



## **United States Mission to the OSCE** **U.S. Statement for the FSC Security Dialogue on Code of Conduct**

As delivered by Arms Control Counselor Daniel Wartko  
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Thank you, Mr. Chair, and welcome to our guests today. We are very glad to see you here today.

The United States thanks the Chair for raising this vital topic and for arranging this distinguished panel of experts. Given the way that Russia routinely flouts the Code of Conduct in its brutal and unjustified war against Ukraine, it is regrettable that the FSC could not reach consensus to hold the Code of Conduct Annual Implementation Discussion. Yet today's Forum gives us the opportunity to consider the Code, review its provisions, highlight the contraventions we see every day, and consider how we might strengthen the Code moving forward especially considering Russia's unconscionable actions.

The first third of the Code of Conduct on Politico-Military Aspects of Security is devoted to a reiteration of the principles and values of the Helsinki Final Act and the OSCE. Russia's invasion of Ukraine and the daily atrocities committed by Russia's military forces fly in the face of the Code of Conduct— even as Russia purports to be an adherent.

To be more specific:

The Code, paragraph 4, says, "Reaffirming their respect for each other's sovereign equality, . . . the participating States will base their mutual security relations upon a cooperative approach." Russia's war of aggression seeking to end Ukraine's sovereign statehood is an affront to the principles set out in paragraph 4.

Paragraph 8: "The participating States will not provide assistance to or support States that are in violation of their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State." Yet Belarus, complicit in Russia's unprovoked and unjustified war against Ukraine, ignores this commitment.

Paragraph 9: "The participating States reaffirm the inherent right of self-defense." Russia has made a mockery of the inherent right of self-defense,

claiming that its renewed invasion of Ukraine was a lawful act of self-defense on its part under Article 51 of the UN Charter, although Ukraine never attacked Russia.

Paragraph 11: “The participating States each have the sovereign right to belong or not to belong to international organizations, and to be or not to be a party to bilateral or multilateral treaties, including treaties of alliance.” This commitment is contravened by Russia in its open threats against Ukraine and veiled threats against other states pursuing NATO membership.

When the participating States adopted this Code, we all committed to respect one another’s sovereignty and territorial integrity, and the rights inherent in sovereignty, such as the right of a state to choose its own political course, and we committed to the principle that foreign forces may only be stationed on the territory of a state with that state’s free consent. The Code says armed forces will take due care to avoid injury to civilians and their property. The Code says armed forces personnel will be instructed by their governments in the laws and conventions related to the rules of armed conflict, and that military personnel will be held responsible for breaches. The Code says that the rules surrounding the call up of reservists should be consistent with their human rights and fundamental freedoms.

Mr. Chair,

We have seen disturbing breaches of international law and international humanitarian law violations with respect to civilians. Despite Code paragraphs 30 through 34, which clearly lay out the responsibilities of each participating State to comply with international law in general and international humanitarian law in particular, we are seeing mounting evidence of mass graves, systemic rape, and other forms of sexual and gender-based violence, including against children. We also observe torture, looting, and destruction of infrastructure aimed at depriving much of Ukraine’s population of heat, electricity, and water as winter fast approaches. Although we should need no reminder, I must underscore that the targeting of civilian objects is a war crime.

What about accountability? Paragraph 31 states, “The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority.” This provision will require accountability for

Russia's reckless use of the vicious Wagner Group forces in Ukraine that are reportedly committing atrocities.

And fortunately, the Code also provides guidance for how to address questions concerning implementation: Paragraph 38, "If requested, a participating State will provide appropriate clarification regarding its implementation of the Code." It is incumbent upon all of us to hold Russia and its enabler Belarus to account – to demand that they explain why they are flouting so many provisions of the Code.

For the longer term, it is also time to review the provisions of the Code and hold frank discussions of some participating States' non-adherence and gaps in their implementation. Recent threats and challenges have shown us that the provisions of the Code remain highly relevant and that we must look for ways to amplify and apply them.

Thank you, Mr. Chair.