



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

PC.DEC/1160
12 March 2015

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1044th Plenary Meeting
PC Journal No. 1044, Agenda item 3

**DECISION No. 1160
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 30 June 2015;
2. To approve the arrangements and the financial and human resources for the Observer Mission as contained in document PC.ACMF/12/15. In this respect, authorizes the use of the 2014 year-end revision to fund the proposed budget of 256,700 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**

The delegation of Latvia, 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 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 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. 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, unity and territorial integrity within its internationally recognized borders. We reiterate that re-establishing full Ukrainian control over its State borders remains essential.

Border and ceasefire monitoring remain very closely interlinked. 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.

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, 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.

**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 other participating States that it do so. 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 between Russia and Ukraine. We are concerned that due to Russia’s undue restrictions on 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 it backs 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 the separatists.

We note that Step 4 of the 5 September 2014, 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 commitment 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.”

**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 sharply 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 mandate of the Mission should cover all sections of the border, adjacent to the terrorist-controlled areas of Donbas.

The Mission should also operate freely along the “green” border between the checkpoints to ensure comprehensive border monitoring; and should be able to conduct unannounced inspections.

Such meaningful monitoring is necessary until the SMM can effectively perform this function on the Ukrainian side of the border and control is resumed by Ukrainian border guards.

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. Such position of the Russian Federation puts 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 urge the Russian Federation to demonstrate its full 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.

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.”

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Attachment 4

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**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 until 30 June 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 places 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 agreements reached in Minsk do 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 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 included as an annex to the journal of the day.”