

PC.JOUR/1114 4 October 2016

Chairmanship: Germany

1114th PLENARY MEETING OF THE COUNCIL

1. <u>Date</u>: Tuesday, 4 October 2016

Opened: 3.05 p.m. Closed: 7.40 p.m.

- 2. <u>Chairperson</u>: Ambassador E. Pohl Ms. C. Weil
- 3. <u>Subjects discussed Statements Decisions/documents adopted:</u>

Agenda item 1: UPDATE BY THE SPECIAL REPRESENTATIVE OF THE OSCE CHAIRPERSON-IN-OFFICE IN UKRAINE AND IN THE TRILATERAL CONTACT GROUP, AMBASSADOR MARTIN SAJDIK

Discussion under agenda item 2

Agenda item 2: REPORT BY THE CHIEF MONITOR OF THE OSCE SPECIAL MONITORING MISSION TO UKRAINE

> Chairperson, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (PC.FR/28/16 OSCE+), Slovakia-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Moldova and San Marino, in alignment) (PC.DEL/1340/16), Kazakhstan (PC.DEL/1323/16 OSCE+), Russian Federation (PC.DEL/1315/16), Canada, United States of America (PC.DEL/1312/16), Turkey (PC.DEL/1345/16 OSCE+), Switzerland (PC.DEL/1373/16 OSCE+), Belarus (PC.DEL/1349/16 OSCE+), Norway (PC.DEL/1330/16), Azerbaijan (PC.DEL/1336/16 OSCE+), Ukraine (PC.DEL/1322/16 OSCE+)

Agenda item 3: PRESENTATION BY THE OSCE SECRETARY GENERAL OF THE 2017 UNIFIED BUDGET PROPOSAL

Chairperson, Secretary General (SEC.GAL/147/16 OSCE+), Slovakia-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Andorra and Ukraine, in alignment) (PC.DEL/1341/16), Kazakhstan (PC.DEL/1324/16 OSCE+), Russian Federation (PC.DEL/1326/16), United States of America (PC.DEL/1313/16), Canada, Turkey (PC.DEL/1337/16 OSCE+), Switzerland (PC.DEL/1372/16 OSCE+), Norway (PC.DEL/1331/16), Armenia, Ukraine (PC.DEL/1319/16 OSCE+), Azerbaijan (PC.DEL/1333/16 OSCE+), Austria (PC.DEL/1317/16 OSCE+)

Agenda item 4: DECISION ON THE EXTENSION OF THE DEPLOYMENT OF OSCE OBSERVERS TO TWO RUSSIAN CHECKPOINTS ON THE RUSSIAN-UKRAINIAN BORDER

Chairperson

Decision: The Permanent Council adopted Decision No. 1221 (PC.DEC/1221) on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, the text of which is appended to this journal.

Chairperson, Russian Federation (interpretative statement, see attachment 1 to the decision), Slovakia-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Iceland, member of the European Economic Area; as well as Andorra and Ukraine, in alignment) (interpretative statement, see attachment 2 to the decision), United States of America (interpretative statement, see attachment 3 to the decision), Ukraine (interpretative statement, see attachment 4 to the decision)

Agenda item 5: DECISION ON THE TOPIC AND DATES OF THE HUMAN DIMENSION SEMINAR IN WARSAW

Chairperson

Decision: The Permanent Council adopted Decision No. 1222 (PC.DEC/1222) on the topic and dates of the Human Dimension Seminar in Warsaw, the text of which is appended to this journal.

