

THEMATIC REPORT

SMM FACILITATION OF REPAIR AND MAINTENANCE OF CIVILIAN INFRASTRUCTURE ALONG THE CONTACT LINE IN DONETSK AND LUHANSK REGIONS

July 2019 – October 2021

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EXECUTIVE SUMMARY

The mandate of the OSCE Special Monitoring Mission (SMM) to Ukraine is to contribute to reducing tensions and fostering peace, stability and security; and to monitoring and reporting the security situation as well as the respect for human rights and fundamental freedoms. In addition, the Mission is mandated to gather information and establish facts, and facilitate dialogue on the ground.¹ As part of its mandated work, the Mission facilitates and monitors localized adherence to the ceasefire (also known as ‘windows of silence’ (WoS)) for the operation, as well as maintenance and repair work of infrastructure sites located along the contact line in conflict-affected areas of Donetsk and Luhansk regions.

This report is a follow-up to the SMM’s 2019 thematic report on its facilitation and monitoring of WoS for the operation, repair and maintenance of infrastructure sites. The report covers the period between 1 July 2019 and 31 October 2021.

There are a significant number of civilian infrastructure sites located on or near the contact line in Donetsk and Luhansk regions, putting them at risk of damage due to hostilities. This is compounded by the fact that these infrastructure sites are often decades old and require regular

Key messages

- During the reporting period, the SMM facilitated and monitored 3,125 WoS for repair and maintenance work to 278 civilian infrastructure sites requiring the deployment of 6,949 SMM patrols.
- Repair and maintenance work facilitated and monitored by the SMM benefited around five million civilians on both sides of the contact line.
- Ceasefire violations and the presences of mines, unexploded ordnance and other explosive objects continue to be a challenge to repair and maintenance work.
- While a decrease in ceasefire violations was observed during the months following the Measures to strengthen the ceasefire agreed in the Trilateral Contact Group (TCG) on 22 July 2020, the Mission has recorded an increase in ceasefire violations in 2021, also affecting infrastructure sites and repair works.
- During the reporting period, the SMM confirmed damage to 25 civilian infrastructure sites and objects (17 in Donetsk region and eight Luhansk region).
- Since February 2021, negative dynamics in the granting of security guarantees have put civilian access to basic services at considerable risk. Security guarantees have been delayed, refused and, at times, cancelled by the sides.
- Between February and October 2021, there have been between 20 and 90 security guarantees pending approval by the sides at any given time affecting hundreds of thousands of civilians.
- It is the responsibility of the sides to respect the ceasefire, ensure that civilian infrastructure sites are protected, and that civilians have access to basic services. To achieve sustainable solutions to the humanitarian problems in eastern Ukraine, the sides cannot continue to rely on the practice of *ad hoc* security guarantees for localized adherence to the ceasefire that enable repairs to infrastructure, which is then damaged again by ensuing fighting. Full adherence to the overall ceasefire agreement is essential for easing the suffering of civilians.

¹ Deployment of an OSCE Special Monitoring Mission to Ukraine. Permanent Council Decision No. 1117, 21 March 2014.

maintenance. Importantly, these sites provide hundreds of thousands of civilians, on both sides of the contact line, with water, gas, electricity and telecommunication services. In order for repair and maintenance work to take place, the sides provide security guarantees, following requests by the utility companies, to ensure that there is a localized adherence to the ceasefire, and that it is safe for civilian workers to approach and work at these sites. During the reporting period, the SMM facilitated and monitored 3,125 WoS to allow utility companies to operate and conduct repair and maintenance work at 278 such infrastructure sites. Monitoring the WoS at these sites required the deployment of nearly 7,000 SMM patrols, and the work benefitted around five million civilians on both sides of the contact line.

The conduct and monitoring of repair work can be dangerous for both workers from the utility companies and SMM staff as, despite the provision of security guarantees, ceasefire violations still occur while work is being carried out. Between July 2019 and October 2021, the Mission recorded around 333,000 ceasefire violations along the contact line. Of these, 7,900 ceasefire violations were recorded while monitoring WoS for repair work. An additional approximately 40,000 ceasefire violations occurred around the Donetsk Filtration Station (DFS), which is located on the contact line and provides water to about 380,000 civilians in both government-controlled and non-government-controlled areas of Donetsk region.

The Measures to strengthen the ceasefire, agreed in the TCG on 22 July 2020 and enacted on 27 July 2020, initially had a positive effect on hostilities. The SMM recorded a significant decrease in ceasefire violations between 27 July 2020 and the end of 2020. However, since January 2021, the SMM has recorded a gradual increase in the numbers of ceasefire violations, which has also affected the operation, repair and maintenance work at infrastructure sites. During the reporting period, the SMM confirmed damage to water filtration stations, water, power and gas lines, and power transformers in both Donetsk and Luhansk regions, and in several instances hostilities have led to the cessation of repair and maintenance work.

Hostilities and the presence of mines, unexploded ordnance (UXO) and other explosive objects have resulted in several deaths and injuries among workers and civilians. Ceasefire violations resulted in injuries to a worker while conducting repair work in July 2020 in Luhansk region, and the death of one civilian who was checking electricity infrastructure following a period of shelling in his settlement in May 2021 in Donetsk region. In addition to shelling and small-arms fire, the proximity of the infrastructure sites to the contact line means that mines, UXO and other explosive objects also pose a threat to workers, and SMM staff. Two workers, one in July 2020, in Luhansk region, and one outside the reporting period in December 2021, in Donetsk region, suffered injuries from these objects.

Since February 2021, substantial and frequent delays in the provision of security guarantees by the sides have created an additional hurdle for maintenance and repair works. At any given time, there have been between 20 and 90 requests for security guarantees pending approval. In some cases, security guarantees were cancelled after they were approved. These challenges have particularly affected Luhansk region, where between January and October 2021, the Mission monitored only 162 WoS for repair and maintenance work to 35 infrastructure sites compared to 708 WoS for work at 59 sites in the corresponding period in 2020. The provision of security guarantees has become increasingly challenging and politicized, due to a low level of trust between

the sides. Since April 2021, the issue of the provision of security guarantees has been elevated by the sides to the working groups of the TCG where participants conditioned the provision of security guarantees to other deliverables. It is imperative that the sides ensure that security guarantees are provided as soon as possible in order to minimize the disruption of services to civilians on both sides of the contact line.

