



1026th Plenary Meeting

PC Journal No. 1026, Agenda item 3

**DECISION No. 1135
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,

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 23 December 2014;
2. To expand the Observer Mission to consist of 22 civilian monitors operating 24/7 in teams, and a small logistic and administrative support team;
3. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/48/14. In this respect, authorizes the use of the 2013 cash surplus to fund the proposed budget of 148,400 euros for the duration of the present mandate.

**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.

“Since establishment of this OSCE presence in accordance with the Berlin Joint Declaration of 2 July 2014, the security situation in the east of Ukraine has deteriorated due to the activities of the terrorist organizations operating in Donetsk and Luhansk regions, which receive reinforcements and armaments from the territory of the Russian Federation.

Deterioration of the situation and reports of this very limited OSCE presence at two Russian checkpoints have confirmed the need for expansion of the mandate to effectively address the existing grave challenges along the Ukrainian-Russian State border which was the primary concern of the meeting in Berlin.

The upsurge of supplies from the Russian territory to be used in further escalation of the situation in the Donetsk and Luhansk regions is extremely menacing and again highlights the urgent need for establishing effective controls on the border under the permanent OSCE monitoring.

In this connection I wish to stress the Ukrainian position that the mandate of the OSCE Border Observation Mission on the Russian territory needs to be significantly and speedily expanded and extended to make it a meaningful instrument of collective response to grave threats to security of Ukraine and broader Europe.

The Minsk Protocol of 5 September which was also signed by representative of the Russian Federation envisages in paragraph 4 that the OSCE ensures permanent monitoring on the Ukrainian-Russian State border and verification with the creation of security zone in border areas of Ukraine and the Russian Federation.

Full implementation of paragraph 4 of the Minsk protocol is inextricably linked to accomplishing the objectives of establishing a sustainable ceasefire regime and ultimate

peaceful resolution in the east of Ukraine based on President's Poroshenko Peace Plan, the Minsk arrangements, the OSCE principles and commitments.

For the purposes of effective implementation of this task, Ukraine reiterates, as outlined in its concept paper of 17 October 2014, the need to expand the current mandate of the OSCE observers at the Russian checkpoints, by including thereto, besides the Gukovo and Donetsk locations in the Russian territory, the checkpoints Voloshino, Novoshakhtinsk, Kuybishevo (Marynivka on Ukraine's side), Kuybishevo (Dyakove on Ukraine's side), Matveev Kurgan and Veselo-Voznesenka. Besides, we deem it important to allow the observer mission to visit all other checkpoints in the Russian territory bordering the Donetsk and Luhansk regions. The list includes the train checkpoints Gukovo – Chervona Mohyla and Uspenska – Kvashyne, and the car checkpoints Oleksiyev-Tuzlivka – Novoborovzi, Donetsk – Krasnodarskiy, Nyzhnyi Shvyryov – Krasnodarskiy, Donetsk – Severnyi, Yelan – Yuhanivka, Mozhayevka – Herasymyvk, Tytovka – Oleksandrivka, Shyyany – Petrivka, Avilovo-Fedorivka – Uspenka and Shramko – Ulyanisvke.

We deeply regret that the Russian Federation has refused to support the proposal for significantly expanding the currently limited mandate the OSCE observers at two Russian checkpoints on the Russian-Ukrainian border which would provide consistency with the arrangements reached in Minsk. Such position of the Russian Federation puts into serious question its commitment to implementing agreed arrangements, and its commitment to de-escalation and peaceful resolution of the situation in the east of Ukraine.

We reiterate that resumption of efficient control at the Ukrainian-Russian border under the OSCE monitoring is critical for sustainable de-escalation and peaceful resolution of the situation in the east of Ukraine.”

The delegation of Ukraine requests that this statement be attached to the decision and recorded in 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 European Union:

In connection with the PC decision on the extension of the deployment of OSCE observers to two Russian checkpoints on the Ukrainian-Russian State border, the European Union and its Member States would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure:

“We recall that when the decision was taken to deploy observers to the two checkpoints on the Ukrainian-Russian State border not under Ukrainian control at the time, we underlined that this was a limited first step towards creating effective border monitoring on this border. We also recall that when the PC decided in October to prolong by one month the mandate of the OSCE observers to the two Russian border checkpoints of Donetsk and Gukovo, we made clear that the Minsk Protocol had now given the OSCE a key role in ensuring permanent monitoring on both sides of the Russian-Ukrainian international border. We also made clear that we at that time already could only reluctantly join consensus on a one-month prolongation.