Agenda item 6: REVIEW OF CURRENT ISSUES

- (a) Participation of Mr. K. Batyrov in the Human Dimension Implementation Meeting, held in Warsaw from 19 to 30 September 2016: Kyrgyzstan (Annex), Russian Federation, United States of America (PC.DEL/1314/16), Tajikistan (PC.DEL/1321/16 OSCE+), Slovakia-European Union (with the candidate countries the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Ukraine, in alignment) (PC.DEL/1343/16/Rev.1), Kazakhstan, Belarus, Azerbaijan (PC.DEL/1347/16 OSCE+)
- (b) *Illegal economic and other activities in the occupied territories of Azerbaijan*: Azerbaijan (PC.DEL/1334/16 OSCE+)
- (c) Constitutional referendum in Azerbaijan, held on 26 September 2016: Azerbaijan (PC.DEL/1335/16 OSCE+), Kazakhstan, United States of America (PC.DEL/1316/16), Tajikistan, Slovakia-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Moldova, in alignment) (PC.DEL/1342/16), Belarus (PC.DEL/1351/16 OSCE+), Turkey (PC.DEL/1346/16 OSCE+), Russian Federation (PC.DEL/1327/16)
- (d) Elections to the State Duma in the Russian Federation, held on 18 September 2016: Russian Federation (PC.DEL/1328/16), Belarus (PC.DEL/1350/16 OSCE+), United States of America (PC.DEL/1325/16), Georgia (PC.DEL/1353/16 OSCE+), Slovakia-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Moldova and Ukraine, in alignment) (PC.DEL/1344/16), Ukraine (PC.DEL/1320/16 OSCE+)
- (e) Unfounded detention of Ukrainian journalist Mr. R. Sushchenko in the Russian Federation: Ukraine (PC.DEL/1318/16 OSCE+), Russian Federation
- (f) *Munich Agreement, signed on 30 September 1938*: Russian Federation (PC.DEL/1329/16), Ukraine, United Kingdom, France
- (g) Use of force by Azerbaijan to deny the people of Nagorno-Karabakh the right to self-determination: Armenia, Azerbaijan (PC.DEL/1348/16 OSCE+)

Agenda item 7: REPORT ON THE ACTIVITIES OF THE CHAIRPERSON-IN-OFFICE

Announcement of the distribution of a written report of the Chairperson-in-Office (CIO.GAL/171/16): Chairperson

Agenda item 8: REPORT OF THE SECRETARY GENERAL

- (a) Announcement of the distribution of a written report of the Secretary General (SEC.GAL/144/16 OSCE+): Director of the Conflict Prevention Centre
- (b) *Participation of the Secretary General from 19 to 23 September 2016 in the 71st session of the UN General Assembly, being held in New York*: Director of the Conflict Prevention Centre (SEC.GAL/144/16 OSCE+)
- (c) Participation of the Secretary General on 1 October in the Autumn Meeting of the OSCE Parliamentary Assembly, held in Skopje from 30 September to 2 October 2016: Director of the Conflict Prevention Centre (SEC.GAL/144/16 OSCE+)
- (d) Visits of the Secretary General to eastern Ukraine from 7 to 10 September and on 15 September 2016: Director of the Conflict Prevention Centre (SEC.GAL/144/16 OSCE+)
- (e) Briefing by the Conflict Prevention Centre on the activities of the Operations Service, to be held in early November 2016: Director of the Conflict Prevention Centre (SEC.GAL/144/16 OSCE+)
- (f) *Memorandum of Understanding between the OSCE and the International Air Transport Association (IATA), to be signed in mid-October in Geneva:* Director of the Conflict Prevention Centre (SEC.GAL/144/16 OSCE+)
- (g) *Appeal for nominations for senior management posts*: Director of the Conflict Prevention Centre (SEC.GAL/144/16 OSCE+)

Agenda item 9: ANY OTHER BUSINESS

- (a) Extension of the standard and field operations Scales of Contributions until 31 December 2017 (PC.DEC/1196): Chairperson
- (b) *Report by the joint investigation team on the downing of Malaysian Airlines flight MH17*: Netherlands
- (c) *Presidential election in Uzbekistan, to be held on 4 December 2016:* Uzbekistan (PC.DEL/1339/16 OSCE+)
- (d) Presidential and vice-presidential elections in Bulgaria and referendum on future amendments to the national legislation, to be held on 6 November 2016: Bulgaria

- (e) *Ratification process of the United Nations Paris Agreement on climate change*: France
- 4. <u>Next meeting</u>:

Thursday, 13 October 2016, at 10 a.m., in the Neuer Saal



PC.JOUR/1114 4 October 2016 Annex

ENGLISH Original: RUSSIAN

1114th Plenary Meeting PC Journal No. 1114, Agenda item 6(a)

STATEMENT BY THE DELEGATION OF KYRGYZSTAN

Mr. Chairperson, Distinguished colleagues,

Today the Kyrgyz Republic may be regarded as being well on the way to building a parliamentary democracy. We fully share the OSCE's democratic values and are putting them into practice. Kyrgyzstan has been rigorously and voluntarily implementing all of the recommendations by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR).