Often a single site services thousands of civilians on both sides of the contact line. Such shared infrastructure serves to connect communities from government-controlled and non-government controlled areas. Should it become impossible to maintain these sites, there is a danger that the sides will develop alternate solutions to supply civilians with services in ways that risks deepening the divide between these communities. It is the responsibility of the sides to ensure that civilian infrastructure sites are protected and that utility companies are able to perform the necessary repair and maintenance work. Damage to these sites can have devastating and long-lasting consequences for the population in conflict-affected areas.

INTRODUCTION

Throughout the nearly eight years of the conflict in Donetsk and Luhansk regions, the SMM has consistently reported on the impact of hostilities on civilians. The ability of civilians to access basic services such as water, electricity, gas and telecommunications has been a persistent concern. One of the SMM's mandated tasks is to contribute to reducing tensions and to establish and report incidents concerning alleged violations of fundamental principles and commitments.² All OSCE participating States have committed to respecting and ensuring respect for international humanitarian law, including the protection of civilians.³

In the Donetsk and Luhansk regions, a significant number of civilian infrastructure sites are located in the vicinity of the contact line, sometimes directly between the forward positions, putting them at risk of damage. In addition, many infrastructure objects are decades old and require regular repair and maintenance work to avoid a disruption of services for civilians. These infrastructure sites provide millions of civilians on both sides of the contact line with vital services such as water, gas, electricity and telecommunications services. It is essential that they are able to operate, so that civilians have access to these basic services, particularly in light of the COVID-19 pandemic.

Structure of the report and methodology

Building on the Mission's November 2019 report on the SMM's efforts related to

infrastructure repair and maintenance, this report covers the period between 1 July 2019 and 31 October 2021.

The report includes:

- An overview of the SMM's operational contributions, including the number of infrastructure sites, WoS monitored and number of SMM patrols utilized (Chapter 1);
- An assessment of the impact of hostilities including ceasefire violations, the interruption of work at civilian infrastructure sites, damage to civilian infrastructure sites, and the risks posed by the presence of mines, unexploded ordnance and other explosive objects around infrastructure sites (Chapter 2); and,
- An overview of the recent dynamics of provision of mutual security guarantees for repair and maintenance work and their impact on access of civilians to basic services, illustrated with selected examples (Chapter 3).

Throughout the report, the impact that the disruption of these essential services has on the lives of civilians on both sides of the contact line is highlighted. The report is based on the SMM's observations obtained from both its patrols and technical monitoring means, as well as through its regular engagement with interlocutors, including representatives of utility companies and civilians on both sides of the contact line.

² [Deployment of an OSCE Special Monitoring Mission to Ukraine, Permanent Council Decision No. 1117](#), 21 March 2014.

³ "CSCE Helsinki document: the challenges of change", Helsinki Summit, the Fourth Follow-up Meeting, 10 July 1992.

FRAMEWORK FOR THE FACILITATION OF REPAIRS AND MAINTENANCE WORK

While the strict adherence to the ceasefire has been stipulated in successive agreements since the signing of the Minsk Protocol and Memorandum in 2014, ceasefire violations persist along the contact line. The SMM monitors the security situation and reports violations of the ceasefire in its publicly available Daily and Spot Reports, as well as in its quarterly Trends and Observations posters. Ceasefire violations put civilians as well as the critical infrastructure providing them with essential services at risk. In order for repair and maintenance work for infrastructure sites to be conducted safely, additional security guarantees are requested from the sides by utility

companies. The SMM liaises directly with the Ukrainian side of the Joint Centre for Control and Co-ordination (JCCC)⁴ on security guarantees and key issues related to infrastructure repairs. The Mission also interacts at the local level with the armed formations in non-government-controlled areas of Donetsk and Luhansk regions.

When security guarantees are provided, the SMM deploys “mirror patrols” (patrols simultaneously present on both sides of the contact line) to monitor the security situation, i.e. adherence to the WoS during repair and maintenance work.

⁴ The Joint Centre for Control and Co-ordination (JCCC) was established in September 2014 through a bilateral initiative between the Ukrainian and Russian General Staffs of the Ukrainian and Russian Federation Ministries of Defence. On 18 December 2017, the Russian Federation Armed Forces officers departed from the JCCC.

CHAPTER 1: OVERVIEW OF THE SMM'S OPERATIONAL CONTRIBUTION TO THE REPAIR AND MAINTENANCE OF CIVILIAN INFRASTRUCTURE SITES IN DONETSK AND LUHANSK REGIONS

As the humanitarian consequences of a lack of access to basic services have a significant effect on the lives of civilians, the SMM prioritizes the facilitation and monitoring of WoS for the repair and maintenance of critical civilian infrastructure, in line with its mandate to facilitate dialogue on the ground and to support the respect for human rights. This activity continued to be a priority for the Mission, even as the SMM adjusted its operational footprint due to the COVID-19 pandemic.


Between July 2019 and October 2021, the SMM facilitated and monitored localized adherence to the ceasefire on 3,125 occasions to enable repair and maintenance work at 278 infrastructure sites. Of these sites, 228 needed repairs, including in some cases due to conflict-related damage, and 50 required maintenance work. The Mission deployed a total of 6,949 SMM patrols to this effect -eight patrols per day on average, with the majority (65 percent) in Donetsk region.⁵ The repairs benefitted around five million people.

Among these sites is the DFS where the SMM supports the operation of the station by monitoring the transfer of workers to and from the site every day. This required the deployment of around 2,600 SMM patrols. The DFS, which provides potable water to 380,000 civilians on both sides of the contact line in Donetsk region, is located in an area that often experiences high numbers of ceasefire violations. Some of the ceasefire violations registered by the SMM in the area around the DFS are assessed by the Mission as probable live-fire exercises.

During the entirety of 2019, the Mission facilitated the repair, maintenance, and operation of 112 civilian infrastructure sites involving 1,441 WoS. This number increased in 2020 to 119 sites involving 1,573 WoS. In 2021 (January to October), the SMM has so far facilitated and monitored 781 WoS for repair, maintenance and operation of 92 sites, a decrease of over 50 per cent to the number of WoS, as a result of increasing complications in the granting of mutual security guarantees.

⁵ These patrols are multi-dimensional. In addition to monitoring WoS, the patrols are also tasked with monitoring the general security situation and other aspects of the SMM's mandate.

