

Ending the War in Ukraine: Kurt Volker, U.S. Special Representative for Ukraine Negotiations



MAY 8, 2018

**Briefing of the
Commission on Security and Cooperation in Europe**

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe [OSCE]. The membership of the OSCE has expanded to 56 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

Ending the War in Ukraine: Kurt Volker, U.S. Special Representative for Ukraine Negotiations

MAY 8, 2018

Page

PARTICIPANTS

Alex Tiersky, Senior Policy Advisor, Commission on Security and Cooperation in Europe	1
Ambassador Kurt Volker, U.S. Special Representative for Ukraine Negotiations	2

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May 8, 2018

Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 2:05 p.m. in Room 106, Dirksen Senate Office Building, Washington, DC, Alex Tiersky, Senior Policy Advisor, Commission on Security and Cooperation in Europe, presiding.

Panelists present: Alex Tiersky, Senior Policy Advisor, Commission on Security and Cooperation in Europe; and Ambassador Kurt Volker, U.S. Special Representative for Ukraine Negotiations.

Mr. TIERSKY. Ladies and gentlemen, welcome to today's Helsinki Commission briefing on Ending the War in Ukraine. I welcome you on behalf of our chairman, Senator Roger Wicker, and our co-chairman, Congressman Chris Smith. My name is Alex Tiersky. I'm a policy advisor with the Helsinki Commission. Let me start by reminding everybody that our event is streaming live on the Helsinki Commission's Facebook page, and that if anyone is out there tweeting, you're welcome to use our handle, @HelsinkiComm.

The war in Ukraine is the subject that we'll be discussing today. And as many of you are well aware, for 4 years now civilians in eastern Ukraine have suffered the effects of a needless conflict, manufactured and managed by Russia. An estimated 10,300 people have been killed, and some 25,000 injured. Millions more have been displaced. The humanitarian situation continues to deteriorate amidst almost daily cease-fire violations and threats to critical infrastructure. In particular, U.S. citizen Joseph Stone, some of you may not be aware, was killed a little more than a year ago, on April 23, while monitoring the conflict as a member of the OSCE Special Monitoring Mission in Ukraine. This monitoring mission is the only and key source of verifiable information on the grave daily impact of the conflict on the local civilian population.

On the occasion of that somber 1-year anniversary of Joseph Stone's death, the chairman and the ranking senate commissioner jointly put out a statement, which we put in your folders. Chairman Wicker stated that Russia's continued fueling of this war must end. Putin and those he supports should live up to their commitments under the Minsk agreements and get out of Ukraine. In that same statement, Ranking Senate Commissioner Cardin stated that Russia's invasion of Ukraine is one of the most serious breaches

of OSCE principles since the signing of the Helsinki Final Act of 1975. The Russian regime must put an end to the cycle of violence it perpetuates in Ukraine and live up to its OSCE commitments.

Ladies and gentlemen, we have today an extraordinarily distinguished guest, who is at the very heart of the efforts to end this tragic conflict. We are very fortunate that Ambassador Kurt Volker has agreed to share his thoughts with us today. In July 2017, Ambassador Volker was appointed by then-Secretary of State Tillerson as U.S. Special Representative for Ukraine Negotiations. In that capacity, he has undertaken a series of discussions with senior Russian counterparts, in particular Vladislav Surkov, to explore ways to end the conflict, including the possibility of an international peacekeeping mission.

His full biography is in your packets, but by way of introduction let me only note that Ambassador Volker's 30 years of leadership ranges across a variety of government, academic, and private sector positions. And that besides moonlighting in his Ukraine-related role, Ambassador Volker sometimes finds time to also serve as the executive director of the McCain Institute for International Leadership, which is a part of Arizona State University based here in Washington, DC.

Ambassador Volker, we are all grateful that you've been willing to personally engage your considerable skills and expertise in seeking a solution to this conflict, of course, on the basis of ending Russia's aggression and restoring Ukraine's territorial integrity. I look forward to your introductory remarks and the input we are sure to receive from this distinguished audience. I see representatives of congressional staff, I see think tank colleagues, I see embassy representatives, and the public. I also want to note the presence of some future leaders of America who are observing our proceedings today.

Ambassador Volker, please, you have the floor.

Amb. VOLKER. Thank you very much. Thank you, Alex, for having me. And it's really a pleasure to be with the Helsinki Commission. I think this commission plays a really critical role. It keeps a focus on some of the values and principles that we hold dear as a country. And it creates a way to bring those forward in a congressional setting that oftentimes does not happen as clearly as it does through the Helsinki Commission. So I think that's important.

The other thing that you referred to in your remarks I wanted to refer to as well, which is the core Helsinki principles themselves. And let me just start off by saying that if these principles were being respected today, we wouldn't have a problem in Ukraine. There's what's well known as a decalogue of these core principles, and I'll just read them out. That's the sovereign equality and respect for the rights inherent in sovereignty; refraining from the threat or use of force; three, inviolability of frontiers; four, territorial integrity of states; five, peaceful settlement of disputes; six, non-intervention in internal affairs; seven, respect for human rights and fundamental freedoms; eight, equal rights and self-determination of peoples; nine, cooperation among states; and, ten, fulfillment in good faith of obligations under international law.

I don't think there's anything there that we would have a problem with, that Ukraine would have a problem with, that any normal sovereign democratic state in the Euro-Atlantic community should have a problem with. And if we did see respect for these principles, there would be no conflict in Ukraine today.

Unfortunately, there is a conflict in Ukraine. And I've been very clear in my commentary to describe this as a hot war, because so often it is relegated to this status of frozen conflict and therefore not important in some way. That is simply not true. It is an active conflict. It's a hot war, as I say. There is fighting going on every day. This year alone, talking 2018, 33 members of the Ukrainian armed forces have been killed, and 228 wounded, so far. These are soldiers of a country fighting to defend themselves on the territory of their own country. This is not some expeditionary mission. There is no fighting going on in Russian territory or somewhere else. This is all happening inside Ukraine. The armed forces of that country are fighting to defend their society. And 33 members of the armed forces have been killed.