However, we are firmly against double standards and the transformation of our Organization into an institution for provocation and interference in the internal affairs of sovereign States.

At the same time, Kyrgyzstan calls attention to the inadmissibility of offering the OSCE and other international forums as a platform for the utterances of criminal elements, as happened two weeks ago in Warsaw.

During the annual Human Dimension Implementation Meeting, the organizers of the event gave the floor to Kadyrzhan Batyrov, who has been convicted of a criminal offence and is wanted by the police. In that connection, I should like to inform the Permanent Council of the following facts.

In accordance with a ruling of the Supreme Court of the Kyrgyz Republic, Kadyrzhan Batyrov was found guilty of the organization of inter-ethnic conflict and the murder of two or more persons on the grounds of ethnic hatred in June 2010 and was sentenced in absentia to life imprisonment.

Furthermore, in 2013 this person was also placed on a wanted list by the Russian Federation for serious fraud. He has been wanted in the Republic of Uzbekistan since 2004 for fraud and forgery in public office.

Distinguished colleagues,

Kyrgyzstan expresses its extreme indignation at the fact that the ODIHR provided a platform to Mr. Batyrov, who has been convicted of a criminal offence and is wanted by the police. He used the opportunity to present himself once again as a human rights activist and a victim of political repression.

Kyrgyzstan underscores that Mr. Batyrov is not being persecuted for his political beliefs, ethnicity or any other motives, other than the criminal offences he has committed.

Over a period of many years, by playing the ethnic card in his own interests, he has jeopardized peace and stability in the country.

This is not the first time that Mr. Batyrov, who is wanted by the police, has tried to use international forums for his own self-serving purposes, misleading the international community with his statements.

We are disturbed at the position taken by some European countries and organizations allowing a criminal like Kadyrzhan Batyrov to move freely on the territory of these States and use an international platform for provocative statements, despite the fact that he is wanted by the police.

We are concerned that criminals posing as representatives of non-governmental organizations (NGOs) are using for self-serving purposes one of the main principles of the ODIHR's work – strengthening dialogue between the representatives of governments and civil society in OSCE participating States.

During the Warsaw meeting, the Kyrgyz delegation provided the ODIHR with a copy of the order of the Ministry of Education of the Kyrgyz Republic from 2010 revoking the licence of the Batyrov People's Friendship University. By this means he used the name of a non-existent legal entity for registration, thus misleading the ODIHR and making false statements about himself.

Furthermore, an academic institution is neither a non-commercial organization nor an NGO. We believe that this could have given grounds for the ODIHR to remove Mr. Batyrov from the list of participants in the light of the false information provided. Unfortunately, these arguments by Kyrgyzstan were not taken into account.

The fact that Mr. Batyrov was admitted to the Warsaw meeting as a representative of a non-existent organization demonstrates that the ODIHR does not actually check the identity of the participants or the reliability of the information on them, although already in 2012 Kyrgyzstan pointed to this fact, which has been ignored by the ODIHR. Furthermore, questions arise regarding the existing procedure and deadline for the registration of participants in the meeting.

In view of the above, we believe it necessary to propose the following measures:

1. A fundamental revision of the rules of procedure of the ODIHR in order to restrict access to OSCE events for persons who through their provocative statements could

destabilize the situation and undermine peace and tranquillity in countries in the OSCE area. The ODIHR platform should not be transformed into a podium for criminals. If things remain as they are, one day we will find terrorists and extremists at our table at the Warsaw meeting.

2. The ODIHR's mandate should be institutionalized, with the powers and modalities of the Office's activities to assist OSCE participating States in implementing their commitments in the area of human rights and democracy clearly spelled out.

In that connection, I call on the Chairmanship and the Office to consider the possibility of developing such a document as well as special rules of procedure of the OSCE that would provide for and regulate the participation of representatives of NGOs and the expert community in all OSCE events.