SMM facilitation and monitoring efforts July 2019 to October 2021

 **1804**
Total windows of silence
(WoS)

 **1320**
Water (WoS)


 **196**
Electricity (WoS)

 **26**
Gas (WoS)

 **5**
Telecommunication
(WoS)

 **4554**
Total patrols



 **1321**
Total windows of silence
(WoS)

 **513**
Water (WoS)

 **309**
Electricity (WoS)

 **6**
Gas (WoS)

 **3**
Telecommunication
(WoS)

 **2395**
Total patrols

 **163**
Total sites

 **115**
Total sites

Donetsk region

In Donetsk region, the SMM facilitated and monitored adherence to 1,804 WoS enabling repair and maintenance of 163 civilian infrastructure sites, among which 55 were water-related (1,320 WoS), 78 electricity (196 WoS) and 11 gas infrastructure sites (26 WoS). Additionally, the Mission facilitated five WoS for the maintenance of telecommunications infrastructure.

Altogether, these efforts required the deployment of 4,554 patrols, of which more than 55 per cent (2,600) monitored the daily transfers of workers to and from the DFS, ensuring the continued operation of the station. On 17 and 18 October 2021, members of the armed formations prevented the Mission from deploying patrols from the SMM's forward patrol base in non-government-controlled Horlivka,

Donetsk region. As a result, the Mission's ability to monitor the transfer of workers to and from the DFS was curtailed. In addition, between 15 and 23 October when the SMM's operations were hampered by protests in front of the hotel in Donetsk city where the SMM resides, the Mission was unable to monitor WoS at any other site in non-government controlled areas of Donetsk region.

In total, around four million civilians on both sides of the contact line benefitted from the Mission's efforts. While many of the infrastructure sites service the settlements in their vicinity, a number of them supply hundreds of thousands of civilians with water or electricity, often on both sides of the contact line. For instance, the Siverskyi-Donets Donbass (SDD) channel and the First Lift Pumping Station near Vasylivka provide water to 3.2 million civilians and 1.2 million civilians on both sides



SMM member conducting UAV flight near power supply lines

of the contact line respectively. Around 300,000 civilians on both sides of the contact line depend on the Vuhlehirsk Power Plant for electricity, and the mobile network company serves 1.5 million civilians in non-government-controlled areas of Donetsk region.

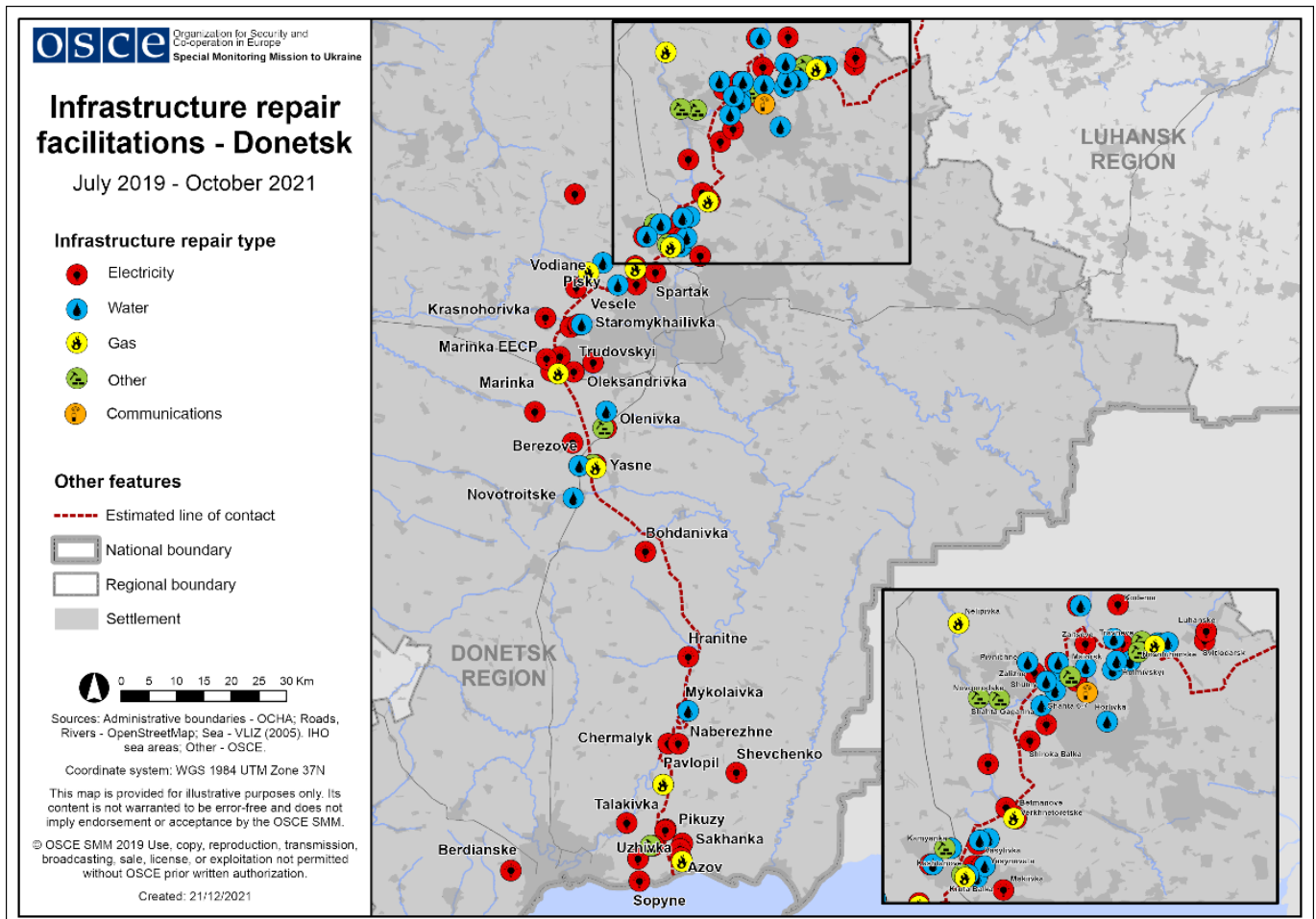
Luhansk region

In Luhansk region, the SMM facilitated and monitored 1,321 WoS enabling the repair and

maintenance of 115 civilian infrastructure sites, of which 30 were water-related sites (513 WoS), 70 electricity (309 WoS) and three gas infrastructure sites (six WoS). In total, the Mission deployed 2,395 patrols.

