

Access to water in conflict-affected areas of Donetsk and Luhansk regions

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Table of Contents

1. Executive summary	3
2. International standards.....	4
3. Examples of water shortages in Donetsk and Luhansk regions.....	5
3.1. Targeting or collateral damage of already ageing water installations	6
3.2. Power shortages impacting the functionality of the water pumps	8
3.3. Access issues due to the presence of armed groups, landmines or unexploded ordnance...	9
3.4. Restrictions limiting freedom of movement and supply of goods and water	10
3.5. Need for chlorination products.....	11
4. SMM Dialogue facilitation efforts	11
5. Recommendations	14
6. Map	15

1. Executive summary

The OSCE Special Monitoring Mission to Ukraine (SMM) was established on 21 March 2014 by OSCE Permanent Council Decision No. 1117. Its mandate includes the responsibility to “monitor and support respect for human rights and fundamental freedoms”.¹ In its current monitoring of the implementation of the “package of measures for the implementation of the Minsk agreements”, the SMM monitors and reports on human rights violated by *inter alia* the continuation of hostilities. This report examines how the right to an adequate standard of living has been affected by the conduct of hostilities, particularly access to sufficient, safe, acceptable and affordable water for personal and domestic use.

The targeting of water installations as well as collateral damage resulting from the fighting has impacted the functionality of water systems. Lack of access to water and poor water quality pose a threat to human health and sanitation and can limit food production. Likewise, it can impede socio-economic development and political stability which, in turn, may trigger further tension and conflict in the region.² The OSCE’s comprehensive approach to security intends to reduce the risk of water becoming a potential source of conflict and promote it as a tool for confidence building and co-operation.³ In line with the overall aim to reduce tensions and foster peace, stability and security in Ukraine, this report examines the negative impact of the conflict on access to water and SMM’s efforts to facilitate ceasefires to allow for the repair of the water system in order to provide access to sufficient, safe, acceptable and affordable water to conflict-affected civilians.

In February 2015, water supply in conflict-affected areas of Ukraine emerged as a key issue. An estimate of 750,000 children and adults in Ukraine are in need of hygiene supplies and drinking water.⁴ By July 2015, it was reported that this number had nearly doubled, with up to 1.3 million children and adults in conflict-affected areas in the Donetsk and Luhansk regions facing a serious water supply crisis due to damaged or destroyed water lines and acute water shortages.⁵ In addition to concerns over immediate consumption needs, the current shortages could have lasting consequences on food production as well as throughout next winter as central heating systems also rely on water supplies.

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

² OSCE, Governing water – preventing conflicts, 31 August 2015
<http://www.osce.org/water>.

³ Sustainable water management has been affirmed as a priority of the Swiss and Serbian OSCE Chairmanships in 2014 and 2015. At the Opening session of the 23rd ECONOMIC AND ENVIRONMENTAL FORUM “Water governance in the OSCE area – increasing security and stability through co-operation” FIRST PREPARATORY MEETING Vienna, 26 - 27 January 2015 the OSCE Secretary General underlined that “water has a two-way security aspect – water as a source of conflict and water cooperation as a tool for conflict prevention”. See <http://www.osce.org/secretariat/144136?download=true>.

⁴ UNICEF, UNICEF helps meet the hygiene and water needs of children affected by the crisis in Ukraine, 25 February 2015. http://www.unicef.org/ukraine/reallives_27457.html. According to the Minimum standards in water supply, sanitation and hygiene promotion, the average water use for drinking, cooking and personal hygiene in any household is at least 15 litres per person per day. <http://www.spherehandbook.org/en/water-supply-standard-1-access-and-water-quantity/>

⁵ UNICEF, Up to 1.3 million people in eastern Ukraine have little or no access to water, 14 July 2015. http://www.unicef.org/ukraine/media_28059.html.

The analysis contained in this report is based on data collected by SMM monitors from May to August 2015 in the Luhansk and Donetsk regions, including in non-government controlled areas. This report does not provide a comprehensive assessment of the current functionality of the water supply network⁶ nor does it report on each and every shelling incident which directly or indirectly may have affected the network. Further, villages which had no access to water at the time of the SMM's visits might have subsequently regained access to water.

This report outlines the international norms protecting access to water as a human right, provides examples of how the conduct of hostilities has severely impacted the right to water, in particular for residents of non-government controlled areas, and describes SMM's efforts through the implementation of local ceasefires to enable the repair of sections of the water system. Based on the concerns highlighted in this report, the SMM calls on all sides to respect the package of measures for the implementation of the Minsk Agreements including an immediate and full ceasefire and to abstain from attacks directed against civilians or civilian objects indispensable to the survival of the civilian population.

