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The OSCE's Engagement in Response to the Crisis in Ukraine: Meeting New Challenges with New Solutions

In March 2014, the OSCE responded to the evolving crisis in and around Ukraine with the rapid deployment of a Special Monitoring Mission (SMM). The Organization's quick reaction to an increasingly tense security situation, particularly in eastern Ukraine, met the international demand for impartial monitoring and fact-based reporting. Literally overnight, the SMM became the international community's most important tool with regard to gathering information, facilitating dialogue, contributing to the reduction of tensions, monitoring and supporting respect for human rights and fundamental freedoms, and facilitating efforts aimed at a peaceful resolution of the conflict in the east of Ukraine.

Since then, the OSCE has spared no effort to fulfil its role as the world's largest regional security organization in contributing to peaceful conflict resolution in Ukraine. Despite unprecedented challenges with regard to safety and security, specifically in the wake of the dramatic increase in violence in the Donbas over the summer of 2014, which resulted in an ongoing and prolonged military conflict, the SMM has managed to adapt to a fluid situation and deliver results in accordance with its mandate. The Mission has now become the largest OSCE field operation in more than a decade. Due to challenges on the ground, it is applying new technologies of a kind never before employed within the OSCE, including unmanned aerial vehicles (UAVs) and camera-based surveillance systems. While this has provided the SMM with the means to overcome some operational constraints, the Mission has been on a steep learning curve since its inception. It has had to employ a range of bespoke tools and remain flexible, and this is not likely to change in the near- to mid-term future. Consequently, the OSCE's continuing engagement with regard to Ukraine holds many lessons to be learned for the whole Organization, and in particular for its overall crisis-response capacities.

The Special Monitoring Mission to Ukraine – A Brief Introduction

Following a request from the host country, and in response to the deteriorating security situation, the SMM was established by a decision taken on 21 March 2014 by the OSCE Permanent Council (PC), the Organization's prin-

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Note: With input from the OSCE Conflict Prevention Centre and the OSCE Special Monitoring Mission to Ukraine.

cipal decision-making body.[1] The initial deployment foresaw 100 civilian monitors to be located across Ukraine in ten monitoring locations.

Operating according to the principles of impartiality and transparency, the SMM has been mandated to gather information and report on the security situation. Its job is to establish and report the facts, especially regarding specific incidents, as well as any restrictions on its own freedom of movement. It also monitors and supports respect for human rights and fundamental freedoms and establishes contact with local, regional, and national authorities, civil society, ethnic and religious groups, and members of the local population. One particular aspect is its mandate to facilitate dialogue on the ground to reduce tensions and promote the normalization of the situation. With the ultimate goal of contributing to a reduction in tensions and fostering peace, stability, and security, the SMM acts as the "eyes and ears" on the ground not only of the OSCE itself but, as the only large-scale international presence operating in the Donbas, of the wider international community as well.

Compared to today's security environment, the situation in the area of operation at the time of initial deployment in March 2014 was relatively benign. The mood in the country was tense, with some regions – mainly in the east – experiencing protests and demonstrations, but there was little violence. While the Mission was still building up its initial strength of 100 monitors, the situation escalated: Armed groups seized government buildings and violence increased. With little time for Mission consolidation, the changing situation on the ground drove the need for a rapid expansion to 500 monitors.

The changing situation meant that OSCE hit the ground running. While the SMM was still expanding, fighting intensified: The use of tanks, heavy artillery, and multiple-launch rocket systems became more frequent. The hostage-taking of monitors by non-government actors between May and July 2014, and the bringing down of Malaysian Airlines flight MH17 were some of the gravest unanticipated challenges the Mission would face. Still in the process of building up its strength, one can liken the SMM's early days to trying to construct a boat on the open sea while sailing full speed under treacherous winds.

The initial deployment of the SMM took place within 24 hours of the PC Decision. This huge achievement for the OSCE was made possible by the work done since 2011 to strengthen the OSCE's rapid-response capacities following the adoption of Ministerial Council (MC) Decision No. 3/11 on "Elements of the Conflict Cycle". This rapid deployment was made possible by transferring staff and mission members from other OSCE field operations and executive structures as so called "first responders" and by a "virtual pool of equipment" – an electronic inventory of critical assets. Already on the

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1   Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/ 1117, 21 March 2014, at: http://www.osce.org/pc/116747.

ground, the Office of the Project Co-ordinator in Ukraine provided key support.