Civilians are also facing a significant impact from the fighting. In the past 12 months, 50 civilians have been killed during the course of this conflict. And at least 250 civilians wounded over the past 12 months. That is an unacceptable human toll. And let me add a few others, having spoken with United Nations representatives in Ukraine in the past few weeks. In addition to what you mentioned, Alex, of over 10,400 people killed as a result of this conflict, there are estimates of anywhere from 1½ to 2 million people displaced by the conflict. There's an estimate of approximately 1.2 million people living in food insecurity because of the conflict.

And let me describe what that means. Food insecurity is defined as if you were to have a normal diet, you would be spending at least 50 percent of your income in order to buy food to sustain that diet. So 1.2 million people are in that situation. A smaller number, but a significant number, are living in severe food insecurity, meaning 70 percent of their income would be required just to provide a normal diet. Obviously, they don't do that, because they have to do other things, like get around and go to school and have heat. So they can't spend all of that money on that alone. And so there is a food issue.

There's the physical security issue for the population. And as I mentioned, civilians have been killed. And as recently as within the last 2 weeks, a family of four hit a landmine and was blown up. There is economic insecurity as a result of the invasion, occupation of this part of the Donbas. The economy there, apart from subsidized payments, has largely shut down. This used to be a heavy industry area of coal mines, steel mines, coke plants. A lot of that now largely shut down. And so there is economic insecurity. And that extends even to people who are pensioners, who would normally be receiving a government pension in order to survive. The government of Ukraine is unable to reach those people directly. They need to cross into the main area of Ukraine in order to receive those payments. A dangerous crossing across the cease-fire line, or an arduous one going around.

There are health issues. And the U.N. is concerned about outbreaks of antibiotic-resistant tuberculosis in the occupied area of the Donbas. There are water concerns. And there have been attacks on a water filtration plant near Donetsk. And attacks even on the crews who were working at that plant, as they've gone to and from work. There are environmental concerns. And some of these mines have been used for dumping, including for radioactive waste, which is going to present a very long-term health challenge in the area. These are direct, significant, and intolerable human consequences of this conflict.

Now, let me speak a little bit more about the nature of the conflict. It is not, as is sometimes portrayed, an ethnic conflict between Ukrainians and Russians. These are Ukrainians fighting to defend their territory, whether they are ethnic Ukrainian or ethnic Russian. And the people in the Donbas who are there are living under an occupation

regime of the Russian-created entities, Luhansk People's Republic and Donetsk People's Republic. Everything there, in the east, is 100 percent under Russian command and control, under Russian political direction. They were established at Russia's direction. They are financed by Russia. They are directed by Russia. They are there only at Russia's control—because of Russian policy.

You have ethnic Russians fighting on both sides of the conflict, fighting for the Ukrainian military to defend the country and also fighting as hired contract soldiers for the military forces that Russia has assembled in the east. So if anything, this is a conflict that has more to do with Russia's direct intervention in Ukraine and its occupation of territory, and an unresolved issue in the ethnic Russian community of the degree to which that community sees itself as a part of Europe and can orient toward the West, and can live in a democratic, normal society in Ukraine, or the degree to which that is unacceptable to Russia. And Russia will fight and kill people to prevent that from happening.

There is a peace agreement that has been agreed to, which is the Minsk agreement. That has been signed by Russia, Ukraine, and the OSCE. And they have periodic meetings in Minsk to check up on implementation. The fact is that it is not being implemented. There has not been a sustained cease-fire. There has not been an effective withdrawal of heavy weapons. There has not been an opportunity for the government of Ukraine to access this territory at all, which means that some of the political steps that should take place under Minsk—such as local elections, such as granting of amnesty and a special status to the area, have not been implemented either. That needs to happen. But it can't happen as long as the area remains under Russian control, and without any access for Ukraine government entities.

There's a diplomatic process that is aimed at facilitating implementation of the Minsk agreements. That's called the Normandy Process. And that consists of France and Germany sitting down with Ukraine and Russia, trying to cajole steps toward implementation. And looking particularly at what steps can be done, such as a localized cease-fire or a cease-fire that lasts for more than a day, or a withdrawal of a heavy weapon, or the opening of a border crossing point, in order to create some kind of goodwill and some kind of momentum. I think we have to applaud the efforts of France and Germany. We certainly support them in this endeavor. But unfortunately, that has also produced very little over 4 years.

The United States has gotten increasingly engaged in trying to push for a diplomatic resolution of the conflict since July. And we're doing so by joining with France and Germany in our efforts and supporting their efforts, and at the same time trying to create a much greater sense of clarity. The fact is that this conflict will only be resolved if Russia decides to remove its forces from the territory of Ukraine and to allow a genuine security presence to enter. We've proposed that this be under a U.N. mandate, an internationally mandated peacekeeping force that would not be Ukrainian forces, in order to establish security and create the conditions where you could have local elections and where you could have the other steps of the Minsk agreements fulfilled.

If that were to be done, you would have a situation where the territory would then be restored to Ukrainian control after the implementation of the Minsk agreements, according to the terms of those agreements. Thus far, the U.S., France, and Germany have proposed to Russia parameters, the contents of what a peacekeeping force would genuinely need to be able to do. There are three basic elements to that. It would need to have responsibility for area security, to control security within this territory. It would

have to participate in the cantonment of heavy weapons. And it would have to establish control of the international border between Ukraine and Russia. That does not mean closing the border. It just means controlling the border, which right now is controlled only by Russian forces and allows for the unfettered movement of troops and equipment back and forth. If a peacekeeping force could do those things, the conditions would be ripe to then hold local elections and take other political steps under Minsk and see that they are fully implemented.

