

The OSCE Special Monitoring Mission has become the Eyes and Ears of the International Community on the Ground in Ukraine

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The OSCE Special Monitoring Mission (SMM) to Ukraine is currently the only international presence that operates throughout Ukraine – including in the east and south-east of the country where fighting is taking place between the Ukrainian military and pro-Russian rebels. Since its inception in March 2014, the SMM has established an impressive network of contacts with all sides in Ukraine and it has become the “eyes and ears of the international community on the ground in Ukraine”. Alexander Hug, the Deputy Chief Monitor of the OSCE SMM explains in this interview how the SMM operates in Ukraine. While he says that the security of the SMM personnel is “the most important parameter in the decision-making process”, he adds that “a minimal risk remains.” He also explains in the interview how the SMM was able to facilitate the access of experts to the crash site of the MH17 Malaysia Airlines jet and points out some of the limitations of a civilian monitoring mission. The interview was conducted on 2 September 2014 and published on the Security and Human Rights blog (www.shrblog.org) on 8 September 2014.

Mr. Hug, can you briefly describe to us what the situation is like right now in eastern Ukraine? We hear reports in the media that pro-Russian rebels have made significant gains and have now also seized the airport of the eastern city of Luhansk.

The OSCE Special Monitoring Mission (SMM) to Ukraine only reports what it actually has witnessed itself. We have in both the Donetsk and the Luhansk region a robust presence ever since the inception of the SMM on 21 March of this year. We have a permanent presence in Donetsk city and we have a frequent visiting presence to the city of Luhansk. We have indeed also heard from government sources that the airport of Luhansk is no longer under their control. However, we cannot independently verify this.

We have been close to the airport of Donetsk yesterday and we have seen that the fighting there is ongoing and it is unclear at this stage who controls the airport as well as the vicinity of the airport. However, our observations do suggest that the conflict in the east has intensified over the past five days or so with both government and rebel forces intensifying their attacks and their defence. You have to understand that the conflict in the east is not an all-encompassing conflict. It is patchy. The conflict occurs around checkpoints and around important infrastructure, but there is no all-over conflict in eastern Ukraine. It is therefore difficult to make an all-over judgment as to what the situation looks like. In addition to that, the frontlines in the east are not static; they move permanently.

If I could just clarify: Where are you based right now?

I am for the time being in Kiev at our head office. The Head of Mission and other senior staff are out of the country and so I am running the SMM from Kiev. But I will be travelling to the region tomorrow evening. It is not clear yet where exactly to, but most probably to the south-east of the country.

As you have just mentioned, you are going back into the zone of conflict tomorrow. I would like to ask how you take precautions for yourself but also for the other members of the SMM, especially in light of the fact that OSCE personnel have been taken as hostages in the past.

Security is the main parameter that determines our work. The priority of the Head of Mission and the SMM at large is to ensure that none of our staff is jeopardized. That is also the baseline of any plan. We undertake various different measures and I can briefly outline them.

Firstly, we reassess the security situation on a daily, if not hourly, basis because it changes rapidly. And as I have just explained before, the frontline changes by the minute at times. That requires not only careful planning and assessing but also a permanent reassessing of the situation and then cross-checking that information both with government forces and the rebel forces.

Secondly, all of our moves in critical and sensitive areas are coordinated and negotiated both with the government and the rebel forces so that they know what we do and where we are. In this way, we can ensure our free and unhindered passage and avoid getting caught in the crossfire.

Thirdly, our equipment is also there to protect us. We operate in armoured cars and we have personal protection such as flak jackets and helmets. We also have communication equipment such as radio satellite telephones to enable us to stay in touch with our local base and the head office but also with the Ukrainian government if this becomes necessary.

Fourthly, it is quite important that we stay in touch with everyone in Ukraine. In eastern Ukraine we talk to all parties, including the rebels, and of course the

government forces. That personal contact gives us some assurances and a point of reference should we end up in trouble. If indeed a patrol is in trouble or a group of monitors is held at a checkpoint, we know to whom to talk and what numbers to dial and we have immediate access to decision-makers.

These are the four principal measures that we undertake to mitigate the risks. Of course, a minimal risk always remains but we reduce that to a manageable level. Security remains the most important decision-making parameter, particularly in the east of the country.

I would like to move to another topic, namely the situation around the crash site of the MH17 Malaysia Airlines jet. This tragic event has topped international news for quite some time and now we don't hear much about it anymore. I would like to ask you if you know whether all the bodies have been recovered and if the SMM still plays a role in relation to this terrible crash.

At the outset I would like to reiterate that the OSCE SMM did not lead the investigation into the cause of the incident. Neither was it responsible for the collection or recovery of the bodies, the personal belongings or the debris. Instead, the SMM was facilitating the access of experts to the crash site.

The experts have decided on their own account that it is too risky to work at the crash site and therefore they have withdrawn their activities. We stand ready to return to the site if those experts should request it. Since the withdrawal of the Australian and Dutch experts we are in daily contact with the Dutch contingent here in Ukraine.

We are the bridge between the Dutch experts and the rebels in Donetsk for further works on the MH17 crash site, including the further collection of belongings and access to the morgue in Donetsk where some bodies have been initially held. So the SMM still plays, through its contacts, an important role. We are also of course available should the Dutch – who are the lead nation – want to return to the area. We can facilitate that should it be requested. The SMM has taken a deliberate choice to leave the lead to the Dutch at this stage because it should be clear to everyone that the SMM has not had any role in the investigation and the recovery. That was the role of the nations concerned, including of course Ukraine as well.