2. International standards

Access to water is a precondition for the enjoyment of the right to an adequate standard of living⁷ and to the right to the highest attainable standard of health⁸ and is an internationally recognised human right.⁹ The right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. During armed conflicts, the obligations of States under the International Covenant on Economic, Social and Cultural Rights encompass the right to water.¹⁰ This includes protecting objects indispensable for the survival of the civilian population, including drinking-water installations and supplies, and ensuring that civilians, internees, prisoners and returnees¹¹ have access to adequate water.¹² Through the OSCE principles

⁶ The Water, Sanitation and Hygiene (WASH) Cluster Ukraine has published Water Shortage Alerts in June for Donetsk and Luhansk Regions:

http://reliefweb.int/sites/reliefweb.int/files/resources/ocha_ukraine_situation_update_13_-_26_june_2015%20map2.pdf.

⁷ Article 11, International Covenant on Economic, Social and Cultural Rights (ICESR), (9993 U.N.T.S. 3).

⁸ Article 12, International Covenant on Economic, Social and Cultural Rights (ICESR).

⁹ United Nations General Assembly Resolution A/RES/64/92 (July 2010)

<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/InternationalStandards.aspx>.

¹⁰ Committee on Economic, Social and Cultural Rights, General Comment No. 15.

¹¹ Principle 18 of the Guiding Principles on Internal Displacement also stipulates that the competent authorities shall provide drinking water and sanitation to all IDPs, regardless of the circumstances and without discrimination.

<http://www.idpguidingprinciples.org/>.

¹² Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, article 14; ICRC Customary International Humanitarian Law rule 53 «The use of starvation of the civilian population as a method of warfare is prohibited” https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule53 and rule 54 “Attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population is prohibited” https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule54; The prerequisite conditions of application of rules of customary international humanitarian law pertaining to the attack, destruction, removal or rendering useless objects indispensable to the survival of the civilian population are met if the civilian population is not adequately provided with the supplies essential to the survival due to an action or omission by a party to the

and commitments, all OSCE participating States have committed to “respect and ensure respect for international humanitarian law including the protection of the civilian population.”¹³

3. Examples of water shortages in Donetsk and Luhansk regions

Access to safe water remains a challenge in conflict-affected areas. Numerous factors contribute to increasingly infrequent supplies of piped water including: 1) the ageing of water installations in need of repairs which have been further damaged due to the conduct of hostilities; 2) decreased functionality of essential water pumps due to power shortages caused by the shelling of electrical systems which power the water pumps; 3) access issues, either due to the presence of armed groups, landmines or unexploded ordnances coupled with the poor condition of the roads which hampers residents from accessing wells or from receiving water supply by trucks; 4) access issues impeding workers from conducting repair works or from receiving spare parts needed for the repair of the water installations; 5) orders limiting the freedom of movement and/or the supply of goods or water across the contact line thus interfering with the supply of water from government-controlled settlements to non-government controlled settlements; and 6) frequent water cuts which have contributed to the worsening of the situation.¹⁴

As a result, the risk of spread of water and sanitation related disease has increased as people are unable to store or transport sufficient water safely. Also, the quality of piped water is threatened by a need to support regular supply of chlorine and other reagents required at water treatment facilities, thereby creating a heightened risk of secondary contamination. These current impediments to sufficient, safe, acceptable and affordable water are putting the most vulnerable groups including children, persons with disabilities, chronically ill and elderly persons residing within least accessible conflict-affected areas at risk.¹⁵

conflict. The obligation to respect the right to water requires that States refrain from interfering with the enjoyment of the right to water, including by limiting access to, or destroying, water services and infrastructure. The destruction of water facilities or infrastructure during armed conflict, which would violate international humanitarian law, is an example of a direct interference with access to water or sanitation and violation of the obligation to respect the right to water and sanitation.

¹³ Concluding Document of Helsinki — The Fourth Follow-up Meeting, Helsinki, 10 July 1992.

¹⁴ The factors listed herein are by no means exhaustive. Additional factors include: the depletion of funds for frequent need to repair, coupled with decreased collection of revenues from non-government controlled areas; the decreased customer base due to population movement away from the affected areas; and the brain drain of qualified workers able to maintain and repair the water system are all examples of factors which contribute to the current escalation of the supply infrequency of piped water.

