

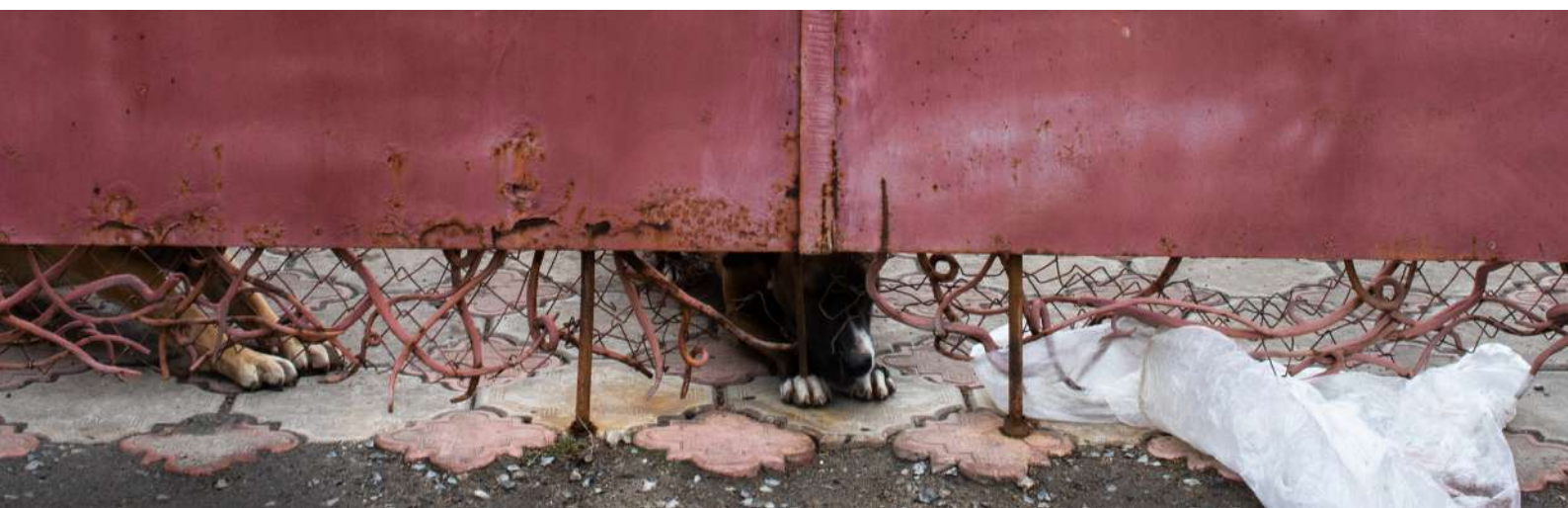


ЗДЕСЬ
ЖИВУТ ЛЮДИ

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Cross-frontline water supply in Donbas four years after the Minsk II ceasefire agreement:

an outline of experiences and actors of cooperation



Imprint

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Project: "Dialogue for understanding and justice: European NGOs working together for conflict resolution in Donbas"



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This publication is developed in the framework of the activity of CivilM+ platform.



CivilM+ is an independent international civil society platform, which mission is to active integration of civil initiatives to restore the Donetsk and Luhansk oblasts as peaceful, integrated and developed regions as part of a democratic Ukraine and a united European space, with the active participation of the region's population and those who have left the region due to the conflict.

More about the platform and it's members on the web-site civilmplus.org

Implemented with the kind support from the Federal Foreign Office of Germany



Photos: Albert Lores

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“People live here”

This is what people who lived along the contact line wrote on their gates back in April 2014, when hostilities in eastern Ukraine began. These few words were a warning for the military to avoid shelling, or settling into their homes.

Five years later, these inscriptions still hold true.

Amid continuous fighting, which has often deprived people of one of life's essentials – water, people live here, still.

The Donbas area is highly industrialised, yet it has always been classified as water scarce. This is why engineers in the 1950s designed a massive water system carrying water more than 300 km, all the way from the Siverskyi Donets river, to Mariupol city. Prior to the conflict the system was already around 70 years old, with over-designed pumps, and pipelines that needed replacing. Since conflict started, lack of access for repairs, damage caused by shelling and explosions, and the difficult economic situation in eastern Ukraine now mean that water supply to 3.2 million people hangs in the balance.

1. Introduction

The territories controlled by the Moscow-backed regimes claiming secession in Donbas in non-government controlled areas (NGCA), are separated from Ukrainian government controlled territory (GCA)¹ by a demarcation line (Line of Contact, LoC). This contact line, established by the Minsk ceasefire agreement in February 2015, serves as a front line, a de facto border and a baseline for a security zone guaranteed by the withdrawal of heavy weapons and troops. The ceasefire agreement – and the security zone along the contact line – reduced the violence but is violated on a daily basis,² disrupting lives of the populations living near the contact line – about 5.2 million civilians are affected.³ The on-going violence also has a direct impact on critical infrastructure in this densely urbanized part of the Donbas. The frontline cuts through a typical European conurbation, running north from Lisichansk to Mariupol, a succession of interdependent company towns of coal, metal, and chemical industries assisted by water and electricity-producing infrastructure, with integrated labor and trade markets.⁴ By analogy, one could imagine the disruptions on trade and infrastructure if a frontline were to split the Ruhrgebiet or the Black country of the English Midlands in two. For instance, of the 2 million people exposed to landmines in the Kyiv-controlled areas near the line of contact, 70% have drastically changed their daily movements to adapt to these risks – not sending their children to school or taking round-about ways to work. The seizing of most Ukrainian-held assets by de facto authorities in the Donetsk and Luhansk, the banning of trade towards NGCA by the Kyiv-government in the winter of 2017, and the use of the Russian ruble in NGCA are just a few examples of disrupted economic networks. A critical problem is that municipal infrastructure – roads, water, electricity, heating – all the grids that interconnect human activity are intermittently severed by shooting and shelling. Water and electricity infrastructure located along the line – and often between fighting positions – are deteriorated on a weekly basis – compromising critical services as well as the repairs and maintenance with broader implications. Damage to power lines for instance can shut down the Avdiivka coke plant, the city's main employer. As a result, providing more or less sustained services, including basic drinking water, to the populations necessitates efforts of cross-border cooperation. Access to water for domestic and personal needs is defined by the United Nations General Assembly as a basic human right. Water should be safe, affordable and accessible – 50 to 100 liters a day and collectible within 30 minutes – also in times of war, as indicated in the Geneva Conventions that establish the standards for humanitarian treatment in war. But in Donbas these criteria are not systematically fulfilled: for water to flow consistently from one “side” to another to homes and businesses local ceasefires need to be put in place in order to complete repairs and maintenance on infrastructure located in battle zones. As a result of