We've put this offer on the table. We've discussed it in terms of implementation modalities with Russia. We are waiting to hear back from Russia. Last conversation I had with my Russian counterpart was in January. Russia's been through a lot of things since then—an election and inauguration yesterday. So we are hopeful that we hear something soon as a constructive response to this proposal for a U.N.-mandated peacekeeping force, which we believe is essential to resolving the conflict and also to finally and fundamentally alleviating these humanitarian concerns that I raised.

So I will pause there, and I would be delighted to hear any comments and questions. And I'm in your hands, Alex.

Mr. TIERSKY. Thanks very much, Ambassador. An excellent starting point.

I'm going to ask you a few questions to follow up on what you just said. So the Russians have in front of them a coordinated proposal from ourselves—from yourself, along with the French and German colleagues that you work with. And we are awaiting a response from them. What is your sense of any impact that President Putin's re-election may have on their potential response? What happens if there is no response from the Russian side? I mean, it's not to my understanding that they have some sort of a deadline to respond.

Amb. VOLKER. Right. First off, I think we did make an assumption that it was going to be difficult for Russia to address this in a serious and coherent way prior to President Putin's re-election. So now that that has passed and that the inauguration is also passed, I hope that we are entering a period where Russia will be willing to take this on again. So that's the first part of that.

The second is that there's nothing to be gained by continuing this conflict. There's no recognition of Russia's taking of this territory. There is no further incursion that's going to be made. The Ukrainian people have shown extraordinary resilience and it has, in fact, reinforced a sense of national identity and purpose in Ukraine. And I don't see that changing as long as this conflict goes on. In fact, it deepens the more this conflict goes on. There are costs to Russia and to others as a result of this conflict, in the form, for instance, of sanctions, which are in place and are escalating. There are costs in terms of military operations—the loss of lives, the civilian administrations. And so it's paying a lot for not much at all. So hopefully that will be a reason on its own to take steps to end the conflict.

And probably even most importantly, as President Putin has passed this milestone of being elected into his fourth term, if that's how we look at it, one would hope that he would look to create a legacy of creating peace. We have Russian soldiers being killed fighting this conflict. We have Russians killing Ukrainians. We have Russians on both sides fighting. It's a tragedy. And if he could position himself to be supporting peace and a resolution of the conflict, I think that would be at least a positive legacy in that respect for him.

If none of that happens, our plan A is still plan A, which is we want to see Ukraine be a successful, prosperous, and secure democracy. We want to see Ukraine develop as a country. We want to see the best possible opportunities for the Ukrainian people. We've been providing assistance to Ukraine in a number of ways, as have countries in Europe, the European Union and so forth. We'll all continue that. And we'll all urge Ukraine to do its share as well, in the spirit of reform and fighting corruption to create the conditions for that kind of prosperity in Ukraine. And to the degree that Ukraine as a whole is successful as a country, that is also going to facilitate long-term resolution of the conflict.

Mr. TIERSKY. What is your assessment of the impact of the widely reported delivery of the Javelin antitank weapons, both in terms of Ukraine's capacity and the use of the Javelins—or the existence of the Javelins as a defense asset, but also as a political statement of the U.S. commitment to Ukraine?

Amb. VOLKER. Right. So first off, let's remember to keep it in the right context. These are weapons that a country has purchased and put into storage on its own territory. Why this is remarkable is what's kind of puzzling. This is what every country does. These weapons in particular are defensive weapons. They are useful if they have a tank coming at you. You can attack that tank and destroy it. What that means practically is that if Russia were to try to make substantial further incursions into Ukrainian territory, it would be more difficult. I don't think anyone doubts Russia's ability to do that. Russia has a very strong, very capable military. And in very large numbers both inside Ukraine and surrounding Ukraine. So no one doubts Russia's capability.

But for it to be a more costly, more visible operation is what the presence of these weapons would mean. And that, I think, adds to the calculation in Russia, which I don't believe has been interested in taking more territory anyway. I think it just adds to the calculation to say, you know, it's not worth it. So I think in that sense it fills a gap that had existed in Ukraine's defensive capabilities, and does it in a way that I think stabilizes the conflict and creates some of the conditions of there being nothing further to do here, why don't we resolve it.

Mr. TIERSKY. Your mandate as Special Representative for Ukraine Negotiations—to what extent is your mandate also working with the Ukrainians to get to a place where they are engaging in this process in a manner that is likely to lead to a positive outcome?

Amb. VOLKER. Yes, well, fortunately, I'm not alone in this. And we have the White House. We have Secretary Pompeo. We have Secretary Mattis. We have Assistant Secretary Wess Mitchell. So there's a wide team engaged, actually, in talking with Ukrainians and working with them. In fact, National Security Advisor Bolton is having a meeting today with his Ukrainian counterpart. So there's a wide effort there.

In terms of Ukraine's delivery on political and economic decisions and developments, these are things that everyone across the U.S. Government is raising with them, about reform, about fighting corruption, about strengthening institutions. Ukraine has done an awful lot in the past 3, 3½ years. There is a lot more to do. No one could look at the situation and say everything is fine. But it's better than it was prior to 2014. But nonetheless, there's a lot to do. When it comes to Ukraine's particular steps under the Minsk agreements—and this is the creation of a special status for the territory in eastern Ukraine, a granting of amnesty to people who have committed crimes in the occupied territories as part of the conflict, and the conduct of local elections for the legitimate local authorities in the area—those are things that Ukraine has repeatedly said it understands it needs to do and is prepared to do them when it is able to do so.

None of the possibilities have existed to this point for Ukraine to be able to do that. Most fundamentally, not even a cease-fire. So there is active fighting still going on. But with the withdrawal of Russian forces and the creation of security, Ukraine would be obliged to take those steps. And they would face significant encouragement and support from the United States, from the European Union, France, and Germany. This is what it signed up to in the Minsk accords. And it's important that Ukraine do its share as well.

