



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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As this is the last meeting of the Permanent Council before the summer recess, it is an appropriate opportunity to take stock of the situation in and around Ukraine, and consider how we can get to a peaceful resolution of the crisis caused by Russia's aggression against its neighbor.

Ten months ago, Russia agreed to OSCE monitoring of both sides of the Ukraine/Russia border, as part of the Minsk Protocol. Yet, the SMM has had little or no access to the Ukrainian side of the border in areas under separatist control, and the Observer Mission remains limited by its restricted mandate that Russia refuses to expand. Five months ago, a ceasefire was agreed – for the second time – as part of the Package of Measures signed on February 12. Yet, the ceasefire continues to be violated everyday by combined Russian-separatist forces using heavy weapons that were supposed to have been withdrawn from the line of contact.

In the Package of Measures, Russia committed to ensure the delivery and distribution of humanitarian aid based on accepted international practice. However, in blatant violation of Ukraine's sovereignty, Russia continues to send its so-called "humanitarian convoys" illegally into Ukrainian territory, which enter uninspected and without the approval of the government of Ukraine or in coordination with international humanitarian organizations. Additionally, the separatists block genuine aid from reaching the people living in the territory they control. On July 20, an ICRC convoy of 16 trucks was prevented by the self-styled "Donetsk People's Republic" from entering separatist controlled territory because it did not have the "correct paperwork." This appears to be the result of a so-called "decree" requiring humanitarian organizations to register with separatist "authorities."

While the unelected, Russia-backed separatists attempt to grab power in eastern Ukraine through violence and fear, in Kyiv we have seen the Ukrainian parliament make progress towards amending the Ukrainian constitution and providing for the decentralization of power to local authorities. On July 16, Ukraine took a critical step forward on its Minsk commitments when the Rada approved the first vote on these constitutional reforms, including special status for areas of eastern Ukraine. This vote followed an intense debate that reflects the increasingly democratic atmosphere of the parliament. The resolution went

forward despite criticism from some parliamentarians who argued the inclusion of a sentence in the constitution that allows for special procedures for parts of Donetsk and Luhansk oblasts was a capitulation to Moscow.

Mr. Chair, colleagues, while the democratically elected government and parliament in Kyiv make progress – difficult progress – toward constitutional reforms and the implementation of the Minsk agreements, what has Moscow done? You may have seen recent reports in the Russian government-controlled media regarding the purported withdrawal of heavy weapons from the line of contact by combined Russian-separatist forces. If true, this is a positive step. This will be difficult to verify, however, as these are the same combined Russian-separatist forces that deny the SMM access to large parts of the territory they control and jam SMM UAVs. Over the past two weeks, SMM reports described the UAVs as regularly encountering “electronic interference of an intentional, military nature,” as well as “systematic jamming over large swathes of so-called ‘DPR’-controlled areas.”

And this morning there are initial reports that after considerable jamming another SMM UAV has crashed. What is Russia, and the separatists it backs, hiding?

Despite the jamming, SMM UAVs have managed to record evidence of an ongoing military buildup by combined Russian-separatist forces. On July 11, an SMM UAV flying over “DPR”-controlled Komsomolske, northeast of Mariupol, observed 400 to 500 wooden crates next to a railway station with 40 military-type trucks parked nearby. The SMM described this as an “apparent link in the logistical supply-chain underpinning military operations.” Similarly, the SMM characterized the movement of military equipment spotted by its UAVs in separatist-controlled parts of Donetsk Oblast as “indicative of the build-up and, at times, the concentration of military resources.”

Mr. Chair, Russia is the source of the military equipment behind the buildup of combined Russian-separatist forces. Russia also continues to send its military personnel into Ukraine. Just this week, the *New York Times* reported on a Russian base teeming with troops and weapons along the porous and uncontrolled border with separatist-controlled Ukrainian territory. The *Times* reporter called “comical” the gap between the reality of the situation on the ground and Russian claims that it was not directly involved in eastern Ukraine.

Mr. Chair, colleagues, this is where we are: Russia and the separatists it supports are not implementing the commitments they made toward a peaceful resolution of the conflict in eastern Ukraine. Russia is also ignoring OSCE principles and commitments by continuing to occupy Crimea and abusing ethnic and religious minorities and others there who oppose this occupation.

The path forward is clear: both sides must act in good faith to implement their Minsk commitments fully. Ukraine is doing its part. It is up to Russia and the separatists it backs to do theirs. We understand that the parties are close to signing an agreement on further weapons withdrawals. We welcome this and other efforts that support a lasting ceasefire and reduce ongoing violence, as called for under the Minsk agreements. As always, the real test will be in implementing any new agreements.

Thank you, Mr. Chair.