hostilities, international organizations have increasingly taken on a role in mediating or implementing cooperation to ensure water supply. This report will examine some of the factors and actors that are involved in cross-border interactions and cooperation through the case of the shared water supply system in Donetsk region in a context of growing politicization of water management. Given the enormous impact of water supply, it will outline how civil society can indirectly try to create awareness by focusing on plaidoyers that can underline the less contentious aspects of water supply for the common good.

This paper is based – unless otherwise indicated – on interviews conducted locally in GCA with managers and engineers of the KP Voda Donbasu/Donbas Water utilities facilities in Avdiivka, Toretsk, Pokrovsk, Mariupol in May-August 2018, as well as with other stakeholders (the OSCE's SMM to Ukraine, representatives of international humanitarian organizations, local civilian-military administration officials, and consumers).

2. Situation overview: shared water supply network and necessary cooperation

The territories directly affected by the conflict rely on the Siversky Donets river as the primary source of drinking water. In Luhansk region, the contact line runs along the river, splitting water supply management run by two separate companies. In GCA, Popasna regional Water utility supplies water almost exclusively to consumers in NGCA where another, non-government controlled company, Luhanskvoda, manages the distribution locally and collects all payments. In Donetsk region, further south, the water system runs 327 km south to Mariupol, supplying water to about 4 million people. Contrary to Luhansk region, in Donetsk region the management of water supply has not been split but is run by a single company, the public communal/municipal company (Kommunal'noe Predpriatie, or KP) KP Voda Donbasu/Donbas Water (in Russian. KP Voda Donbassa). With official headquarters in Donetsk – and secondary management facilities in Pokrovsk – it operates according to Ukrainian legislation and employs 12500 people, 7500 of which in non-government controlled areas. Its management runs interdependent facilities cross-border: pumping, filtration and repair stations, as well as maintenance of canals and lines.

This water supply system, developed in the 1930s-50s to serve the Soviet metallurgical and energy plants and their company towns, lacked investment during the post-Soviet period, when profit-oriented business clans controlled the region. The water supply system, including those controlled by KP Voda Donbasu/Donbas Water, suffered financially, running up debts towards electricity providers. Almost five years of war have

further worn down the equipment because of problems with maintenance and revenue.

Many crucial facilities are located near active battlegrounds and are damaged, sometimes repeatedly after repairs. For example, the Donetsk Filter Station is within small arms fire range of the advance positions of both Ukrainian armed forces and the armed formations of L/DPR. In all, over half the facilities have been damaged by shelling at some point during the conflict, and nine employees of Voda Donbasu have been killed during their shift while dozens were injured.

Due to the high-level of urbanization in Donetsk region, homes are reliant on communal water rather than on wells, as would be the case in more rural areas. For this reason, damage to the water system affects large numbers of people. Damage to the Donetsk Filter installations – including power lines – affect both Yasynovata in NGCA and Avdiivka (GCA) immediately and ultimately affects water supply to 380000 people. According to a 2018 report, ECHO estimated that in Luhansk 51% of the population are using untreated drinking water.

From this epicenter of violence, water flows through two 1.4 meter pipes of the South Donbass Waterway to Mariupol, hugging the contact line along the way.

When facilities are damaged on or near the frontline, repairs require ceasefires and demining crews before VD technicians can go in. In 2017, it took close to 8 months to negotiate a “window of silence” to repair a pipeline that leaked 2 million tons of water daily into the environment. Maintenance and repairs require the mediation by the OSCE's Special Monitoring Mission as the warring sides suspect one another of using ceasefires as cover for military operations and agree to windows of silence only under strict conditions. Throughout 2017-18, the SMM organized 1450 windows of silence for repairs and operated 2100 patrols for water security alone in Donetsk and Luhansk regions.⁵

3. Voda Donbasa: adapting social and occupational ties across the frontline

Adapting practices within the company KP Voda Donbasu (“Donbas Water”, VD):

Operating on both sides of the front line requires adapting pre-war operations and management to the political, military and material divide inside an integrated network. The most visible hurdle to overcome is the physical contact line. The broad distribution of facilities

over a large territory means that VD executive-level managers tend to travel between facilities. Monthly board meetings bringing together the directors of KP Voda Donbasu/Donbas Water 's subdivisions are held “virtually”, via an unstable video link with cameras set up in the meeting rooms at Donetsk and Pokrovsk headquarters respectively. But not all affairs can be settled in this manner. In interviews, the managers of VD Donbasu – a Ukrainian company – described how, based in Donetsk, they negotiate long lines at crossing points for meetings at the Pokrovsk office, which serves as a second headquarters in GCA. It can take up to eleven hours to travel from Yasynuvata, on the separatist-held side, to Avdiivka, just 22 kilometers away by direct road before the conflict. These crossings take place on a weekly basis for operational reasons but also to cultivate a sense of corporate culture in a general context of hostility. Many Donbas Water employees interact on a weekly basis with the “other side” countering the de-humanized “enemy” prevalent in public discourse. This co-operation across the frontline is most intense in the context of repairs to damaged infrastructure in the dangerous “grey zone” near troop positions and mine fields when a local ceasefire (“window of silence”). The teams of technicians intervening there – in flak-jackets and helmets, surrounded by representatives of the OSCE's mission as well as Ukrainian troops and armed formations – come from both sides of the contact line.

