In: IFSH (ed.), OSCE Yearbook 2014, Baden-Baden 2015, pp. 183-197.

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The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons

Introduction

This contribution looks into the operational challenges the OSCE faced when planning, deploying, and subsequently expanding the Special Monitoring Mission to Ukraine (SMM) in 2014 as well as the new horizons this operation opened up for the Organization.

The deployment of the SMM in 2014 was undertaken against the backdrop of conceptual discussions on OSCE crisis response tools as well as strategic discussions on how to counter the ongoing tendency to close or "downgrade" field operations and to strengthen the relevance of the OSCE in the international context.

The OSCE's quick and effective response to the Ukraine crisis put an end to most of the latter and gave a constructive spin to the former. However, as this contribution argues, the SMM is not necessarily an answer to either. Yet it does represent a determining factor for the future of these two debates, both of which touch on the very heart of what this Organization is: a field-based regional security organization.

To illustrate this point, this contribution will highlight the operational challenges the OSCE faced when mounting this operation in March 2014 and how it managed to overcome them. It will further look into the challenges that appeared during the build-up phase of the operation and touch upon the new horizons the OSCE set out to explore in response to the Ukraine crisis.

While this contribution deals with the SMM, it is important to keep in mind that the OSCE's overall response to the crisis was much wider: The Swiss OSCE Chairmanship and the three envoys appointed by the Chair to perform a range of tasks,[1] the Project Co-ordinator and the National Dialogue Project, the High Commissar on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), and the Representative on Freedom of the Media (RFOM), the 2011 Vienna Document, and a new Observer Mission at the Russian Checkpoints of Gukovo and Donetsk – all

Note: The views expressed in this article are solely those of the author and do not necessarily reflect the official position of the OSCE. This contribution covers developments until 31 October 2014.

1 Ambassador Tim Guldimann as Personal Envoy for Ukraine (since 24 February 2014), Ambassador Wolfgang Ischinger, Representative of the Chairman-in-Office (CiO) for the National Dialogue Roundtables (12-25 May 2014), Ambassador Heidi Tagliavini, Representative of the CiO for the Trilateral Contact Group (since 8 June 2014).

these instruments and mechanisms came into play during various phases and aspects of the crisis.[2]

With a budget of 57.18 million euros for its first twelve months of operation, the SMM is the most expensive, most complex, and most important current OSCE field operation. The 2014 annual budget for the rest of the OSCE excluding the SMM is only 142 million euros. Its defining character for the OSCE in 2014 notwithstanding, the SMM was not included in the 2014 Unified Budget, but was initially financed mainly by voluntary contributions and a special fund consisting of obligatory extra payments made by participating States.

The Mandate of the SMM

On 21 March 2014, the OSCE Permanent Council resolved to establish a Special Monitoring Mission to Ukraine (SMM),[3] initially composed of 100 civilian monitors, to contribute, throughout the country and in co-operation with relevant OSCE executive structures and actors from the international community, to reducing tensions and fostering peace, stability, and security, and to monitoring and supporting the implementation of all OSCE principles and commitments. The PC tasked the SMM to:

- Gather information and report on the security situation in the area of operation;
- Establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments;
- Monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities;
- In order to fulfil its tasks, to establish contact with local, regional and national authorities, civil society, ethnic and religious groups, and members of the local population;
- Facilitate the dialogue on the ground in order to reduce tensions and promote normalization of the situation.
- Report on any restrictions of the monitoring mission's freedom of movement or other impediments to fulfilment of its mandate;
- Co-ordinate with and support the work of the OSCE executive structures, including the High Commissioner on National Minorities, the OSCE Office for Democratic Institutions and Human

2 See http://www.osce.org/ukrainemonitoring for a comprehensive overview of the OSCE's various responses.

3 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1117, 21 March 2014, at: http://www.osce.org/pc/116747.

