



United States Mission to the OSCE
U.S. Statement for the
Forum for Security Cooperation:
General Statements –
Russia’s War of Aggression Against Ukraine

As delivered by Chief Arms Control Delegate Daniel Wartko
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Thank you, Madam Chair,

Two weeks ago, I began my remarks on the Code of Conduct with the notion that the Code of Conduct was not something that we should pull out just once a year like a checklist, but something that should be carefully considered and incorporated into our policies and practices.

I’ve had a chance to reflect upon the remarks on the Code, delivered both by delegations and our distinguished panelists on June 7, and I would like to more closely examine some aspects of the Code this week.

The Chair’s Coordinator for the Code of Conduct stated his commitment to monitoring – together with the CPC – participating States’ respect for commitments and “the correct implementation of the Code [of Conduct] in the OSCE region, and also to draw attention to its violation.”

We greatly appreciate this effort. It is a worthwhile effort, and I would add to this that all participating States share this responsibility of monitoring implementation of the Code, in addition to our shared commitments to putting the Code into practice.

But I was troubled by some of the examples of “violations” that were provided, and more so the manner in which they were presented as “even handed” – or if I can paraphrase, “everyone has room to improve.”

I will cite some examples: Consider that Russia and Ukraine were referred to collectively as “the warring parties.” Technically accurate, but this choice of phrase confers a moral equivalency to the invading state and the defending state, a moral equivalency for the perpetrator and the victim. Another example: Both

Russia and Ukraine were cited for “violating” paragraphs 30-35 of the Code of Conduct, which addresses the doctrine, administration, and command & control of the armed forces. But using language citing Russia and Ukraine as if they were mirror-images, or, as our Russian delegate said earlier today, “seeking a balance” does not take into account that only one state – Russia – has the ability through its command and control to stop this war today, while the other – Ukraine – has only the option to fight or perish.

The statement by the Chair’s Coordinator also implied that all participating States were failing to meet the commitments of paragraph 19, which I’ll quote: **“In the event of armed conflict, [participating States] will seek to facilitate the effective cessation of hostilities and seek to create conditions favourable to the political solution of the conflict.”** The implication appears to be that by providing military assistance and technical support to Ukraine, the United States and other participating States are not upholding the Code of Conduct. But the articles of the Code of Conduct cannot be read in isolation. They must be viewed in the context of the Code in its entirety.

So, consider paragraph 5 of the Code, and I’ll quote, **“[Participating States] will consult promptly, in conformity with their OSCE responsibilities, with a participating State seeking assistance in realizing its individual ... self-defence. They will consider jointly the nature of the threat and actions that may be required in defence of their common values.”** Also consider paragraph 9: **“The participating States reaffirm the inherent right, as recognized in the Charter of the United Nations, of individual ... self-defence.”**

By providing military assistance to Ukraine for its self-defense, the United States and other participating States are not transgressing the Code of Conduct – we are upholding it as well as upholding the UN Charter and the Helsinki Final Act with regard to respect for the sovereignty, political independence, and territorial integrity of other States – in this case, democratic Ukraine’s sovereignty, political independence and territorial integrity in the face of Russia’s aggression.

Finally, I’d like to repeat and amplify an excellent point made by the Chair’s Coordinator. He stated that, “In virtue of sections I to IV, containing the paragraphs dealing with ‘ius ad bellum’ and inter-state relations, the Russian

Federation is called to de-escalate the situation immediately, cease all hostilities and withdraw its troops from Ukrainian territory without delay.”

We agree, but if anything, that statement is too modest. If we unpack Article I, Article III, and Article IV of the Code of Conduct, we find inside at least 12 paragraphs of the Code which Russia and Belarus are failing to uphold.

I would like to draw your attention to some of these paragraphs:

Article I

Paragraph 1. The participating States emphasize that the full respect for all OSCE principles embodied in the Helsinki Final Act and the implementation of all commitments are of fundamental importance for stability and security.

Paragraph 2. The participating States confirm the continuing validity of their comprehensive concept of security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms.

Paragraph 3. [Participating States] will not strengthen their security at the expense of the security of other States.

Paragraph 4. Reaffirming their respect for each other's sovereign equality and individuality as well as the rights inherent in and encompassed by its sovereignty, the participating States will base their mutual security relations upon a co-operative approach.

Article III

This one speaks to Belarus and its complicity in Russia's aggression against Ukraine:

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.

Article IV

Paragraph 9. The participating States reaffirm the inherent right, as recognized in the Charter of the United Nations, of individual and collective self-defence.

Paragraph 10. Each participating State, has the right freely to choose its own security arrangements.

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.

Paragraph 13. No participating State will attempt to impose military domination over any other participating State.

Paragraph 14. A participating State may station its armed forces on the territory of another participating State in accordance with their freely negotiated agreement.

There is no way that you can read this in black and white and not see how voluminous, how major Russia's transgressions of this Code are. And to put it into "all of us have room to improve," and think that this somehow balances out the nature and the magnitude of Russia's transgressions, just does not comport with reality.

We strongly agree with the Chair's Coordinator sentiment that in times of war, the Code of Conduct becomes more important. There is no question that each and every participating State should meet its commitments under the Code of Conduct. It is also important that in this chamber we not allow the virtues of impartiality and evenhandedness to obscure this reality: Russia is an invader while Ukraine is defending its sovereignty, political independence, and territorial integrity.

Thank you, Madam Chair.