



1317th Plenary Meeting
PC Journal No. 1317, Agenda item 1

**DECISION No. 1402
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 July 2021;
2. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/26/21/Rev.2 of 27 May 2021. In this respect, authorizes the use of 234,000 euros from 2019 cash surplus to fund the proposed budget for the duration of the mandate to 31 July 2021.

**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 Portugal, 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 Russian-Ukrainian 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 the monitoring of the Ukrainian-Russian 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 very limited mandate and its small size do not provide for comprehensive border monitoring. We therefore recall our support for a significant expansion of the Observer Mission to all border crossings on the Ukrainian-Russian 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 Special Monitoring Mission 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 and sufficient freedom of movement for the Observer Mission at the current crossing stations in order to monitor movements on the border more effectively.

We also do not see any grounds for the Russian Federation’s continued resistance to the long overdue expansion of the Observer Mission, including the improvement of its equipment and urge it to reconsider its position.

The request by Russia to reduce the length of the mandate to just two months puts the Russian Federation’s support for the Observer Mission into question and sends an unfortunate political signal. Moreover, the Mission’s mandate will end just before the summer recess, which also puts into serious question whether Russia is in fact seeking not to extend it beyond

31 July. We trust that we will have constructive discussions on the next renewal of the mandate.

It is with reluctance that we accept a two-month extension. We are deeply disappointed that, due to the position of the Russian Federation, no consensus was possible on a four-month extension of the Observer Mission. This means that discussions on an extension of the mandate will have to be carried out every few weeks. The reduction will have significant adverse effect on the Mission's ability to implement its mandate, as well as on its operations and effective management. This is detrimental to the Mission's work and to the efforts to find a sustainable peaceful solution to the conflict in eastern Ukraine.

We 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 EFTA country Iceland, member of the European Economic Area, as well as the Republic of Moldova, Georgia 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.

**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 Kingdom:

“In connection with the decision of the Permanent Council on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, the United Kingdom would also like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

The United Kingdom is clear that the establishment of genuinely comprehensive monitoring of the entire segment of the Ukraine-Russia State border outside Ukrainian government control, as well as the restoration of full Ukrainian control over that border, is essential.

While joining consensus on this decision, we are deeply disappointed that the Mission’s mandate extension has been reduced from four months to two, due to unrelated political considerations. This will unnecessarily increase the uncertainty faced by the Mission’s staff, who work in challenging circumstances made more difficult by the COVID-19 pandemic and an already short mandate period. Moreover, the reduced mandate extension will increase the operational burden incurred by the Mission and impede its ability to carry out its mandate efficiently, at a time when transparency and confidence are sorely needed.

The Mission’s limited scope, as well as the excessive restrictions placed on it by the host country, mean that it already faces many challenges to carrying out its monitoring activities. This is far from the comprehensive border monitoring foreseen under the Minsk agreements.

The Mission is only present at two checkpoints along an over 400-kilometre stretch of the Ukraine-Russia State border which is outside of Ukrainian government control; and even at those two checkpoints, its freedom of movement is severely limited. This impedes its ability to observe people in military style outfits in vehicles, ambulances crossing the border during night hours, trains at Gukovo border crossing point and to assess whether vehicles are crossing into Ukraine or not – to name just a few issues the Mission has raised. Its observation is further hindered by Russia’s refusal to allow the observers to use monitoring tools such as binoculars or cameras.

The United Kingdom commends the Mission for its ongoing efforts in these challenging circumstances. We join the many other calls on Russia to end all undue restrictions placed on the Observer Mission, and to end its objection to the expansion of the Mission to the entirety of the uncontrolled section of the border. If Russia has nothing to hide it should have no objection to this. We also reiterate the importance of full, safe and unimpeded access for the Special Monitoring Mission to the entire territory of Ukraine, including the border.

Let me also take this opportunity to reiterate the United Kingdom's unwavering support for the sovereignty and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters.