Mr. TIERSKY. One more question from me, and then I'll turn it over to the experts that I see in the audience, who I think will want their chance. We've gone so far in the briefing before, I think, explicitly talking about Crimea. Crimea is obviously part of Ukraine's territory. And insofar as your mandate has to do with the territorial integrity of Ukraine, I was hoping you could say a few words about your engagement on Crimea.

Amb. VOLKER. Absolutely. We have made clear from our very first meeting with Russian counterparts—or, I have in this channel—that we do not accept or recognize Russia's annexation—claimed annexation of Crimea. And we have sanctions in place as a result of that, as does the European Union. It is simply not acceptable for a country to go into a neighboring country, seize territory by force, and annex it. So we are not in a position to accept that. There are also significant human rights violations going on in Crimea, as Russia has imposed a centralized rule over the territory there and disbanded the militias and the local government that had been there. We highlight those things, and it's important that we provide humanitarian support and other political support for the people of that region.

The only good thing that can be said about this is that there is not active military-style fighting going on around the territory of Crimea. That's fortuitous. There is that kind of fighting going on in the Donbas. And so we are looking at this as an unacceptable move by Russia to claim to annex this territory. And we are similarly looking at that in the case of the Donbas. But we also have additionally in the Donbas the urgency of the conflict and the humanitarian situation.

Mr. TIERSKY. Great. Thank you.

Let me turn it over to the audience. Who would like to ask a question at this point? Sure. I see one back here, please. There's a microphone coming. Please identify yourself.

QUESTIONER. Rafael Saakov from Voice of America.

Mr. Volker, I wanted to ask you about the latest Bellingcat report about the Mariupol attack that was connected directly to Russia. And there were even some officers identified in this report who have been involved in this attack. Would you know about it? And what do you think this will mean?

Thank you.

Amb. VOLKER. Yes. I don't have any details beyond what you just said. So I can't confirm anything particular. But let me just say that none of this is a surprise, that this has been a Russian-directed, commanded, and controlled operation for years now. There are regular Russian officers embedded at every level of command in the separatist forces, as they call them. They are led by Russia. And they press fighting at points along the so-called cease-fire line constantly. We have cease-fire violations, mortar shellings, sniper attacks, artillery fire every single night. Sometimes this escalates, and the OSCE puts out numbers of in excess of 2,000 cease-fire violations per night. Sometimes it tapers off into the low hundreds. But it has been constant like this for 4 years now.

Mr. TIERSKY. This gentleman here.

QUESTIONER. One of the intriguing things about this conflict is the number of Russian ethnic people who have taken the cause of Ukrainian freedom into their own hands, put their lives on the line to do that. Can you give us any more—you said there's Russians represented on both sides. Can you give us some more details about the effectiveness and the numbers and the percentages of the Russian volunteers on the Ukrainian side?

Mr. TIERSKY. Let me take one more question at the same time. Please, in the blue blazer back here. Thank you.

QUESTIONER. Good afternoon. My name is Askold Krushelnycky. I'm a freelancer. I write for, amongst other things, Foreign Policy and the Kyiv Post.

It seems that now that Putin has been reelected and you anticipate or hope that there'll be more serious talks, there has to be a way found for him to save face. And you've talked about introducing U.N. peacekeepers, which the Russians have as well. But their concept of that was actually to just keep themselves safe or keep the occupation frozen as it is. Do you think that U.N. would be willing to? And is that the most realistic way forward?

The other thing is just, I'm very curious how, when Russia refuses to acknowledge its presence in Ukraine, your meetings can carry on with Mr. Surkov. It seems to me there's an almost surrealistic aspect to it. And I'd like to hear how you do it.

Amb. VOLKER. Right. So, first off, let me start on what Russia proposed concerning the U.N. Russia proposed in September of last year what they called a protection force. And the idea was to protect OSCE monitors, only on the cease-fire line that is dividing the territory of Ukraine. Everyone in response to this—whether it was Ukraine, United States, other Security Council members, France, the U.K., Germany, Sweden, others—all looked at this and immediately saw that this would only further deepen the conflict, divide the territory, make it essentially unresolvable. So we all stopped any effort to move on that Russian proposal and said: What we need is not a protection force. We need a genuine peacekeeping force, one that would have those attributes that I described earlier. And that's why we produced these parameters with France and Germany to say: This is what a genuine peacekeeping force would need to be able to do.

Now, as to whether the U.N. would be willing to do that, what we are proposing is not a U.N.-run operation, not one that goes under general assessment of special assessed contributions to the United Nations. This would be a U.N.-mandated peacekeeping force that would be staffed on the back of voluntary contributions by nations, coordinated through a special representative of the Secretary General. And many nations have stepped forward to say, in the right circumstances—and that's a critical caveat—but under the right circumstances they would be prepared to contribute.

And I think a U.N. Security Council resolution would, of course, only pass if Russia was voting in favor, which means that this is designed to be a proposal that only works if Russia's in agreement to solving the conflict as well. If Russia wants to keep fighting, if Russia wants to obstruct peace, then no one is going to put their own forces in there, to then try in some way to compel Russia physically. That's just not going to happen. So the fact that this requires Russian agreement is not only realistic, but necessary. That what we want to do is agree with Russia. Now, as to why they would want to—first off, as I said, I think they get nothing out of this conflict. It's actually a drain on Russia. They can pursue whatever other goals they have with Ukraine without holding onto this territory and propping up these particular puppet regimes.

