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Delegation of the Russian Federation

**STATEMENT BY
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RUSSIAN FEDERATION TO THE VIENNA NEGOTIATIONS ON MILITARY
SECURITY AND ARMS CONTROL, AT THE 1028th PLENARY MEETING
OF THE OSCE FORUM FOR SECURITY CO-OPERATION**

9 November 2022

**Agenda item: Security Dialogue
Subject: OSCE Code of Conduct on Politico-Military Aspects of Security**

Mr. Chairperson,

We should like to express our gratitude to you for having convened this meeting. We welcome the distinguished panellists, who have shared with us their vision of the implementation of the Code of Conduct on Politico-Military Aspects of Security, adopted at the CSCE Summit in Budapest in 1994.

The Russian Federation continues to proceed from the postulate – the sole valid postulate in its view – that the Code of Conduct remains one of the core documents calling upon OSCE participating States to build their relations with one another on the basis of sovereign equality, mutual respect and fundamental security principles. Unfortunately, in the current context there is a considerable gap between the content of that document and actual reality. However, we are convinced that the Code of Conduct has not lost any of its importance at present, but, rather, is being put to the test by the circumstances and times. The Code is like a lighthouse that serves to guide ships during a storm so that they can keep to the fairway and do not run aground on underwater reefs.

Implementation of all the provisions of the Code of Conduct could lead to the establishment of a truly democratic community of States in the area from Vancouver to Vladivostok. However, that idyllic picture has yet to become reality. You see, the point is that by no means all the OSCE participating States are inclined to treat the commitments contained in the Code as applicable to themselves.

Did the military and civilian leaders of the NATO member countries take the provisions of the Code of Conduct into account when they decided, in 1999, to bomb Yugoslavia using depleted uranium munitions? Were they perhaps invoking that document when they zealously called for Kosovo's independence in 2008? Do we understand it correctly that in our transatlantic colleagues' view, the Code is relevant only for the OSCE area, whereas in Iraq and Libya one is allowed to unleash wholly unjustified aggressive wars? And what about Afghanistan? Do the Alliance's member States believe that they had the "blessing" of the Code of Conduct to plunge a whole country into an abyss of uncertainty in spite of

generally accepted norms of morality and ethics? We have just cited a by no means exhaustive list of the issues that could be discussed today.

Over the past few decades, the Russian Federation has continually drawn attention to the deteriorating international and European security situation. It advocated the implementation in practice of paragraph 3 of the Code of Conduct, whereby the participating States committed themselves “not [to] strengthen their security at the expense of the security of other States”. Our country has repeatedly put forward specific proposals in this field, which were relayed to our OSCE partners through various channels:

- In 2008 a proposal to conclude a Treaty on European Security;
- Since 2018, proposals on resuming the military-to-military dialogue that was broken off at the initiative of NATO, and on measures for de-escalating tensions in Europe and reducing military risks along the borders of Russia and the Alliance’s countries;
- Since 2019, proposals to institute reciprocal moratoriums with NATO on the deployment of short- and intermediate-range missiles on the European continent;
- In 2020, a proposal on reducing the intensity of military exercises and displaying military restraint in contiguous areas between Russia and NATO during the COVID-19 pandemic;
- In 2021–2022, proposals on concluding agreements with the United States of America and NATO on “security guarantees”, and also on discussing specific ways of implementing in practice the commitment undertaken by all OSCE participating States regarding the indivisibility of security and not strengthening one’s security at the expense of the security of others.

All to no avail. In response to our constructive signals we were faced with arrogant silence, rejection or attempts to bog down our proposals. It is legitimate to ask who, in fact, is the one not interested in dialogue on matters related to European stability and the one that did everything possible to prevent such dialogue from being continued.

The last straw for us was the transformation of Ukraine over a period of eight years into a military bridgehead for NATO, a kind of “anti-Russia” that aspires to the acquisition of nuclear status and has declared war on all things Russian. That is how we perceive this unacceptable threat to our country’s security.

Mr. Chairperson,

It all began in 2014, when paragraph 25 of the Code of Conduct was completely “forgotten” about, that is, the commitment whereby “the participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities.” Such “forces” – and, what is more, forces of a highly nationalistic and neo-Nazi stamp – sprang up in Ukraine a long time ago. It is these that became the main instrument of the anti-constitutional coup d’état in Kyiv and the drivers of the war unleashed against the residents of Donbas.

It is no secret to anyone that the coup d’état in Kyiv was planned by the US Government. The preparations for it were conducted with the active use of non-State entities, whose activities are virtually not regulated by international law, including the OSCE Code of Conduct. Experience from the past few decades demonstrates convincingly that it is precisely such entities as transnational corporations, private military companies of various kinds and non-State political institutions dealing with “human rights” that turn out to

be agents executing the orders “placed” by States and their intelligence services for the organization of politico-military provocations and coups. And this raises the question of whether such a situation is compatible with Section VII, paragraphs 20 and 21, of the Code.