> Rights and the OSCE Representative on Freedom of the Media, in full respect of their mandates, as well as co-operate with the United Nations, the Council of Europe and other actors of the international community.[4]

The size of the Mission could be further increased to up to 500 monitors upon the decision by the Head of Mission, the Chief Monitor. Monitors were to be initially deployed to Kherson, Odessa, Lviv, Ivano-Frankivsk, Kharkiv, Donetsk, Dnepropetrovsk, Chernivtsi, and Luhansk, with a head office to be established be in Kyiv.

Fast-tracking Deployment

In the final point of their decision, the participating States tasked the Secretary General to deploy advance teams within 24 hours of the decision's adoption. All that happened late on a Friday evening, which happened to be an OSCE holiday.

By the morning of Saturday 22 March, an advance team had started its work in Kyiv. Only three days later, the first teams had been trained and deployed to regions outside the capital. Within a week, monitors had been deployed to all the locations specified in the Permanent Council decision. And within one month, on 22 April, the SMM hit the target of 100 monitors deployed. All this was accomplished at a time when the OSCE was formally without a budget for 2014. Operational preparedness, flexibility, and the high motivation of the staff involved in this endeavour were the main ingredients for this success.

Preparedness

The OSCE was conceptually and operationally prepared for rapid response. The participating States showed foresight when, in December 2011, they adopted Ministerial Council Decision 3/11 on Elements of the Conflict Cycle.[5] In this decision, they resolved to improve the OSCE's ability to act during all stages of potential or actual conflict by providing early warning, preventing tensions from escalating, managing crises that do erupt, and helping societies to rebuild after a conflict is over.

The OSCE Secretariat's Conflict Prevention Centre (CPC) had been working intensively with other OSCE institutions and field operations on the

4 Ibid., pp. 1-2.

5 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Vilnius 2011, *Decision No. 3/11, Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, And Post-Conflict Rehabilitation*, MC.DEC/3/11, 7 December 2011, at: http://www.osce.org/mc/86621.

basis of this decision in 2012 and 2013 to develop its early-warning system, conceptualize systematic mediation-support and – crucial for the rapid deployment of the SMM – establish an internal roster for rapid deployment, a virtual pool of equipment, and an operational framework for crisis response.[6] These tools were ready for deployment when the Ukraine crisis broke out.

The *rapid deployment roster* is open to all OSCE staff members who are willing to be temporarily deployed to a new duty station in times of crisis. The idea of drawing on existing staff to meet urgent demands is not new. What is new, however, is that this roster gives human resources staff immediate access to information on available personnel and their core competencies, such as language skills or field experience.

Thirty-two so called "first responders" from the Secretariat and nine OSCE field operations were selected from this roster and deployed to Ukraine within four days to work as monitors and fill crucial command and administrative posts in the head office of the new mission. The Director of the CPC, Ambassador Adam Kobieracki, acted as Chief Monitor ad interim until the Chairmanship appointed senior Turkish diplomat Ertuğrul Apakan as Chief Monitor on 14 April. The first monitors recruited via the regular secondment system arrived in Kyiv on 30 March, some nine days after the decision was adopted. By the end of April, all first responder monitors had been replaced by seconded staff, while some first responders continued to play a key role in the Mission's administration for several more weeks and some decided to stay with the Mission on a regular contract.

The *virtual pool of equipment* was created in recognition of the fact that the OSCE cannot afford to keep large quantities of expensive equipment in stock. Instead, it keeps a small contingent of less expensive items, such as laptops and satellite phones, and a database showing where it can procure critical equipment such as armoured and soft-skin 4x4 vehicles, satellite phones, and flak jackets in crisis situations. A system of so-called "window contracts" allows the OSCE to purchase such critical items quickly.

While the OSCE was moving staff from Vienna, Sarajevo, Pristina, and elsewhere to Kyiv, it was also moving vehicles, laptops, computers, and satellite phones. Thanks to the pre-arranged contracts, the Secretariat was able to buy up all the flak jackets in stock in Austria, get a range of new armoured vehicles on a truck to Kyiv within days, and purchase other important equipment. When the people arrived in the field, they had the equipment they needed.