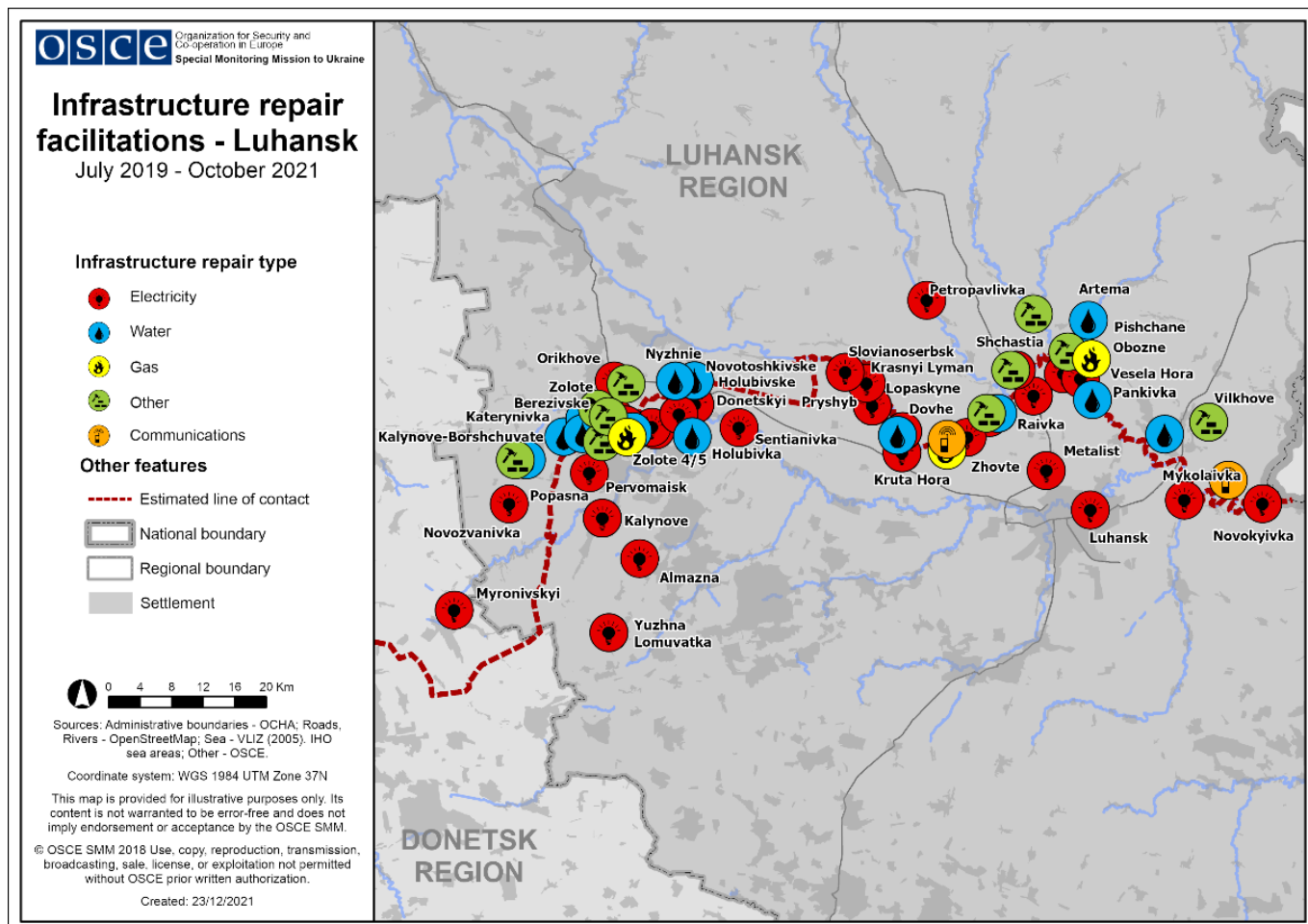
The SMM's efforts have supported around 1.5 million people on both sides of the contact line. As in Donetsk region, while many of the sites service the settlements in their vicinity, a number of them provide services to hundreds of thousands of civilians often on both sides of the contact line.

For instance, the Petrivske Pumping Station provides water to roughly 150,000 civilians in non-government-controlled areas, while the First Lift Pumping Station in Krasnyi Lyman and the Kondrashivka Water Intake serve about 100,000 and 150,000 civilians in non-government controlled areas of Luhansk region respectively. The water lines leading



from the Western Filtration Station supply approximately 500,000 civilians on both sides of the contact line. Significant electricity related infrastructure includes the Shchastia power plant and supply lines upon which around 800,000 civilians on both sides of contact line are reliant for their electricity needs, and the

Mykhailivka-Berezivske power supply lines which services about 200,000 civilians in non-government-controlled areas. Additionally, the Mission facilitated work on the mobile network, which benefitted around 700,000 civilians in non-government controlled areas of Luhansk region.



CHAPTER 2: CHALLENGES TO THE REPAIR AND MAINTENANCE OF CIVILIAN INFRASTRUCTURE



SMM patrol at the Donetsk Filtration Station

Despite the provision of security guarantees by the sides, ceasefire violations still occur during repair or maintenance work at infrastructure sites, endangering workers and SMM staff. Ceasefire violations have led to civilian casualties, the disruption of works as well as damage to these sites. In addition, the presence of mines, UXO, and other explosive objects in the vicinity of infrastructure sites means that these areas have to be inspected and cleared before any work can take place. Explosive objects resulted in injuries to one civilian worker during the reporting period and another worker outside of the reporting period. This chapter provides an overview of the evolution of hostilities along the contact line and their impact on civilian infrastructure sites and efforts to repair, maintain, and operate these sites.

Impact of ceasefire violations

Out of the nearly 333,000 ceasefire violations registered during the reporting period, around 7,900 were recorded while SMM patrols were monitoring WoS related to repair and maintenance work. The majority of these occurred in Donetsk region.

Additionally, the SMM recorded roughly 40,000 ceasefire violations within the 5km radius around the DFS, while monitoring the security situation and deploying mirror patrols during the transfers of workers. Around 12 per cent of all ceasefire violations recorded during the reporting period occurred in the vicinity of the DFS. In many instances, the SMM has registered CFVs during the transport of workers between the DFS, the Vasylivka Pumping Station and non-government-controlled Yasynuvata. For example, on 3 April 2021, the Mission registered 146 ceasefire violations (including 112 explosions) within a 5km radius of the DFS, of which 11 undetermined explosions and eight bursts of heavy-machine-gun fire occurred while workers were being transported to and from the DFS. On another occasion, on 15 April 2021, while monitoring WoS near the DFS, the Mission recorded 1,536 ceasefire violations: 1,534 bursts and shots of small-arms and heavy-machine-gun fire (of which 1,528 were assessed as a probable live-fire exercise) and two undetermined explosions, all assessed as within a 5km radius of the DFS.

