



Organization for Security and Co-operation in Europe
Secretariat

PC.DEL/764/18
21 June 2018

ENGLISH only

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**Protection of Civilians in Eastern Ukraine
OSCE Security Review Session 2018 – 26th June**

Statement International Committee of the Red Cross (ICRC)

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- *Check against delivery* -

Excellencies, Ladies and Gentlemen,

Thank you very much for inviting the International Committee of the Red Cross to discuss how we can jointly address the humanitarian consequences of the conflict in Ukraine.

The conflict in Eastern Ukraine has been ongoing for four years. Unfortunately, the humanitarian situation has remained as critical since I last had the opportunity to address the OSCE Ministerial Council in Vienna in December and the general security situation has even worsened.

Therefore, today, I would like to focus on how to tackle the humanitarian challenges from a security perspective. Two issues that are at the heart of today's difficult humanitarian situation stand out:

1. The problems posed by extensive weapon contamination;
2. The conduct of hostilities and the protection of essential infrastructure.

There are numerous communities whose daily lives are hampered by the presence of landmines or other explosive remnants of war; communities that are exposed to mortar, artillery strikes and unexploded ordnance in their homes, on their way to work, even children on their way to school. Two-thirds of the people who live in the countryside and almost half of city dwellers have encountered some personal security problems as a result of the conflict.

[Weapon contamination]

Explosive remnants of war (or ERW in short), landmines and other explosive devices are posing a serious and ongoing hazard to civilians in the conflict affected areas in Donetsk and Luhansk/ Lugansk regions on either side of the contact line. This has resulted in hundreds of casualties since the military confrontation began in July 2014.

The presence of mines in the area often impedes everyday activities, primarily road travel, herding animals, working in the field, farming, fishing as well as collecting firewood and has a significant impact on the socio economic development.

For many civilians of Donetsk and Luhansk/ Lugansk, accessing ordinary public services such as registering civil acts or collecting pensions and social benefits, and maintaining contact with their family requires crossing the contact line. The crossing of these checkpoints is regularly mentioned by civilians as among the top five security problems they face. While



ICRC

the ICRC and others have worked to help authorities clear a strip of safe passage from landmines, provided minimum shelter from the weather as well as mobile toilets, people waiting to cross that are seeking cover in the bushes just off the road face the risk of being injured, even killed by remaining landmines and other explosive devices.

Landmines and explosive remnants of war not only pose a serious risk to human life, they also have a detrimental socio-economic impact by preventing safe use of agricultural land for crops and grazing land for livestock, two major sources of livelihood in the area.

The Donbas is said to be one of the most weapon contaminated areas. According to data of the State Emergency Service of Ukraine, at least 7'000 square kilometres of land are potentially contaminated. Numbers, however, are one thing. The real problem is the complexity of addressing the issue in populated areas like eastern Ukraine.

Given the scale of contamination and the complexity of the task, humanitarian clearance operations will be a long term effort:

One of the major obstacles to immediate efficient action is the lack of an appropriate, national legal framework that would clearly designate responsibilities among the authorities, ensure strong coordination and a basis for standardization of the various components of mine action. No effort should be spared to draft and adopt such a law as soon as possible. In the interim, responsibilities should be clarified and clearly stated.

What is needed most is a concerted and coordinated effort for humanitarian demining based on a solid assessment of priority areas for civilians: these include settlements, essential infrastructure, access routes to hospitals and other health services, markets, schools and land areas that provide livelihoods to the local population.

In the meantime, accidents among the civilian population can be significantly reduced by providing Mine Risk Education to endangered communities. However, experience shows that people still take risks to their health and life if their livelihood depends on accessing a certain area. Roughly 40% of conflict related injuries to civilians involved landmines or explosive remnants of war. The number of casualties is expected to rise in the coming weeks and months as the arable season peaks. The systematic mapping, marking and fencing of contaminated areas is essential to prevent casualties.

Therefore, the ICRC's recommendations for tackling the problems posed by landmines and explosive remnants of war are fourfold.

1. Map, mark and fence contaminated areas;
2. Where possible, clear areas from weapon contamination so that people can safely pursue their livelihoods;
3. Adopt as quickly as possible a law on mine action and clarify cooperation and clearly assign responsibilities between military and civilian authorities;
4. Provide assistance and offer capacity building to either side of the line of contact to facilitate effective humanitarian demining.