The provision of both initial and long-term support for the SMM has been an enormous challenge for the Organization. When one considers that the SMM is now roughly one third of the size of the entire OSCE, with some 1,300 mission members and a budget of almost 99 million euros compared to the rest of the Organization's approximate 2,300 staff in other field operations and institutions with a budget of 141 million euros, the strain on an already over-stretched Secretariat in terms of human resources, equipment, and service support becomes obvious. Moreover, as the Mission's activities transformed from observing a tense security situation to monitoring an open and violent conflict in the east of Ukraine, the challenges to both the Mission and the OSCE developed to a level that is without precedent in the history of OSCE field operations.

In spite of these challenges, the SMM has managed to adapt to the new security environment in the east and to fulfil the role it was initially established to perform. In particular, these activities have had a direct impact on affected populations, with whom the SMM's monitors remain in frequent contact. Complementing the efforts to promote dialogue of the OSCE Project Co-ordinator in Ukraine,[2] the SMM has initiated dialogue throughout the country: between religious groups, between internally displaced persons and host communities, and between local populations and local authorities. The Mission has produced thematic reports on issues of concern for people on the ground, such as access to water, displacement, gender, the humanitarian situation of the population, access to justice, protection of civilians and their freedom of movement, and civil society dynamics in relation to the crisis, among many others.[3] With regard to the violent conflict in eastern Ukraine in particular, the SMM has facilitated localized ceasefires, enabling vital repair of civilian infrastructure such as water, gas and, electricity lines, as well as the transport of water-pumping equipment across the line of contact. The Mission has assisted in ensuring access for the International Committee of the Red Cross (ICRC) to deliver humanitarian aid to towns and villages in the Donetsk region. Facilitation and monitoring of the removal of unexploded ordnance (UXO) have allowed for the delivery of lifesaving medical supplies to conflict-stricken regions of the Donbas.

Not foreseen in its initial mandate, many of the activities now conducted by the SMM stem from the Protocol and Memorandum signed in September 2014 and the Package of Measures for the Implementation of the

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2   See the contribution in this volume by Ambassador Vaidotas Verba, OSCE Project Co-ordinator in Ukraine, *Supporting Reform, Dialogue, and Crisis Response in Ukraine*, pp. 125-133.

3   The Thematic Reports of the OSCE Special Monitoring Mission are online available at: http://www.osce.org/ukraine-smm/156571.

Minsk Agreements signed in February 2015. These agreements[4] came about through intense political efforts led by the Normandy Format, which comprises representatives of Germany, France, the Russian Federation and Ukraine, to put an end to the fighting and pave the way for a political solution to the conflict in the Donbas. The enhanced role of the OSCE and the changing operational environment arising from the Minsk negotiations resulted in a decision of the PC[5] in March 2015 to further expand the SMM up to a maximum strength of 1,000 monitors. While the first OSCE monitors arrived in eastern Ukraine in late March 2014 and faced a situation that was tense but generally peaceful, the tasks of today's monitors include monitoring a fragile ceasefire and the withdrawal of heavy weapons from the zone of conflict – new challenges that are not easily met by a purely civilian monitoring mission. The fact that the SMM was asked to take on new activities arising out of the Minsk agreements, despite its limited experience in the relevant areas indicates just how much trust the international community has in the OSCE's ability to respond and adapt to changing political, security, and operational imperatives.

The Challenges of Implementing the Minsk Agreements

Despite the signing of the Minsk agreements, the lack of concrete progress towards conflict resolution on the political front continues to be a major complicating factor. While the OSCE actively supports all efforts toward a diplomatic solution, the responsibility to reach a settlement rests with the sides. The main forum for discussions on resolving the crisis in and around Ukraine remains the OSCE-led Trilateral Contact Group (TCG), which was created in May 2014 to facilitate a diplomatic resolution to the crisis. It gathers senior representatives of Ukraine and the Russian Federation under the guidance of a Special Representative appointed by the OSCE Chairperson-in-Office. Four working groups were subsequently created within this format to focus the discussions on political, security, humanitarian, and economic issues. These groups regularly bring together working-level representatives of Ukraine and the Russian Federation in the presence of participants from certain areas of Donetsk and Luhansk regions. The SMM's Chief Monitor, Ambassador Ertuğrul Apakan, co-ordinates the security working

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4   The "Minsk agreements" shall be understood as the decisions and agreements mentioned in (1) the Protocol on the results of consultations of the Trilateral Contact Group of 5 September 2014, (2) the Memorandum of 19 September 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol, (3) the Package of Measures for the Implementation of the Minsk Agreements agreed by the Trilateral Contact Group at the Summit in Minsk on 12 February 2015, and (4) the Addendum to the Package of Measures, signed on 29 September 2015.