We continue to call for an extension and a significant expansion to all relevant checkpoints as well as full access to monitor areas between checkpoints. This should be combined with border monitoring on the Ukrainian side of the border by the SMM to ensure effective and full control of the border by Ukraine. Swift expansion is an integral part of efforts to ensure full implementation of the Minsk protocol and a sustainable political solution based on the respect for Ukraine’s independence, sovereignty, and territorial integrity within its internationally recognized borders.

We deeply regret that the Russian Federation has again objected to a meaningful expansion of the Observer Mission. This once again puts Russia’s genuine resolve to implement its commitments under the Minsk protocol into question.

While we welcome the modest increase in the number of observers to reduce the mission’s excessive workload as requested by the Chief Observer, we stress that this increase does not imply an expansion of the mandate or a strengthening of border monitoring. We also call again on the Russian Federation to fully implement its Berlin commitments and grant Ukrainian border guards access to the checkpoints at Donetsk and Gukovo to participate in the control of the border crossings.

Border and ceasefire monitoring remain closely interlinked and mutually dependant. There is a need for an overall coherent approach to border monitoring and we reiterate our call to the Chairmanship to actively consult, including at the Ministerial Council in Basel, to address relevant issues related to monitoring of the Ukrainian-Russian State border.

We reluctantly join consensus on extension of the Observer Mission by one month. This time must now be used for genuine and serious discussions on expansion of the Mission.

The decision taken today on the funding for the mandate extension should not set a precedent, and all options for funding should remain on the table for future mandate extensions.”

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

The candidate countries the former Yugoslav Republic of Macedonia¹, Montenegro¹, and Albania¹, the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina, and the European Free Trade Association country Norway, member of the European Economic Area, 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/1135
20 November 2014
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:

“As an additional confidence-building measure, the Russian Federation supported 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 one month until 23 December 2014.

We were also prepared to agree to an extension of three months, understanding that short-term extensions of the mandate in practice only complicate the activities of the team of OSCE observers unnecessarily.

The place of deployment and functions of the team of OSCE observers are clearly defined by the parameters of its mandate approved by Permanent Council Decision No. 1130 of 24 July 2014, which is based on the invitation from the Russian Federation of 14 July 2014. In the wake of the Berlin Declaration and with due regard for the conversation the Ministers for Foreign Affairs had in Berlin on 2 July, in order to dispel concerns regarding security at the border, Russia, as a goodwill gesture, deployed OSCE observers at the Russian checkpoints of Donetsk and Gukovo without waiting for a ceasefire to be established in neighbouring Ukraine.

We draw attention to the fact that the Russian border is reliably patrolled by the Border Service of the Federal Security Service of the Russian Federation. The OSCE observers have an opportunity to see this for themselves. With a view to improving their working conditions, we agreed to increase the number of observers from 16 to 22.

The Minsk Protocol of 5 September 2014 does not touch upon questions regarding the deployment of OSCE observers on the Russian side of the border with Ukraine. Therefore, it is wrong to add this to certain “Russian obligations”. I repeat: the decision to allow OSCE observers on our 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 our part, which, as our partners’ reactions have shown, is not duly appreciated. We shall bear this in mind when determining the future of this operation.

As for the territory on 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 attached to the decision adopted 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 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 would not consider expanding the geographic scope of the Observer Mission, despite requests from numerous other participating States. We once again have to accept a limited-scope mission, covering just two border checkpoints – which account for approximately one kilometre of the 2,300 kilometre border. We are concerned that due to Russia’s undue restrictions of its work, the mission will be unable to monitor the extent to which Russia is participating in and facilitating the flow of illegal arms, funding and personnel to support the separatists in eastern Ukraine or to obtain any meaningful assurance if and when Russia acts to stop that flow of support to the separatists.

We note that Step 4 of the 5 September Minsk Protocol delineates a clear role for the OSCE in monitoring and verification on both sides of the Ukrainian-Russian international border, and the creation of a security zone in the border areas of Russia and Ukraine. There are strong linkages between ceasefire monitoring and border monitoring, and the OSCE approach to both of these activities must not be unduly restricted. The Russian Federation has repeatedly prevented the expansion of this mandate to include other border checkpoints and monitoring between checkpoints and, in so doing, Russia raises serious concerns about its resolve to implement this critical element of the Minsk Protocol.

Therefore, we call upon the Permanent Council to remain seized of the matter and continue discussions with the aim of expanding the mission sufficiently to permit a true accounting of the situation on the Russian-Ukrainian border. We also call upon the Russian Federation to provide, on an urgent basis, the proper protection, privileges and immunities for the Observer Mission and observers participating on the Russian side of the border.”

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

Thank you.