The corporate practices that developed since the conflict began illustrate how de-politization and occupational identification around the idea of providing water as a neutral and humanitarian mission became an important element of corporate in order culture to “manage” trans-frontline cooperation. Indeed, publicly, with regards to NGCA, Donbas Water suppresses any political affiliation: the company website (<http://www.voda.dn.ua> in Russian) indicates war-damaged sites in its news section without using any political denomination of the location of the facilities such as ORDO, GCA/NGCA. The damages by shelling – and repairs – to facilities are described in detail but are also neutral without indication of the culprits. This neutrality applies also more generally: in one interview, a manager in GCA asked not to be photographed with a Ukrainian flag “in order not to create problems “over there”, implying the L/DPR authorities. Managers, water engineers and technicians interviewed say that within the company political discussions about the conflict are “officially banned” or simply “avoided” (opinions differ).

KP Voda Donbasu/ Donbas Water 's practices reflect the development of a sector-specific corporate culture built on the universal value of water. For example, a banner in the auditorium of VD headquarters in Donetsk quotes French author A. de Saint-Exupery as “water is life”. Also, rationalizing work in difficult conditions – pay arrears and operations in battle zones – as “obligations to the community” appears common in this mostly locally trained and recruited workforce where trans-generational endo-recruitment is not uncommon.

Vodiane

130 inhabitants

2 kilometers from the contact line

Rudolf used to work as a miner in Donetsk. His wife Victoria was a schoolteacher.

In May 2014, they both moved to their summerhouse in Vodiane. For a whole year, the family lived almost constantly in the basement. In January 2015, a shell hit their house. They were lucky to survive. Different NGOs supported them by repairing their roof and replacing windows.

Water used to come to their village from Donetsk city, but after the war started the water supply was cut. With no centralized water supply in Vodiane nowadays, Rudolf and his wife drink water from the well, and use rain and melted ice for the garden and utilities.

The couple does not want to leave their household. Here, they look after chicken and geese, and grow their own fruit and vegetables—which they pickle for the winter season.

Rudolf and Victoria still live here.



Rudolf, 78 years old, in his house, and at the well he built himself long before the war began. © Albert Lores



© Albert Lores



Volodymyr Antonovych, 90 years old, in front of his apartment. © Albert Lores

Zalizne

1575 inhabitants

5 kilometers from the contact line

Volodymyr used to be a physics teacher at the local high school. He has been doing sports all his life and was still running in his seventies.

In 2015, shelling destroyed the house of his friend and colleague, Maria. Volodymyr invited her to move in with him.

Maria has problems with her legs, and can only move with the help of walking sticks. Sharing with Volodymyr helps Maria stay healthier and lead a more active lifestyle.

Maria: "I'm ninety, and have seen two wars, the Second World War and the one in Donbas now. But I want to live on."

Pipelines that supply Zalizne and Toretsk with clean water cross the contact line and are frequently damaged by shelling. Permanent repairs are difficult due to the extreme risks to workers. On 23rd October 2018 two water employees were injured attempting to fix this pipeline.

Volodymyr and Maria still live here.



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Water-management ‘dynasties’ are carried on through the conflict. For example, the tragic death of a mother and son, both water engineers at a facility near Donetsk in the early months of the war is regularly cited in interviews as a tragic but still positive symbol of KP Donbas Water’s corporate culture. Inter-generational and occupational solidarity is put forward while professing political opinions is discredited as being “unprofessional” behavior. This de-politization acts to counter the alienation prevalent in a war-torn community. Also, even technical cooperation is interpreted as suspicious, possibly treacherous, and thus morally and legally condemnable by political authorities in both GCA and NGCA making trans-frontline cooperation not only uncomfortable but potentially dangerous. For example, some VD managers claim that employees were placed on “Mirotvorets”, a “list” of “collaborators” run by a group of Ukrainian vigilantes [see section 3. on limitations].

4. Limitations

A system of administrative and corporate subordination disrupted by war:

The complex organizational structure of the company and the disruption of its municipal status by war disorganized existing interactions with other state bodies in GCA. By charter, KP Voda Donbasu/Donbas Water is under the authority of the Donetsk regional council making it as municipal company with, in principle, little communication with the government in Kyiv. However, the Donetsk council, an elected body in Donetsk, has not convened since secessionist forces took over Donetsk. In interim, it is the regional governor in Kramatorsk –himself appointed by the president of Ukraine - who appoints the director. The company is currently under the indirect executive subordination of the Kyiv government’s Ministry of occupied territories (Min TOT).

Operational management of cross-border water supply necessitates interaction at a political level, i.e. communicating with those authorities that have de facto political and security control over the territories where the water supply facilities are located. There is little public information available about how VD managers in Donetsk communicate day to day with local powers in DPR. Water management is placed under the authority of the DPR “Minister for construction, housing and utilities”, Sergei Naumets since 2018.⁶ But the legal organization regarding water supply in DNR is rendered increasingly unclear by a series of administrative measures creating a parallel structure. In 2017 the DPR created a “state company” “GP Voda Donbassa” with the same name as the “communal company” KP Voda

Donbassa/Donbas Water.⁷ The website of the DPR’s GP Voda Donbassa has a Russian domain name (<http://www.vodadonbassa.ru>) and posts news and information that creates the impression that it is in charge of water supply when in fact the supply network is still under actual KP Voda Donbassa/Donbas Water control. While the KP Voda Donbassa/Donbas Water is directed by Alexander Evdokimov, a hydro-engineer with many years in the company appointed by the Donetsk oblast’ governor in Kramatorsk (GCA), the DNR GP Voda Donbassa head is Maksim Leshchenko, a close associate of A. Zakharchenko the commander of DNR who was killed in a bomb explosion in August 2018. Pressure from the side of DNR to take over the KP appears to be mounting, presumably making communication even more difficult: increasingly the OSCE, Red Cross and Minsk Tri-lateral group appear to be the platform for communication on water issues in DPR [illustrating the geopolitization of water management issues as described in section 3].

The absence of a legal framework for trans-frontline cooperation

There isn’t any law organizing actual cooperation across the frontline. This means that the necessity of trans-frontline work is not recognized or defined. As a result, KP Voda Donbasu/Donbas Water employees and company operations fall under the general legislation commanding trans-frontline activities. For example, there is no special permit system allowing quicker processing at check-points and crossing points, nor is there a system of exceptions to the general ban on carrying metal spare parts and chemicals across. VD employees carry bolts and small valves in their pockets, de facto engaged in “smuggling”.