Impact of the Measures to strengthen the ceasefire agreed to on 22 July 2020

The Measures to strengthen the ceasefire agreed at the TCG meeting on 22 July 2020 and enacted on 27 July 2020 were followed by a sharp reduction in the number of ceasefire violations registered by the SMM, including while monitoring WoS.⁶ Concurrently, ceasefire violations during repair works in Donetsk (except around the DFS) and Luhansk regions significantly decreased from 114

⁶ Organization for Security Co-operation in Europe (OSCE), "Press Statement of Special Representative Grau after the regular Meeting for Trilateral Contact Group on 22 July 2020", 23 July 2020.

ceasefire violations per week on average between 1 January 2020 and 26 July 2020 to around three ceasefire violations per week between 27 July and 31 December 2020. However, the number of ceasefire violations increased nine-fold to 27 per week between 1 January 2021 and 31 October 2021.

Civilian casualties and the safety of workers

Ceasefire violations during WoS threaten the safety and security of workers as well as SMM staff. During the reporting period, the Mission confirmed injuries due to shelling to one worker while repairs or maintenance were be-

	Total ceasefire violations along the contact line	Ceasefire violations near infrastructure sites during WoS	Ceasefire violations 5km around DFS
1 January 2020 to 26 July 2020	129,597	3,363	16,000
27 July 2020 to 31 December 2020	5,170	135	1,400
1 January 2021 to 31 October 2021	66,906	1,161	6,087

Furthermore, since the beginning of 2021, the SMM observed intermittent flare-ups at hotspots along the contact line, including near infrastructure sites. Between April and October 2021, when the SMM observed an increase in ceasefire violations, two of the hotspots were located around Zolote in Luhansk region and in the southern area of Donetsk region. On 3 April 2021, while monitoring the WoS to enable maintenance work on power lines in non-government-controlled Zolote-5/Mykhailivka, the SMM recorded 30 undetermined explosions and 320 bursts and shots of small-arms fire in the area.

With regards to the DFS, the number of ceasefire violations within a 5km radius of the filtration station decreased by nearly 90 per cent – from an average of around 540 per week between 1 January and 26 July 2020 to around 60 per week between 27 July and 31 December 2020. In 2021, the number of ceasefire violations around the DFS increased to 141 per week.

ing conducted. On 9 July 2020, a man (in his sixties) suffered shrapnel injuries to his arm while conducting repairs to water infrastructure sites between government-controlled Novotoshkivske and Nyzhnie, Luhansk region. On the day of the incident, the Mission heard five undetermined explosions in the area of Novotoshkivske while present in the area to monitor adherence to the WoS for the repair work.

Owing to the fact that repair works on damaged infrastructure are often a lengthy procedure, civilians sometimes try to repair minor damage in the aftermath of shelling themselves, which can lead to tragic consequences.⁷ On 24 May 2021, a man (in his sixties) suffered a fatal gunshot wound around 700m away from the contact line in the Trudivskyi area of the Petrovskyi district of non-government-controlled Donetsk city, when he had gone to inspect a power line following shelling in the area.

⁷ In another incident in October 2018, a man and a woman were killed by a mine in an area between the forward positions of the sides near Vilnyi, a neighbourhood located between government-controlled Zolote-4/Rodina and non-government-controlled Zolote-5/Mykhailivka, while attempting to repair a power transformer near the settlement. Due to the high level of mine and UXO contamination in the area, it took five days for international organizations and members of the armed formations to retrieve the two bodies from the area.

In January 2020, the SMM spoke with a DFS technician (woman, in her thirties) who told the Mission of her fears while working at the filtration station. She said that of the ten employees who work the night shift at the station, which is when shelling frequently intensifies, eight are usually women. She recalled an incident in April 2018, when five colleagues (four men and one woman) were injured after the bus came under fire. She said that shelling was so common at her workplace that she had lost count of the days and nights when shelling had occurred. However, despite the stress, she stated she felt a strong sense of duty to her community, knowing that hundreds of thousands of civilians depend on the DFS for their water supply.

Cessation of work due to ceasefire violations

Hostilities have also led to the cessation of works, interrupting the operation of infrastructure sites and civilians' access to basic services. During the reporting period, this occurred on two occasions: on 25 March 2020, the DFS ceased operations for three days due to security concerns for its workers, after members of the armed formations had discontinued their presence on the road leading to the DFS. During this period, SMM patrols remained present in the area to facilitate and monitor the WoS near the station. The DFS resumed operations on 28 March, after arrangements to ensure safe passage for the workers in and out of the station were re-established. The second instance occurred in Luhansk region on 17 May 2020. Repairs to power lines in non-government-controlled Be-rezivske, damaged the previous day, were interrupted due to an increase in hostilities in the area. Subsequently, security guarantees were cancelled and repairs suspended, and power was restored only a week later on 25 May after new security guarantees were provided. The power outage affected around

“My heart pounds whenever the bus transporting myself and my co-workers makes its way to the station, knowing that there are guns in nearby trenches that are trained on us and that there are mines everywhere.”

Woman in her thirties, working at the DFS, speaking to the SMM in January 2020

200,000 civilians, as well as industrial infrastructure in the surrounding settlements, including in non-government controlled Pervomaisk, Perevalsk, Kadiivka, Holubivka, and Alchevsk.

