



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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Russia pledged to support free and fair local elections in the special status zone in Luhansk and Donetsk in the September 2014 and February 2015 Minsk Agreements, and again most recently in the Paris Normandy Leaders' Meeting on October 2.

The February Minsk agreement stipulates these elections must be held under Ukrainian law, in accordance with OSCE standards, and observed by ODIHR. Yet, Moscow and its proxies have worked to forestall elections on the ground, undermining local security with the presence of its military forces and weapons, denying access to the OSCE Special Monitoring Mission (SMM) including on the border, jamming OSCE UAV's, and supporting illegitimate "authorities."

It is a positive development that the Russian-backed separatists agreed to postpone sham elections originally planned for the end of this week in Donetsk and November 1 in Luhansk. Those fake polls would have contravened Minsk. Now that we have additional time to work on the local elections in the Donbas, we must move quickly.

Last week's Permanent Council discussion demonstrated that Russia continues to bog discussions down over issues of format and rhetoric, diverting attention away from subjects on which concrete progress can be made, especially the modalities of holding local elections in special status areas in eastern Ukraine. We need to facilitate discussion in the Political Working Group that leads to an agreement on the elements of a Ukrainian electoral law for areas of Donetsk and Luhansk.

We have encouraged a comprehensive proposal that addresses concerns on both sides, including special status and amnesty. As the Ukrainian Ambassador observed, such a proposal will also have to include allowing full electoral participation by Ukrainians displaced by the conflict, and full access to all parts of Donetsk and Luhansk by Ukrainian political parties and Ukrainian media. Russia and the separatists must be ready for meaningful engagement on a proposal, not the filibuster we have seen in the past.

We must not forget that as Russia, Ukraine, and the OSCE negotiate the political elements of Minsk implementation, a lasting and peaceful outcome depends on the situation on the ground. For there to be free and fair elections in certain parts of Donetsk and Luhansk, the ceasefire must continue to hold and the heavy weapons must be withdrawn, cantoned, and

verified as such by the SMM. This is necessary to create a secure environment in which Ukrainians can vote without fear of reprisal or violence.

Fortunately, the September 1 ceasefire largely continues to hold in much of eastern Ukraine. However, we need to seize this opportunity to make demonstrable progress on the ground. Russia and the separatists need to provide full and unfettered access to SMM monitors, stop jamming OSCE UAVs, and allow the delivery of vital humanitarian aid to areas under separatist control.

While we have seen positive steps related to the withdrawal of weapons, heavy weapons remain within striking distance of the ceasefire line.

The attacks on Ukrainians, which injured four soldiers near Troistke on October 8 and killed one and wounded two others near Avdiivka on October 14, underscore the importance of complete compliance with weapons withdrawal arrangements and making every effort to uphold the ceasefire. We applaud Ukraine for exercising restraint and moving ahead with the withdrawal, despite violent provocations. We call on combined Russian-separatist forces to prevent future attacks. This is the only way to preserve peace on the ground.

Ukrainian forces have provided the SMM withdrawal routes for artillery under 100mm. Combined Russian-separatist forces must do likewise, and bring these weapons to their designated storage sites without delay. The SMM must also immediately receive information pertaining to the second phase of the supplemental weapons withdrawal agreement, which is overdue.

We note with concern that too many heavy weapons remain within areas from which they should have been removed. From their current positions, these weapons can inflict grave damage and trigger an escalation of the conflict. We are also concerned by SMM reports that heavy weapons have been removed from designated storage areas. Weapons must be returned to their holding areas without delay.

Evidence gathered by the SMM shows that, once again, combined Russian-separatist forces are in flagrant contravention of their commitments under Minsk.

On October 12, a total of thirty main battle tanks were spotted by SMM UAVs in violation of withdrawal lines on separatist-controlled territory. In contrast, the SMM recorded only three heavy weapons systems, including a heavily damaged tank, as being out of place on government-controlled territory over the past week. It is no coincidence that UAV jamming is persistent over separatist-controlled territory, where the combined Russian-separatist forces still have much to hide.

Russia-backed separatists continue to block the SMM's access to the international border. On October 9, SMM monitors were told to leave an area near the border in territory controlled by the so-called "Luhansk People's Republic" because they were in violation of the "LPR border access policy." The monitors were threatened with detention if they did not depart the area. Russia's proxies continue to threaten our SMM monitors, and the prospects for progress.

Russia-backed separatists continue to bar the vast majority of humanitarian aid organizations from operating in territory under their control. According to the United Nations Office of the Humanitarian Coordinator, some 16,000 tons of humanitarian assistance, including food,

shelter and non-food relief supplies, are ready for immediate delivery to separatist-controlled territory. This is an area in which hospitals cannot perform surgery because they lack anesthetics, and patients' lives are at risk without essential medicines such as insulin and tuberculosis vaccines. Some 150,000 people are not receiving monthly food distributions, 1.3 million people's access to clean water is at risk, and more than 30,000 people have not received shelter materials and the household items they urgently need. The Russia-backed separatists may claim to care for the well-being of people living in areas under their control, but the situation on the ground suggests differently.

While innocent civilians are suffering and facing hunger or death, Russia has told humanitarian organizations to negotiate directly with the separatists. Instead, Moscow should tell the separatists to grant access to these humanitarian organizations without further delay. Human lives are at stake.

Colleagues, at the Normandy Leaders meeting on October 2, the participants agreed that this humanitarian aid must reach people in need in eastern Ukraine. Accordingly, we look to the Russian Federation to uphold its commitment and use its influence to end the massive blocking of humanitarian assistance to Donbas.

Russia should return, without delay, all Ukrainian hostages, including Nadiya Savchenko, Oleksander Kolchenko, and Oleg Sentsov. We recall that a discussion about beginning to lift sanctions on Russia is linked to full implementation of Minsk, and Russia still has a long way to go.

We also call on Russia to uphold its OSCE commitments and end its occupation of Crimea, which remains a constant reminder of Russia's violations of international law and disregard for OSCE commitments.

Thank you, Mr. Chair.