The *operational framework* is an internal document covering the processes and procedures by which the Organization addresses a crisis or conflict in the OSCE area through properly orchestrated collective action. Taking

6 See Claus Neukirch, Early Warning and Early Action – Current Developments in OSCE Conflict Prevention Activities, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2013*, Baden-Baden 2014, pp. 123-133.

into account lessons learned and best practices from experiences such as the deployment of additional military monitors after the 2008 war in Georgia and the establishment of the Community Security Initiative (CSI) following the violent unrest in southern Kyrgyzstan in June 2010, the document provided the framework for swiftly developing an implementation plan plus a budget for the deployment of the SMM.

Of course, the decision to deploy a mission was not entirely unexpected; it was taken after three weeks of intensive political negotiations. During this time, the CPC and the other departments in the Secretariat did not just sit and watch; they planned and prepared. When the final decision was taken on 21 March, it took just minutes to publish the vacancy notices and key documents such as the operational plan for the set-up of the Mission, as finalized drafts were already in place. At the push of a button, the machine started working.

Flexibility

Another of the OSCE's strengths came into play during the rollout of the SMM and its later enlargement: its flexibility, built in part on its wide field presence. The fact that the OSCE has 16 field operations gave it the resources to deploy staff and equipment within a couple of days. The Organization's flexible administration system allowed this to happen without cumbersome procedures. Flexibility was also the key to success when the SMM was in urgent need of unarmed unmanned aerial vehicles (UAVs) and an additional 70 armoured vehicles in the summer.

Critically, a way was found to allocate funds for the deployment of the Mission in the absence of both an approved budget and an agreed crisis-response facility – OSCE-speak for a pot of money set aside for financing responses to unforeseen and hence not-budgeted crisis situations.

The OSCE contingency fund and cash savings from previous years were available to finance the set-up of the new operation and its running costs for the first month. The funds for the following months were covered by voluntary contributions. When the SMM's mandate was expanded for a second period of six months, participating States decided to partly bill themselves outside the regular budget cycle and again draw on voluntary contributions to fill the gap.

Motivation

The critical ingredient for the speedy deployment of the SMM, however, was the motivation of OSCE staff. The entire Secretariat team worked very hard over weeks to plan and prepare an operation that nobody could be really sure would ever happen. OSCE staff and mission members across the whole Organization volunteered to go to Ukraine within days, even hours, and their

supervisors were ready to let them go, providing them with cars and other equipment. Everyone involved worked overtime and long weeks from the very first Friday evening with no questions asked, giving proof to the adage that the OSCE's people are its greatest asset. Equally, the senior management and the entire staff of the SMM demonstrated an impressive resolve and motivation to perform under the most difficult circumstances.

Hitting the Ground Running: The Geneva Statement and the Hostage Crisis

The rapid deployment of the SMM and the quick build-up towards the initial target of 100 monitors was a remarkable achievement for the OSCE and was widely appreciated by participating States and international partners. However, getting 100 monitors on the ground was only the beginning. Following the Joint Geneva Statement of Ukraine of 17 April, the CPC and the SMM immediately began to consider what steps would need to be taken to expand the SMM towards its ultimate limit of 500 monitors – this was just about the time the SMM reached the first target of 100 monitors.

In the Geneva Statement, the European Union, the United States, Ukraine, and the Russian Federation agreed that all sides must refrain from violence and that all illegal armed groups must be disarmed, all illegally seized buildings must be returned to their legitimate owners, and all illegally occupied public places must be vacated. Amnesty was also to be granted to all protestors who complied and were not guilty of capital crimes. The four signatories also agreed that the OSCE SMM should play a leading role in assisting Ukrainian authorities and local communities in the immediate implementation of these de-escalation measures.

