



## **United States Mission to the OSCE**

### **U.S. Statement for the Forum for Security Cooperation:**

As delivered by Arms Control Counselor Daniel Wartko  
October 18, 2023

Thank you, Madam Chair.

I would also like to extend our condolences to the delegations here, Sweden, France, and Belgium who lost innocent civilians in the terrorist attacks this week.

Madam Chair,

When President Biden's welcomed President Zelenskyy to the White House in September 21, he reiterated that the United States will continue to support Ukraine's defense against Russia's aggression for as long as it takes. The United States intends to continue to provide security, economic, and humanitarian support that will empower Ukraine to defend itself against the Kremlin's senseless war and rebuild Ukraine as a secure, prosperous country that can realize its chosen future.

The United States has provided more than \$79.5 billion dollars in humanitarian, economic, and security assistance to Ukraine since 2014 because, as President Biden said in his speech at the UN on September 19, "we have to stand up to this naked aggression today and deter other would-be aggressors tomorrow." That's why the United States, together with our allies and partners, will continue to stand with the brave people of Ukraine as they defend their sovereignty, territorial integrity, and freedom.

It is an investment not only in Ukraine's future, but also in the future of a world governed by basic rules that apply equally to all nations. Sovereignty and territorial integrity are the rights of every nation, no matter how big or how small. These principles are enshrined in the UN Charter and the Helsinki Final Act.

The United States will continue to strongly condemn Russia's violation of Ukraine's sovereignty and territorial integrity and intends to aid Ukraine in its defense for as long as it takes.

Madam Chair,

With my apologies for needing an audio-visual presentation this week, last week, we all heard the remarks from the Russian Delegation which it also circulated through document distribution. These contained a claim that cannot go unchallenged.

The Russian delegate said that those of us at the FSC who called for, as she put it, "a return to Ukraine's 1991 borders" – which are of course Ukraine's internationally recognized borders -- should understand that "this concept has lost its meaning." And again, this is there statement that you can see up on the screen. She supported this ludicrous assertion by citing the *1970 UN Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the UN Charter*, which, she implied, obliged us all to accept the sham referenda organized by Russia on Ukrainian territory.

Perhaps this analysis of international law was written by Mr. Miroshnik, or another law student, but whoever prepared it clearly did not read the entire 1970 UN Declaration known as the "Friendly Relations Declaration".

The Friendly Relations Declaration referenced by the Russian Delegation "solemnly declared" seven principles. Now, I ask that we all consider just the first of these principles in the context of Russia's war against Ukraine. And keep in mind that everything that I am going to show you, everything that follows is just the text from this declaration. It is not my commentary or interpretation.

Principle (a): States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

The declaration then provides great detail about what this principle means:

- Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.
- A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.
- In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.
- Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.
- Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character.
- States have a duty to refrain from acts of reprisal involving the use of force. Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.
- Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands including mercenaries, for incursion into the territory of another State.

- Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.
- The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal.

Now this is the document that the Russian Federation cited to say that the 1991 borders of Ukraine are no longer operative.

That was just the first principle. There are six others listed in the declaration. The others are:

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

(d) The duty of States to co-operate with one another in accordance with the Charter,

(e) The principle of equal rights and self-determination of peoples,

(f) The principle of sovereign equality of States,

(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

Madam Chair,

Last week, Russia cited the UN General Assembly as an authority to supposedly justify its position, but how then can it ignore UN General Assembly and its resolution from October 2022 entitled, "Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations." As our UK colleague mentioned, the UN General Assembly approved that resolution by a vote of 143-5. That resolution cited that same 1970 Friendly Relations Declaration to denounce as illegal the Russia-organized sham referenda in the Donetsk, Kherson, Luhansk, and Zaporizhzhia regions. It stated, "subsequent attempted illegal annexation of these regions have no validity under international law and do not form the basis for any alteration of the status of these regions of Ukraine."

Thank you, Madam Chair.