Consequently, there is also no official way of managing the double/divided financial circuit of the company: revenue collected in GCA where water tariffs are three times higher, can’t be transferred by the company to NGCA where wage arrears reach months. A draft law establishing a special legal regime for water utilities companies has been drawn up but appears to be hitting against political resistance in Kyiv. The financial issues create vulnerabilities that exposes the company to precarious working conditions and legal liabilities in NGCA. For example, NGCA authorities use the wage arrears to motivate a takeover of the company.⁸

Cooperation or collaboration?
A sensitive issue further complicated by the political context.

The political charge contained in water supply issues is present in both GCA and NGCA. In GCA the pre-electoral context ahead of presidential, parliamentary and local elections this year has heightened tensions over the concept of cooperation. Ahead of presidential elections March 31, the candidates that have economic ties to Russia frame their programs as being “pro-peace”, most notably Yuriy Boyko, an energy minister under president V. Yanukovych, Alexander Vilkul running under the “peace and development” slogan. Talk of peace or peace-building tends thus to be discredited in public discourse as “collaborationist” or manipulated by “pro-Russian oligarchs”.

In NGCA, water issues appear to be managed at a high level – in Donetsk and Moscow – as reflected by the appointment of Maksim Leshchenko, reputed to be both a direct agent of the “curators” of LDPR in Moscow¹⁰ and a former Zakharchenko strongman to the position of director of GP Voda Donbassa. Leshchenko, a pre-war low-level manager at a coal mine, sided with the secessionist forces, and became “military commander” of Khartysk and Ilovaisk at the height of the fighting in 2014. He was then promoted chief of staff to Zakharchenko. Also, the new head of DPR Denis Pushilin, used a public question and answer session with “citizens” to announce a “transfer” of the Ukrainian company under DPR control. These statements were echoed by DPR “Minister for construction, housing and utilities”, Naumets who claimed to justify the seizure by the existence of unpaid wages¹¹. He announced the creation of a “state company which will bring together all water ducts and have all personnel registered as its employees” Claims that water supply is at risk of sabotage by the enemy - in January DPR claimed that Ukrainian forces had laid mines at a water reservoir in LNR¹² - also appear to feed their argument in favor of a takeover.

5. Evolution of water management in times of conflict: internationalization as a security guarantee

Many of the contingencies of cross-border cooperation are increasingly addressed at an international level.

Just five years ago, KP Voda Donbasu/Donbas Water didn’t have a department for external relations, because, as a local company it had no transnational interaction:

even electricity was provided locally. Since 2014, international relations have become a main strategic direction. As both water supply and quality has been compromised by the conflict, international cooperation has become a lifeline for civilians. International donors – UNICEF, International Committee of the Red Cross (ICRC), the Swiss government – supplement the loss of revenue through in kind donations.

When the supply system breaks down, water cisterns come in to provide water.

Also, the OSCE has been involved in organizing the transfer of funds from GCA to NGCA.¹³ In most scenarios to secure water supply, the OSCE’s SMM – representing its 57 member states including Russia - has played a key role as a mediator and an implementor of security conditions on the ground.

Water supply issues are regularly the object of concern and discussions at the Trilateral contact group in Minsk where Russia is a representative and can thus directly intervene in discussions.

More recently water supply developments have an added international dimension with the entry of private actors. In 2019, the French government agreed on a 64 million euros soft loan to Ukraine for an upgrade and diversification of the water supply system to Mariupol by a consortium of private French companies Stereau, a daughter of the water supply company Saur specializing in water treatment engineering,¹⁴ and Beten International, a private engineering company specialized in projects in the post-Soviet space.¹⁵ Located at the very end of the KP Voda Donbasu/Donbas Water supply chain, Mariupol’s water supply is particularly vulnerable to disruptions. The city of 500 000 has switched 70% of water resources to a local reservoir but the capacity of which is reaching its limits. The implementation of the French plan would change the infrastructure system by introducing foreign ownership into the water supply management system near the conflict zone. The source of financing for the last third of the project (100 million euros in total) was still unclear at time of writing.

6. The stakeholders:
an increasingly complex multilevel and multinational interplay

The complexity of trans-frontline cooperation is reflected by the development of increasingly complex networks of stakeholders whose political and economic interests sometimes overlap and sometimes clash. Common sense would appear to dictate that providing water for the population in L/DPR is a guarantor of social stability and thus a common interest that authorities in both GCA and NGCA – as well as their agents should



Sonya, 88 years old, in front the house she was relocated to in 2015, after her own house was destroyed during shelling.

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Pisky

7 inhabitants

2 kilometers from the contact line

Before the war, Pisky was a summer holiday destination for Donetsk's wealthy, only 2 kilometers from the airport. After five years of fighting, 90% of the village has been destroyed.

Sonya lives with her son who has a disability.

They mainly live off vegetables from her garden. Yet one of the main challenges is to water their garden, since the centralized water supply no longer reaches Pisky. Water used to come from Donetsk, but conflict resulted in cutting the water supply.

For non-drinking purposes, Sonya is left with no other option but to use rain and melted ice.

As for drinking and cooking, the house does not have a well so Sonya and her son rely on water that is trucked to the village from the Karlivka filter station, 16 kilometers away, thanks to an NGO's support to the water company.

Sonya and her son still live here.



Victoria, 74 years old, inside her house. © Albert Lores

Vodiane

130 inhabitants

2 kilometers from the contact line

Victoria was born in the Carpathian mountains but spent most of her life in the Donetsk region. She lives alone, grows her own food, and keeps chickens and geese.

In 2015, a shell hit her house but it stuck in the wall and did not explode. She tied it to a car with a rope and tried to pull it out, "If I had called the military, they would have done the same. I'm old, and I didn't want young soldiers to risk their lives for me."

In the last two years, 2017 and 2018, water supply systems in the conflict-affected area have been stopped 107 times due to serious incidents such as shelling.