Implementing these tasks with only 100 monitors spread over ten locations was not realistic. Hence, work started immediately to define the parameters for enlarging the Mission, and, on 23 April, the Swiss OSCE Chairmanship circulated a concept paper developed jointly by the CPC and the SMM on an expansion of the Mission towards 500.[7] However, while preparations for the expansion were going on and the last slots of the first 100 seconded monitors were being filled, a team of OSCE military inspectors operating in Ukraine under the Vienna Document was taken hostage on 25 April by an armed group operating in the city of Sloviansk, in Donetsk Oblast.

These military inspectors did not come under the mandate of the SMM, which was adopted by the 57 participating States, but were sent bilaterally upon the invitation of the Ukrainian government. Ukraine had requested their visit by invoking Chapter III of the OSCE Vienna Document 2011, which allows for the voluntary hosting of visits to dispel concerns about military activities. While not being part of the SMM, they certainly were part of the

7 Cf. *Concept Note on the Expansion of the Special Monitoring Mission to Ukraine in the light of the Geneva Statement on Ukraine*, CIO.GAL/64/14, 23 April 2014.

wider OSCE family. In fact, the Vienna Document was one of the first instruments used in the OSCE framework in response to the crisis in Ukraine. Between 5 and 20 March, 30 participating States had sent 56 unarmed military and civilian personnel to take part in verification visits to Ukraine under the Vienna Document. Several smaller inspection teams of unarmed military experts were sent to Ukraine following the deployment of the SMM.

The hostage taking, which was prominently reported in the media, affected the SMM in two ways. First, while the deployment of further monitors continued, the SMM had to limit its operation in eastern Ukraine for security reasons, and second, the SMM management concentrated its efforts in the following days and weeks on using its established contacts on the ground to facilitate the release of the hostages. Until their final release on 3 May, a SMM team led by Deputy Chief Monitor Mark Etherington travelled to Sloviansk on an almost daily basis to keep up the dialogue with the hostage-takers and to see the military inspectors. The SMM's crucial role in facilitating the release of the military inspectors demonstrated that the rapid deployment of the SMM had been important – because the Mission had been on the ground early and had been able to establish direct contacts with all the relevant stakeholders, it could facilitate the release of the hostages.

Within the first month of its deployment, the security environment for the SMM had seriously deteriorated. While the Mission was being planned and during its initial deployment, the situation in eastern Ukraine had been tense, with continual demonstrations and picketing and an increasing number of administrative buildings being occupied by unidentified armed groups. On the whole, however, it had not been marred by violence. The pressure to get "boots on the ground" fast meant that practically no time was allowed for a proper selection process (monitors were chosen in fast-track mode based entirely on the contents of their CVs), pre-deployment training (initially only two days induction on the SMM and the general situation in Ukraine), or the build-up of a proper infrastructure (teams operated out of hotels). The political pressure for continuing deployment in this fast-track mode in the light of the Geneva Statement and the upcoming early presidential elections scheduled for 25 May meant that the SMM had to expand further in an increasingly deteriorating security environment and had little time for consolidation.

While the SMM continued to expand the number of monitors with a focus on eastern Ukraine, the Ukrainian government increasingly lost control over parts of the Donetsk and Luhansk oblasts, including Donetsk and Luhansk cities. Still, the SMM was able to operate in most parts of these oblasts, building on the contacts it had made and continued to establish with relevant stakeholders in the region. On 26 May, however, one day after the elections, a team of four SMM monitors from the Donetsk team was abducted by armed groups. On 28 May, a group of eleven monitors from the Donetsk team was also temporarily detained when trying to leave the area no longer controlled by the Ukrainian government. This group was set free the

same evening in Donetsk. However, the next day a group of four monitors from the Luhansk team was captured, too. At the same time, the overall security in the region deteriorated dramatically, as Ukrainian forces started a new offensive to regain territory lost in the previous weeks.

With fighting becoming increasing intense, two monitoring teams held hostage by unidentified armed groups, and other teams in these areas at high risk of becoming targets, the SMM decided to freeze the further build-up of the Mission, to put on hold all operations in areas outside the control of the Ukrainian government in eastern Ukraine, and to reconfigure its deployment. Only a small group of monitors stayed behind in Luhansk and Donetsk cities, while the majority were redeployed to other locations.