In addition to that, I think that it is unconscionable, even from a Russian perspective, to be thinking about Russians fighting and killing Ukrainians, Russians fighting and killing ethnic Russians, Russians dying on Ukrainian soil over this. There's nothing honorable about that. And turning it around, the idea of being able to stop that, to create peace, to build a renewed harmony between what have been peoples that have been very close to each other for centuries is something that is worthy of a legacy. And so I hope that we're able to flip the optics of this.

And then as a practical matter, there are things that are achieved if the Minsk agreements are actually implemented. And the whole point of this proposal is to see that the Minsk agreements are implemented. And those things would be to achieve a special status for this territory within Ukraine, to gain an amnesty for some people, and see that local elections are again held and that the local population is able to exercise its rights again, which they are not able to do as long as the Russian forces are there in an occupying capacity.

Mr. TIERSKY. I see a question right here, please.

QUESTIONER. Thank you. Hi, I'm Volodymyr Dubovyk, professor of international relations from Odessa University.

I understand that this hearing is not a place for sentiments, but I would like to begin by saying words of gratitude to this Nation for its support and assistance to my country in Ukraine in these times of need that we live through. Also, personally to you, Ambassador, your excellency. I guess we are fortunate in Ukraine to have someone like you in this position, who has a clarity of analysis, clear vision on the Russia-Ukraine conflict, and principled position, for your tireless efforts in finding a resolution for Ukraine-Russia conflict, and helping Ukraine. Thank you.

My question also goes to the subject of a peacekeeping force. You have mentioned that since the Russians came up with their position, which is not suitable to this government, and you came back and said this is how we think it should be done, there has been a long pause. And you're still waiting to hear from them. In that waiting time, have you seen any signs that make us hopeful in any way that Russia might readjust its position on the peacekeeping mission, its potential? That's the No. 1 question.

The second question, if I may—I understand that assessment of Ukraine and reforms in various fields is not a part of your portfolio. But still, I would like to ask, do you feel there is a strong connection and contingency between how Ukraine does reforms and how it keeps the pace of reforms up, and how it fights to eradicate corruption on the one hand, and the future of American support and assistance to the country of Ukraine, the Nation of Ukraine, in the future?

Thank you.

Amb. VOLKER. Great. Well, thank you. Unfortunately, the answer to your first question is no. I don't see any hopeful signs. In fact, if you look at the wider context of Russia's activities, whether globally or with respect to the United States, it's been a very disappointing several months. We saw the nerve agent attack in the U.K. We saw the expulsion of additional diplomats and the breaking of additional diplomatic ties through that.

We saw the attack of Russian contract soldiers on U.S. and other forces in Syria. We saw the campaign videos of the infinite duration cruise missile, or the renewal of the nuclear capacity, the animated version of a strike on Florida. None of these are hopeful

signs in terms of how Russia is looking at its engagement with the rest of the world at the moment. It's taking a very belligerent look at that.

The only thing I can say that would be hopeful is that if Russia wanted to pick one issue that is ripe for resolution, that offers a positive outcome for Russia as well, and that is eminently achievable, it is ending this conflict in the Donbas, or withdrawing its forces and seeing the Minsk agreement is implemented. Russia could very easily help to bring that about. At the moment, however, as you asked, I don't see very many hopeful signs in that direction.

As for Ukraine, I want to start off by saying I do understand the degree of difficulty of reforming a system that has become endemically corrupt, and endemically controlled by a small number of people in a form of oligarchy. And Ukraine has done a lot in the past few years. There has been pension reform. There has been health care reform. There has been education reform. There has been tax reform. They've made a number of steps. But it is all falling short.

And I think the key test is whether foreign investors feel confident they will be able to invest in Ukraine, create jobs, create prosperity, and be confident that they are living in a rule-of-law environment, that they can be successful as businesses, and that they can declare profits and keep those profits if they are successful. Very few businesses feel that way. And so I don't think Ukraine has crossed that threshold. And there's a lot that is yet to be done.

I think Ukraine would be a stronger country, a much stronger country, to the degree it is able to deal with these issues of corruption and economic reform and business climate. It has done some, as I said, but it needs to do a lot more. And it would make it a stronger country. And a stronger country will be more resilient in the face of this aggression.

From a United States or a European standpoint, we want to do everything we can to encourage Ukraine to move down the right path on reform and strengthening its country. It's good for Ukraine, as well as a good use of resources. And we want to do what we can. I would hate to see us in a position where we give the Russians what they want, which is to not help Ukraine because Ukraine has flaws in its economy, its governance, its institutions, and so forth. That would just be doing Russia's job for it. I think we need to separate the two, be insistent on Ukraine's own work on reform and strengthening institutions, and at the same time support Ukraine's sovereignty and territorial integrity.

Mr. TIERSKY. Good. I see a question right here, please.

QUESTIONER. Thanks. Hello. Thank you for being here presenting. My name is Abigail Annear. I'm with the Committee on Foreign Affairs.

And as you know, Congress faces almost an infinite amount of issues at any given point. And when you look at Russia specifically, there are also several issues—cybersecurity, election meddling, Syria, Ukraine, et cetera. It feels like it gets bigger and bigger with each day. Given that Congress does have to prioritize its issues and what to place on the agenda, I was wondering if you could possibly make a case for why Ukraine should be prioritized over some of these other Russia-specific issues.

Thanks.

Amb. VOLKER. Sure. Yes, I think it's actually fairly easy to make that case. I don't mean to diminish any other issues, because they're all important, but let me say a few things about this. We are not going to have some magical meeting of the minds with

Russia on values and interests from one day to the next. We're going to have our disagreements. And we're going to have different interests. And we'll have to navigate that. The best way to navigate that is to have a set of rules and expectations that creates some stability, some mutual respect, and that preserves the respect, the sovereignty, the rights, the interests of other people, people like Ukrainians or the Baltic States or Georgia or Moldova, or so on. These are all people who have a right to their own future.