¹⁵ “Particularly vulnerable groups, such as children, elderly, disabled, and destitute people with no access to transportation, are the most exposed to the risk of waterborne diseases, often using negative coping mechanisms that affect their ability to maintain personal hygiene and adequate sanitation conditions. Water cuts and supply shortages in hospitals, maternity wards, schools, and institutions also affecting hygiene and sanitation conditions, increasing the risk of waterborne diseases to the ill and injured, newborns, mothers, and disabled people.” UNICEF Ukraine, Humanitarian Situation Report No.36, 20 June – 17 July 2015. http://www.unicef.org/ukraine/UNICEF_Ukraine_SitRep_36_-_17_July_2015_.pdf

3.1. Targeting or collateral damage of already ageing water installations

In the Luhansk region, reports have shown that certain locations have limited or infrequent access to piped water due to shelling.¹⁶ On 23 June, the SMM met the deputy head of the Luhansk Regional State Administration, who indicated that around 20,000 people were left without access to piped water in Popasna, Bobrove, Toshkivka, Nyzhni, Svitlychne (Nyzhnie-1) and Novotoshkovske.¹⁷ Similarly, on 24 June, in the villages of Hrechyshkyne, Kapitanove, Muratove and Bobrove, various interlocutors told the SMM that there was no access to piped water. On 28 June, the SMM visited the Svitlychne water plant in Nyzhnie-1 to follow up on reports of shelling. The SMM observed that the water plant was occupied by Ukrainian Armed Forces personnel which increased the likelihood of the plant being made a target for shelling. The SMM spoke with one Ukrainian Armed Forces soldier who stated that during the night of 27 June there had been a barrage of 25 Grad rockets which had hit the water station and also had damaged the electrical infrastructure, having left the town of Toshkivka without water supply. In Makarove, the SMM spoke on 2 July with residents who reported continuous shelling during the previous night and stated that the village had been without electricity and piped water supply for more than a week. The SMM visited the Karbonit water supply station near Zolote on 24 June and on 22 and 29 July. Although repairs were on-going, the facility was still unable to provide all the water required to satisfy demand¹⁸ due to damage from shelling in the early hours of 23 June.¹⁹

Similarly, in the Donetsk region on 3 July, the SMM met with the head of the Krasnoarmiisk District Administration who stated that the water pipeline serving Krasnoarmiisk, Dobropillia and neighbouring districts, providing approximately 500,000 residents with potable water, had been damaged by shelling multiple times due to its proximity to the contact line. On 22 July, the city of Mariupol stopped receiving water from the Siverskyi Donetsk-Donbass water channel due to a high

¹⁶ For example, the village of Troitske, where the head of the local administration on 1 April stated that the city does not have access to water, gas or electricity. OCHA reported that “during the month of August, six main water stations in the vicinity of the ‘contact line’ in Luhanska oblast were not functioning as a result of damage because of conflict and/or lack of maintenance and repair owing to insecurity and lack of resources. In addition, four water stations in the area were operating at significantly reduced levels, limiting water availability at household level to a few hours per day. OCHA, Humanitarian Bulletin, Ukraine, Issue 1, 1-31 August 2015.

<https://www.humanitarianresponse.info/en/operations/ukraine/documents/document-type/humanitarian-bulletin>

¹⁷ Similarly, OCHA reported on 26 June that according to the Luhanskvoda Water Company, water supply to Stakhanov, Kirovsk, Brianka, Irmine, Zorinsk, Artemivsk and several districts of Luhansk city stopped from Petrovskyi water inflow and Western Filter Station on 23 June due major damage sustained by pumping equipment. OCHA Situation update No. 5 as of 26 June 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_13_-_26_june_2015.pdf.

¹⁸ The Karbonit Water Supply Station supplies water to a number of government controlled and “LPR” controlled towns and villages alike.

¹⁹ Governor Moskal stated in the media that the damage caused by shelling was up to 3 million UAH, including damage to the pumps.

number of water leakages caused by shelling of the water canal near Horlivka and Maiorsk²⁰. SMM was informed in late May that water supplies in the reservoir would last for approximately two to two and a half months. On 15 June, the SMM met with the “mayor” of Donetsk city who stated that a water pumping station and a section of the pipeline in the area of Semenivka had been damaged in recent hostilities.²¹