Damage to civilian infrastructure

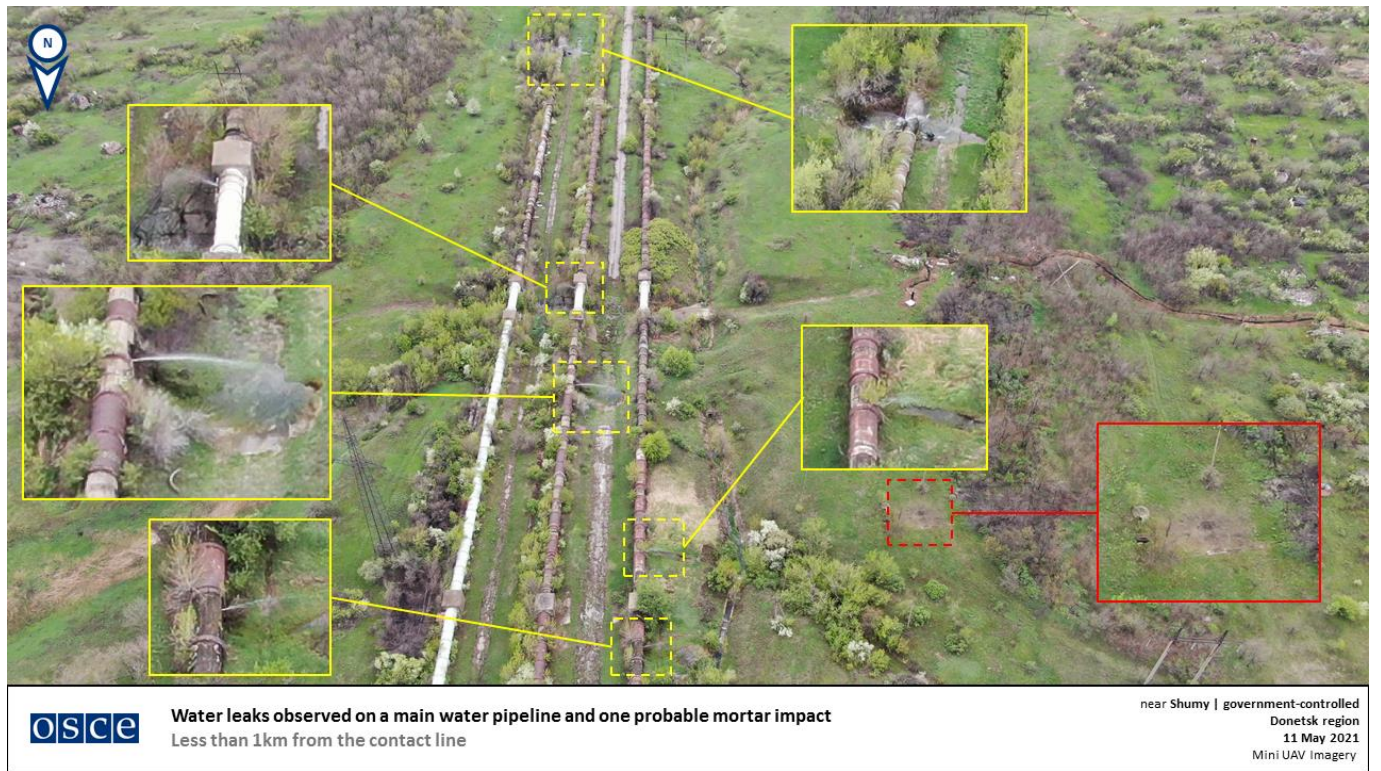
With hostilities occurring near civilian infrastructure sites, the Mission has confirmed damage to infrastructure sites on numerous occasions, impairing access to water, electricity or gas supply on both sides of the contact line.

During the reporting period, the Mission registered damage due to shelling and small-arms fire affecting 25 infrastructure objects and sites (17 in Donetsk region and eight in Luhansk region). Damaged objects and sites included water filtration stations, water supply lines, power lines, power transformers and gas supply lines. Of these, seven occurred between July and December 2019, 11 in 2020 and seven between January and October 2021. All of the incidents that occurred in 2021 took place between April and October, which, as noted above, was when the Mission recorded an increase in ceasefire violations. The damage affected services to around 200,000 civilians on both sides of the contact line.

For instance, on 8 July 2020 in the north-western part of non-government-controlled Horlivka, Donetsk region, the SMM spotted at

least 50 impact craters assessed as recent and caused by mortar rounds (probable 82mm). In addition to the craters, the SMM observed fallen poles, power lines and a burnt transformer box. Some of the craters were

the WASH Cluster (see image below).⁹ The leak was observed between the forward positions of the sides. Similar leaks in the SDD pipeline were observed in the same area in June 2019.¹⁰



within 15m of a water pipeline. An SMM unmanned aerial vehicle (UAV) spotted shrapnel damage to the water pipeline in two locations that required repair. The Mission subsequently monitored WoS for the company to conduct the repairs.

On 11 May 2021, the SMM followed up on reports by the UN Water, Sanitation and Hygiene (WASH) Cluster of shelling-related damage to the SDD water channel between government-controlled Shumy and non-government-controlled Horlivka, which reportedly occurred on 8 May.⁸ An SMM UAV flying near government-controlled Shumy spotted a leak at the water pipeline in the area indicated by

On another occasion, on 7 May 2021, the SMM followed up on reports of damage to a water pumping station in the Kyivskiy district of non-government-controlled Donetsk city that occurred on 5 May. This site provides water to the northern districts of the city. At the station, the Mission saw significant damage to the north-west-facing wall of the pumping station’s main two-storey building, assessed as recent and caused by a 122mm artillery round. While the Mission was at the site, the wall was being repaired (see image on the next page). According to the WASH Cluster, the pumps at the station were stopped on the day of the incident and the workers were evacuated. The company restarted the

⁸ UN WASH Cluster, "Incident report no.283", 8 May 2021.

⁹ The Siverskiy-Donets-Donbas (SDD) channel is an open water channel which draws water from the Siverskiy Donets River. It is the main source of water for most of Donetsk region (approximately 950,000 civilians in government-controlled areas and 2.3 million civilians in non-government-controlled areas). It supplies water to both the DFS and the First Lift Water Pumping Station.

¹⁰ For more details on the observations in June 2019 see SMM thematic report "SMM facilitation and monitoring of infrastructure repair in eastern Ukraine September 2018 —June 2019", November 2019.



Damaged wall of the main building of the water pumping station in Kyivskiy District of Donetsk being repaired, May 2021.

pumps the following morning. However, while the pumps were shut down, certain areas of Donetsk city lost access to treated water.¹¹

On 12 September 2021, the SMM confirmed damage to a fuel depot in the Kirovskiy district of Donetsk city. An SMM UAV detected scorch marks on one storage tank and other indications of damage at the depot. The depot was reportedly damaged due to shelling the previous day, on 11 September.