Coming back to the conflict itself, one of the main concerns is the fact that we hear an increasing number of reports that Russian military personnel are operating inside Ukraine and that Russian military equipment is being used inside Ukraine by the pro-Russian rebels. The SMM's mandate tasks the mission to "gather information and report on the security situation [...]" and to report facts concerning "alleged violations of fundamental OSCE principles and commitments". Why isn't it possible for the SMM to independently verify the above-mentioned allegations on the basis of its mandate?

First, I have to start again with security. We are a civilian not a military observer mission. This gives us limitations as to how far we can go and how much risks we can take. Naturally that hardware that you refer to is used where the conflict is and therefore by definition access to those areas is difficult for us due to security considerations.

Second, whoever has this hardware under control of course wants to avoid that we see it. So even if we are entering these areas we are prevented from certain, specific locations because those who are in control of the hardware do not want us to see it.

Third, even if we see for example a tank it is very difficult to attribute it to anyone unless it is clearly marked and that is not normally the case. Therefore, unless we interview the tank driver and check his passport, it will be very difficult to verify to whom the tank belongs because both Russia and Ukraine use the same hardware to a large extent. Often the military material used by the rebels is the one that was previously used by the Ukrainian army because the rebels have seized it from them [the Ukrainian army]. Therefore we are in a difficult position to actually verify who is the owner or operator of the hardware.

However, if we should see that and could verify it then we would of course report it. But there are clear limitations to this.

Have you also been to the southern part of Ukraine, close to the city of Mariupol where there is also fighting going on?

I myself was there before the fighting. We now have a team in Mariupol of up to 13 observers who have been deployed recently. They are there to monitor the situation. Mariupol has therefore also been included in the SMM daily reporting.

As a final question I would just like to ask you what in your opinion is the main contribution of the SMM since its initial deployment in March 2014?

First, the absence of conflict is very difficult to prove and therefore I would not lean out of the window and claim that the mission has contained the conflict in the east and that it has not spread further due to its presence. But certainly the presence of the SMM in eastern Ukraine but also in the adjacent regions has helped to raise awareness about the conflict. That in itself may have added to the containment of the conflict.

Second, the permanent and robust presence of the SMM throughout Ukraine – not only in the east of the country but in all ten field stations – has within a very short time delivered a wealth of contacts and relationships. Considering the size of the country this is quite a remarkable achievement. In the end, the happy ending of the hostage crisis, the rapid deployment to the MH17 crash site as well as the permanent presence of the SMM in the east of

the country were and are only possible due to these robust contacts with everyone. I think that this is something very solid and something that we can build upon.

Third, the SMM is still the only presence that has access to all areas in Ukraine with some limitations and restrictions being self-imposed or de-facto in the east. But nonetheless it is the only international organization that is everywhere and therefore maintains to a certain degree the role of being the eyes and ears of the international community on the ground. I think the longer we go down the road the more sophisticated that role will become. If you compare our daily situation reports of today with those of earlier days you can see the difference in quality. All of this will contribute to the endeavour of establishing facts and verifying the situation on the ground in Ukraine.

At the time of the publication of this interview (mid January), significant further developments have occurred in relation to the role of the OSCE Special Monitoring Mission to Ukraine. Therefore, an additional interview was conducted by Stephanie Liechtenstein with Mr. Alexander Hug on 9 September 2014. The new developments relate to the ceasefire agreement which was signed in Minsk on 5 September (the 'Minsk protocol') to help resolve the ongoing crisis in Ukraine. The agreement was negotiated within the context of the so-called Trilateral Contact Group that includes senior representatives of Ukraine, the Russian Federation and of the OSCE Chairperson-in-Office. The Trilateral Contact Group has held several meetings in the course of the last few months, including with representatives of the separatists in eastern Ukraine. The meetings were held in Ukraine but also in Minsk, as a courtesy of the Belarusian leadership. Alexander Hug, Deputy Chief Monitor of the OSCE Special Monitoring Mission (SMM) to Ukraine describes in this short, additional interview how the SMM will expand and intensify its activities in order to monitor this ceasefire agreement and how it will report possible violations thereof. As defined in the SMM's mandate, the mission "may expand by a total of up to 400 additional monitors."

Mr. Hug, how will the SMM adapt its activities in order to monitor the ceasefire agreement that has been signed in Minsk on 5 September?

The mission has increased its presence in the region to intensify its monitoring activities. It now has up to 60 monitors in eastern Ukraine. The SMM will continue its monitoring activities as outlined in its mandate and will report accordingly. The mission will also provide the findings of its reports to the 57 OSCE participating States as well as to the participants of the protocol that has been signed in Minsk on 5 September.

Can you describe the mechanism that has been established in order to report violations of the ceasefire?

A mechanism is being developed by the participants of the Minsk protocol in cooperation with the SMM in order to determine whether there was a violation of the ceasefire or not. The mission reports what it sees and what it hears and will make this information available to the participants of the protocol that has been signed in Minsk on 5 September. That mechanism will be refined further in the coming days.

What other measures will the mission take in order to enhance its monitoring activities?

There is a principal agreement between the OSCE participating States, the OSCE Secretariat in Vienna and the SMM that Unmanned Aerial Vehicles (UAVs) can be deployed to the SMM. However, the UAVs have not yet been deployed to Ukraine. But the mission will make use of this additional tool to enhance and complement the traditional monitoring activities on the ground in Ukraine.