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United States Mission to the OSCE

Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine

As delivered by Ambassador Daniel B. Baer
to the Permanent Council, Vienna
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During the past few weeks, we have heard in the Permanent Council our distinguished Russian colleague call the conflict in Ukraine an “internal” one. Let us recall how we came to discuss this issue in the Permanent Council. On February 27, 2014, men in military uniforms lacking any insignia occupied the Crimean Parliament building in Simferopol, the capital of Ukraine’s Autonomous Republic of Crimea. They then took over the rest of the Crimean peninsula, seizing total control and holding its residents captive. Russia insisted then that these soldiers were local patriots protesting the government in Kyiv and defending themselves against threats of discrimination. These so called local patriots then held a sham “referendum” at gunpoint on March 16, 2014. The outcome supposedly reflected the will of the people of Crimea to leave Ukraine and return to Russia.

The evidence tells a different story: These were Russian soldiers and operatives. If there were any doubts about what happened in Crimea, President Putin himself cleared them up when, in April 2014, he confirmed that the mystery soldiers were in fact Russian personnel. In a 2015 interview, President Putin told the world that he had in fact launched the plan to forcibly annex Crimea on February 22, 2014, the day after former President Yanukovich fled Kyiv. The so-called Crimean “referendum” to join Russia was held in violation of Ukrainian law, the Ukrainian constitution, and international norms. The invasion and occupation of Crimea runs counter to Russia’s international obligations and OSCE commitments. Russia must end its occupation of Crimea, which remains a part of Ukraine.

Madam Chair, colleagues, much of what happened in Crimea happened in eastern Ukraine. The Russian military presence in the Donbas is real, and Russian aggression sparked the conflict there. Moscow sent Russian military personnel into Ukraine to train and equip the separatists, and to provide command and control support to separatist forces. There are enough Russian military and security personnel thoroughly integrated with separatist fighters in the Donbas that we do not differentiate between the two groups. It is one fighting force that is well armed, equipped, and commanded, and a complete Russian creation. In fact, we know Russia is still supplying the fighting force in eastern Ukraine. These facts bear remembering when our distinguished Russian colleague says, as he did during the last Permanent Council meeting that, “our esteemed colleagues once again thought it a good idea to dream up an imaginary Russian military presence in Donbas.”

Ukraine and the United States have provided to OSCE participating States extensive evidence of the considerable Russian military presence in eastern Ukraine. Ukrainian authorities have even arrested several active duty Russian personnel in government-controlled territory in Ukraine. The OSCE Special Monitoring Mission has provided additional evidence, and recently reported the presence of some of Russia's most sophisticated military equipment, including the Buratino TOS-1 rocket system and the Zhytel mobile jamming station. When a number of delegations raised the presence of this equipment in the last Permanent Council, the distinguished Russian Ambassador stated, "Attempts to read anything into this remain in the realm of pseudoscientific fiction and are not in keeping with the format of the Permanent Council." I beg to differ.

Recent history in the Crimean and Donbas regions of Ukraine is important because Russia now appears to be denying its responsibility for implementing the Minsk agreements. At the last Permanent Council, the distinguished Russian representative referred to Russia as a "facilitator" of the Minsk agreements. Let's be clear: Russia is a party to the Minsk agreements. This has been the case from the beginning because Russia has been directly involved in the conflict from the beginning. The Russian representative signed the September 2014 Minsk Protocol and Memorandum, and the February 2015 Package of Measures. With this signature, Russia committed to implement all of its Minsk commitments by the end of 2015.

We do not hear from Russia about the steps it has taken or will take to ensure the full implementation of Minsk. I would like to point out again that Ukraine has made significant progress implementing its Minsk commitments. Ukraine's good faith efforts have largely been met by Russian filibustering and demands for direct dialogue between the separatists and Kyiv outside of the Trilateral Contact Group's four working groups. Dialogue between Kyiv and the separatists and their Russian sponsors can only happen in the working groups in the presence of Russia and the OSCE. Russia's actions clearly show that Moscow is more focused on blaming Kyiv should Minsk fail, rather than on ensuring Minsk succeeds.

With the ceasefire largely holding and initial implementation of the supplemental heavy weapons agreement underway, we have the chance to make progress on Minsk in the next few months. The steps Russia must take are clear:

1. Russia and the separatists must complete the agreed upon supplemental withdrawal of tanks and heavy weapons. This includes furnishing the SMM with complete baseline data on these weapons. We expect Ukraine to do the same.
2. Russia and the separatists must engage in good faith in the political working group to reach agreement on modalities to hold local elections in certain parts of Donetsk and Luhansk, in accordance with Ukrainian law and international standards, and with ODIHR observation.
3. Russia must order combined Russian-separatist forces to stop impeding or interfering with SMM operations. Jamming of SMM UAVs must stop, and the SMM must be

allowed to access the entirety of the territory under separatist control, including the border with Russia.

4. Russia must ensure the separatists permit the delivery of humanitarian assistance into areas outside of Ukrainian government control. The aid must be delivered by recognized humanitarian organizations, in keeping with Ukrainian law and international standards.
5. Russia must withdraw its weapons and forces from Ukrainian territory without delay.
6. Russia must return control of the Ukrainian side of the international border to the Ukrainian government.
7. Russia must release all hostages and illegally detained persons.

The United States is not alone in making clear that sanctions against Russia are linked to the full implementation of Minsk. Sanctions related to Crimea will remain in place as long as the occupation persists. We cannot accept half measures. Russia must adhere to the commitments it made and fully implement Minsk, and restore control of Crimea to the government in Kyiv.

Thank you, Madam Chair.