5   Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1162, Extension of the Mandate of the OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1162, 12 March 2015, at*:* www.osce.org/pc/144996.

groups, facilitating discussions and providing expertise derived from monitoring the security situation.

Following the adoption of the Minsk Memorandum, the Russian Federation and Ukraine also established a bilateral initiative, the Joint Centre for Control and Co-ordination (JCCC), comprising members of the Russian and Ukrainian general staffs and other military officers. While the JCCC is essential to guarantee the SMM's security and facilitate access to both sides of the line of contact, the lack of political endorsement of a clear mandate or agreed terms of reference means that it has not been able to facilitate full adherence to the ceasefire along the line of contact. Indeed, Ambassador Apakan informed the PC on 28 July 2016 that implementation by the JCCC of the tasks assigned to it under the Addendum to the Package of Measures was far from consistent, particularly as a result of monitoring and verification impediments and incidents affecting the security of monitors.

Although enormous efforts have been made to bring the sides closer to finding concrete solutions, in particular within the aforementioned TCG working groups, a lack of consensus due to mistrust and frequently diametrically opposed priorities and positions mean that these efforts have not translated into much tangible progress on the ground. Addressing the PC on 28 July 2016, Ambassador Martin Sajdik, the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, concluded that the implementation of the Minsk agreements is dependent on the political will of all sides to live up to their engagements and obligations. "So far, the situation is bleak especially in this regard",[6] he noted. However, in a positive development, on 20 September 2016 the TCG agreed on a framework decision for the disengagement of forces in three specific areas along the line of contact: Stanytsia Luhanska, Zolote, and Petrivske. While these areas are relatively small, they provide an opportunity to explore disengagement as a modality for reducing tensions.

Despite this, one of the biggest challenges to the security and operations of the SMM remains the continued failure to comply with the terms of the ceasefire and the agreed provisions on weapons withdrawal. In addition, the provisions of the Addendum to the Package of Measures, signed in September 2015, which required the withdrawal of tanks and artillery pieces with a calibre up to 100 mm and mortars with a calibre up to 120 mm (inclusive), have not yet been implemented. In fact, SMM daily reports show that the Addendum is more often violated than respected. In his report to the PC on 28 July 2016, Chief Monitor Apakan informed participating States that compliance with the Minsk agreements remains low in every regard and that ceasefire violations continue at high levels. Moreover, large amounts of

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6   Organization for Security and Co-operation in Europe, *Urgent steps needed towards full respect for ceasefire in eastern Ukraine, says OSCE Chairmanship Special Representative and Chief Monitor*, press release, 28 July 2016, at: http://www.osce.org/cio/256826.

weapons prohibited under Minsk remain in the security zone, and the number of civilian casualties in June 2016 was the highest recorded in almost a year.[7]

All signatories of the Minsk agreements concur that restrictions to the SMM's freedom of movement constitute a violation. Indeed the ability of the SMM to monitor in an environment of unhindered access and with guarantees of full security for staff and assets is indispensable if the Mission is to fulfil its mandated tasks. However, in the last quarter of 2016 alone, the SMM experienced almost 500 separate freedom-of-movement restrictions, in both government- and non-government-controlled areas.[8] On a number of occasions, SMM patrols have come under direct small-arms fire or have been in the proximity of exploding artillery rounds. In addition to such threats, SMM monitors have regularly been threatened at gun point and hindered from fulfilling their mandate.

The Protocol of 5 September 2014 calls for the permanent monitoring of the Ukrainian-Russian border. Additionally, it foresees the creation of security zones in the border regions of Ukraine and the Russian Federation and their subsequent verification by the OSCE. The Mission is regularly prevented from carrying out this task on both sides of the line of contact. However, it experiences even greater restrictions in movement when trying to access and monitor the administrative boundary line between Ukraine and Crimea. When access to border areas is granted, it is strictly regulated and only for short periods. Consistent efforts by the SMM to open forward patrol bases (FPB) in border areas have not been successful due to lack of access and the absence of security guarantees.

With regard to border monitoring, another OSCE field operation was specifically mandated to observe the movements and activities at the border after Ukraine lost its control over a stretch of its border with the Russian Federation in June 2014. Following much debate in the OSCE and at the invitation of the Russian Federation, the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk (OM) was deployed pursuant to PC Decision No. 1130 adopted just days earlier. Again, the OSCE showed its ability to swiftly establish a Mission and within four days the OM was on the ground implementing its mandate. Although the work of the OM and its staff is highly praised by participating States, there have been reservations about the limited scope of the Mission's mandate which may only monitor the movements and activities at two Russian border crossing points (BCP). Despite repeated efforts to expand the OM's mandate, participating States have not been able to reach consensus. A lack of effective border monitoring from both sides means that accusatory statements in relation to the movements of

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7   Cf. Organization for Security and Co-operation in Europe, Special Monitoring Mission to Ukraine, *Report of the Chief Monitor to the OSCE Permanent Council, 22 April – 20 July 2016, Vienna, 28 July 2016*, PC.FR/25/16, 26 July 2016.