Critical shortages have also been reported in non-government controlled areas.²² On 20 May, the SMM met with the “mayor” of the “LPR”-controlled town of Alchevsk, who described the water supply situation as “catastrophic”. At the time of SMM’s visit, the village was supplied with water from a government-controlled settlement and shelling had damaged the supply system.²³ Repair works could not be conducted due to on-going hostilities in the region. On 4 June, in “LPR”-controlled Metalist the SMM met with residents who reported receiving water from water trucks provided by the local administration. The inhabitants had been without piped water for a month. Subsequently, on 23 June, officers of the Joint Center for Control and Co-ordination (JCCC)²⁴ in Luhansk told the SMM that after an alleged shelling of a water pumping station in “LPR”-controlled Raivka, an area inhabited by around 30,000 people was experiencing water shortages, including “LPR”-controlled Metalist. According to the interlocutor, in the coming days, the water shortages were expected to affect Luhansk city. Consequently, on 10 June, the “head” of the “local administration” in “LPR”-controlled Luhansk city told the SMM that water shortage was the most pressing problem facing the city. In “LPR”-controlled Chornukhyne, the SMM met with the “head” of

²⁰ Both on 17 and 22 July, the SMM met with the director of the Mariupol branch of ‘Voda Donbassa’. To supply water to Mariupol, *Voda Donbassa* currently accesses the Staryi Krym reservoir in Kamiansk instead of the water canal near Horlivka and Maiorske which was damaged due to shelling. The SMM was told by the interlocutor that the reservoir is slowly running out of water and that the current water level is five meters below normal. The interlocutor stated that the company’s biggest customer, the Mariupol Vodo canal, has not paid its bills for several months now and thus the company has not paid recent salaries to its employees.

²¹ Similarly, on 2 July, the deputy mayor of government-controlled Avdiivka stated that the town had been without water since its water supply was damaged by shelling four days before. Residents (mostly middle aged men and women) in Opytne told the SMM on 30 July that they endured shelling on a daily basis and must travel to the outskirts of the village to draw water from a well. OCHA as well reported on 5 June that close to Donetsk, some 28 settlements were still without water as the Chervonoarmiiska filtration station is not operational. Tekstilschik and most of the Petrovskiy districts of Donetsk city remain without water. OCHA Situation update No.3 as of 5 June 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_30_may_-_5_june_2015_1.pdf

As well, on 26 June OCHA reported that the settlements of Lomuvatka, Slovianoserbsk, Kamiane, Komisarivka, Vonogradna, Shchotove, and Donetskyyi had limited or complete lack of access to safe water. OCHA Situation update No. 5 as of 26 June 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_13_-_26_june_2015.pdf.

²² OCHA reported on 1 May that since the main water treatment station located in the vicinity of the contact line in non-government controlled areas in Luhansk region was destroyed over 100,000 people were left without access to safe water. OCHA Situation report No.38 as of 1 May 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_report_38_-_1_may_2015.pdf.

²³ Similarly, in the “LPR” controlled village of Obozne visited on 6 May, residents reported having been without electricity and water for the last six months. In the “LPR” controlled village of Kalynove, the SMM met with a group of five teachers from the local school who reported that the village has no potable water and that residents use water from private wells.

²⁴ The Ministries of Defence of Ukraine and Russia established the JCCC in September 2014.

the “town administration” on 2 July, who was supervising workers trying to repair a water intake after the primary water intake had been shelled, as villagers have been suffering from water shortages for several months. On 17 June, in “LPR”-controlled Lomuvatka, a female civilian told the SMM that the village had not had a water supply for the previous two months.²⁵ On 3 June, a critical water supply situation in the non-government controlled areas of Stakhanov, Kirovsk, Brianka, Zorynsk, Pervomaisk, was reported during a press conference held by the Luhanskvoda water company and the head of the “LPR” “center for reconstruction management”.²⁶

The SMM received reports that in the town of “DPR”-controlled Komsomolske, residents had very limited access to potable water after the breakdown of submersible pump units. On 2 July, the SMM met with the deputy director for economic security and the deputy principal engineer of the “DPR”-controlled Novyi Svit power station, who reported that although the plant itself has never been hit directly, the water supply system located in the vicinity was hit several times by rockets. He emphasized the possible danger in the event that the power plant’s critical components, such as fuel reservoirs (liquid fuel gas, fuel oil) and storage of dangerous chemical components (hydrogen, chloride, etc.) and boilers are hit.

As well, non-functioning wastewater pumps lead to public health risks where wastewater continues to be produced leading to potentially major spillages. On 1 July, the doctor in charge of the central hospital of “DPR”-controlled Debaltseve, stated that water had been a major problem in the area, including the hospital. Running water mixes with sewage which is dangerous for usage.

According to a resident interviewed on 3 July, the water pipeline in “DPR”-controlled Ternove, which supplied water to Khyryashchivate, had been damaged not by shelling but by armed personnel digging trenches in the vicinity of water supply infrastructure.