A far greater danger arises when such non-State entities support fascistoid radicals in violation of paragraph 17 of the Code of Conduct, which refers to the need to counter “manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism”. In Ukraine today, a State-level policy has been adopted that involves the whitewashing and glorification of Nazism and Nazi collaborators from the time of the Second World War who were declared criminals by the Nuremberg Tribunal, as well as the falsification of history.

In keeping with this policy of justifying the crimes of fascist collaborators, Ukraine and the United States for many years remained the only States Members of the United Nations to oppose the annual United Nations General Assembly resolution on “Combating glorification of Nazism...”, which is introduced by Russia together with a broad range of co-sponsors from all regions of the world. It is most telling that this year the two were joined by the European Union member countries, including Germany and Italy. We should like to warn you that attempts to forget the lessons of history risk leading to the repetition of mistakes from the past, with unpredictable consequences.

The subsequent avalanche-like development of the crisis in Ukraine was linked to the complete disregard for two other key paragraphs of the Code of Conduct, namely paragraphs 37 and 36. In particular, the first of these reads: “The participating States will not use armed forces to limit the peaceful and lawful exercise of ... human and civil rights ... [or] to deprive [persons] of their national, religious, cultural, linguistic or ethnic identity.” Moreover, in paragraph 36 it is specially emphasized that “the armed forces will take due care to avoid injury to civilians or their property.”

Yet, from 2014 onwards the Ukrainian Government imposed an economic, transport and humanitarian blockade against Donbas, pushing the entire region to the brink of survival simply because its inhabitants did not agree with the results of an anti-constitutional coup d'état. Heavy artillery and fighter aircraft were deployed against elderly people, women and children. The situation could have been saved by the Ukrainian Government implementing the Minsk agreements endorsed by the United Nations Security Council, but in practice, as the former President of Ukraine, Petro Poroshenko, himself admitted, these were used as a convenient smokescreen for strengthening the Ukrainian army.

For years, the Ukrainian Government's Western partners turned a blind eye to all these alarming realities. In violation of paragraph 19 of the Code of Conduct, from 2014 to the present day they have not been seeking to facilitate the cessation of hostilities. Now they are even openly dissuading the leadership in Kyiv from conducting negotiations with the Russian Government. After all, they need Ukraine as a tool for weakening Russia. They are hurling ordinary Ukrainians into the pyre of their geopolitical ambitions and getting them to do the dirty work for them on the battlefield, including the use of terrorist methods. This runs counter to paragraph 6 of the OSCE Code of Conduct.

The Russian leadership has always been committed to diplomatic methods of conflict resolution. Even today we are willing to engage in such a process. But we cannot ignore the realities and fail to respond to them in an appropriate manner.

Mr. Chairperson,

In the course of the conflict in Ukraine several other provisions falling under the internal “dimension” of the Code of Conduct have been completely disregarded, which will in turn, sooner or later,

have inevitable legal consequences for those who breached them. I am referring, in particular, to paragraphs 30, 31 and 34, which obligate the participating States to ensure that their armed forces personnel are familiar with the provisions of international humanitarian law, and which also stipulate that military personnel are responsible under national legislation and international law for any unlawful actions, including the giving of criminal orders.

Since the start of the special military operation on 24 February this year, the international community has witnessed horrifying war crimes by the Ukrainian troops, who in the course of eight years have been receiving training from military instructors from NATO member countries, including the United States, Canada and the United Kingdom.

The nationalists deploy weapons in residential areas and use civilians as human shields. They set up military facilities in the central areas of major cities. They intercept missiles flying over densely populated areas, as a result of which shrapnel rains down on residential buildings. They shell hospitals, schools and humanitarian convoys using weapons supplied by EU and NATO countries. They mine the population centres of Donbas with PFM-1 Lepestok anti-personnel mines. They use prohibited types of weapons against civilian objects in the Donetsk and Luhansk People's Republics and the Kherson and Zaporizhzhia regions, such as cluster munitions, including munitions for German-made MARS II systems, and munitions containing small tungsten balls as strike elements. There are reports of new requests for dual-purpose improved conventional munitions to meet the Ukrainian armed forces' needs, including Swedish- and French-made BONUS cluster artillery rounds.

All of the aforementioned points constitute a violation of the basic provisions of international humanitarian law, including Amended Protocol II to the Inhumane Weapons Convention. At the same time, the Ukrainian Government is flouting the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. As far as the Code of Conduct is concerned, we are dealing here with gross disregard by Ukraine and its Western arms sponsors for paragraphs 15 and 16, which call for implementation in good faith of commitments in the field of arms control.