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 Canada:

“Madam Chairperson,

Regarding the decision of the Permanent Council on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, Canada would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure:

Canada regrets that one participating State has blocked consensus on extending the Observer Mission’s mandate for a further four months. We question how shortening the Mission’s mandate demonstrates Russia’s supposed ‘goodwill’ in hosting the Mission and how this helps to build confidence in the region. As Canada and others have consistently repeated, the mandate of the Observer Mission should be even further increased to ease the significant logistical and financial burdens for both the host country and the OSCE. Each renewal requires a laborious and burdensome process to negotiate and procure contracts, visas, licences, and leases and adds unneeded stress on Mission members. A two-month interval to repeat and renew these processes is highly inefficient and wastes precious resources.

Madam Chairperson,

The Observer Mission is meant to help build transparency and create a positive environment for resolving the Russia-Ukraine conflict, but this requires both sides to constructively engage in the various negotiating fora and demonstrate how they are following up on their commitments made. We commend Ukraine for its continued engagement and co-operation at the Trilateral Contact Group, for its opening of its sides of the entry-exit crossing points, for its hosting of the Special Monitoring Mission, and for its continued restraint. We urge Russia to show similar political will and constructive engagement in resolving the conflict. Unfortunately, the timing of this refusal to extend the mandate by four months, coming on the back of Russia’s build-up of military forces and equipment on Ukraine’s borders and attempted closure of parts of the Black Sea, is highly questionable and only adds to tension in the region.

Canada firmly believes that the Observer Mission must be provided with full access to the entire Russian side of the internationally recognized border, adjacent to certain areas of

the Donetsk and Luhansk regions of Ukraine, including the authority to monitor the nearby railroad tracks and all 11 official border checkpoints. The Observer Mission also needs the necessary tools to carry out its mandate, which include greater access to vehicles and their contents; the use of binoculars, cameras, and other technical equipment; as well as a closer working relationship with the Russian border authorities. We regret that the Russian Federation continues to resist an expanded geographical mandate and much needed equipment for the OSCE Observer Mission.

Canada requests that this statement be attached to the decision and reflected in the journal of the day.

Thank you.”

PC.DEC/1402
28 May 2021
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:

“The Russian Federation has 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 two months (until 31 July 2021), viewing the work of this team as a confidence-building measure outside the context of the fulfilment by the parties to the internal Ukrainian crisis – the Ukrainian Government, Donetsk and Luhansk – of their commitments within the framework of the Minsk agreements signed already after the team’s deployment.

The Russian Federation’s decision was based on the invitation made on 14 July 2014 in the wake of the Berlin Declaration issued on 2 July 2014 by the Ministers for Foreign Affairs of Russia, Germany, France and Ukraine.

We note that the mandate extension agreed upon today does not involve any additional financial implications compared to a four-month period. Nor is there any negative impact on performance in this decision – the team’s functions will continue to be carried out in full during the latest period of extension. It is our understanding that all administrative procedures and formalities relating to the team’s work will be successfully completed by its existing human resources.

The Minsk Protocol of 5 September 2014 and the Memorandum of 19 September 2014 make no mention whatsoever of 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 Ukrainian border guards and customs officers to be present at Russian checkpoints are solely gestures of goodwill on Russia’s part.

The long-standing work of the team, which has confirmed the consistently calm situation on the Russian-Ukrainian border, should have had a positive effect on the resolution of the internal Ukrainian crisis and induced the Ukrainian authorities to stop the punitive operation in Donbas. However, there has never been a proper response from the Ukrainian Government. With the support of its foreign ‘minders’, it has embarked on further militarization and armed escalation there, which entails new casualties and destruction. The

leadership of Ukraine is not making any meaningful efforts to achieve a lasting, comprehensive political settlement of the internal conflict in the east of the country.