Outside the reporting period, in November 2021, in Luhansk region, the SMM followed up on reports of damage to buildings and vehicles of the Popasna Regional Water Company near government-controlled Nyzhnie reported to have occurred on 7 November. On 11 November, on the eastern edge of Nyzhnie, about 300m east of the Siverskiy Donets river, the Mission observed damage to five buildings and to several vehicles, all belonging to the water company. In this instance, there was no disruption of service to

the roughly 4,500 civilians in Nyzhnie and government-controlled Novotoshkiyske and Svitlychne who rely on this site for their water supply.

Impact of mines, unexploded ordnance and other explosive objects near infrastructure sites

Since most of the civilian infrastructure sites are located in close vicinity to the contact line, there is a heightened risk that the area around them may be contaminated with mines, UXO or other explosive objects. Mine inspection and clearance are, therefore, prerequisites prior to the conduct of repair or maintenance work. However, workers continue to be exposed to risks emanating from these devices. Inspection and mine clearance also increase the time needed for the work to be completed.

During the reporting period, the Mission confirmed one civilian casualty due to an explosive object in areas where repair work was being conducted. In July 2020, a woman (in her thirties) stepped on an object on the side of the road while working on a gas line between non-government-controlled Khriashchuvate and Ternove, Luhansk region. The object exploded, resulting in the amputation of one of her legs. Outside of the reporting period, in December 2021, a civilian (man in his fifties) working for an electricity company, was injured near a Ukrainian Armed Forces checkpoint near government-controlled Marinka, Donetsk region, when the vehicle he was in triggered an explosive object while he was on the way to an electricity infrastructure site.

¹¹ UN WASH Cluster "[Incident report no.281](#)", 6 May 2021.



The need for demining work before the actual repair and maintenance work can start often increases the time needed for repairs or maintenance by hours and days, adding to the hardship of civilians. For example, when a section of the SDD, in Donetsk region, was damaged in July 2020 near government-controlled Shumy, the area had to be inspected daily before repairs could start on any given day. In another instance, in April 2020, the installation of new power line poles in the vicinity of the entry-exit checkpoint (EECP) near government-controlled Maiorsk, Donetsk region, was delayed for a few hours when workers found a part of a UXO (an 82mm mortar round) that had to be rendered safe before work could resume.

At some sites, such as along the road leading to the DFS, demining activities have to be conducted on a regular basis, so that workers operating the infrastructure sites can reach them safely. For instance, as reported in the Mission's November 2020 report on civilian casualties in eastern Ukraine, on 9 March 2020, the SMM saw what it assessed as demolition charges on the eastern and western edges of the M-04 road near the DFS.¹² This road is regularly used by civilian workers of the DFS and by the SMM. On 8 December 2020, the SMM saw that the chambers had been filled with sand and gravel, but could not confirm whether the explosives had been removed.

¹² SMM thematic report, "Civilian casualties in the conflict-affected regions of eastern Ukraine", November 2020.

CHAPTER 3: DYNAMICS IN THE PROVISION OF SECURITY GUARANTEES AND THEIR IMPACT ON THE REPAIR AND MAINTENANCE OF CIVILIAN INFRASTRUCTURE SITES

As detailed throughout this report, security guarantees from the sides are essential to the maintenance and functioning of infrastructure sites because the sides do not adhere to the ceasefire. If the sides do not provide the required security guarantees or if they delay the provision of security guarantees, utility companies cannot proceed with the necessary works, putting civilian access to services at risk. This chapter presents an overview of the developments regarding the provision of security guarantees since February 2021, as well as the impact of these dynamics on selected infrastructure sites in Luhansk and Donetsk regions.

Overview of the situation regarding security guarantees

Since February 2021, the SMM has noted that the provision by the sides of security guarantees for the repair and maintenance of civilian infrastructure has become increasingly challenging due to the low level of trust between the sides. Agreement on security guarantees began to be increasingly politicized and linked to other aspects of the discussions at the TCG such as the approval of an updated mine action plan. Some security guarantees were withdrawn by one side or the other, or else were not granted at all. At any given time, between February and October 2021, there were between 20 and 90 requests for security guarantees from utility companies pending approval by the sides, hindering often urgently needed repair and maintenance works.

In Luhansk region, the Mission has noted a significant decrease in the number of WoS being granted for repairs and maintenance of infrastructure sites. While the Mission facilitated and monitored 708 WoS between 1 January and 31 October 2020, supporting the repair and maintenance of 59 infrastructure sites, this number dropped to 162 WoS for 35 infrastructure sites during the same period in 2021. As noted above, there was a decrease in the number of security guarantees pending approval by the sides. At any given time, between six and 52 requests for security guarantees remained pending, leaving hundreds of thousands of people without reliable access to water and electricity. Of particular significance are six water infrastructure sites servicing more than 800,000 civilians in both government-controlled and non-government-controlled areas of Luhansk region, for which repair works have been on hold since February 2021 due to the lack of mutual security guarantees.¹³ All six sites are locations where the SMM had regularly facilitated and monitored adherence to WoS on previous occasions. Following an incident that occurred inside the disengagement area near Zolote on 13 October 2021, no security guarantees have been granted in Luhansk region.

In Donetsk region, the Mission has also observed delays in the provision of security guarantees for infrastructure maintenance and repair works. However, despite the challenges, security guarantees have been provided and repair and maintenance works could be carried out. Sites where there have

¹³ The six water infrastructure sites are: the Kondrashivskiy Water Intake; Raivka water wells; Yashchikove water wells; Krasnyi Lyman First Lift Pumping Station; Mykhailivka water network system; and the 1,200mm pipeline of the Pumping stations ZFS-3 - ZFS-4.

been challenges or delays in the granting of security guarantees include electricity infrastructure in government-controlled Taranchuk and Zaitseve, and in non-government-controlled Staromykhailivka and Pikuzy, among others. While the Mission facilitated 602 WoS between 1 January and 31 October 2020 for operation, repair and maintenance to 56 infrastructure sites, during the same period in 2021, it facilitated and monitored WoS on around 620 occasions, for operation, repair and maintenance of 57 infrastructure sites.

Luhansk region

Throughout 2021, utility companies, in particular water companies, on both sides of the contact line regularly submitted requests for security guarantees. However, these guarantees were either not provided by the sides, or were provided for shorter periods than requested. In some cases, the sides cancelled security guarantees that had already been provided. Since 13 October 2021, the situation has been further aggravated since no security guarantees have been granted at all.