8   Cf. Organization for Security and Co-operation in Europe, Special Monitoring Mission to Ukraine, *Report of the Chief Monitor to the OSCE Permanent Council, 28 September 2016 – 12 January 2017, Vienna, 19 January 2017*, PC.FR/1/17, 18 January 2017.

military assets cannot be verified. Full observance by all parties of the Minsk Protocol and an expanded presence for the OM could contribute to confidence-building.

Operational Challenges

The initial mandate of the SMM and subsequent roles emanating from Minsk did not envisage OSCE monitoring teams engaged in monitoring a ceasefire regime in an environment of continuing armed conflict. Nor did it foresee the prevalence of death and injury to civilians or the destruction of infrastructure and property. These unforeseen aspects create real security challenges that hinder the SMM in its operational activities.

Staff and Security

Since 2014, the SMM has found itself operating in a highly hostile, tense, and unpredictable security environment driven by threats related to armed conflict. Crossfire, abduction, mines, UXOs, and explosive remnants of war (ERW) are just a few of the main threats that Mission personnel are exposed to on a daily basis. As the SMM has expanded in role and size, there has been a need for enhanced security for monitors and for more staff with specialized skills. Apart from experience in ceasefire verification and the identification of weapons systems, skills such as crater analysis, the operation of mini and mid-range UAVs or thermal cameras, and experience with high frequency (HF) radio equipment make up a small sample of the knowledge required.

To ensure the security of staff, the SMM conducts permanent robust risk management based on a Mission-wide security system that includes all relevant aspects, including mission senior management, security, operations, and administration. The Mission runs mandatory Hostile Environment Awareness Training (HEAT) and provides personal protective equipment. The use of armoured vehicles and integrated communications systems, including satellite phones, HF radio, and a satellite tracking system for all SMM vehicles, complement some of the other security measures in place. The psychological effect of the SMM working environment should also not be underestimated. Living conditions in many locations are spartan, and hostile restrictions of freedom of movement, curfews, and the exposure to an ongoing conflict create unforeseen stresses. A psychological support capacity has been put in place and is being expanded. The requirement for all monitors to pass a standard, rigorous medical check prior to deployment is being implemented, not only for the benefit of the Mission but also to ensure each monitor is fully fit for duty in areas where proper medical facilities vary in standard and level of care.

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To ensure health and safety, the Mission also deploys armoured ambulances and a team of international paramedics who provide immediate medical coverage. In addition to these measures, a helicopter medical evacuation (medevac) capability is currently being established. Moreover, all SMM locations assessed as hostile environments are subject to constant security risk assessments, and relevant risk mitigation measures are applied. SMM senior staff and security officers regularly engage with the sides at all levels to highlight incidents, demand follow-up, and insist upon adherence by all to the Minsk arrangements.

Technical Solutions

Consequently, security issues arising from the ongoing conflict, restrictions in the Mission's freedom of movement, and lack of access to particular areas – either due to fighting or through the presence of mines and UXOs – have necessitated the increased use of technical means for monitoring that are not usually found within a civilian organization. These include satellite imagery, thermal cameras, and UAVs. The procurement alone of such specialized equipment and services is unique in OSCE history. The commercial research and contract negotiation required to outsource full service "turnkey" solutions for the provision of technical services such as UAVs and camera-based surveillance systems are so complex that the OSCE has had to tap into external technical expertise. Such challenges are further exacerbated by deteriorations in the security environment, which cause service providers to either withdraw or increase their prices to ensure commercial viability. While other organizations, such as the United Nations and the European Union, can draw on military expertise, the OSCE is unique addressing such issues in the context of a strictly civilian mandate.

Experience and training have also enabled the SMM to meet technical challenges such as the use of an integrated layered-monitoring concept, which includes satellite imagery as well as mini, mid-range (four to 30 km), and long-range UAVs[9] (up to 250 km) to improve planning and support for ground monitoring activities. While satellite imagery enables greater trend analysis over a wide area, it is often impossible due to weather conditions and lack of coverage at certain times of the day. Long-range UAVs allow for monitoring at night and real-time observations of areas otherwise inaccessible to ground patrols, but they too are hampered by atmospheric conditions, in particular those prevalent during winter in eastern Ukraine. Moreover, one of the biggest challenges to UAV operations is their explicit targeting by sophisticated jamming equipment and deliberate downing by anti-aircraft weaponry and small-arms fire. Apart from the financial implications (long-

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9   Due to extended contract negotiations, the SMM has not deployed long-range UAV capabilities since 3 August 2016 and is currently engaged in a new tender process for long-range UAV services.

range UAVs accounted for almost 17 per cent of the budget), actions against SMM UAVs are in clear violation of the Minsk agreements. Continued acts of aggression towards SMM UAVs are likely to have major budgetary implications for both future operations and participating States footing the bill.