3.2. Power shortages impacting the functionality of the water pumps

Shelling incidents have affected both the functionality of the water supply network as well as power supply systems.²⁷ The interconnection between the water supply and power supply systems has meant further water supply and electricity shortages for the civilian population residing in conflict-affected areas as fighting disrupts electricity supply to water pumps. According to residents of the “LPR”-controlled village of Khrystove, visited by the SMM on 6 May, the village had been without electricity and water since the shelling of the power station in late April. Similarly, on 22

²⁵ Similarly, in Stanytsia Luhanska, bridge issues have resulted in the town being without water and electricity for days; On 2 July, while analysing the impact of the 1st July shelling incident, one resident whose house had been damaged due to the shelling reported to SMM that the town had been without water and electricity for more than seven days.

²⁶ On 25 May, the Governor of Luhansk region stated that a main water supply pipe was damaged due to fighting in Rodina village, near the line of contact, possibly resulting in a significant part of non-government controlled areas from Pervomaisk to Krasnyi Luch (including Stakhanov, Brianka, Alchevsk, Antratsyt, Kirovsk) remaining without water supply. OCHA Situation update No.2 as of 29 May 2015 https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_23_-_29_may_2015.pdf.

²⁷ For example, on 23 June, the SMM met the deputy head of the Luhansk regional state administration who reported that due to the shelling, electricity cables had been destroyed in Trokhizbenka, Kriakivka, Orikhove, Lobachove, Lopaskyne, Grabove, Orikhove, Krymske, Novozvanivka, and Troitske. According to the Deputy Governor, 5,000 people were therefore left without electricity.

July, the SMM visited the Karbonit water supply station located in Bilohorivka near Zolote where the lack of electrical power reportedly made it difficult to use all water pumps simultaneously.²⁸ Similarly, in Chermalyk, the SMM spoke with the head and the secretary of the Chermalyk village council who reported that, on 2 June, there had been shelling nearby the village which damaged the electrical lines, leaving the village without electrical power and water supply. In the long term, non-functioning pumps may be further impacted in the winter by extreme temperatures causing standing water to freeze and cause damage to equipment.

3.3. Access issues due to the presence of armed groups, landmines or unexploded ordnance

In both the Luhansk and Donetsk regions large numbers of residents are coping with the water shortages by collecting water from private wells as a substitute to piped water. This forces them to take security risks by travelling to neighbouring villages through potentially active conflict zones. On 22 July, in Koliadivka residents informed the SMM that the local population had only limited access to the local water spring, due to the continuous movement of military personnel and equipment in and around the village, usually starting in the evening and ending by 5 a.m.

On 26 July, an SMM monitoring team attempted to conduct a patrol in order to assess the current security situation near the “Verkhniokalmiuske reservoir” in Yasynuvata district. During the course of the patrol, the SMM was stopped at a so-called “DPR” checkpoint and informed of a significant presence of unexploded ordnances, machine gun and sniper shooting, and unpredictable incoming shelling in the area near the filtration system. Similarly the SMM spoke with the acting mayor of Marinka who stated that one of the main issues was that the water, electricity and gas lines were damaged and could not be repaired.²⁹ The area near a boarding school in Marinka, where the main lines for water, electricity and gas are located, has been mined. The main gas line and the electricity lines are repaired, but the side lines that provide these services to civilians are near the contact line and cannot be repaired.³⁰

Further, on 29 July, the SMM visited the Karbonit water supply station near Zolote to assess its functioning. SMM was informed that there was a military compound less than a kilometre close to

²⁸ The interlocutor added that the station also pumps water to “LPR”- controlled Pervomaisk. OCHA reported that as of 10 July, “there is still no water supply in Kirovsk and Pervomaisk, due to the damages to the power line, with the two cities receiving water through water trucking.” OCHA Situation update No. 6 as of 10 July 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_27_june_-_10_july_2015.pdf.

²⁹ On 5 June OCHA reported that “in Marinka and Krasnohorivka, an estimated 10,000 remaining people have no access to water for the past few days. Local authorities were trying to tanker in water from some sources in the area, which was considered as insufficient.”

³⁰ The situation remained similar in Marinka upon SMM’s visit on 11 July. On 13 July, the head of the local administration stated that the situation in the city was deteriorating due to the constant night shelling and the absence of potable and running water. Similarly, UNICEF reported: “In Maryinka one of the most affect areas in early-June flare up, the humanitarian situation is deteriorating amid regular night-time shelling. The lack of potable and running water as well as gas, coupled with the lack of garbage collection and poor hospital conditions, are further exacerbating the dire humanitarian situation.” UNICEF Ukraine, Humanitarian Situation Report No.36, 20 June – 17 July 2015. http://www.unicef.org/ukraine/UNICEF_Ukraine_SitRep_36_-_17_July_2015_.pdf

the water supply station. Water station employees stated that there were military positions southeast of their location, including tanks. Local people confirmed to the SMM the presence of mines and unexploded ordnances in the area.

