

Statement by the Chief Monitor to the 1128th OSCE Permanent Council Vienna, 19 January 2017

Thank you, Mr. Chairman, for this opportunity to address the Permanent Council regarding the situation in Ukraine.

I would like to start by thanking you, Ambassador Kojic for this first opportunity to address the Permanent Council under the new Austrian Chairmanship.

On behalf of the Mission, I would like to thank the Chairperson-in-Office, Foreign Minister Kurz, as well as the task force in Vienna and the Austrian Embassy in Kyiv. I would also like to thank the outgoing German Chairmanship, as well as the other members of the Troika, [Serbia outgoing, and Italy, just joining], for their unfailing support for the OSCE Special Monitoring Mission. The visit of the Chairman to Pyschchevik and to Mariupol in early January, and the visit to Kyiv this week were most important steps.

I would like to thank the Secretary General and his tireless team in the Secretariat for their support to the Mission.

I would also like to thank the Honourable President Poroshenko, and Minister Pavlo Klimkin, for the co-operative reception which they continue to extend to the Special Monitoring Mission.

Excellencies,

The SMM continues to monitor and report to you on a wide range of issues, including the security situation in Ukraine, and on respect for human rights and fundamental freedoms. Let me focus my presentation to you today on four key issues:

Let me start with some reflection on the current security situation. Most notably about the **continued violation of agreements reached in Minsk**.

As we enter 2017, I regret to say that the security situation in the conflict-affected areas of eastern Ukraine remains volatile. The sides continue to violate the ceasefire and other security-related elements agreed.

The pattern of ceasefire levels observed over the last three months is similar to that presented when I delivered my report to you one year ago. A relative calm at the beginning of September was followed since the second week of October by a period of sustained violence, with notable peaks mid-November and during the fourth week of December. Notwithstanding a renewed commitment to the ceasefire declared in late December, the situation remains precarious. The period of relative calm observed over the holiday period appears to have reached an end. Several spikes of violence were recorded in the first weeks of January, notably in the Svitlodarsk/Debaltseve area in Donetsk region and in the Kalynove, Veselohorivka and Troitske area in Luhansk region.

Moreover, the SMM has recorded a notable increase in use by forces and formations of weapons proscribed by the Minsk agreements, including multiple launch rocket systems and artillery

systems. Instead of an increasingly sustainable ceasefire, the SMM has reported sustained firing and engagement of forces and hardware, including proscribed weapons.

Excellencies,

Ceasefire remains a basic requirement for peace. Moreover, for the ceasefire to become sustainable, the implementation of all security-related obligations is required. The calm periods that we saw in the early autumn, demonstrate that the sides can cease fire when the will is there. The constant breaches of renewed ceasefire commitments equally show that disengagement of forces withdrawal of weapons is essential to make the ceasefire sustainable.

The absence of a sustainable ceasefire is itself a clear breach of obligations signed. Those who violate the ceasefire do so with the use of weapons that should have been withdrawn long ago. The signatories took few steps to make further progress in the implementation of obligations related to completion of weapons withdrawal, disengagement, and fencing off and removal of mines.

Excellencies,

The second issue I wish to focus on is the **impact of the armed violence on civilians:**

The readiness of the forces and formations to violate the agreements poses risks to civilians residing in conflict-afflicted areas, and adds to their already considerable humanitarian hardship. Fighting in populated areas contributed to a high number of civilian casualties reported in this period. Mines and unexploded ordnance have continued to injure and kill civilians. The SMM could corroborate 125 casualties, (among them 39 women and two children).

Fighting in populated areas along the contact line has also resulted in damage to houses and apartment buildings, public buildings including schools and kindergartens. Continuous shelling has left many residents, including elderly and children, traumatized.

The use of weapons near entry-exit checkpoints continued to endanger civilians. The unwillingness to implement obligations to remove or fence off mine hazards continues to restrict movement and constitutes a considerable risk to people at these checkpoints and elsewhere. The SMM observed little improvement regarding length of queues and waiting time as well as access to basic services, including water, sanitation and medical facilities at checkpoints.

In Luhansk region, the unwillingness of the sides to take steps to improve movement for civilians has been particularly evident. The wooden ramp on the pedestrian Stanytsia Luhanska bridge remained in dire condition, with no willingness from the sides to repair it. The potential Zolote-Pervomaisk entry-exit checkpoint and the Shchastia bridge both remain closed.