By 25 May, two months after the start of the operation, the SMM had deployed 284 international staff members, 210 of whom were monitors. As the security situation had deteriorated continually during these two months, the entire Mission was in permanent crisis mode, struggling to build up a sustainable structure while dealing with multiple crises as well as adjustments to new political initiatives such as the Joint Geneva Statement. In the following weeks, Mission resources were primarily directed towards securing the release of the captured monitors, which finally happened on the night of 26-27 June.

In the meantime, the Chairmanship appointed Ambassador Heidi Tagliavini to Kyiv as the OSCE representative in a newly formed Trilateral Contact Group, which also included the Ukrainian Ambassador to Germany, Pavlo Klimkin,[8] and the Russian Ambassador to Ukraine, Mikhail Zurabov. This group met for the first time on 8 June to discuss a possible political solution to the escalating crisis. Ambassador Tagliavini and her team worked separately from, but complementarily to and in close co-operation with the SMM, focusing on the political talks, while the SMM continued to focus on monitoring and eventually implementing agreements reached on the political level.

Against the backdrop of ongoing fighting and the hostage crisis, the SMM continued its operation in Ukrainian-controlled territory while also preparing – with the support of the CPC – for potential new activities with regard to the implementation of new political initiatives, such as a peace plan issued by the newly elected Ukrainian President Petro Poroshenko on 20 June.

President Poroshenko's peace plan triggered a new round of intensive high-level discussions on a solution to the crisis, including a meeting of the German, Russian, French, and Ukrainian foreign ministers in Berlin on 2 July. After this meeting, the four ministers made a joint statement, calling not only for an immediate ceasefire to be monitored by the SMM, but also

8 Following his appointment as Ukrainian foreign minister, Klimkin was replaced by former Ukrainian president Leonid Kuchma.

emphasizing the need for effective monitoring of the Ukrainian-Russian border.[9]

In this context, the OSCE paid increased attention towards achieving effective monitoring of the part of the Ukrainian-Russian border that was no longer under the control of the Ukrainian government. The CPC developed proposals for a border monitoring mission to be deployed at two checkpoints on the Russian side of the border and for the use of unarmed UAVs to monitor the stretches of border between checkpoints, known as the "green border". On 24 July, the Permanent Council decided on the deployment of OSCE observers at two Russian checkpoints on the Russian-Ukrainian border.[10] On 18 July, the Secretariat had issued an invitation to bid for a turnkey solution for the operation of UAVs in Ukraine. While the Secretariat was preparing to launch another, albeit relatively small mission of 16 monitors and was looking into the possibility of deploying UAVs for the first time under OSCE control, the SMM had a new challenge to deal with.

A New Crisis within the Crisis – The Crash of Malaysia Airlines Flight 17 in Eastern Ukraine

At 13:20 UTC on 17 July, Malaysia Airlines Flight 17 (MH17) from Amsterdam to Kuala Lumpur crashed in eastern Ukraine, near the town of Hrabove, 79 km east of Donetsk – all 298 people on board died. The preliminary report by the Dutch Safety Board found that "damage found in the forward part of the fuselage and cockpit section of the aircraft was consistent with the damage that would be expected from a large number of high-energy objects that penetrated the aircraft from the outside".[11] Most international media reported that MH17 was shot down by a "Buk" anti-aircraft missile fired from territory "under control" of the "Donetsk People's Republic" (DPR) and "Lugansk People's Republic" (LPR).

During a video conference between the Trilateral Contact Group and representatives of the DPR and LPR on the evening of 17 July, agreement was reached to allow SMM monitors to access the crash site. The next morning, the SMM was on its way to the site. In the weeks to come, SMM teams led by Deputy Chief Monitor Alexander Hug visited the crash site almost daily, documenting the site; observing the removal of debris, dead bodies, and body parts; and facilitating the access of international forensic ex-

9 Cf. *Joint Declaration by the Foreign Ministers of Ukraine, Russia, France and Germany*, 2 July 2014, Berlin.

10 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1130, Deployment of OSCE Observers to Two Russian Checkpoints on the Russian-Ukrainian Border*, PC.DEC/1130, 24 July 2014.

