



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
April 28, 2016

Ambassadors Sajdik and Apakan, we warmly welcome you back to the Permanent Council. Ambassador Apakan, you asked for our continued strong support, and let me assure you that you have it. Thank you both for your reports which underscore the serious deterioration of the situation in eastern Ukraine since you last appeared here three months ago. The number of ceasefire violations and the emergence of hotspots have proliferated as fighting has claimed more lives. The Special Monitoring Mission (SMM) reported that Ukrainian Armed Forces suffered 15 casualties last week, and as Ambassador Apakan noted in his report, there have been more than 20 civilian casualties from shelling since January. As recently as yesterday, several civilians caught in the crossfire lost their lives. The tragic cost of continued violent conflict highlights the importance of the work of Ambassadors Sajdik and Apakan, who play key roles in the international community's efforts toward a peaceful solution to the crisis.

Ambassador Sajdik, we appreciate your efforts, and the hard work of the mediators serving as chairs of the working groups that come under the Trilateral Contact Group. The working groups have made progress on some important issues - such as the mapping and fencing of landmines and developing lists for prisoner exchanges. There is little time to lose if the Minsk agreements are to be fulfilled before the end of the year. There is potential for progress on practical economic matters as well as protecting the conflict area from environmental harm. We also hope that substantial progress will soon be reached on the exchange of prisoners on the basis of the all for all principle, as laid out in the Minsk Package of Measures. In the meantime, it is imperative that Russia and the separatists allow the International Committee of the Red Cross to visit the people they are holding, just as the government of Ukraine has been doing for months. We also stress the importance of Russia and the separatists ending the restrictions they have placed on the delivery of humanitarian aid to people in need in separatist-held areas.

It is important to remember that the first point in each of the Minsk agreements calls for a comprehensive and sustained ceasefire. Both signatories to these agreements – Ukraine and the Russian Federation – have explicitly recognized that the foundation for all political progress is an end to hostilities on the ground. However, Russia and the separatists have consistently disregarded the ceasefire, which endangers the implementation of the political elements of Minsk, including local elections in the Donbas. In this regard, we call on Russia and the separatists to undertake serious efforts to restore and respect the ceasefire – not just over the Easter holiday, but permanently, so that the people of Ukraine can live in peace. This is possible

if there is enough political will in Moscow to stop armed provocations and shelling that have been repeatedly used to unravel the ceasefire in the past. Last week, the SMM recorded over 1,000 mortar explosions -- the highest number in a single week this year.

The recent re-deployment of Ukrainian forces closer to the contact line is a reflection of the lack of confidence created by the constant attacks by combined Russian-separatist forces. We saw this happen following the signing of the September 2014 Minsk Protocol and the signing of the February 2015 Minsk Package of Measures, when combined Russian-separatist forces went on the attack and captured Debaltseve. Combined Russian-separatist forces have also systematically violated the ceasefire and weapons withdrawal arrangements made in September 2015, including by their seizure in January of Kominternove – a village located squarely on the government side of the contact line.

Full transparency in the conflict zone is an essential requirement for confidence building, and can be accomplished by allowing the SMM unimpeded access throughout the entire territory of Ukraine, as called for in the mission's mandate and as required under the Minsk agreements. As you noted in your report, Ambassador Apakan, every time a SMM patrol is delayed, denied access, threatened or attacked; every time a SMM UAV is jammed or shot down – a clear signal is sent: the perpetrator has something to hide. In more than 90 percent of the cases, combined Russian-separatist forces are responsible for interfering with the SMM. As Ambassador Apakan noted in his report, the largest number of restrictions placed on the SMM occur at heavy weapons holding areas in separatist-controlled territory, and in the region near the Ukrainian-Russian border. The SMM must have full, safe, unhindered access. Period. The United States appreciates the focus you placed on this, and on the safety of the monitors.

Accountability is another essential element of building confidence. The SMM should not only count ceasefire violations, it should attribute responsibility for them. Introducing this practice as part of the SMM's enhanced monitoring of hotspots could help efforts toward de-escalation. De-escalation is necessary to stop the ever-increasing level of violence in eastern Ukraine, which threatens to lead to a full resumption of hostilities.

Only after a durable ceasefire is in place, and proscribed weapons have been withdrawn to storage sites, will it be possible to hold free and fair local elections in certain areas of Donetsk and Luhansk. As Ambassador Sajdik said, free and fair local elections – held under Ukrainian law and with ODIHR observation – can only occur in a safe environment where there is no intimidation or censorship, which is currently not the case in separatist-controlled territory. A meaningful international security presence will be indispensable to holding free and fair elections in these areas; OSCE participating States should be prepared to support the establishment of such a mission as well as the deployment of ODIHR observers. We share the view expressed by others that the SMM should continue its important civilian monitoring role. The need for (and parameters of) an international security presence is distinct.

Unfortunately, the Donbas is not the only region of Ukraine where Russia is present and the situation is dire. Reports by the United Nations, the OSCE, and the Council of Europe highlight a systematic campaign of repression and censorship in Russia-occupied Crimea. On April 26, de facto Russian authorities formally designated the Crimean Tatar Mejlis as an extremist organization, banning its activities and silencing an entire community just for speaking out against Russia's occupation and attempted annexation. The SMM should have full access to

Crimea, and we remind the Russian Federation that sanctions related to its occupation of Crimea will remain in place until the occupation ends. And sanctions imposed for the aggression in eastern Ukraine will also remain in place until Russia fully implements its Minsk commitments.

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

Thank you, Mr. Chair.