And that's why I brought up the Helsinki principles at the beginning of this meeting, because those sort of rules, if implemented, would create the kind of international environment that would allow for security, respect, stability, national development, call it creation of prosperity, even when we disagree. And what Russia has done is basically tear up these rules, in the case of Ukraine.

And that has very dangerous consequences, because if you do it here, where else might you do it? What certainty can we have that we will have security or stability in the future? So doing this partly is about Ukraine, because it is. But also partly about trying to reestablish some fundamentals in the world we're living in so that we can have some confidence in the future. I think that's an important element.

Mr. TIERSKY. I think that's an extremely compelling case. And thank you for making the compelling case for me to get up and come to work every day. [Laughter.] This is exactly why the Helsinki Commission is here.

I saw—I think the next hand I saw was here, and then we'll go to the back.

QUESTIONER. Orest Deychakiwsky. Previously with the Helsinki Commission, now with the U.S.-Ukraine Foundation.

I don't want to get too much in the weeds, but I recall how you used to work in earlier parts of your career on the OSCE. The Helsinki Commission, of course, deals a lot with the OSCE. In the event of a U.N.-mandated peacekeeping mission, how do you foresee the role of the OSCE, including, let's say, the OSCE Special Monitoring Mission (SMM) in Ukraine?

Thank you.

Amb. VOLKER. Yes. Okay. I view the role of a U.N.-mandated peacekeeping force as being an armed force that provides broad area security responsibility, to include overseeing the cantonment of heavy weapons. I also see it providing security for entities that would operate to control the Ukrainian side of the Ukraine-Russia border. The OSCE would continue to conduct its monitoring mission. It has a lot of local knowledge and a lot of good people. And it would now be able to carry out that mission in a far more secure environment than it is able to do it. Part of the SMM's mandate includes registering of the locations of heavy weapons, monitoring where they are, and also access to the Ukraine-Russia border. So a U.N. peacekeeping operation would be reinforcing the SMM's execution of its actual mandate, which it is not currently able to do.

In addition to that, you can see a couple of other roles for the OSCE where they would be better suited than anyone else. You could see a role for the OSCE in providing some supervision and training of local police forces, because you'll be seeing the removal of illegal armed groups. And you don't want a security vacuum to be created in their absence. You want a reinforcement of legitimate local police forces. And perhaps even making sure they are integrated on an ethnic basis as well, so that there is no perception that local policy forces are acting on behalf of one community or another.

In addition to that, you would need to create local elections, have an organization of local elections which the OSCE would be well suited to do. And then we also need the monitoring of those elections, which is the job of the Office of Democratic Institutions and Human Rights. So I think those would be the principal areas that I would see the OSCE having a substantial role, if we got to that point.

Mr. TIERSKY. Ambassador, I want to follow up on that question. The risks that the monitors themselves face in reporting from this conflict every day is something that our commissioners have been seized with for quite a while, obviously particularly and including the tragic death of Joseph Stone. We had a briefing at the end of last year with the Principal Deputy Chief Monitor Alexander Hug, who reported on the humanitarian suffering of civilians in the region, but also on some of the challenges in monitoring this conflict. I wonder, to what extent do you consider it part of your mandate to press the Russians on ending the harassment of the monitors, ending the often violent conditions that they face in trying to just report out what's going on on the ground. And if, insofar as you are advocating in that direction, what kind of response you receive.

Amb. VOLKER. Sure. Well, I've done it. Whether it's mandated or not, I've done it—[laughs]—because we have the opportunity to raise it directly with Russian representatives. And what I've said is that it is an unacceptable situation, where Russia agrees to a mandate for these monitors in Vienna, and exercises command and control of forces in eastern Ukraine that have prevented the monitors physically from executing that mandate. That's just not a responsible position for a member State of the OSCE. And of course, as was pointed out earlier, Russia denies that it is present in eastern Ukraine. And it denies that it has control of the military forces in eastern Ukraine. And so it just points a finger at the separatists and says: We'll talk to them. We'll see what we can do. And then nothing ever really changes.

Mr. TIERSKY. Okay, I see one back here and then we'll go—so, yes.

QUESTIONER. Hi. Thank you so much. Eric Sprung (sp) from Congressman Ro Khanna's office.

I have a few related questions here. I noticed that in the Deutsche Welle interview you mentioned some concerns about rule of law in Ukraine, in particular regarding some of the small but significant kind of ultranationalist militias and street gangs. The Atlantic Council recently put out a piece on this saying—you know, they had previously said these groups are marginalized and irrelevant. Now they're saying they may be on the rise and may be a real concern even to potentially put pressure on the government.

I know they've—one group, for example, is the Azov Battalion, you may be familiar with. Congress recently passed a ban on arming and training that group for their neo-Nazi ties. In their defense, they said they're only 10 to 20 percent Nazi. That's what they told USA Today. So if they—from what I understand, they've threatened to topple Kyiv and Poroshenko, if he signed a peace agreement or did some kind of diplomatic resolution with Russia, seeing it as capitulation to Russia. Do you think that's a significant threat, or is that something that will pose a problem in these negotiations?

And then second, you may have saw, 57 House members wrote on these Nazi glorification laws, Nazi collaborator glorification, the memory laws in 2015. Poland's got a lot of attention for denying the Polish role in the Holocaust. But the Ukrainian law kind of glorifies, actually, Nazi collaborators, goes a step beyond. Do you think U.S. policy should address that? Or how should the U.S. deal with that generally?

Thank you.

Amb. VOLKER. Right. Let me just say that there are small numbers of groups that have extreme views in Ukraine, and even sometimes take extreme actions. If you go back to 2014, when the Ukrainian armed forces were largely defeated by Russia, some of these groups took on increased prominence because they were there and they were fighting. They are not a significant factor in Ukraine's political, economic, or security sectors today. They occasionally make their voice heard, but they are not a factor at all.

