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United States Mission to the OSCE

Response to Ambassador Ertuğrul Apakan, Chief Monitor of the Special Monitoring Mission, and Ambassador Martin Sajdik, OSCE Special Representative of the Chairperson-in-Office in Ukraine

As delivered by Ambassador Daniel B. Baer
to the Permanent Council, Vienna
July 28, 2016

Thank you, Mr. Chair. Allow me to join others in also associating my delegation with the condolences you that you offered on behalf of all of us at the beginning of the meeting.

The United States joins other delegations in extending a warm welcome to you, Ambassadors Apakan and Sajdik, as you return to the Permanent Council. We will continue to support your and your teams' critical work toward a peaceful resolution to Russia's aggression in eastern Ukraine. And to demonstrate the broad U.S. Government appreciation for your efforts, I'm honored today to have U.S. Ambassador to Ukraine Geoff Pyatt here with me. Geoff has been a champion for Helsinki principles and a supporter within and outside the U.S. government of the OSCE's practical engagement on the ground.

Three months ago, as fighting surged to record levels, you helped bring about a period of relative calm with the Easter ceasefire showing that, with sufficient political will, progress is possible. Nevertheless, the situation in eastern Ukraine remains grim. Combined Russian-separatist forces have claimed the lives of more than 63 Ukrainian soldiers and wounded some 327 more since June 1 – that's less than two months ago. Over 20 were killed since the start of last week alone. The fighting is spilling out of long-standing hotspots near Avdiivka, Horlivka, and Donetsk city and into new communities, such as Semyhiria, Kodema, and Vodiane. The ongoing, intense level of violence is eroding confidence on the ground and hardening attitudes.

Colleagues, I think it's important that as we contemplate going into recess that we stop to acknowledge the huge disconnect between the ongoing statements that we must find a diplomatic and political solution – which remains true – and the situation on the ground, which has gotten much worse in recent weeks. It was good to hear Ambassador Apakan today say that it's time to move from discussion to action. And I think it's important that we appreciate that each one-

week delay is a delay that comes with a human cost. Waiting until next week to get to an agreement on disengagement is a waiting period that will come with more lives lost. And so we can only endorse what Ambassador Apakan said that it is time to move from discussion to action.

Combined Russian-separatist forces have launched a series of provocations, regularly firing mortars and heavy weapons from residential areas, and then withdrawing, in an attempt to discredit Ukrainian forces for firing back. This is a pattern we've seen in SMM reporting over the last several weeks. For at least the second time this year, combined Russian-separatist forces also advanced across the contact line and attempted to establish new positions – this time in Stanytsia Luhanska. While this advance provoked Ukrainian forces to respond to prevent further encroachments, not once have Ukrainian forces established positions across the contact line.

Ambassador Sajdik and Ambassador Apakan, we strongly support your efforts to forge an agreement on disengagement. All parties should work in good faith to ensure SMM access to disengagement sites. Once agreement is reached, the SMM should be prepared to quickly establish the means to provide continuous coverage of these sites, allowing the Mission to track and support accountability for ceasefire violations. The SMM should not hesitate to appeal to participating States if resources or technical assistance are needed to make this a reality.

In order to monitor disengagement, the SMM needs a complete weapons inventory, as called for in the Minsk agreements and the supplemental agreement on weapons withdrawal. Ukraine has provided its comprehensive inventory; we call on combined Russian-separatist forces to provide their complete inventory. Separatist forces in the so-called “LPR” only claim to own two mortars.

We note that the SMM observed 874 weapons withdrawal violations between April 20 and July 22 in areas controlled by the so-called “DPR” and “LPR” – three times the number observed on government-held territory, and almost 50 percent more than in the previous reporting period. In your report, Ambassador Apakan, you rightly pointed out that this data should be “understood in the context of violations related to the SMM’s freedom of movement and other interference.” Given that in different reporting periods this year from 70 percent to 90 percent of the restrictions on the SMM occur in separatist-held areas, the real number of weapons violations by combined Russian-separatist forces must be assessed as much higher than reported.

The SMM must be given safe and unfettered access throughout Ukraine. Restrictions on the SMM regularly occur along the parts of Ukraine’s internationally-recognized border with Russia that are under the control of combined Russian-separatist forces. Separatist forces also block monitors’ access at transit hubs, in front of compounds suspected of holding weapons or fighters, near the pedestrian bridge at Stanytsia-Luhanska, and even at sites proposed for

disengagement. Combined Russian-separatist forces continue to disable SMM cameras and unmanned aerial vehicles (UAVs) in order to blind monitors. Most recently, a third SMM long-range UAV was brought down – in an area near the Line of Contact and near where Russian separatist heavy weapons had recently been reported by the SMM – on July 26. Claims by Russian representatives to the JCCC that “armed formations are unable to distinguish SMM UAVs” are not credible, given that the SMM’s UAVs are clearly marked and identified by a transponder signal.