There is also the desire of a number of participating States to politicize the activities of the team of observers through calls to change its mandate without good reason and link its activities to the transferring of control of the border in Donbas to the Ukrainian Government in violation of the proper sequence of implementation of the Minsk Package of Measures.

We emphasize that the mandate and the places of work of the team were clearly stipulated in Permanent Council Decision No. 1130 of 24 July 2014. The modalities of the observers' work do not provide for functional co-operation with OSCE field operations in other States.

In our view, the confrontational approaches of a number of participating States to the team and to a settlement of the internal Ukrainian conflict as a whole are destroying trust and represent an abuse of Russia's goodwill. They call into question the effectiveness of such a measure and undermine the basis for further work by this OSCE field operation. We will take this situation into account when considering the prospects for extending the team's mandate.

We request that this statement be attached to the adopted decision and included in the journal of the today's Permanent Council meeting.”

**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 Norway:

“Madam Chairperson,

In connection with the adoption of the decision on the extension of the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, I would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

Norway welcomes the decision to extend the period of deployment of the border Observer Mission. We recall that the Minsk Protocol calls for permanent monitoring of the border and that the Minsk Package of Measures calls for Ukrainian control of its entire international border. As long as Ukrainian authorities are denied such control by the armed formations of certain areas of Luhansk and Donetsk and these armed formations also continue to restrict the freedom of movement of the Special Monitoring Mission near the State border, the border Observer Mission continues to play a vital role as a confidence-building measure.

The limited geographical presence limits the Mission’s ability to effectively monitor the border, we would therefore prefer an increased geographical footprint. Moreover, the short mandate periods lead to a disproportionate use of resources for administrative purposes. In an organization where resources are scarce and shrinking, this is an inappropriate use of the time and funds available.

Ideally, mandate periods should be extended, not shrunk. We have not heard any convincing arguments from the Russian Federation for their refusal to prolong the mandate by the regular four months, and thereby redirecting resources away from mandated tasks to self-administration. We urge them to reconsider their new approach before the next mandate extension.

Madam Chairperson, I request that this statement be attached to the decision and the journal of the day.

Thank you.”

**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:

“Thank you, Madam Chairperson.

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 has on numerous occasions expressed regret over Russia’s continued blockage of efforts to expand the geographic scope of the OSCE Observer Mission at the Russian checkpoints Gukovo and Donetsk, despite clear and continued support from other participating States to do so. The participating States have been forced to accept a limited-scope mission covering just two border checkpoints, which together account for only a few hundred metres of the 2,300-kilometre Russian-Ukrainian border, much of which Ukraine does not control.

The Mission’s purpose is to build confidence through increased transparency by observing and reporting on the situation at these checkpoints, including movements across the international border between Ukraine and Russia.

Russia has now chosen to block the standard four-month extension of the mandate for the Mission, proposing instead to reduce the mandate period to two months and add further administrative complications which hamper the Mission’s ability to fulfil its already too-limited mandate. To ensure continued operation of the Mission, the United States has reluctantly joined consensus on this decision. In doing so, we note our strong opposition to this reduced mandate period, while we voice our continued strong support for Ambassador Varga, his staff, and the mission they fulfil.

We note that Point IV of the Minsk Protocol delineates a clear role for the OSCE to monitor and verify both sides of the Russian-Ukrainian 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.

Russia's long-standing efforts to hinder the work of this Mission and to prevent the expansion of its scope are a clear demonstration of Moscow's unwillingness to take its Minsk commitments seriously.

This latest gambit, which will further impede the work of the Mission, further calls into question Russia's good faith regarding the commitments it has undertaken. Increasing the frequency of the mandate renewals will introduce uncertainty regarding its status and distract from its efficiency, including by forcing its leadership to devote more time to administrative issues. We cannot see any value in shortening the mandate, which would run against Russia's oft-professed goals of increasing OSCE's cost-effective operation. Russia's push to shorten the mandate sends an unproductive signal and raises questions about Russia's goals and intentions at a time when we all see value in de-escalating tensions in the region and more broadly.