And I think that what you've seen in the 4 years since 2014 is actually a strengthening and reinforcement of democratic institutions in Ukraine, of government control, of legitimate and organized armed forces that are responsive to command and control. So I would not overstate at all the importance of these groups. And to be clear, I'm not in any way apologizing for, or endorsing, or glossing over their extreme views. I'm just saying that they are extreme views and they don't really have much impact in Ukraine at all.

As for legislation, we do regularly engage with the government of Ukraine about legislation that is both proposed by the government or under consideration by the Rada. Everything from urgent reforms, such as passage of legislation on an anticorruption court, or the passage of pension reform as we did previously, or in the future perhaps land reform, but also on some of these symbolic and historical issues. Our advice is that Ukraine needs to be respectful of democratic institutions, of democratic processes. It needs to be inclusive of people in this society. And it needs to be forward-looking about creating opportunity. And you can't control what goes on in the political debate of a democratic country. But what you can do is weigh in on some of the principles that we think are important.

Mr. TIERSKY. Great. Right next to you. Thank you.

QUESTIONER. Thank you, Ambassador Volker. Cory Welt from the Congressional Research Service. It's nice to see you.

Amb. VOLKER. Nice to see you.

QUESTIONER. I have two questions for you, if I may. One, I was wondering if you could speak a bit to the thinking behind creating your position in the first place. As you know, the Obama Administration did not have a position like the one that you serve in. So I was wondering, what was the logic of having a greater U.S. role in the Ukraine negotiations process?

And my second question concerns the Russian withdrawal from—I forget the name of it—but the mechanism in which they were allowed to have a monitoring role as well within Ukraine, and if their withdrawal raised any particular concerns, and what have been the ramifications.

Amb. VOLKER. Yes. Great questions. So during the Obama Administration, the U.S. got engaged in these kinds of discussions with the French and Germans, and then directly with the Russians, and it was still at that time Vladislav Surkov, in the form of Assistant Secretary of State Toria Nuland. She met with Surkov a few times. She kept up the dialog with France and Germany. It became an important part of what she did as assistant secretary. When the new administration took over, there was a gap in filling that position. Wess Mitchell is now assistant secretary for Europe and Eurasian affairs. But there had been a gap. And for about the first 6 months of the administration, you had France, Ger-

many, Ukraine, and Russia all saying to then-Secretary of State Tillerson, we want to continue the U.S. engagement here. We want to see the U.S. play a role.

And in the absence of having a person in the assistant secretary slot or someone else who they could throw at this, Secretary Tillerson asked me if I'd be willing to take it on in a special representative capacity. I said I would be happy to do that. So that's how this was launched. And it is fortuitous that I've known Wess Mitchell for many, many years and we get along very well. We were just talking about these issues together yesterday. We have a very good relationship and continue to work together on this. But I think it was necessary at the time as a gap filler. And we'll have to judge going forward how long we think this particular arrangement is the right way as a matter of policy to address this issue, as opposed to other ways.

As far as the Russian participation in cease-fire facilitation, this was a body called the Joint Centre for Control and Coordination, or J-triple-C, as people say. And it was an informal body. Never had any formal mandate. And it had Russian military officers present to liaise with Ukrainian military officers so that when there were cease-fire violations or when there were attacks on the SMM, or road blocks, or lack of freedom of movement for the SMM, it could be reported to that entity. And then the Russians and the Ukrainians would all get the information, they would go away, and they'd be able to communicate down to the lower ranks and command to try to get the issue resolved.

So even though Russia denied that it had forces present in Ukrainian territory, or that it had command and control of these forces, the reality is that when you're faced with live fire on the ground and monitors being held at gunpoint, you want to have someone who can actually talk to and command the forces there to say: Lay off.

So Russia was for a while playing that role effectively. It then decided to pull out its forces from the JCCC—its generals from the JCCC. And that has basically removed what had been a very useful channel for resolving tactical-level problems. The Russians decided to push the Ukrainians and push the SMM to try to get them to negotiate directly with the forces organized under the so-called Luhansk People's Republic and Donetsk People's Republic. And that was an effort to try to prop up the legitimacy of those entities and, again, retreat behind a denial of any Russian direct involvement.

That has led to a—I would say a greater frequency of disruption of the SMM's activities and, occasionally, some dangerous events that have taken place, that have had to be resolved without the kind of facilitation that could have otherwise happened.

Mr. TIERSKY. Thanks. I see another couple of hands in the audience.

Amb. VOLKER. Two more.

Mr. TIERSKY. Let's do a couple more. And then, Ambassador, before I let you leave, I've got two final framing questions of my own. I'd like to take these last two from the audience together, and then I'll have a couple more questions of my own before we close the briefing.

QUESTIONER. Hello. Cathy Cosman, formerly Helsinki Commission, formerly U.S. Commission on International Religious Freedom.

My questions both have to do with Crimea. In March of this year, the U.N. Security Council passed a condemnation of the Russian annexation of Crimea. Has that had any effect, other than declaratory? I think one can guess the answer.

But the other has to do with the status of Crimean Tatars. The Crimean Tatars were the first large peaceful, organized human rights movement in the Soviet Union. As you

know, they're primarily Muslim, and the contrast between Ukrainian laws on religion and Russian laws on religion have redounded very much to the negative impact on the Crimean Tatars. I'm just wondering whether, especially in this administration, it might be useful to call attention to that fact, that the Muslim Crimean Tatars are having such a difficult if not tragic time, given also their history of—[off mic].

Mr. TIERSKY. So for the purposes of our online viewers, the question was about, could this administration engage more forcefully in defense of the Muslim Crimean Tatar community, if I could summarize it that way. If the final question—if you could just speak up, please.

QUESTIONER. Viola Gienger, freelance writer and editor.