Nor can we pass over the fact that, in violation of the humanitarian provisions of the OSCE Code of Conduct, the Ukrainian armed forces continue to abuse, torture and brutally murder captive Russian soldiers and officers. Military personnel who returned home on 3 November as part of a prisoner exchange are describing how they were treated in Ukrainian captivity: "Wounded men were constantly made to squat. Many lads had to go through this and there were some who didn't make it. Other lads were simply battered to death." On previous occasions we have repeatedly pointed to verified instances where our military personnel were kneecapped, had their throats slit, were starved to death or impaled on anti-tank hedgehogs and run over by tanks (we will disseminate a relevant video for the benefit of those who are still in any doubt).

Moreover, it is remarkable that criminal proceedings are being instituted in Europe against doctors entering the zone of hostilities in Donbas from EU and NATO member countries. And this simply because they are going there, out of a sense of professional duty, to treat soldiers subjected during their captivity to torture by a "civilized European army" which is purportedly acting "in line with the standards of the North Atlantic Alliance".

We note with profound regret that inhuman, overtly terroristic tactics are being consciously and deliberately used by the Ukrainian nationalists with the aim of making as big a "splash" as possible in the West so as to obtain more weapons and ammunition. However, all attempts to shift the responsibility for war crimes on to Russia founder on the facts, which it is becoming ever harder for Western propagandists to

dispute, while stagings like the notorious one at Bucha are being refuted more and more. The cynicism of the leadership in Kyiv, whether taking the form of attacks by the Ukrainian armed forces against the Zaporizhzhia nuclear power plant or strikes against a penal colony in Olenivka where the so-called defenders of Azovstal were being held, merely confirms the need to protect the completely innocent citizens who find themselves in bondage to a nationalist regime.

In the light of what has been said, we categorically reject the groundless accusations levelled against our country in connection with the sovereign decision to begin the special military operation.

The Russian Federation was obliged to react to the threat that had arisen, and we did so, giving a positive response to the clearly expressed request from the population of the Donetsk and Luhansk People's Republics and the Zaporizhzhia and Kherson regions to become part of our country. In this way we protected our compatriots from the atrocities being perpetrated in south-eastern Ukraine. This was also the case in 2014, when we defended our strategic interests in the Black Sea region. Now we know that there will never be a NATO naval base in Sevastopol or US anti-missile defence systems in Crimea. As Russian President Vladimir Putin recently stated, Russia will continue to firmly defend its interests, if necessary also by exercising its legitimate right to self-defence. This is fully in accordance with paragraph 9 of the Code of Conduct.

Mr. Chairperson,

As a party to the Geneva Conventions of 1949 and the Protocols Additional to them, Russia takes very seriously the implementation in good faith of these cornerstone documents of international humanitarian law. The norms of international humanitarian law have been incorporated into Russian domestic legislation. In this regard, we particularly emphasize that Part III, Section III, of the Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War is not applicable to the new constituent entities of the Russian Federation. National normative legal acts, including the Constitution of the Russian Federation, apply to them. On the basis of these acts we are calling people up for military service and also protecting the new regions' citizens from any external encroachments.

The Russian Ministry of Defence and other security structures attach great importance to familiarizing our armed forces personnel with the law of armed conflict and to monitoring its rigorous implementation. Thus, military personnel and officials from relevant agencies attend courses based on specialized curricula and teaching materials (for example, the "Guide to International Humanitarian Law for the Armed Forces of the Russian Federation" (2015) or the "Guidelines on the Organization of Legal Training in the Armed Forces of the Russian Federation"). Advanced-level training courses are regularly conducted, as are seminars and conferences, including events organized jointly with international organizations such as the International Committee of the Red Cross.

The Criminal Code of the Russian Federation contains measures providing for criminal liability for offences against international humanitarian law. Especially severe penalties are stipulated for such acts – we are talking about terms of imprisonment of up to 20 years. The regulatory and legal framework is being constantly updated and enhanced. All the aforementioned programmes, norms and mechanisms are reflected in detail under heading 4 in Russia's responses to the Code of Conduct Questionnaire.

We particularly emphasize that captive military personnel of the Ukrainian armed forces are guaranteed humane treatment in line with the provisions of the Geneva Conventions. Long before the Code of Conduct, ethical principles pertaining to warfare and the treatment of prisoners of war and civilians were universally inculcated in the personnel of our country's armed forces, and any deviation from these was severely punished. Esteemed Europeans, remember the campaigns of Suvorov, the liberation of your capitals

from Napoleon in the nineteenth century and from the “Brown Plague” in the twentieth. The Russian soldier will always protect and help those in need, even if it means sacrificing his life. Everything I have just described is part of the glorious centuries-old Russian military tradition, which is held sacred in our country and which our Ukrainian neighbours have apparently renounced.

Mr. Chairperson,

As we conclude our statement, which was also intended as a response to the assertions made by a number of delegations today, we should like to confirm our willingness to develop international co-operation on topics related to the Code of Conduct. We expect the norms enshrined therein to be put into practice in a broad international context.

Thank you for your attention.