The United States urges Russia to reconsider this unhelpful position and join consensus in July on – at the very least – a four-month extension of the Observer Mission's mandate period.

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

Thank you, Madam Chairperson.”

PC.DEC/1402
28 May 2021
Attachment 7

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 (also on behalf of Germany):

“Madam Chairperson,

I align myself with the statement by the European Union but would like to add the following interpretative comments on behalf of France and Germany under paragraph IV.1(A)6 of the Rules of Procedure of the OSCE.

France and Germany deeply regret Russia’s opposition to a four-month renewal of the mandate of the border Observer Mission to the Russian checkpoints of Gukovo and Donetsk (BOM), which is a vital confidence-building tool. It is for that reason that the Swedish Chairmanship was obliged to submit a draft decision calling for an extension of the Mission’s deployment for just two instead of four months.

We recall that the Minsk Protocol provides 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. France and Germany are continuing their efforts within the Normandy format to achieve full implementation of the Minsk agreements. There is a need in particular to ensure through the BOM that the border between Russia and Ukraine is monitored fully and effectively so as to improve the security situation and find a lasting political solution to the conflict.

Allow me to remind you that the creation of the Mission and the approval of its mandate were initiated by the Ministers for Foreign Affairs of the Normandy format with a view to improving transparency at the Russian-Ukrainian border as a means of restoring trust.

To our great regret, the proposal by the Russian Federation will considerably reduce the operational capacity of the Observer Mission, reduce transparency and weaken trust. This adds to the tensions that we have seen over the past few weeks, provoked by unusual military activities on the part of the Russian Federation. This sends a false and negative message and is counter to the letter and spirit of the Minsk agreements.

Like many other participating States, France and Germany fully support the previous draft decision proposed by the Swedish Chairmanship. Four-month extensions already

represent a very heavy administrative burden for the BOM. This even shorter mandate will have a significant negative effect on the BOM's capacity to implement it.

We urge the Russian Federation to return to a more constructive approach in the next two months so as to find a viable solution meeting the needs of the Observer Mission and serving our common aim of enhancing transparency and building trust.

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

Thank you.”

**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:

“Madam 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.

Having joined consensus on the decision to extend the mandate of the OSCE Observer Mission for only two months, the delegation of Ukraine proceeded from the understanding that it was the only way to ensure further activities by the Mission after the Russian Federation had refused to give its consent on a regular four months extension.

We regret that the Russian side forced participating States to shorten twofold the mandate of this OSCE field presence instead of ensuring a more stable functioning of the Mission, which continues to operate under unjustified restrictions imposed by the host country. We again urge Russia to pay proper attention to plenty of calls by participating States to extend the Mission’s mandate cycle for a longer period and to expand the OSCE geographical presence along the entire uncontrolled part of the Ukrainian-Russian State border.

We remind the Russian side that the ‘Normandy Four’ Berlin Joint Declaration of 2 July 2014 invited the OSCE to take all necessary steps to deploy OSCE observers with a view of contributing to effective control of the Russian-Ukrainian border. Two months later, Russia signed the Minsk Protocol of 5 September 2014, which envisages in its paragraph 4 the establishment of permanent monitoring on the Ukrainian-Russian State border. Full implementation of this provision has a direct link to a sustainable ceasefire along the line of contact, de-escalation of the security situation in the Donetsk and Luhansk regions of Ukraine, and a peaceful resolution of the Russian-Ukrainian hybrid armed conflict.

Persistent reluctance by Russia to implement its commitments can only be attributed to its unchanged intention to continue intervention in Ukraine’s Donbas, including by sending weapons, military equipment, ammunition, regular troops and mercenaries, and fuelling the

conflict. We consistently continue to urge Russia to cease immediately these dangerous and internationally wrongful acts.

The delegation of Ukraine requests that this statement be attached to the decision and registered in the journal of the day.

Thank you, Madam Chairperson.”