Distinguished colleagues,

I should like to take this opportunity to also inform you that Kyrgyzstan has decided to start the process of changing the status of the OSCE presence and its mandate, transforming the OSCE Centre in Bishkek into the OSCE Programme Office in Bishkek. A corresponding note verbale was sent to the Secretariat by the Ministry of Foreign Affairs of the Kyrgyz Republic on 27 September 2016, stating as follows:

"Kyrgyzstan, wishing to improve the forms of co-operation between the Kyrgyz Republic and the OSCE based on mutual understanding and close collaboration, and also to increase the efficiency and effectiveness of the activities of the OSCE presence in the Kyrgyz Republic, believes that these activities should be in line with the changing needs and priorities of the host country. In that connection, Kyrgyzstan announces its intention to start the process of changing the status of the OSCE presence and its mandate, transforming the OSCE Centre in Bishkek into the OSCE Programme Office in Bishkek, beginning on 1 January 2017."

We believe that the State's achievements since independence on the path to democratic reforms and the long-standing successful co-operation with the OSCE in the area of political reforms in Kyrgyzstan allows us to speak today of the implementation of the historic mission of the OSCE presence. In that connection, we believe that it would be expedient to revise the project activities with account taken of the need to focus attention on socio-economic development and ensuring security.

Kyrgyzstan has repeatedly stated that the activities of the OSCE field missions should be in line with the changing needs and priorities of the host country. The aforementioned incident in Warsaw precipitated the decision on the part of Kyrgyzstan to notify the OSCE of this officially.

In that connection, Kyrgyzstan will submit a draft OSCE Permanent Council decision on this subject in the near future.

Thank you for your attention.



PC.DEC/1221 4 October 2016

Original: ENGLISH

1114th Plenary Meeting PC Journal No. 1114, Agenda item 4

DECISION No. 1221 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 January 2017;

2. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/45/16. In this respect, authorizes the use of 326,100 euros from the 2014 cash surplus to fund the proposed budget for the duration of the mandate to 31 January 2017.

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:

"The Russian Federation 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 three months until 31 January 2017, regarding the work of this team as an additional voluntary confidence-building measure in the settlement of the internal Ukrainian conflict.

We reaffirm that the places of deployment and functions of the team of OSCE observers are clearly defined by 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, Germany, France and Ukraine 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.

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

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

The delegation of Slovakia, 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 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 Russia-Ukraine 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 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 for the Observer Mission in order to monitor movements on the border more effectively.

We regret that the Russian Federation continues to resist 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.

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 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 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 Ukrainian-Russian border, much of which Ukraine does not control.

Due to Russia's unwarranted restrictions of the border Observer Mission's work, the Mission will continue to be unable to ascertain the full extent to which Russia is participating in or facilitating the flow of arms, funding, and personnel to support the separatists 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 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 refuses 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."

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 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 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 observation mission in Russian border checkpoints 'Gukovo' and 'Donetsk' to all sections of the border adjacent to the certain areas of Donetsk and Luhansk regions is critical for sustainable de-escalation and peaceful resolution of the situation in the east of Ukraine.

We regret that the Russian Federation continues to resist expansion of the mandate of the OSCE observation mission in Russian border checkpoints 'Gukovo' and 'Donetsk' to all sections of the border that is temporarily not under control of the Ukrainian authorities.

It only indicates Russia's unchanged intention to hide from the international community the mounting evidences of Russia's direct involvement in fuelling the conflict in Ukraine's east, including by supplying heavy weapons, military equipment, regular troops and mercenaries. We continue to urge Russia to immediately cease these acts.

We call upon the Russian Federation to demonstrate its full commitment to implementation of the Minsk arrangements in good faith and to allow proper and comprehensive permanent monitoring by the OSCE and establishment of a security zone on the Russian side of the Ukrainian-Russian State border adjacent to the certain areas of Donetsk and Luhansk regions which presently are not controlled by the authorities of Ukraine. It is the commitment which was undertaken by Russia and which remains unimplemented after two years.

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."



PC.DEC/1222 4 October 2016

Original: ENGLISH

1114th Plenary Meeting PC Journal No. 1114, Agenda item 5

DECISION No. 1222 TOPIC AND DATES OF THE HUMAN DIMENSION SEMINAR IN WARSAW

The Permanent Council,

Decides that the Human Dimension Seminar will take place in Warsaw from 21 to 23 November 2016 and will be devoted to the topic "Promoting effective and integral justice systems: how to ensure the independence and quality of the judiciary";

Tasks the ODIHR with elaborating the agenda and modalities of the Seminar.