



United States Mission to the OSCE

**Response to Flavien Schaller, Chief
Observer of the OSCE Observer Mission at
the Russian Border Checkpoints
Gukovo and Donetsk**

As delivered by Ambassador Daniel B. Baer
to the Permanent Council, Vienna
November 17, 2016

Mr. Schaller, the United States warmly welcomes you back to the Permanent Council. We thank you for your thoughtful and well-organized report. We also wish to express our appreciation for your leadership of a Mission that operates in difficult and restrictive conditions. Border monitoring by the OSCE is an integral part of the Minsk agreements, and is indispensable to de-escalating the fighting and assessing Russia's willingness to end its intervention in Ukraine.

In signing the September 2014 Minsk Protocol, the Russian Federation committed to "ensure the permanent monitoring of the Ukrainian-Russian border and verification by the OSCE," yet Russia has consistently rejected its obligation to expand the geographic scope of the OSCE Observer Mission at Gukovo and Donetsk. This Mission remains limited to two out of eleven checkpoints on the border between Russia and separatist-held parts of Ukraine, despite the strong support of most participating States to expand the geographic scope of the mission. Russia's claim that the Observer Mission is a "goodwill gesture" and not one of its Minsk commitments is entirely false, as is the myth that the OSCE's border monitoring is in any way adequate. It is not.

The reality is that the OSCE is barely present on the Ukrainian side of its internationally-recognized border with Russia. Since October 31, when the Special Monitoring Mission to Ukraine first began reporting the amount of time it spends at the border, the SMM has been present at the border *less than one tenth of one percent of the time*. The SMM is not even able to visit, on average, more than a single border crossing per day. And, when the SMM arrives at a checkpoint, it stays on average only 33 minutes – and only during daylight. Because it takes SMM patrols more than three hours to drive to the border, monitors must drive past numerous separatist checkpoints, giving combined Russian-separatist forces plenty of time to ensure there is nothing of consequence for the SMM to see once it arrives at the Ukrainian border with Russia.

On the Russian side of the border, Russia has refused to enable the Observer Mission to fully discharge its mandate. Mr. Schaller, your report is clear about this, as it states: "Restrictions continue to hamper the monitoring work of the OM especially when it comes to detection of people in military-style outfits in vehicles or during unfavorable meteorological conditions." Nonetheless, Russia has not responded to the modest request you made three

months ago to be permitted to walk around the perimeter of the two checkpoints and operate in a manner that would allow the Observer Mission to see what is truly happening there.

The United States calls on Russia to fulfill the commitment it made in signing the Minsk Protocol to allow permanent monitoring of the border and to stop blocking the Observer Mission from covering the entire length of the border where the Ukrainian side is under the control of combined Russian-separatist forces. In addition, combined Russian-separatist forces must also provide the security assurances needed for the SMM to open new forward patrol locations and patrol hubs on Ukrainian territory near the border.

Despite the strict limits imposed on the Observer Mission's mandate and operating procedures, the Mission has still been able to document Russia's destabilizing and destructive activity in eastern Ukraine. The Observer Mission has observed more than 30,000 individuals in military-style dress crossing just at the two checkpoints to which it has access.

Imagine, colleagues, what is crossing where we can't see.

These individuals reportedly receive weapons once they arrive in separatist-held parts of Ukraine. Twenty uniformed persons crossed the border in a single bus with tinted windows in mid-October, according to Observer Mission reports.

We all know that Russia's portrayal of these men and women as civilians is an obvious attempt to hide the truth – they are crossing into Ukraine to fight. On at least 27 different occasions, the Observer Mission has reported seeing funerary vehicles returning to Russia with a sign reading "Cargo 200" or "200," a well-known code for Russian military casualties. The most recent of these crossings was on October 27. We also note that your report, Mr. Schaller, indicates that 48 ambulances and four unmarked funerary transport crossed the border over the last three months alone.

It remains a shame and a stain on the Kremlin not only that it sends Russian sons to die in a senseless war of choice, but also that it dishonors their memory by denying their sacrifice.

This evidence is further corroborated by the SMM, which on June 10 observed the exhumation of a soldier in a Russian military uniform. On September 14, in separatist-held Donetsk, the SMM spoke with an armed militant bearing a Russian flag and other military insignia. On October 17, at the Uspenka border crossing point, the SMM saw one black minivan with tinted windows and black military license plates enter separatist-held Ukraine from Russia, with two men in military-style dress on board. We know from Observer Mission reports that thousands of Russian military personnel or mercenaries have crossed the border at the two points where the OSCE has a presence. Untold thousands of additional personnel may have crossed where there are no international observers.

Mr. Chair, we join the European Union in condemning Russia's continued practice of sending white truck convoys across the border. Each convoy sent is another violation of Ukraine's sovereignty. The Observer Mission has counted 55 of these convoys, whose contents remain unknown to Ukraine and the rest of the international community.

Mr. Schaller, let me again express our gratitude for your leadership of a mission that, in spite of Russian-imposed constraints, is a vital part of the OSCE's effort to contribute to a lasting peace in Ukraine.

And if I may note in conclusion, I appreciate your update on the efforts to secure credentials for observers, and I would note that the Russian Federation could solve this problem in one fell swoop by simply agreeing to sign an MOU that would give our observers that status.

Thank you, Mr. Chair.

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