



United States Mission to the OSCE

The Russian Federation's Ongoing Aggression Against Ukraine

As delivered by Ambassador Michael R. Carpenter
to the Permanent Council, Vienna
September 7, 2023

Each and every week, those of us in this Council are subjected to the Russian Federation's objections, on procedural grounds, to this body's discussion of Russia's war against Ukraine. It's the same sound bite every time. The basis for Russia's objection is that the topic of the discussion under this particular agenda item – its war against Ukraine – lacks consensus among participating States.

But, Mr. Chair, if there's one document or set of principles that HAS garnered consensus in the OSCE, it's the *Helsinki Final Act*. The *Final Act* is the guiding force that animates this organization, and prior to that, the Conference on Security and Cooperation in Europe. It is quite literally the basis of *everything* we do, including the explicit agreement by all of us to hold ourselves accountable for the principle and commitments of the Act.

So, it is quite an illogical argument – you might even say, an oxymoron – for Russia to claim that a discussion of its violations of the *Helsinki Final Act* represents a nonconsensual agenda item. Arguably, this is the one agenda item that has achieved total consensus dating all the way back to 1975. We believe that participating States have not only the right, but also the obligation to condemn Russia's aggression and to highlight the glaring incompatibility of its actions with *Helsinki Final Act* principles; again, principles that Russia itself pledged to uphold.

So, let's actually go through each of the *Helsinki Final Act's* ten principles to illustrate why this is the case:

The *Helsinki Final Act's* first principle calls on participating States to respect each other's sovereign equality and the rights inherent in sovereignty. Russia's invasion of Ukraine and establishment of puppet regimes beholden to the Kremlin is the clearest possible contravention of the principle of sovereignty. So too are the farcical attempts to hold so-called "elections" in these occupied territories.

Some within the Russian government are concerned about the perceived legitimacy and voter turnout for the elections in the occupied areas. The outcome will, of course, be pre-determined and manipulated: we have information that the Russian government will fabricate voting results across the occupied areas.

These so-called elections are illegitimate and an affront to the UN Charter. Russia's actions demonstrate blatant disregard for the principles of state sovereignty, territorial integrity, and political independence that underpin global security and stability.

The *Helsinki Final Act's* second principle reflects participating States' commitment to refrain from the threat or use of force against the territorial integrity or political independence of other participating States. For over a year-and-a-half, we've witnessed thousands of Russia's tanks, artillery, missiles, drones, and hundreds of thousands of troops that have been used to apply brutal force against Ukraine to undermine its territorial integrity and political independence. One of these Russian missiles killed 16 people in Kostiantynivka just yesterday when it exploded in the town's market.

Russia's war of imperial conquest flies in the face of the *Helsinki Final Act's* third principle, to regard as inviolable all other participating States' frontiers and to "refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State."

Russia's actions also contravene the Act's fourth principle, requiring participating States to respect the territorial integrity of states and to refrain from any action against the unity of states or from making each other's territory the object of military occupation.

Prior to Russia's full-scale invasion, we worked hard at the Permanent Council here towards a "peaceful settlement of [the] dispute," as required under the Act's fifth principle. In fact, the Polish Chairperson-in-Office went to great lengths to launch the so-called Renewed OSCE European Security Dialogue to address Russia's professed security concerns. Russia's response? Diplomatic disengagement and war against its peaceful neighbor. This was in direct contradiction of the *Final Act's* directive to "seek a mutually agreed way to settle dispute[s] peacefully."

The Act's sixth principle – "non-intervention in internal affairs" – commits participating States to "refrain from any form of armed intervention or threat of such against another participating State" and prohibits participating States from exerting, "political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind." Russia's war of aggression is the epitome of an armed intervention of this type.

During its occupation of Ukraine, Russia has also fundamentally abridged its commitment under the *Helsinki Final Act's* seventh principle: to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief. We've seen since 2014 overwhelming evidence of Russia's human rights abuses in the territories it occupies. We've seen Russia continue Stalin-era practices and target for repression Ukraine's Crimean Tatars and members of other ethnic and religious groups.

The evidence continues to grow of members of Russia's forces and other Russian officials committing war crimes, crimes against humanity, and other atrocities and abuses for opposing its occupation. We've seen members of Russia's forces forcibly separate children from their families. Russia has trampled human rights and fundamental freedoms so thoroughly that we've had to spend hours and hours in this body documenting the many ways it has done so.

In this regard, it is also worth noting that Russia has been intensifying its crackdown on its own people for exercising their human rights and fundamental freedoms. Yuri Kokhovets, a 37-year-old Muscovite, is facing up to 10 years in a Russian prison for the so-called "crime"

of telling a reporter that “Our government said it wants to fight nationalists but it is bombing shopping malls. Our soldiers killed civilians for no reason in Bucha. Only one person can stop this.”

That’s it – that’s the whole crime. Right there. You can get ten years in a Russian prison for saying those three sentences. Kokhovets is just one of hundreds of Russian citizens who have faced criminal charges in connection with their anti-war activism. Vladimir Kara-Murza, Ilya Yashin, Aleksey Gorinov, and many more are currently deprived of their freedom because of their exercise of freedom of speech. Their stories underline the findings of last year’s Moscow Mechanism report that the Kremlin’s repression of those inside Russia is interconnected with Russia’s aggression abroad resulting in appalling atrocities and abuses against the people of neighboring states.

Russia’s sham referenda in occupied territories in 2014, 2022, and again now contravene Russia’s commitment to respect the *Final Act’s* eighth principle on “equal rights and self-determination.” In repeated free and fair elections, citizens of Ukraine have democratically chosen their leaders and reaffirmed their chosen path towards integration with Europe. By waging war against Ukraine, Russia aims to thwart Ukraine from achieving its future by imposing the Kremlin’s will by force on its sovereign neighbor. These fake polls fool no one. They are part and parcel of Russia’s transparent attempts to legitimize its illegal land grab.

Mr. Chair, our work here at the Permanent Council is designed to develop and advance “cooperation among states,” the *Helsinki Final Act’s* ninth principle. Russia’s refusal to pass a budget, obstruction of the OSCE’s Human Dimension Implementation Meeting and Economic and Environmental Forum, and attempts to hijack this body to promote false narratives all serve to undermine this type of cooperation.

Russia’s refusal to fulfill in good faith its obligations under international law – the Act’s tenth principle – are also well documented. In fact, we need only look to the UN Charter, Article 2, Paragraph 4: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

So, Mr. Chair, let me go back to where I started. Russia claims it wants to protect the OSCE’s procedural functioning by objecting to this discussion on the grounds that it is non-consensual, but in fact the most fundamental consensus in the OSCE is the idea that participating States should hold each other to account for their commitments under the *Helsinki Final Act*.

Mr. Chair, that is why this discussion must continue. The United States will continue to join other participating States around this table in upholding the principles fundamental to the rules-based international order, including those enshrined in the *Helsinki Final Act*.

###