11 Dutch Safety Board, *Preliminary Report, Crash involving Malaysian Airlines Boeing 777-200 flight MH 17*, The Hague, September 2014.

perts and investigators.[12] The crash site covered a large area, approximately ten by five kilometres, including fields and villages. Reaching the crash site involved crossing the front line, and safe access and work on the crash site became increasingly challenging as the front line moved closer to and finally cut through the site. Eventually, the SMM had to suspend its operations at the crash site for security reasons. However, with the help of the SMM, forensic experts and investigators had managed to examine the most important parts of the site, and bodies and body parts had been recovered and transported to the Netherlands. Once more, the presence of the SMM, its network of contacts, and its standing as an impartial actor had been crucial. Once more, the SMM had had to concentrate its resources and management on a specific "crisis within the crisis".

The Ceasefire and the Role of the SMM

During July and August, the Ukrainian army and national guard managed to take back a good part of the territory formerly controlled by armed groups subordinated to the DPR and LPR, including their former stronghold of Sloviansk. SMM monitoring teams were able to visit Sloviansk, Kramatorsk, and other localities retaken by Ukrainian government forces, while also maintaining a presence in Donetsk.

In late August, just after the international community, and the OSCE in particular, had been concentrating their attention on dealing with a Russian humanitarian convoy bound for Luhansk and Donetsk, the tide turned again. Ukrainian forces, which had almost encircled Donetsk and Luhansk, suffered heavy losses and were forced to retreat. They also faced a new front further south at Novoazovsk, which threatened the strategically important port of Mariupol.

On 26 August, Russian President Vladimir Putin and Ukrainian President Poroshenko met in Minsk, but they did not achieve a breakthrough. On 3 September – the military situation on the ground had changed dramatically in the meantime – the two agreed on an immediate ceasefire, based on a seven-point plan proposed by Putin and President Poroshenko's 20 June peace plan. On 5 September, the Trilateral Contact Group agreed in Minsk on joint steps for the implementation of these initiatives. This Minsk Protocol[13] was com-

12 Cf. OSCE, *MH17: Timeline of a Tragedy*, at: http://www.osce.org/ukraine-smm/121504.

13 Cf. *Protokol po itogam konsultatsy Trekhstoronnei kontaktnoi gruppy otnositelno covmestnikh shagov, napravlennykh na implementatsiyu Mirnovo plana Presidenta Ukrainy P. Poroshenko i initsiativ Presidenta Rossii V. Putina* [Protocol on the results of consultations of the Trilateral Contact Group with respect to joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin], at: http://www.osce.org/home/123257.

plemented on 19 September by a memorandum providing guidance on the implementation of some of the steps agreed two weeks earlier in Minsk.[14]

The 5 September Minsk Protocol (MP) and the 19 September Memorandum (MM) task the OSCE in particular to:

- monitor the ceasefire regime and the requirement that forces remain on their sides of their line of contact as of 19 September 2014 (MP Articles 1 and 2; MM Articles 1 and 2);
- monitor the prohibition of the use of weapons and offensive operations (MM Article 3);
- monitor the withdrawal and prohibition of deployment of weapons with a calibre greater than 100 mm (MM Article 4);
- monitor the prohibition of the deployment of heavy armaments and military equipment in the area delimited by the population centres of Komsomolskoe, Kumachevo, Novoazovsk, and Sakhanka (MM Articles 5);
- monitor the prohibition on the installation or laying of mines within the boundaries of the security zone (MM Article 6);
- monitor the withdrawal of all foreign armed formations, military hardware, as well as militants and mercenaries from the territory of Ukraine (MP Article 10, MM Article 9);
- monitor the Ukraine-Russia state border and, once created, the security zone in border regions of Ukraine and the Russian Federation (MP Article 4);

In effect, the SMM, a mission of civilian observers, was tasked through these documents to engage in activities – such as monitoring the ceasefire and verifying the withdrawal of weapon systems and armed formations – that could be regarded as tasks for a military peacekeeping mission. It is important to note that the SMM's new tasks were to be implemented in parallel with its other core activities, including monitoring the security situation and facilitating dialogue on the ground whenever possible.