3.4. Restrictions limiting freedom of movement and supply of goods and water

In addition to infrastructural issues impeding access to water, restrictions limiting the supply of water heavily impacted on several locations in non-government controlled area, including “LPR”-controlled Komisarivka, Stakhanov, and Pervomaisk.³¹ Orders limiting the transfer of goods have also impaired the ability to supply water to certain locations.³² On 2 July, SMM met with the deputy

³¹ For example, on 3 June, the Luhanskvoda director stated that following an order allegedly issued by the Governor of Luhansk water supplies from government-controlled areas to non-government controlled areas of the Luhansk region had almost completely stopped. On 4 June, the “head” of the “LPR”-controlled Komisarivka “village council” told the SMM that the village, which had previously been relying on water supplied from government-controlled Zolote was - following the water cut off - now relying on supply from “LPR”-controlled Verhulivka. On 27 July, in “LPR”-controlled Stakhanov, the deputy “mayor” informed the SMM that he had received a fax from the Luhansk water company located in Luhansk city stating that the water distribution from government-controlled territory would be cut by 50%. On 29 July, the deputy “mayor” of “LPR”-controlled Stakhanov told the SMM that the local water supply was now completely out of service, after it had been turned off from the government-controlled side. There was at the moment no water pressure in the system. The interlocutor as well mentioned the water shortages faced by the “LPR”-controlled city of Pervomaisk and its 20,000 inhabitants.

As well, OCHA reported that “thousands of people in Pervomaisk, Stakhanov, Kirovsk and Brianka (pre-conflict population of 250,000 people), in non-government controlled areas of Luhansk region have no access to potable water from main water supply networks. While government sources indicate that this is because of damages to water supply networks, other reports indicate that the network has been repaired, but that restrictions have been put in place by local authorities for the water to continue flowing. In the affected villages the situation is getting critical as only 40 percent of water needs are covered.” OCHA Situation update No.3 as of 5 June 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_30_may_-_5_june_2015_1.pdf.

On 10 July OCHA reported that “in the past month, the water supply has been turned off at the Petrovskaia pumping station and Western filter station, cutting the water supply to approximately 165,000 people in NGCAs in Luhansk region. The districts of Brianka, Kirovsk, Pervomaisk, and Stakhanov (all in NGCAs) are of concern, as they do not have alternative water intakes for centralized potable water. On 3 July, the water supply from government-controlled areas was restarted and Petrovska pumping station and Western filter station were back in operation.” See OCHA, Situation update No. 6 as of 10 July 2015

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_update_27_june_-_10_july_2015.pdf.

³² Following a total ban of movement of any transport across the contact line in Luhansk region, which was introduced by the Governor of Luhansk region on 12 May 2015, freedom of movement was further restricted on 26 May 2015 by Decree no. 190 “On Addressing Illegal Activities on Contact Line”. The Decree stipulates that the control over unauthorised passes outside of check points shall be reinforced for both pedestrians and transport vehicles. As well, on 16 June 2015, the latest amendments to the Temporary Order no. 144 governing the crossing of the contact line came into force (on 11 January 2015, the Security Service of Ukraine (SBU) announced the introduction of the Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo along the Contact Line in Donetsk and Luhansk regions (Temporary Order no.144) which regulates movement into and out of the ATO zone and came into effect on 21 January 2015.) Although a simplified e-procedure for obtaining special permits was put in place, the amendments as well state that all

director for economic security and the deputy principal engineer of the Novyi Svit power station who underlined that the significant reduction in the delivery of spare parts critically needed for the power station's operation was due to movement restrictions.³³ Similarly, shortages of diesel caused temporarily by the restrictions of freedom of movement impacted the delivery of emergency water supplies. For example as reported in Ternove at the time of SMM's visit a truck was making weekly water delivery for 17 families, but the district shortly after ran short of diesel fuel.³⁴ Since the issuance of a "DPR" decree on registration of international organizations, the delivery of humanitarian aid as been halted until a successful registration will occur. The Office for the Coordination of Humanitarian Affairs reported that since 21 July, humanitarian aid organizations have been unable to reach vulnerable people in non-government controlled areas.³⁵

3.5. Need for chlorination products

Water quality is also an issue due to a reported lack of chemicals necessary for water treatment. On 1 July, the doctor in charge of the central hospital of "DPR"-controlled Debaltseve stated that water shortages created major problems in the area, including for the hospital. Water pipes are often buried alongside sewage pipes, allowing for the possibility of cross-contamination following damage to the pipes.³⁶ The pumping station located in Petrivske ("LPR"-controlled, Shchastia area, Luhansk region) also reported a need of 500 tons of chlorine for disinfection. An NGO reported to the SMM that the pumping station in Kondrashevskiyi district (Stanytsia Luhanska) needed 500 kg of hypochlorite.