By working with technical experts to examine technologies that complement UAVs and satellites, the SMM has installed thermal cameras in specific "hotspots" in order to ensure 24/7 monitoring. The first camera was deployed in the village of Shyrokyne in January 2016, two more were placed near Donetsk airport in April 2016, and an additional three cameras were deployed in the disengagement areas in October 2016. In placing the systems, the SMM has had to work around such challenges as obtaining security guarantees, ensuring data integrity, and tampering. However, the provision of reliable power supplies and access for maintenance are issues still being tackled. The monitoring enhancement provided by the use of cameras means that additional systems with enhanced capabilities will be deployed. In addition, more sophisticated systems, such as acoustic sensors that would assist in more accurate ceasefire reporting are being considered as possible tools for the Mission.

The sheer volume of data generated by traditional monitoring tools and innovative technologies as well as the need to process and analyse these is in itself a challenge. One day's worth of information could include up to 60 patrol reports as well as detailed imagery from satellites, cameras, and mini, mid-, and long-range UAVs, all of which must be analysed and interpreted before it can be of use. To address this, the SMM has established an Information Management Cell staffed with image analysts, geographic information experts, and information and database managers. However, the kind of technical systems and staff required to run information management processes are of the kind never before seen in the context of OSCE field activities and are not readily available. Working with international partners and support from participating States in this area has allowed the OSCE to achieve synergies and avoid duplication of efforts.

Conclusion

At the time of writing, the situation in eastern Ukraine shows signs of deteriorating further. The violent conflict continues, while political negotiations and efforts to increase the number of disengagement areas are bearing little fruit. In the meantime, the human cost continues to rise and the humanitarian emergencies in conflict-affected areas need urgent addressing. The TCG and its working groups remain relentless in mediating and facilitating dialogue. The SMM continues to make every effort to fulfil its mandate, taking daily risks in its monitoring activities. The real challenge remains to muster political will and compromise on all sides to resolve the conflict. As the only

regional security organization bringing all key stakeholders to the table, the OSCE's role as a forum for inclusive dialogue and joint action remains as crucial as the engagement of all OSCE actors.

Overall, the OSCE's experience with the deployment and management of the SMM has shown the limitations of civilian crisis management, particularly when faced with a violent conflict and a high-risk security environment. Nonetheless, from the beginning of its engagement, the OSCE has made immense efforts to adapt its capacities to an entirely novel situation. The deployment of the SMM has demonstrated the OSCE's ability to respond quickly and effectively to a crisis. The identification of innovative solutions, the use of new technologies, the development of complex operational procedures, and the ability to steer a large mission – the bulk of which is deployed in a zone of hot conflict – through a landscape of shifting political and operational challenges require, in many ways, pioneering work from the Organization and its staff. This trailblazing effort will continue to focus on the OSCE's engagement in Ukraine. However, if the right lessons are learned, the benefit of these experiences will be an OSCE that is more ready to respond to crisis than ever before. Lessons derived from the OSCE's innovative approach could also provide inspiration for the wider international community in responding to crisis with lightweight and relatively inexpensive civilian operations equipped with modern technology.

At the same time, the crisis in Ukraine has demonstrated a need to further enhance the OSCE's conflict cycle toolbox, particularly its capacities to react swiftly and forcefully to emerging and escalating conflicts. In doing so, the OSCE will have to take into account the evolving character and growing complexity of today's conflicts and crisis situations. An analysis of the changing security environment in the OSCE area suggests that the Organization will continue to face highly difficult situations and multifaceted conflicts in the future. This has already prompted the OSCE to comprehensively examine its capabilities to plan and implement complex peace operations with tailored assets and resources along all phases of the conflict cycle, including in high-risk security environments. This examination forms a part of the OSCE's wider lessons-learning process, which is ongoing at all levels across the entire Organization. The Conflict Prevention Centre (CPC) has been heavily involved in this task from the beginning and will continue to act as a driving force behind operational and organizational innovation with regard to the OSCE's engagement in the field, be it in Ukraine or elsewhere.