To prepare the SMM for this role, the Mission had not only to reach its target strength of 500 monitors as soon as possible, it had also to be provided with the capacity to fulfil these tasks and to operate in a highly volatile security environment. The security situation in the east remained precarious as of early November:

14 *Memorandum ob ispolnenii polozheny Protokola po itogam konsultatsy Trekhstoronnei kontaktnoi gruppy otnositelno covmestnikh shagov, napravlennykh na implementatsiyu Mirnovo plana Presidenta Ukrainy P. Poroshenko i initsiativ Presidenta Rossii V. Putina* [Memorandum with respect to the performance of the provisions of the Protocol on the results of consultations of the Trilateral Contact Group with respect to joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin], at: http://www.osce.org/home/123806.

- the ceasefire was not stable, and constant fighting and shelling continued on several parts of the front line, especially at Donetsk airport, around the major railway junction of Debaltseve, at a power station north of Luhansk, and near Mariupol;
- mines and unexploded ordnance (UXO) continued to pose a danger to monitors and limited the movement of ground patrols;
- armed groups not fully under the command and control of the DPR and LPR continued to operate in the region.

To prepare for its new role, the SMM:

- increased its planning capacities by taking on additional operational planners;
- increased its reporting and analysis capacity by taking on additional reporting officers and analysts;
- expanded the 24/7 operation room by taking on additional professional staff;
- prioritized military and related expertise in the recruitment process;
- ordered 70 additional armoured vehicles with B6-level protection and personal protective equipment for all staff;
- started to build up an enhanced medical evacuation capacity, including helicopters, armoured ambulances, and paramedics;
- started to install a high-frequency radio network for eastern Ukraine to complement the use of mobile and satellite phones and VHF for short-distance communication;
- adapted the operational concept for the use of UAVs to include the gathering of ceasefire-related information and situational awareness;
- organized pre-deployment and/or induction courses for new mission members, including hostility-awareness training and specialized training for ceasefire monitoring.

By "hardening" its activities in this way while nonetheless remaining a civilian monitoring mission, the OSCE aimed to create a presence on the ground that was capable of effectively performing its tasks under the original mandate, including the OSCE's responsibilities according to the ceasefire agreements. However, even after taking all the steps described above, several crucial disadvantages in comparison to a military peacekeeping operation remained:

- *The SMM remains a soft target*: Unlike a military peacekeeping operation, the SMM has no force-protection element. Thus, lacking self-defense capability, it represents a "soft target".
- *Limitations of equipment persist*: While the SMM uses armoured 4x4 vehicles with B6-level protection, which is adequate to protect against

gun shots and shrapnel, it does not have – and could not operate – armoured personnel carriers, helicopters protected against surface-to-air fire, or counter-battery radar.

- *Lack of extraction capacity***:** As a civilian mission, the SMM also lacks critical capabilities such as mine clearance and the ability to extract personnel trapped in minefields, crossfire, or other extreme situations.
- *Limited logistical footprint and medical infrastructure:* Military units deployed as part of a peacekeeping operation include the appropriate logistical and medical infrastructure. As a civilian mission, the SMM has no medical back-up infrastructure other than a contract with an international company providing medical evacuation from a civilian airport. Putting such infrastructure in place through a commercial contract or as a civilian voluntary contribution – though it was looked at immediately – is a task that takes several weeks to complete and is still ongoing as of early November 2014.
- *Cultural and professional diversity:* Military units deployed as part of a peacekeeping operation have to co-ordinate with other units, but they consist of personnel with unified training, known command and control structures, the same mother tongue(s), and cultural background. SMM teams, by contrast, are multinational and combine personnel from different cultural and professional backgrounds, including very different skill sets and levels of language proficiency.
- *Limited skill sets:* While some SMM monitors have a military background, and most monitors should have undergone field security training before deployment, civilian monitors lack unified training on crucial issues such as mine awareness, identification of military equipment and other techniques crucial for the observation of ceasefires, and driving armoured vehicles.