Victoria still lives here.

be interested in upholding. If water were cut - or of bad quality – in NGCA one could expect an exodus towards GCA and social dissatisfaction, as several experts familiar with GCA argued in interviews. Alternately, inadequate water supply could antagonize a population, either indigenous and IDPs, where reprimands towards the Kyiv and local governments are framed in terms of discrimination and ostracization. Economic actors, in particular those of the water-hungry agricultural, metals and chemical industry sectors – linked with political elites due to the hybridation of economic and political power in Ukraine – would also converge to these interests. The existence of such shared “humanitarian” interests is mobilized by some diplomats involved in the Minsk and Normandy formats as potential confidence building through shared nonpolitical concerns, as a first step towards political negotiations. However, a more detailed stakeholder analysis reveals that rational choice logics only rarely supersede other needs, demands, motivations of these political and economic actors .

Micro-level stakeholders on both sides of the line of contact: consumers and employees.

Populations and companies near the frontline, as consumers of water are both the direct beneficiaries of the water supply system and essential economic actors. Their payment or non-payment for utilities has a direct incidence on revenue. In 2016, the accounts of Voda Donbasu and other municipal companies had been frozen for non-payments of electricity bills. Their satisfaction or not with the services provided affects consumers’ willingness to pay in the broader context of a much-debated reform and price increase on utilities in GCA as part of the IMF reform recommendations. By law, water utilities companies are not permitted to cut off ordinary consumers of cold water supply for non-payment. The impact of consumers on the company differ in NGCA where for many months payments for water utilities could be made only on cash. Also, tariffs established by the local authorities in NGCA are about three times lower and payable in rubles.

The employees of the water utilities company KP Voda Donbasu/Donbas Water. Their work involvement and readiness to take on permanent or intermittent risk, their expectations regarding salary payments and social services from the company have an immediate effect on operations. Because they cross the frontline both virtually by working cross-border and physically, some even commuting across home to their families. In this they embody the social ties that remain an aspect of everyday lives that characterizes the lives of the populations in both GCA/NGCA.¹⁶

Both these categories of stakeholders tend to identify more closely with the “other side” because of pre-existing

family, friendship or occupational ties, fitting the general picture of.

The managers of KP Voda Donbasu/Donbas Water: The executive managers of Donbas Water increasingly reach out to actors at an international level. For example, they communicate directly not only with international aid organizations but also with the OSCE SMM’s representatives and with the Tri-lateral Contact group in Minsk, for example to request the organization of windows of silence.

Local and national level stakeholders: self-proclaimed authorities in LDPR exercising de facto control competing with Ukrainian legitimacy

Local stakeholders include municipal authorities in GCA and NGCA. Because water supply infrastructure is economically and technically connected to electricity, heating, and fuel grids, local authorities act as civilians’ most immediate interlocutors in water supply issues. There are deputy heads responsible for housing and utilities who serve as intermediaries with political and even military actors, especially in the towns that are included in the anti-terrorist operations’ set-up where appointed civilian-military administrations replace elected bodies. The distinction between local and national-level stakeholders in GCA is blurred by on-going reforms and by conflict-induced special laws. The current decentralization reform in GCA where state financial resources are being transferred to the district-level is not yet completed and it is only partially implemented in Donetsk oblast. Law N 7163 “On special aspects of state policy to ensure Ukraine’s state sovereignty in temporarily occupied areas in Donetsk and Luhansk regions” of February 2018 (commonly referred to as the “Donbas reintegration law” reframed the former anti-terrorist operations under the authority of the State security service (SBU) into a joint operations under the Ukrainian high military command with extended rights over territories within a unilaterally declared “red zone” near the contact line, placing them under military administration.

In NGCA, municipal authorities interact with VD, for instance as shown when over 87 people were affected by contaminated drinking water in Makiivka in 2018.

Large businesses and their owners:

The specific economic model of the industrial Donbas built on company towns makes the local industrial business an important stakeholder – in terms of consumer but also as potential political leverage.¹⁷ The coke factory in Avdiivka – which is connected to the Donbas water network - and is part of the industrial metals group Metinvest of Rinat Akhmetov, a politically influential businessman in Kyiv and the south-east of Ukraine, that, for a long time, received coal from Russia.

This oligarchic ownership model means that local affairs are also highly integrated into the political-economic playing fields in both GCA and NGCA. Regarding water supply, these industrial interests appear to play out differently in GCA and NGCA. In GCA industries can be cut from the water supply network for non-payment (whereas ordinary consumers are guaranteed at least cold water supply even if they don’t pay). This means that companies in GCA, tend to pay their water bills. However, KP Donbas Water’s own debts towards electricity producing companies – sometimes controlled by related economic groups – create a web of debts – and power plays - that is difficult to untangle with threats – and sometimes- actual electric cuts. This power and financial interplay spills over into rumors of threats of power cuts, or attempted takeovers of water supply infrastructure. In NGCA, local sources claim that industries, often in crisis, – in the hands of local separatist authorities since the expropriation process in 2017 – do not always pay their bills for public utilities. These losses in revenue can have political consequences for Water of Donbas as recent statements of DPR authorities’ threats to “nationalize” VD for unpaid salaries reflect (see below for more on this).

Armed stakeholders:

Both Ukrainian armed forces and the armed formations constitute key stakeholders on the ground as they determine the level of violence.

The Joint Centre for Control and Co-ordination (JCCC) brought together Ukrainian armed forces, armed formations of NGCA, and representatives of Russian armed forces (until December 2017). The JCCC is a body that was established informally by the presidents of Russia and Ukraine during the Minsk II negotiations as a cooperative organ to oversee the implementation of the ceasefire through a 24/7 shifts of a mixed team of Ukrainian/Russian officers living and working from a sanatorium at Soledar (GCA) with representatives of the de facto L/DPR authorities as observers. But in December 2017, Moscow pulled out its officers. The JCCC, now staffed exclusively by Ukrainian officers coordinates through OSCE mediation with representatives of the LDPR armed formations. The absence of the Russian side poses problems for implementing de-mining, implementation of ceasefires.¹⁸ The shelling of water infrastructure takes place almost daily. While the location of some facilities like the Donetsk Filter Station between two frontlines makes them into a “natural” object of collateral damage, many incidents indicate that VD facilities, transport, or workers were actual targets, as in April 2018 when a bus transporting employees of the Donetsk Filter station was hit by small arms fire or early this year a road cleaning crew.

