



## United States Mission to the OSCE

# **Reply to the Russian Ambassador on 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  
March 19, 2015

I just wanted to respond to a few points made in the discussion here. First a few points from our distinguished Russian colleague.

In general in the last weeks, the Russian Federation has at multiple levels, and through multiple officials, argued for moving quickly with the political aspects of the Minsk Protocol and Memorandum, and the Package of Measures. Even though Russia itself has continued to violate – and the separatists’ attacks have continued to violate – the ceasefire and weapons withdrawal components of that Package.

So the legislation that was adopted by the Verkhovna Rada – One can discuss whether it is consistent with the Package of Measures in the Minsk Protocol and Memorandum and show that it is. There were some things that were specified in terms of time frame and some things that weren’t, and this addresses things that weren’t. This is fully consistent with the letter of the Minsk Package.

But I think rather than litigate or debate the letter of the Package we have to take a step back and think about what is supposed to happen politically, and what is necessary for that to happen. What’s supposed to happen is there’s supposed to be local elections under Ukrainian law that can operate in a free and fair way with monitoring from ODIHR and others that will produce local authorities that have legitimacy, who can then be invested with the agreed authorities by the central government and be interlocutors with the central government. In order to start down that path of having those local elections you have to first designate where is the locality in which those local elections are going to take place. So in some respects the law that was passed this week takes effect immediately because it now sets an area that everybody already knew, but hadn’t been ratified into law – it now sets the area for these local elections.

President Poroshenko has made clear multiple times that he is ready to engage with the locally elected officials who come out of these free and fair elections. I think the Trilateral Contact Group remains a forum in which Ukraine has representatives, Russia has representatives, and these representatives engage with those in de facto control, and

obviously they are going to have to continue to consult in order to prepare for elections to take place. So there's a forum to do that and I think this is a positive step moving forward and we should look at it as a practical necessity; it doesn't obviate the need to press forward with other positive steps but it is something that is necessary in order to move down the road.

I wanted to also make clear that it is not only the separatists who continue to violate the terms of the Package of Measures and the Minsk Protocol and Memorandum. Since the last PC we released new information that as of last week Russian military forces continue to operate in eastern Ukraine, providing command and control, air defense, and fighting alongside Russia-backed separatists. And that Russia continues to maintain advanced surface-to-air missiles systems near the front line in violation of the Minsk agreements.

The fourth issue I wanted to comment on is the question of our nationality. I think we should all recognize that it is actually quite remarkable that even though Russia has invaded and attempted to annex part of Ukraine's territory Ukraine has welcomed over twenty Russian monitors in the SMM. I think this is a step which helps lend credibility and inclusiveness to the SMM and it's a serious step that Ukraine has undertaken. I take it from Russia's comment today that Russia will similarly welcome observers from any participating State in the border observation missions at the two Russian checkpoints. My understanding is that that has not heretofore been the case, but given Russia's concerns raised today I certainly expect that Russia will welcome observers seconded from any participating State.

Finally, the point about SMM support – I welcome our distinguished Russian colleague raising the need to support the SMM; I agree that we need to make sure that the SMM has the resources it needs to do its job. I noted that he was quoted in state media also expounding on the importance of this. I just like to point out that talk is cheap, and given that everybody in this room saw Russia block what would have been an additional three million Euros – only three million, I recognize, but three million Euros that the SMM now doesn't have in secured funding – last week, it calls into question the sincerity of the Russian Federation once again.

Thank you, Mr. Chair.