These limitations notwithstanding, it remains generally accepted within the OSCE that the SMM should continue as a civilian operation and should not be transformed into an OSCE peacekeeping mission. This view is based on three main considerations:

- While the 1992 Helsinki Document makes it possible for the OSCE to undertake peacekeeping activities, the view remains widely held that the OSCE is not in a position to plan, deploy, and implement a peacekeeping mission for operational reasons.
- Key delegations remain politically of the view that the SMM has to keep its civilian character.
- Given the sensitivities on the ground, the general assessment remains that the "civilian character" of the SMM – while to a certain degree a weakness – is actually its main asset for ensuring its ability to operate in eastern Ukraine.

Any further "hardening" of the SMM or the inclusion of military elements would therefore need to complement the civilian mission, if it were to take place at all. In other words, the SMM has to keep its civilian character and civilian face. Nonetheless, an "add-on" military mission might be considered in support of the SMM, but it would need a separate mandate.

Considerations of how this could be undertaken commenced following the offer made by Germany, France, Italy, and the Russian Federation on 17 October in Milan to provide military UAVs in support of the SMM. According to informal discussions that started in Vienna immediately after the Milan meeting, the relevant military units would be deployed under a separate Permanent Council decision and would provide support to the SMM in one particular: the gathering of information using UAVs. Only the UAVs would fly over the conflict zone, and the military personnel – armed and in uniform – would remain well outside it. By early November, the outcome of political consultations on this proposal was not yet clear, however, the debate as such is indicative of the flexibility and creativity employed by the OSCE in response to the Ukraine crisis. Whether or not military UAVs will be used in an OSCE context, the Organization has already deployed (commercially operated) civilian UAVs, which carried out their maiden flight on 23 October near Mariupol. This was exactly four months after the idea of using UAVs in Ukraine was first voiced in an internal concept paper, and just over three months after the decision to take up that proposal was made. Given the lead times that such projects usually have, this, alongside the rapid deployment of the SMM in March, is another example how fast the OSCE is able to react.

Conclusions

The rapid deployment of the SMM in March 2014 was an extremely important achievement for the OSCE given how crucial time was in the rapidly changing environment of eastern Ukraine. However, in comparison to the challenges the SMM had to deal with once on the ground, the initial deployment was, in hindsight, the easier part of the operation. Driven by a series of consecutive "crises within the crisis", an extremely dynamic and volatile situation on the ground, and high-level political demands for immediate action, the SMM and, by extension, the Secretariat and especially the CPC, were constantly stretched to and beyond their limits. There has not yet been time to consolidate and draw breath, and nor is there likely to be in the near future. The OSCE has been and remains forced to take risks on all levels, to demonstrate flexibility, and to be willing to strive for new horizons and dive into untested waters.

The Ukraine crisis elevated the OSCE to a level of relevance for high politics and the wider European security architecture that no one in the Organization would have dreamed of in autumn 2013. Against the background

of increasing polarization between East and West, the OSCE was the only actor acceptable to all sides to deploy a monitoring operation of this kind in Ukraine. It is this shift in relevance driven by geopolitical developments that empowered the OSCE in 2014, and it was the constant responsiveness of the OSCE, in particular the SMM, that perpetuated the relevance of the OSCE as main international vehicle for crisis response in Ukraine. Whether the OSCE retains its relevance in the international arena in the future will depend to a great extent on the success of the SMM, as will the question of whether OSCE will look at its field operations in a more "self-conscious" way, i.e. will see them as a valuable tool benefitting security in Europe and thus a mean to an end rather than an end in itself or something that serves only the Organization's own purposes. In this respect as well, the rapid deployment of the SMM was the easy part.