International stakeholders:

The OSCE’s Special Monitoring Mission to Ukraine:

The OSCE’s role as monitor and mediator in providing security guarantees for establishing windows of silence and patrols to increase the safety of water utilities employees was mentioned throughout this report. However, their efficiency is largely dependent on the willingness of cooperation of the parties involved in the conflict. After five employees of the Donetsk Filter Station were injured by small arms fire during a bus commute from work, the facility shut down for several days causing shortages to 380000 people. For water supply to resume, the OSCE engaged in dialogue facilitation between the sides and organized 515 patrols over 130 days to secure employee access to the facility. However, these security guarantees remain largely ad hoc management of ceasefire violations rather than solutions (that can only be provided by the warring sides).

The Tri-lateral Contact group: Russian representation

Within the Minsk protocol set-up, the Tri-lateral Contact group is the framework for facilitating a diplomatic resolution to the conflict in Ukraine. Since the Russian pull-out out of JCCC, the Tri-lateral Contact Group on Ukraine or “Minsk group” remains the only institutional stakeholder where Russia is present: Boris Gryzlov, a former speaker of the Duma, the Russian lower chamber of Parliament, Ukraine’s representative Yevheniy Marchuk, a former Prime minister of Ukraine and former head of the security services, as well as the OSCE’s representative, Austrian diplomat Martin Sajdik are the top representatives. The de facto authorities are present, though not as official members. Two sub-working groups address more specifically issues of infrastructure security and economics. The Working group on Security Issues (WGSII), chaired by the SMM Chief Monitor discusses security issues that affect civilians – for instance protecting populations through demining, protecting infrastructure...The economic aspects of water supply are becoming a concern of the Tri-lateral group’s Working Group on economic issues (WGEI) such as the organization of transfer of funds. Based on official statements by the de facto authorities, recent decisions made by the WGEI on KP Donbas Water were utilized by DPR de facto authorities as a legitimization platform, for instance by advertising their “minister for foreign affairs” as representative in Minsk. A recent WGEI proposal to organize an international audit of KP Voda Donbasu/Donbas Water was interpreted by DPR as their political success.¹⁹



Nastya (left), 12 years old, plays with her younger cousin who has come to visit. © Albert Lores

Pervomaiske

900 inhabitants

3 kilometers from the contact line

Nastya lost her parents when a shell hit the family as they were returning from the shops. Nastya's father covered her to protect her with his body. He died instantly. Doctors tried to save Nastya's mother, but she did not survive.

Now Nastya's grandmother takes care of her. It took her grandmother two years to collect all the documents she needed to prove she was able to take care of her granddaughter.

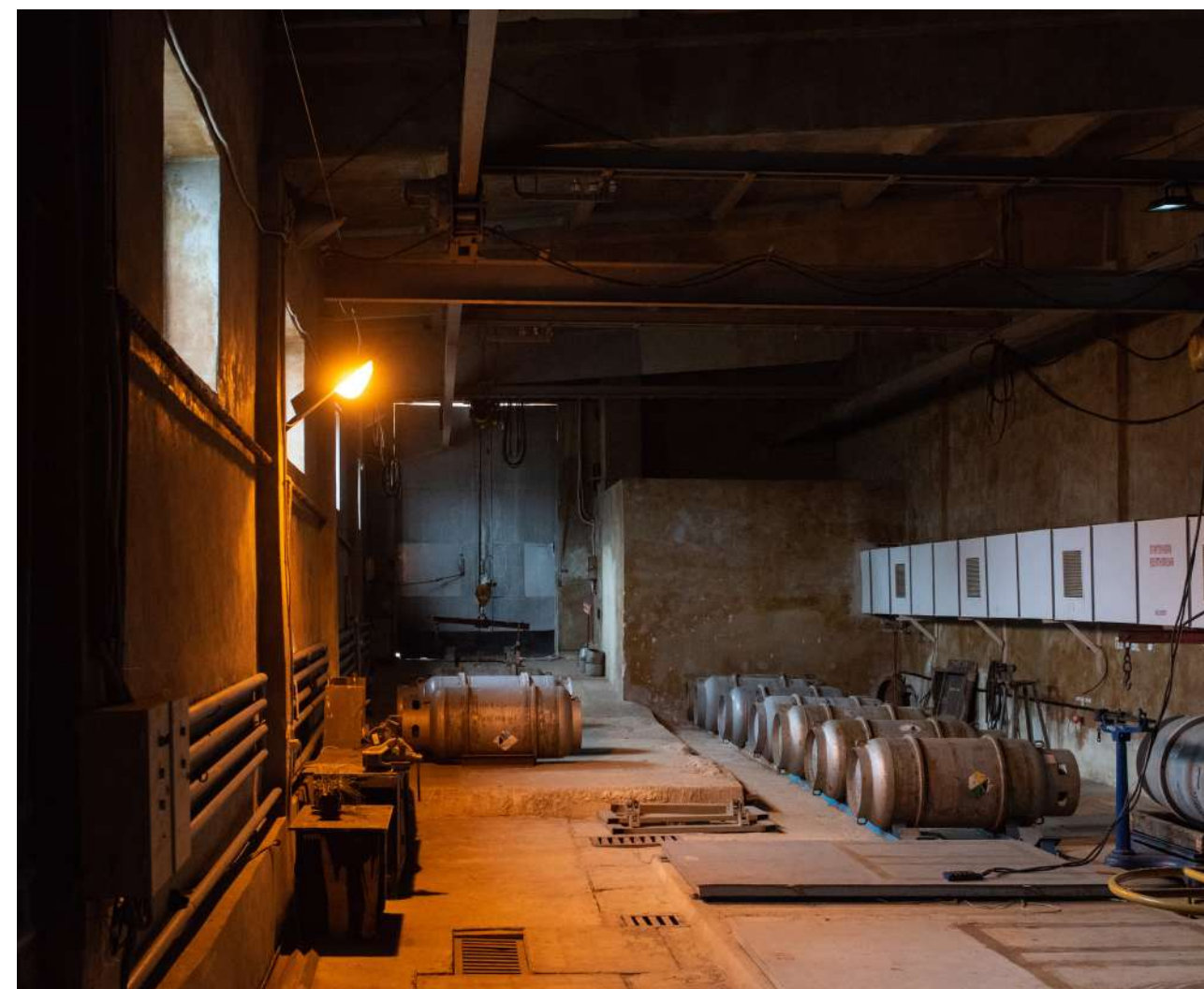
Nastya and an older boy are the only children in Pervomaiske.