4. SMM Dialogue facilitation efforts

In parallel with SMM's efforts to monitor and report on critical water shortages and intermittent supply in conflict-affected areas of the Luhansk and Donetsk regions, the SMM has also facilitated dialogue on the ground seeking to include all parties to enable the affected population to regain access to water. The SMM has identified opportunities for dialogue between the parties, building trust through the implementation of local ceasefires to enable the repair of sections of the water system. This is intended to solve an issue of mutual concern and promote a reduction in tensions

transportation of goods from/to the non-government controlled area shall be done by train transportation only with exception of humanitarian aid and other exceptions established by this Order.

³³ In addition to the severe lack of resources to buy spare parts. See OCHA Situation report No.38 as of 1 May 2015,

https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_report_38_-_1_may_2015.pdf. According to the interlocutors, trucks with spare parts have been waiting at the Volnovakha border crossing point for several weeks despite all necessary documents being submitted as requested.

³⁴ At present, 120,000 people in Luhansk and Donetsk oblasts are reliant on trucked water whilst others have to revert to potentially unsafe water sources. OCHA, Humanitarian Bulletin, Ukraine, Issue 1, 1-31 August 2015. <https://www.humanitarianresponse.info/en/operations/ukraine/documents/document-type/humanitarian-bulletin>

³⁵ OCHA, Humanitarian Bulletin, Ukraine, Issue 1, 1-31 August 2015.

<https://www.humanitarianresponse.info/en/operations/ukraine/documents/document-type/humanitarian-bulletin>

³⁶ For instance in Debaltseve, a middle-aged female resident told the SMM that the city's tap water was contaminated with sewage rendering it non-potable.

and a normalization of the situation. The following examples are representative of SMM's ongoing efforts:

Following a request on 11 June by the director of the water supply enterprise *Voda Donbassa* located in "DPR"-controlled Donetsk city, on 13 June the SMM liaised with the JCCC headquarters in government-controlled Soledar to facilitate the transport of water pumping equipment across the contact line. This equipment, according to the director, was vital for the water supply in "DPR"-controlled Komsomolske, as problems with the system risked leaving around 13,000 residents in the area without running water.

The need for co-ordination across the contact line to enable such repairs was accentuated by an incident on 14 June when a repair team close to government-controlled Popasna came under mortar fire from the "LPR"-controlled side, resulting in one injury. The deputy head of the regional administration on the government-controlled side and the director of the Luhansk water company on the "LPR"-controlled side requested assistance from the SMM in facilitating dialogue for local ceasefires to enable such repair works to go ahead.

Another example of successful dialogue facilitation by the SMM in Donetsk region is the enabling of ceasefires and the monitoring of demining efforts in preparation for repairs of a major water pipeline leading north-south along the line of contact, between government-controlled Maiorsk and "DPR"-controlled Horlivka.

The pipeline had been damaged by shelling on 29 December 2014. The SMM was informed that the repair works would benefit more than 2.5 million people in the Donetsk region, including the residents of Mariupol. Since 3 July, the SMM's presence was deemed essential for proper co-ordination among all parties to ensure local ceasefires were respected. On a daily basis the SMM met with the director of the water company, the local "DPR" "commander" and members of the "emergency services". Furthermore, meetings were held with a Russian Federation Armed Forces representative assigned through the JCCC to ensure respect of the ceasefire at the site. Meanwhile, on the government-controlled side of the contact line, another SMM team travelled to a government-controlled checkpoint at Maiorsk to co-ordinate with the representatives of the JCCC and with the Ukrainian Armed Forces present there. On a daily basis, the two SMM teams jointly facilitated a dialogue between parties on both sides of the contact line, conveying when all sides were ready to commence repair work.

Despite challenges faced such as continuous shelling in the vicinity of the repair works and raised tensions due to civilian casualties in and around the city, repairs continue and have been partially completed. However, shelling at night rendered repair works regularly unsustainable, and slowed down works due to the need to demine the areas daily before workers could start repairs. Controlled detonations in the context of demining also needed careful co-ordination to mitigate the risk of resuming the fire. For example on 10 July, at the request of the "DPR emergency services" and after the SMM informed JCCC officers, an anti-tank missile and four anti-tank mines located on the "DPR" side of the pipeline were successfully detonated.