And I wanted to ask about the role of civil society, Ambassador. What have you seen as the most influential role civil society has played, either in the occupied areas or in—either in Crimea or Donbas, or the rest of Ukraine, in terms of putting pressure on the relevant figures involved to try to resolve this issue and to try to move forward? Because it seems like we never hear much about the rest of society being involved in trying to help resolve this and put pressure on.

Mr. TIERSKY. Thank you. Again, the question there is on the role of civil society in driving this conflict toward a resolution.

Amb. VOLKER. Right. So thank you. I'll try to address both quickly. The Crimean Tatar issue is a very important one to raise. The entire territory of Crimea now is occupied by Russia, claimed to be annexed. They've taken away fundamental political rights from the Crimean Tatars that they had exercised there previously. And many have stayed. Many have left to go to other parts of Ukraine. And there is an active civil society movement highlighting the plight of the Crimean Tatars. I met with the former speaker and deputy speaker of the Mejlis who had been imprisoned and then were released through Turkey and are now back in Ukraine.

And I think that you are right that we should continue to highlight this. I am not sure that it is fair to say that legislation in Ukraine creates a worse environment for these people.

QUESTIONER. [Off mic.]

Amb. VOLKER. Okay, good. Because my sense is that the Russian legislation is both harsher, but more importantly, Russian practices are much harsher. And Ukraine is actually creating a space for these people in their community, even in the rest of Ukraine, as they are there as displaced persons. And it is important that we continue to highlight it.

And that goes right into the second question, from Viola, which is most of the valuable and important reports that we have about human rights violations come from civil society groups in Crimea. They are telling us what's happening there and reporting it out into Ukraine and then from there more widely. So that is a critical function, is the human rights monitoring that is going on from civil society.

We hear less from the occupied area of the Donbas. I think those people feel under greater physical pressure day to day, perhaps. And it's harder to cross and communicate. But that said, there are significant border crossings every day across the cease-fire line. And there are civil society monitoring groups that go on there.

The other aspect of civil society is in Kyiv, in Ukraine itself—the rest of Ukraine—where civil society groups are continuing to demand that there be a respect for and an

adherence to the aspirations of the Maidan, which was meant to be the beginning of a fundamental change in the society, not just a change of leadership but a respect for democratic institutions, for human rights, for the rule of law, for fighting corruption, for creating a European vocation for Ukraine. And I think people feel disappointed that things have not progressed more than they have. And civil society groups in Ukraine continuously push those issues forward to the Rada and to the government. And I think that's an important role.

Mr. TIERSKY. Great. Ambassador Volker, I'd like to challenge you with a couple of final questions of my own. One really is fairly fundamental, again, coming back to your mandate and the future of discussions on this conflict. As you are probably more aware of than anyone else, the Minsk agreements themselves face some skepticism in some quarters, including here in Washington. We are all part of describing the absence of real alternatives to Minsk as a basis for resolving this conflict, but I would remiss in not raising this with you. I think your mandate has to do with fulfilling the objectives of the Minsk agreements. Are there alternatives to the agreements themselves in your view? What do you say to those who would suggest some skepticism toward the agreements, given the lack of implementation?

Amb. VOLKER. Right. Everything that needs to happen to restore the territory to Ukraine's sovereign control, to restore Ukraine's territorial integrity, and to restore rights for the citizenship—peace, security, stability, protection of the people—all of those things are in the Minsk agreements. So the issue is not that they are lacking something. The issue is that there's been no implementation of them. They have flaws in the way they were structured and how they were pursued. But nonetheless, that's what's on the table. And Ukraine and Russia have committed to it.

So I think that the most productive way forward is to actually get them implemented, even though there are flaws, rather than to try to cook up something else. That would just create some new open-ended negotiating process, where we already have something that has all the ingredients in it. So I understand the skepticism. There's been no movement on implementation of any seriousness for 4 years. But since we already have a deal, let's see if we can get it done. And that's the reason that we proposed a peacekeeping force as an option, because that would create the security in the area that would allow for the implementation to actually go forward.

Mr. TIERSKY. Great. Let me ask then and close the briefing with a hopeful question. Assuming all goes for the best and we find a political will in Moscow to actually begin to implement their commitments and the process flows in the way that we've been discussing with the peacekeeping mission, et cetera, and at some future date the conflict is resolved, is the administration already thinking about what role the United States should take in post-conflict reconstruction and stabilization, and how the international community should address this? What should Congress expect in terms of an ask, potentially, in that area?

Amb. VOLKER. Yes. I don't have an answer for that one in terms of any specifics what we would be asking for. Let me outline the framework, though. You have a conflict area that has had a lot of damaging impact—economically, humanitarian, environmental, security rehabilitation, demining—all kinds of things that you can imagine would need to be done. You have a Ukrainian Government with some significant capacity. This is not a basket case of a country. It is a country that has some capacity. Nonetheless, it is likely to need some assistance. You have some Ukrainian business leaders who have a vested

interest in fixing some of this. You have the European Union, which has funds available for this, a number of European countries that would like to be involved in supporting a rehabilitation of a conflict area across those many areas.

I think the United States would certainly be looked to as a contributor as well. It would certainly be in our interest to see that these things move with some pace in order to see a genuine restoration of the territory, a rehabilitation of people's lives, and getting back onto normality. And the hope that that would create a prosperous and successful democratic Ukraine, that itself would be a contributor to economic development and to positive security and political environment in Europe going forward.

Mr. TIERSKY. Well, Ambassador Volker, you've been substantive, compelling, and eloquent. I'd like to thank you for being here and thank you in particular for your energy and creativity in this cause, and in taking up this mission. We wish you all the best and success in this role. And we hope for the best with you.

Thank you, again, for appearing with us. And with that, I would like to close this briefing. Thanks for attending.

Amb. VOLKER. Thank you for hosting me. Thank you. [Applause.]

[Whereupon, at 3:13 p.m., the briefing ended.]



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