Pervomaiske, Karlivka, and Vodiane all receive water via a pumping station located exactly between fighters of different sides, the First Lift Pumping Station of the South Donbass Water Way. Despite international humanitarian law provisions on the protection of civilian infrastructure, this pumping station has been affected by shelling, gunfire and grenades on 13 separate occasions in the first three months of 2019. If damaged, more than 1 million people on both sides of the line of contact would lose their water supply. Three water company employees were injured, reportedly by grenades, on 10th January 2019.

Nastya still lives here.



Vitaliy Chorniy, at Karlivka water filter station. © Albert Lores



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Karlivka

220 inhabitants

18 kilometers from the contact line

Vitaliy is the lead engineer at Karlivka filter station, which provides water to approximately 300,000 people in 69 communities.

Due to its proximity to the contact line, the filter station is within reach of shelling, which has already reached the area.

Not only are 300,000 people at risk of water cuts. Due to the storage of chlorine for water purification in the area, thousands of people who live close by are at risk of chlorine gas poisoning.

If the chlorine storage were to be damaged by shelling, almost everyone within a 200 meter radius would be at risk of death, and people for several kilometers downwind could suffer lasting respiratory problems unless evacuated.

Workers of the water company are exposed to an even greater risk, here as they are elsewhere in the region. Since the start of 2018 twelve employees have been injured while doing their work, bringing the total to more than 30 injured or killed since the start of the conflict in 2014. Five workers were injured by sniper fire in a single incident on 17th April 2018, when the bus they were travelling in was fired upon very close to the Donetsk Filter Station.

300,000 people still live here.



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Novobakhmutivka

600 inhabitants

10 kilometers from the contact line

Around fifty children study in Novobakhmutivka's secondary school. The deepest well in the village is located near the school, and is used by villagers to get clean water.

Novobakhmutivka lies at the very end of one of the waterways (the Second Donbass Water Way) bringing water from the north, via Sloviansk and Kramatorsk. The pipeline is in such a terrible condition that water does not reach the end of the system.

Since the start of the conflict, people have thus increasingly relied on local wells. Yet many of those, strained by overuse, have also run dry.

600 people still live here.



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International humanitarian aid agencies and organizations:

Also, as reported throughout this paper, the role of international aid organizations in ensuring that water supply is sustained has been essential. The UNICEF-coordinated Water and Sanitation (WASH) Cluster monitors the situation, provides in-kind aid to water supply organizations, and facilitates coordination between organizations providing aid (such as UNICEF, Swiss Development Aid and the International Committee of the Red Cross (ICRC), as well as with the government in Kyiv. It also coordinates occasional meetings in LDPR. In-kind aid includes equipment and spare parts as well as purifying reagents such as chlorine, aluminum sulphate. It also provides water cisterns to respond to water supply breakdowns.

Civil Society initiatives:

The strong social links between populations on both sides of the frontline described by polls and ethnographic research²⁰ are built on family and friendship ties as well as shared concerns about safety and access to basic services. Some of the shared security demands are formulated by CSOs, for instance improved checkpoint crossing rules, de-mining and general appeals for a respect of the Minsk ceasefire demilitarized zones. However, by all accounts these shared concerns have not, so far, resulted in mobilization specifically for water infrastructure. Civil society engagement in improving cross frontline water supply is low. National and international humanitarian NGOs have attempted to do some joint advocacy but with limited results so far. Last autumn a coalition of international and local NGOs did initiate a national “right to water” appeal. It was formulated as a petition distributed through the platform of the Presidential administration. However, the signing of the petition required internet access making it not very user-friendly for those most directly affected by the problem: poor and (not IT savvy) elderly populations in towns with bad internet connections near the line of contact. As a result, the petition has received only 440 signatures. The coalition included Mama 86, ADRA Ukraine, People in Need, Polish Humanitarian Action, Première Urgence Internationale, Terre des Hommes, and Proliska.

Mama 86, an NGO that addresses environmental issues in reaction to the long-term aftermath of the Chernobyl nuclear power plant accident is one of the few specifically targeting water, although mostly from a general perspective on the right to safe, affordable and equal access to drinking water (<https://mama-86.org/index.php/ua/pytna-voda-ta-sanitariia>).

NGO Alternativa included water infrastructure in its report on housing and utilities infrastructure in the conflict zone and recommendations to cease attacks on civilian infrastructure.²¹ Another example are initiatives such as the development of independent

water resources for rural areas near the line of contact, for instance the construction with support from UNICEF, ADRA-Ukraine and the German government of a water tower in Volnovakha.

However, addressing cross-border water supply directly at a civil society level is difficult because, as demonstrated above, cross-border infrastructure management issues result from a variety of stakeholders and causes that are highly politicized where civil society has had little leverage over influential actors so far. A case in point is the difficulty with which even persistent demands by civil society and international humanitarian organizations, including UNICEF for the establishment of safe zones from shelling around critical infrastructure near the front line in order to protect both facilities and workers haven’t resulted in any measures by either of the warring sides.

7. Conclusions and recommendations on civil society actions

This report shows how supply of safe and reliable drinking water is becoming more acute as the war²² – even at low intensity levels – drags into its fifth year: lack of maintenance due to lack of financing and safe access, the complexity of setting up local ceasefires, dependency on external international aid to supplement revenue losses are all factors that, combined, add to the depreciation of infrastructure.