On 16 July, the director of *Voda Donbassa* brought to the SMM's attention that, due to heavy shelling that occurred in the night of 15 July, new damage was caused to the central water pipe.

Moreover, the director requested that the SMM continue supporting the repairs on the pipeline until their completion. Still, on several occasions, shots of small-arms fire and at times intensified exchanges of fire or sporadic mortar shelling have been observed by the SMM.

Meanwhile, the SMM repeatedly requested the parties to respect the ceasefire and guarantee the security of SMM staff. Due to the intensification of shelling, repairs had to be aborted and the SMM was forced to withdraw from the areas on many days.

By 7 August, according to *Voda Donbassa* one of the three parallel pipelines providing water for almost the entire Donetsk region was 70% repaired and repair works for a second pipeline were deemed crucial in order to prepare for winter, as frozen water could block all water flows threatening to hamper the water delivery system for the whole region.

The continued facilitation of local ceasefires by the SMM allowed for those water pipeline repairs to be completed by 14 August. The head of *Voda Donbassa* explained that water was already running through the repaired pipeline, in order to check the repaired elements of the pipeline for leaks. He reiterated the intention of *Voda Donbassa* to start with the repair of a third water pipeline on 17 August 2015.³⁷

In Spartak (“DPR”-controlled) the SMM has facilitated since 3 August local ceasefires to enable repair works to be carried out by *Voda Donbassa* workers. Nonetheless, repair works have been disrupted by ceasefire violations observed by the SMM.³⁸ The SMM requested on multiple occasions for the parties to respect the ceasefire and honour their commitments also by means of written security assurances. Eventually on 11 August, despite continuous use of small arms and light weapons, including heavy-machine-gun fire observed by the SMM, all works in “DPR”-controlled Spartak were successfully completed with water running again.³⁹

In “LPR”-controlled Raivka, the SMM facilitated a ceasefire on 13 August arranged with representatives of the JCCC to enable workers from the *Luhanskvoda* company to repair water and electricity infrastructure. Despite the ceasefire, the SMM heard around 30 single shots between 13:30 and 13:50hrs consistent with small-arms fire. Repairs were completed and as a result, northern parts of Luhansk city now receive sufficient water supply to meet basic needs.⁴⁰

³⁷ OSCE, Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 19:30 (Kyiv time), 14 August 2015. <http://www.osce.org/ukraine-smm/177651>.

³⁸ On 4 August, despite sporadic explosions during the day at distances between 1 and 3 kilometres from the pipeline the repair works continued. Similarly, on 5 August, the SMM heard outgoing small arms-fire followed by one outgoing rocket-propelled grenade as well as outgoing mortars. On 7 August, the SMM heard continuous incoming and outgoing mortar as well as multiple bursts of heavy machine gun fire.

³⁹ OSCE, Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 11 August 2015. <http://www.osce.org/ukraine-smm/176961>.

⁴⁰ Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 19:30 (Kyiv time), 13 August 2015. <http://www.osce.org/ukraine-smm/177581>.

5. Recommendations⁴¹

Based on the concerns highlighted in this report, the SMM has formulated a series of recommendations in order to address the on-going harmful effects and risks to physical and mental health and wellbeing caused by limited access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. Accordingly, the SMM calls on all sides:

- to respect the 12 February 2015 package of measures for the implementation of the Minsk Agreements including an immediate and full ceasefire and the pull-out of all heavy weapons;
- to refrain from locating military installations and positions next to objects indispensable to the survival of the civilian population;
- to abstain from attacks directed against civilians or civilian objects indispensable to the survival of the civilian population including civilian objects indispensable to the water supply system;
- to abstain from indiscriminate attacks affecting the civilian population or civilian objects in the knowledge that such an attack will cause excessive loss of life, injury to civilians or damage to civilian objects;
- to alleviate humanitarian suffering and to allow free, rapid and unimpeded passage of impartial humanitarian assistance including the provision of support to the operation and maintenance of crucial civilian infrastructure and to grant persons engaged in the provision of such assistance rapid and unimpeded access to persons in need;
- to observe their obligations to ensure that protection of civilians is a priority and that the respect for basic, non-derogable human rights and fundamental freedoms is guaranteed to the civilian population, including the most vulnerable.

The SMM remains ready to support all efforts to alleviate human suffering, in particular through the facilitation of dialogue with the aim of upholding the ceasefire.

⁴¹ On 10 July, UNICEF, REACH and the WASH Cluster started a WASH assessment in Donetsk and Luhansk that will help to prioritise the WASH response in affected regions of eastern Ukraine.

6. Map