[Conduct of hostilities]

Beyond the humanitarian consequences of landmines and explosive remnants of war, the ICRC is particularly concerned that military presence in, or close to, facilities that must not be attacked under International Humanitarian Law remains common practice in the conduct of hostilities: this includes military presence in populated areas, including near medical and educational facilities. Private houses in inhabited settlements continue to be used by military as accommodation, office space or military position. All these actions put civilians at risk.

Under International Humanitarian Law, the concerned parties must conduct hostilities bearing in mind the principles of distinction, proportionality and precaution. This means that civilian objects, especially those that are indispensable to the survival of the civilian population, must not be attacked. Even when attacking military targets, parties must at all times ensure that the chosen weapon and manner does not result in incidental civilian harm that would be excessive compared to the expected military advantage.

[Protected zones]

Essential infrastructure is one of the most critical examples where we see the immediate effects of both the conduct of hostilities and weapon contamination on the humanitarian situation for the population.

In Ukraine, civilians on either side of the contact line rely on the same infrastructural network for vital services: mainly water systems and to some extent electricity grids and gas lines. Several of these key infrastructural installations are on or near the contact line, and in the immediate vicinity of the ongoing hostilities, which continue to involve regular use of heavy artillery.

Hundreds of thousands of people, on both sides of the contact line in the Donetsk region, depend on certain water-pumping or filtration stations, one of which serves almost four million people. Moreover, at certain filtration stations, hundreds of tonnes of liquefied chlorine gas – for disinfecting water – are stored in pressurized tanks. Should these stations be damaged during hostilities, the cloud of chlorine gas likely to be released could, depending on weather conditions, cause scores of injuries and deaths among people on both sides of the contact line.

There are other serious medium- and long-term consequences as well: for instance, the cost of repairing installations that have been damaged by hostilities or are in poor condition because the personnel in charge either lack safe access to them or the means necessary to maintain them properly.

There is an urgent need to ensure effective protection – from deliberate or incidental damage that could lead to partial or total shutdown – for infrastructure providing vital services to civilians on both sides of the contact line. One way of achieving this is for all sides concerned to agree to move military equipment and personnel to a safe distance from the vicinity. Another measure is to avoid the use of weapons that have a wide area impact near



such infrastructure. These measures would both help ensure that these installations are not being transformed into or mistaken for military targets, and significantly reduce the risk of incidental damage.

The ICRC has been calling for action since mid-2016. After the July 2017 meeting of the OSCE Trilateral Contact Group in Minsk all sides concerned expressed their readiness to discuss protection for two key sites. However, nothing has come of this yet.

The ICRC has identified 12 installations that it considers are most vital to the welfare of the population in both government- and non-government-controlled areas. In line with IHL, we urge all concerned parties to support the establishment of protected zones around these installations. Five are of critical importance and require immediate action: These include the Donetsk and Verkhniokalmiuska Filtration Stations.

We will be happy to share a short proposal for the establishment of such protected zones with participants here today, and we are available

- to discuss all matters related to effective protection for essential infrastructure with all parties concerned,
- to act as a neutral intermediary in helping to reach agreement, and
- to provide technical and legal advice for the actual implementation of protective measures.

Ladies and Gentlemen,

A stagnation or degradation of the present security situation in Eastern Ukraine, will only make the humanitarian challenges more difficult to address over time. What is needed first and foremost to avoid ever more complex and costly response strategies in the future is political will and decisive action

If we are to avoid having the exact same discussions in a year from now, all involved have to muster the political will necessary for progress to be made. Otherwise, the humanitarian situation for the men, women and children of Luhansk/ Lugansk and Donetsk region will continue to deteriorate.

The OSCE can play an important role in nurturing such political momentum.

Let me conclude, by highlighting that we can all benefit from each other's expertise and experience when thinking about how to better protect civilians and address their humanitarian needs.

Since the beginning of the conflict, the ICRC has made every effort to adapt to the particularities of the Ukraine conflict. We have been able to address sensitive humanitarian situations by working tirelessly with all the parties concerned and by practicing neutral, independent and impartial humanitarian action.

This track record, we hope, will allow us to continue offering our services as a neutral intermediary on many issues that affect the population, including for example enabling



ICRC

civilians in Donetsk and Luhansk/ Lugansk to overcome practical barriers to accessing public services, to receive their entitlements or to maintain contacts with their loved ones.

For each of us to fully play to their strength, however, we also need to remind ourselves of the importance of maintaining a clear distinction between the respective mandates of the OSCE and the ICRC - while never losing sight of whom we are here to serve. For the ICRC, the right perception of its independence and neutrality is and will remain key.

Thank you for your attention.