Excellencies,

This brings me to the third issue of safe access and freedom of movement for our monitors: SMM's safe access and ability to conduct effective monitoring and verification continues to be restricted. Increased volatility, access restrictions and security threats have had direct bearing on the scope of the SMM's reach on the ground.

The sides impeded the SMM's ability to monitor and verify the withdrawal of weapons – one of its roles foreseen in the Package of Measures – by denying its access to weapons holding areas,

permanent storage sites and other compounds, on several occasions. Often such restrictions occurred in areas where the SMM recorded ceasefire violations.

The Framework Decision on Disengagement commits the sides to clearing or fencing off mines and other explosive hazards in the disengagement areas. By not removing such hazards, the sides continued to fail to comply with the framework decision and to impede SMM access for effective monitoring and verification of disengagement in these areas. The Mission needs full, safe and unhindered access.

The SMM faced a number of hostile actions on the ground. The sides have demonstrated little will to follow up and remedy such incidents.

In the face of considerable restrictions to the SMM's safe and secure freedom of movement, the use of technological capacity for remote observation has proved invaluable in complementing the Mission's regular patrols. The use of such capacities, including cameras and unmanned aerial vehicles, has allowed the Mission to monitor and record violations, in a safe manner, in areas where its reach would otherwise be restricted.

The use of cameras has been particularly beneficial in monitoring at and around the disengagement areas. The SMM has now installed cameras in all three disengagement areas. These serve as an important additional tool to detect violations. Better detection can also help deter further violations, and will allow for better verification. The use of such technological capacities requires significant support in terms of specialised staff and technical expertise. We need qualified personnel to carry out these.

Excellencies,

As the fourth issue, I wish to turn the attention to how the OSCE and SMM can contribute to reducing tension and to promote stabilisation and normalisation in the current environment.

The sides must do all to prevent further escalation. Those who signed the Minsk agreements need to take steps to deal with violators. Lack of follow-up not only fosters impunity: signatories risk the creation of a situation where the ceasefire is 'honoured more in the breach than in the observance'.

The signatories should make renewed efforts to ensure compliance with and implementation of measures agreed. These include most importantly ceasing all fire and the implementation of the full range of specific security measures. Disengagement of forces, the full withdrawal of weapons, and marking, fencing and removal of mines, [unexploded ordnance and explosive remnants of war] will alleviate the situation for civilians. Experience so far shows that the ceasefire does not hold unless it is also supported by these additional measures I just mentioned. Only full implementation of these measures, combined with full and conditioned access for SMM to monitor agreed activities, will help improve the security environment.

The efforts of the SMM and others who seek to foster peace, stabilisation and normalisation in Ukraine are regrettably challenged by those who prefer to use force and the threat of force. Until those who can take steps to remedy violations do so, the prospect of progress in stabilising the security situation remains distant. Further efforts to improve the security situation and to make progress in the implementation of security measures agreed in Minsk requires political support,

including from the oversight mechanism for the implementation of these agreements, the Normandy Format.

The SMM will continue to work with the OSCE Secretariat and the Chairperson-in-Office to realise the aims of its mandate and in support of the implementation of the Minsk agreements. The Mission will support the Chairperson-in-Office through continued co-operation with all relevant stakeholders in effort to build mutual trust and confidence between the sides, to contribute to reducing tensions and to encourage full adherence to the ceasefire. We must do more to reach out to the people at and around the contact line. To do so, the SMM will intensify its outreach on the ground across the contact line.

The Mission will continue, in Kyiv, Minsk and relevant international forums, to promote additional measures towards stabilisation and normalisation of the situation in Ukraine. The SMM will continue to monitor and report its findings on developments on the ground, including on the sides' compliance as well as non-compliance with agreed security measures.

I would like to end on a warning note concerning the situation that we are currently faced with. Some may describe the situation as a stalemate; others refer to an impasse. It is my duty to draw the attention to the facts established by the Special Monitoring Mission. Facts established, day in and day out, in accordance with the mandate given by this Council. Facts which indicate – plainly and strongly – that the current situation is still fraught with the risk of escalation.

Before concluding, I wish to thank Ambassador Sajdik for his support to the Working Group on Security Issues.

My thanks also go to the Permanent Council for the co-operation extended to SMM. My colleagues and I appreciate your firm and consistent support.

Thank you for your time and attention.