



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

PC.DEC/1155
18 December 2014

Original: ENGLISH

1031st Plenary Meeting
PC Journal No. 1031, Agenda item 7

**DECISION No. 1155
EXTENSION OF THE DEPLOYMENT OF OSCE OBSERVERS TO
TWO RUSSIAN CHECKPOINTS ON THE
RUSSIAN-UKRAINIAN BORDER**

The Permanent Council,

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 March 2015;
2. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/52/14. In this respect, authorizes the use of the 2013 cash surplus to fund the proposed budget of 382,200 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 adoption of the decision on 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 pursuant to 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 Minsk Protocol of 5 September which was also signed by representative of the Russian Federation envisages in paragraph 4 the OSCE 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 Poroshenko’s Peace Plan, the Minsk arrangements, the OSCE principles and commitments.

We therefore deeply regret that the Russian Federation has again refused to support the proposal for significantly expanding the currently limited mandate of 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 has again put into serious question its commitment to implementing agreed arrangements, its commitment to de-escalation and peaceful resolution of the situation in the east of Ukraine.

We remain convinced that the mandate of the OSCE Observation Mission in Russian border checkpoints “Gukovo” and “Donetsk” should be expanded to all sections of the border, adjacent to the terrorist-controlled areas of Donbas and which are now temporarily out of control of Ukrainian border guards. Given the current restrictive mandate, this mission cannot effectively perform the monitoring functions and thus contribute to stabilizing the situation along the border.

We call on the Russian Federation to demonstrate its commitment to implementation of the Minsk arrangements in good faith, to allow for proper and comprehensive permanent monitoring on the Ukrainian-Russian State border and verification by the OSCE and in this regard agree to expansion of the mandate of OSCE observers on the Russian side of the border.

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**

The delegation of Italy, 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 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 once more 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. Since then Ukrainian authorities have been forced to give up additional checkpoints. We also recall that when the PC decided in October and November to prolong by one month each time the mandate of the OSCE Observer Mission, 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 State border. We also made clear that we at that time already could only reluctantly join consensus on the two one-month prolongations.

We continue to call for 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. While we note some progress in regard to the implementation of some aspects of the Minsk agreements, we regret that no progress has been achieved in the area of border monitoring and we call for the implementation of the agreements in their entirety and without delay. We would like to reiterate that effective and comprehensive monitoring of the Russian-Ukrainian border should be an integral part of a sustainable political solution based on the respect for Ukraine's independence, sovereignty, and territorial integrity within its internationally recognized borders. Full and effective control by Ukraine of its borders is essential.

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.

We 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 on the Chairmanship to actively consult in order to address relevant issues related to monitoring of the Ukrainian-Russian State border.

We reluctantly join consensus on extension of the Observer Mission by three months. This time must now be used for intensified, 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, Iceland² and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the European Free Trade Association country Norway, member 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.

2 Iceland continues to be a member of the European Free Trade Association and of the European Economic Area.

**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 numerous requests from 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 over 2,000 kilometre border. We are concerned that due to Russia’s undue restrictions of its work, the Mission will be unable to ascertain the extent to which Russia is participating in or facilitating the flow of illegal arms, funding, and personnel to support the separatists in eastern Ukraine, or to gather sufficient information that could indicate in any meaningful way the extent to which Russia is taking any action to stop that flow of support to those 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 these activities must not be impeded by one participating State. 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 questions about its resolve to implement critical elements of the Minsk Protocol.

Therefore, we call upon the Permanent Council to remain seized of the matter and to continue discussions with the aim of expanding the Mission sufficiently to permit a true accounting of the situation all along 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 operating 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, Mr. Chairperson.”

PC.DEC/1155
18 December 2014
Attachment 4

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 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 23 March 2015, we take the position that they are deployed there at the invitation of the Russian Federation of 14 July 2014 in the wake of the Berlin Declaration of 2 July 2014. The place of deployment and functions of the OSCE observers are clearly defined by the parameters of the team’s mandate approved by Permanent Council Decision No. 1130 of 24 July 2014. We regard the work of the team of OSCE observers as an important confidence-building measure.

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, which is reliably patrolled by the Border Service of the Federal Security Service of the Russian Federation. 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.

As for the Ukrainian side of the border, Ukraine bears complete responsibility for its security and for reaching agreements with the forces controlling 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.”