The non-provision and cancellation of security guarantees hindered the utility companies' ability to perform routine maintenance and repair works at these vital infrastructure sites, and ultimately the access of civilians to water and electricity supply, crucially important particularly in times of COVID-19. The three examples mentioned below are sites requiring regular maintenance work where the Mission has monitored numerous WoS in previous years. However, since February, utility companies have been unable to conduct regular maintenance and repair work at the sites due to a lack of security guarantees.

Krasnyi Lyman First Lift Pumping Station and Yashchukove water wells

The two civilian infrastructure sites in Krasnyi Lyman and Yashchukove provide potable water to about ten per cent of residents in non-government-controlled areas of Luhansk region, including to about 100,000 civilians in Slovianoserbsk, Zymohiria, Perevalsk and Alchevsk.

The Krasnyi Lyman station and Yashchukove wells are two sites where the SMM monitors security guarantees for repair and maintenance work on a regular basis. During 2020, the Mission facilitated and monitored 40 WoS for inspection, repairs and maintenance of the Krasnyi Lyman Pumping station, and 30 WoS for the Yashchukove water wells. However, when the utility company requested security guarantees for work at the sites at the end of February 2021, they were not granted. By March 2021, as a result of the lack of maintenance and repair work at the sites, the infrastructure began to fail, leading to a reduction in the water supply to a number of settlements in non-government-controlled areas. The utility company was only able to conduct the much-needed repairs after security guarantees were granted in early June. Following the breakdown of the infrastructure, the utility company stressed the need for permanent security guarantees at the two sites, as they needed to perform regular repair and maintenance work in order for the sites to keep functioning. Additional repair works took place at the Krasnyi Lyman pumping station on 20 July 2021; however, since July, no additional repairs have taken place there due to the absence of security guarantees, leaving about 100,000 civilians without reliable access to water.

Kondrashivska water intake

Located in the vicinity of non-government-controlled Zelena Roshcha, the Kondrashivska water intake provides water to about 150,000 civilians in non-government-controlled areas of Luhansk region. The site needs regular maintenance and repairs, which is why in 2020, the Mission deployed over 200 patrols to monitor 125 WoS at the site. In 2021, the SMM observed that security guarantees were being granted for shorter periods of time than requested by the utility company, or not at all. For instance, in June, a request for security guarantees for repair works at the site was granted for five days in response to an initial request of 30 days. The utility company refused to work under such conditions, as they could not complete the planned repair works in such a short timeframe. Despite several subsequent requests by the utility company for security guarantees, no additional repairs could be carried out since June 2021 due to the absence of security guarantees.

Donetsk region

As noted above, while Donetsk region did not face the same challenges as Luhansk region with regard to the provision on security guarantees, there were a number of sites for which there were delays in the provision of security guarantees. The examples below highlight some of the sites affected by these delays.

Government-controlled Zhovanka

Between 19 and 27 July 2021, the Mission followed up on issues related to access to electricity for about 400 residents in government-

controlled Zhovanka, located in vicinity of the contact line, and part of contested Zaitseve. Local residents and representatives of the utility company informed the SMM that the quality of the power supply in the settlement is low because the majority of electricity lines were damaged and repairs were pending the approval of security guarantees. Following the SMM's facilitation efforts, security guarantees were provided and the company was able to repair the power lines on 20 August 2021.

Non-government-controlled Staromykhailivka

Non-government-controlled Staromykhailivka has a population of around 5,000 civilians and lies on the outskirts of Donetsk city along the contact line. It should be noted that the SMM is often prevented by the armed formations from accessing this settlement. On 10 September 2021, local residents (six women and two men) told the Mission that 15 streets in the settlement were without electricity after the settlement's power supply had been disrupted by shelling on 9 September. They asked the Mission to facilitate the restoration of the electricity supply as the utility company was unable to repair the damage due to the absence of security guarantees. On 13 September, a small group representing the residents of the settlement, reacting to the prolonged power outage and with no prospects for resolution, peacefully protested at the Mission's offices in Donetsk city. Finally, on 23 September, repair works began after security guarantees were provided following the Mission's facilitation efforts. The company completed the repairs on 27 September and power was restored to the settlement.

CONCLUSION

The facilitation and monitoring of WoS for the operation, maintenance, and repair of critical infrastructure along the contact line constitutes an important part of the SMM's mandate and its activities in the conflict-affected areas of Donetsk and Luhansk regions. The Mission has continued to prioritize these activities even when adjusting its operational footprint due to the ongoing pandemic, due to the actual and potential humanitarian consequences of an intermittent or complete lack of access to basic services for civilians living in conflict-affected areas, particularly amid the pandemic.

Throughout the reporting period, civilian infrastructure sites remained at risk of being damaged and their operations interrupted due to shelling and small-arms fire. As noted above, since the enactment of the Measures to strengthen the ceasefire on 27 July 2020, the number of ceasefire violations registered by the Mission while repairs and maintenance work were being conducted fell significantly for the remainder of 2020. In 2021, this number increased again, also affecting the repair and maintenance works to vital infrastructure. Furthermore, the continued violation of the ceasefire by the sides while repairs are being conducted endangers the safety of civilian workers and SMM staff monitoring the WoS. In addition, the presence of mines, UXO and other explosive objects also poses a threat to workers at these sites, including civilian workers deployed for maintenance and repair work.

The Mission also noted that obtaining security guarantees by the sides for the maintenance and repair of critical infrastructure has become increasingly challenging since the beginning of 2021, with security guarantees being either withdrawn, refused, or provided only after significant delays or with conditions attached. As detailed in Chapter 3, since February 2021, there have been between 20 and 90 security guarantees pending from the sides at any given time. Ultimately, this can result in significant humanitarian consequences to civilians who have to endure prolonged interruption of basic services, including water, electricity, and gas supplies.

This development also threatens to undermine a previously functioning mechanism for the provision of security guarantees for the repair and maintenance of infrastructure sites. This, along with the unpredictability of the hostilities along the contact line, seriously threatens civilians' access to basic services. As illustrated, many individual sites service hundreds of thousands of civilians on both sides of the contact line, thereby ensuring tangible links between these communities. If the sides cannot agree on security guarantees for the timely repair and maintenance of these sites, there is a danger of one side or the other finding alternate solutions that might lead to a further separation of communities.

The SMM stands ready to continue facilitating the maintenance and repair of these civilian infrastructure sites. However, it is the responsibility of the sides to ensure that they maintain the inviolability of civilian infrastructure and their continued operability. This primarily includes adherence to a comprehensive ceasefire and the continuous provision of security guarantees for repair and maintenance work.