Despite these attempts to hamper the SMM, combined Russian-separatist forces have failed to prevent the mission from identifying clear and continuing evidence of Russia’s direct involvement. The SMM continues to find weapon systems in separatist-held territory that are only available in the Russian arsenal – such as the Orlan-10 drone, the R330-ZH Zhytel mobile jamming stations, and MRO-A flame throwers. On June 10, monitors witnessed the unearthing of the remains of a Russian soldier on the government-controlled side of the Line of Contact, and the OSCE Observer Mission at the checkpoints of Gukovo and Donetsk continues to record large numbers of individuals in military-style dress, some bearing insignia, crossing the internationally-recognized border from Russia into separatist-held parts of Ukraine.

The combined Russian-separatist restrictions on SMM access, attacks on the SMM’s tools and equipment have not prevented the evidence of Russia’s direct involvement from getting out, but they do obstruct progress. It’s all well and good for our distinguished Russian colleague today in this forum to call for "equal" monitoring on both sides of the Line of Contact, but in order for that to happen, there has to be action on the ground. There has to be free, unfettered access for the SMM on the Russian-separatist controlled part of Ukraine.

The intensifying conflict continues to take a heavy toll on the people of Ukraine on both sides of the contact line. The SMM has confirmed the deaths of at least 93 civilians since mid-April, including a growing number of children. Fighting has also destroyed homes, damaged schools, and cut critical power and water lines. We applaud the work of the Trilateral Contact Group and the Special Monitoring Mission to facilitate local periods of silence and demining operations to repair this infrastructure, upon which hundreds of thousands of people depend.

Fighting has exposed people in the conflict area to harm from pollutants. The Kodema River, which flows through both sides of the Line of Contact, was contaminated with ammonia levels 19 times higher than normal, as the SMM reported on July 20. We also took note of your report, Ambassador Apakan, which recalled that Russia-backed separatists recently revoked security guarantees in Horlivka for the repair of a network of sewage pipelines and the toxic waste reservoir of a chemical factory. We understand the OSCE Project Coordinator in Ukraine plans to conduct an environmental assessment of the conflict area, which will culminate in recommendations to remediate damage and monitor the area for further risks. We encourage the

SMM and the economic and humanitarian working group chairs to work with the PCU to help the sides protect the local population from harm, and recognize the potential of such action to serve as confidence-building measures.

Nevertheless, only a credible ceasefire will protect civilians from greater harm and create the conditions that will allow Ukraine to move forward with the political aspects of Minsk. A ceasefire remains the first and most fundamental provision of the Minsk Protocol and the Minsk Package of Measures, without which hard political compromises will likely remain difficult.

Here I must note that the Minsk Package of Measures is not the sole Minsk Agreement. In fact, the Minsk Package of Measures was a package of measures to jumpstart the implementation of the Minsk Protocol and the Minsk Memorandum and associated agreements. And all of those agreements remain critical as a roadmap to peace. And in both the Protocol and the Package of Measures, a ceasefire is the first and fundamental step.

We regret that last week the Russian Permanent Representative stated that none of the discussions on stabilization can make progress unless Kyiv makes headway on the political package. Political progress cannot be made as threats and violence loom – as people continue to die. Instead, Ukraine needs a lasting calm that shows peace is possible.

This week I would note our distinguished Russian colleague laid out a number of steps, which without supporting the particular specific elements that he put into some of those steps, I will say that we see reason in this idea that there will need to be a step-by-step approach, and that the first step continues to be a complete and sustained ceasefire, and that after that there can be other steps that will move and advance the political process.

Colleagues, the Donbas is not the only area of Ukraine that has been subjected to Russian aggression. The SMM's mandate extends to the entire territory of Ukraine, including Crimea. Sanctions related to Russia's occupation and attempted annexation of Crimea will remain in place until the occupation ends and Russia returns the peninsula to Ukraine. We also join the European Union in recalling that sanctions imposed for the aggression in eastern Ukraine will also remain in place until Russia fully implements its Minsk commitments. Russian actions against its neighbor are a clear violation of Russia's international obligations and OSCE commitments, and demonstrate the Russian government's disregard for the principles that underpin European security.

In closing, Ambassadors Sajdik and Apakan, let me thank you again for your reports to the Permanent Council, and for your efforts to facilitate a peaceful resolution to Russia's aggression against Ukraine.

Special thanks go to the SMM monitors, who we should all remember are unarmed civilians operating in an active conflict zone. And we all benefit from their courage and their efforts. Please send our thanks along to your monitors, Ambassador Apakan.

And Mr. Chair, if I can finish, I took note of our Canadian colleague's statement today that Canada intends to second further monitors to the SMM, which is an immediate response to Ambassador Apakan's call. I think we all around this table need to remember that the SMM needs sustained support in terms of seconding monitors, as well as financial resources. There is a funding gap. The United States is working to make a further contribution to the funding requirements and we encourage all those around this table to also work likewise to make sure that the SMM has the resources that it needs.

Thank you, Mr. Chair.