russian Federation, including along the segment of the State border controlled by the Russian Federation. We remind that at the Normandy Four Summit in Paris on 9 December 2019, the President of the French Republic, the Chancellor of the Federal Republic of Germany, the President of the Russian Federation and the President of Ukraine recalled that the SMM should be able to use all possibilities of the 21 March 2014 mandate, and have safe and secure access throughout Ukraine in order to fully implement its mandate. In this vein, we welcome proposals provided by the SMM in its budget for the next period of 12 months to increase the number of monitoring officers, introduce additional posts required for monitoring activities, and to enhance the use of technology to sustain and support the SMM's 24/7 monitoring, in particular by increasing the flight hours of long-range unmanned aerial vehicles (UAVs) and by the purchase of additional mid-range UAVs of increased capability.

We regret that the purchase of additional mid-range UAVs of increased technical capability was undermined by the Russian Federation. This testifies to the persistent unwillingness of the Russian side to unveil the scale of its illegal military activities in the occupied parts of Donetsk and Luhansk regions of Ukraine to the international community. We reiterate the need to ensure effective use of all available assets, including the long-range UAVs, which remain the most valuable technical asset of the SMM. We remain seriously concerned of the ongoing and increasing attacks, threats and intimidation, which the SMM monitors encounter systematically in the Russia-occupied parts of Donbas, and we strongly urge the Russian Federation to put an end to them and to allow the SMM to implement its mandate.

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, temporarily occupied by the Russian Federation. 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.

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 seventh 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 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.”