In this context, where international actors play a crucial part – due to their political and financial leverage – civil society impact can appear weak in comparison. However, civil society’s role could be to engage other stakeholders on more collaborative efforts:

- at a consumer level, public civic campaigns on timely payment for water as a common responsibility and civic position;

- possible avenues for civil society actions could include developing requests underlining the non-controversial character of water supply, by encouraging a de-politicization of very concrete matters of shared interest such as water quality and ecological safety.
- it could also pick up on recommendations brought forward by international actors such as the establishment of “safe zones” around critical facilities.
- the development of early-warning collaborative social network platforms on breakdowns in water supply could also ensure a politically neutral approach of water supply issues.

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Endnotes

- 1 In this report, we use several terms to describe the main protagonists in the conflict according to context. We designate the Moscow-backed rebels as the de facto authorities of the self-proclaimed “peoples’ republics” of Lugansk (LPR) and Donetsk (DPR) or L/DPR when referring to their powers and actions, otherwise as non-government-controlled areas (NGCA) v. government-controlled Ukraine – which is the internationally accepted terminology. Also, Ukrainian legislation refers to NGCA as “temporarily occupied territories”, a terminology that this report uses to reflect Ukrainian government positions.
- 2 See the OSCE Special Monitoring Mission to Ukraine’s reports on the situation, including ceasefire violations: <https://www.osce.org/ukraine-smm/reports>
- 3 UNOCHA/ reliefweb 2019 Humanitarian Needs Overview for Ukraine. <https://www.humanitarianresponse.info/en/operations/ukraine/document/ukraine-2019-humanitarian-needs-overview-hno>
- 4 See for example the re-organization of employment networks in Yasynuvata district in GCA along the contact line 2013/2018 according to the Capacity and Vulnerability assessment for Yasynuvata rayon by the REACH consortium, p. 12, 01/2018. [reach_ukr_situation_overview_cva_yasynuvata_raion_january_2018.pdf](https://reach-ukr.org/reach_ukr_situation_overview_cva_yasynuvata_raion_january_2018.pdf)
- 5 Organization for Security and Co-operation in Europe. “SMM Facilitation and Monitoring of Infrastructure Repair in Eastern Ukraine – January 2017-August 2018,” December 6, 2018.
- 6 Decree by DPR head 15.10.2018 http://www.vodadonbassa.ru/wp-content/uploads/2018/10/Ukaz_N32_15.10.2018.pdf
- 7 Decree by DPR head “On the creation of the State company “Voda Donbassa”, Decree N329, 30.11.2017. <http://www.vodadonbassa.ru/wp-content/uploads/2019/01/Приказ-о-созд.-с-ред.-уставными.pdf>
- 8 ostro.org 29.01.2019. V ORDO podgotovili “dorožnuu kartu” po otzimu časti KP “Voda Donbassa” and my dolžny obespečit’ sotrudnikov KP “Voda Donbassa” stabil’noj zarplatoj”
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- 11 “DPR Ministry Draws ‘Road Map’ to Transfer Part of Voda Donbassa Company under State Control | DAN.” 209.01.2019 <https://dan-news.info/en/economy/dpr-ministry-draws-road-map-to-transfer-part-of-voda-donbassa-company-under-state-control.html>. (DPR news site)
- 12 <https://russian.rt.com/ussr/news/592903-lnr-minirovanie-vodohranilische> RT 16.01.2019 V LNR soobšili o minirovanii VSU vodohraniliša v Donbasse
- 13 for example in August 2017, the OSCE’s SMM monitored a transfer of funds over a bridge in Shchastiya <https://www.osce.org/special-monitoring-mission-to-ukraine/335496>
- 14 Saur website. gestion des services publics des collectivités. <https://www.saur.com/en/core-business/engineering/stereau-processes/>.
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- 16 Sasse, Gwendolyn. “The Donbas — two parts or still one?,” ZOIS report # 2/2017. https://www.zois-berlin.de/fileadmin/media/Dateien/ZOIS_Reports/ZOIS_Report_2_2017.pdf
- 17 Welle (www.dw.com), Deutsche. “‘Коксовый пирог’: как переживает войну коксохимический завод в Авдеевке | DW | 20.09.2016.” DW.COM. Accessed February 23, 2019.
- 18 OSCE, op.cit. p.3
- 19 DPR official website : “A project note to carry out an international audit at Voda Donbassa Public Utilities Company has been agreed upon in Minsk” <https://dnr-online.ru/v-minske-soglasovali-proektnuyu-zapisku-provedeniya-mezhdunarodnogo-audita-kp-kompaniya-voda-donbassa/>. 17.01.2019
- 20 ZOIS report, 2017.
- 21 https://docs.wixstatic.com/ugd/ed94bc_b6d55100b78e4670b36834d9c6a9bda5.pdf
- 22 <https://www.clovektisni.cz/en/dear-mr-president-ensure-that-all-of-ukraine-west-to-east-enjoys-access-to-water-5397gp>



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Sophie Lambroschini

Cross-frontline water supply in Donbas four years after the Minsk II ceasefire agreement: an outline of experiences and actors of cooperation

One of the immediate goals of the Minsk II ceasefire agreement of February 11, 2015 was to alleviate the violence and hardship against civilians. Proximity to the battlefields disrupts transport, work, and utilities networks that straddle the frontline, affecting several million people. Four years later, this report attempts to map some actors, factors, and limitations in operating cross-frontline infrastructure through the example of the integrated water supply system in Donetsk region that stems from a single source, the Siverskiy Donets river and flows through a system of cross-frontline pipes to Mariupol on the Azov Sea. It underlines how water supply necessitates multilevel and multilateral cooperation in a context where water issues are quickly politicized. Describing the limitations of cooperation in times of war, it tentatively asks about possible entry points for the public – and civil society – to influence other stakeholders in ensuring stable water supply.

This publication is developed in the framework of the activity of CivilM+ platform.

CivilM+ is an independent international civil society platform, which mission is to active integration of civil initiatives to restore the Donetsk and Luhansk oblasts as peaceful, integrated and developed regions as part of a democratic Ukraine and a united European space, with the active participation of the region's population and those who have left the region due to the conflict.

More about the platform and it's members on the website civilmplus.org

