

BLUE PEACE BULLETIN

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WATER AND VIOLENCE: UKRAINE

Strategic Foreign Policy

Global High Level Panel on Water and Peace called for protection of water resources and infrastructure from violent conflicts and terrorist acts. In this volume, we examine the issue of protecting water in Ukraine.



Strategic Foresight Group

UKRAINE

INTRODUCTION

The crisis in Ukraine began towards the end of 2013-beginning of 2014 when Viktor Yanukovich, the then President of Ukraine, chose to sign a deal with Ukraine's eastern neighbour Russia to stabilise the economy of Ukraine. The deal involved Russia purchasing \$15 billion of Ukrainian Eurobonds and Russian state-controlled gas monopoly, Gazprom, cutting the price of Russian gas deliveries to Ukraine. Prior to agreeing on a deal with Russia, Ukraine was in talks with the European Union (EU), however these talks were abruptly suspended in favour of Russia's offer.

The pro-EU population of Ukraine staged large protests in the capital city of Kiev in November 2013 against President Viktor Yanukovich's decision. Thousands of protestors took to the streets of the city and created blockades around government buildings demanding the removal of the President from office. The protests and subsequent clashes between the government forces and protestors continued till the beginning of 2014 resulting in the death of at least a 100 people. President Yanukovich was finally removed from office in February 2014, after which he fled to Russia and sought refuge there.

Pursuant to the ouster of Viktor Yanukovich in February 2014, presidential elections were held in May 2014 leading to the victory of pro-EU President, Petro Poroshenko. However, just before the 2014 presidential elections, Russia reacted to the removal of Yanukovich by sending in troops to occupy Crimea, a peninsula in

the south of Ukraine in which almost 58% of the population is ethnically Russian. Crimea was annexed by Russia shortly after through a disputed referendum in which a vast majority chose for Crimea to be a part of Russia, rather than Ukraine. Though the referendum was rejected by the international community, the annexation of Crimea led to the pro-Russian separatists' parties in the eastern regions of Donetsk and Luhansk holding a referendum of their own.



These "self-rule" referendums were held in Ukraine's easternmost areas of Donetsk and Luhansk (collectively known as "Donbass") in May 2014, although reports state that there were no voting booths in places and no electoral register at the polling centres and people voted at the registration desks. The separated region in the Luhansk province is governed by leaders of the Luhansk People's Republic (LPR) and the Donetsk People's Republic (DPR) governs the separated area of Donetsk - both parties are said to be backed by Russian forces. These referendums were rejected by Ukraine's government and the international community. However, Russia is estimated to have thousands of troops in the separated regions borders and the conflict between the Russian backed troops supporting DPR and LPR and the Ukrainian forces is about to enter into its fifth year soon. The clashes in the Donbass region intensified in July 2014 when a Malaysian Airlines flight was shot down over Ukrainian air-space, killing all 298 on-board, reportedly by a Russian-built surface-to-air missile.

HUMANITARIAN SITUATION

Since 2014, the conflict in Donbass has resulted in the death of over 10,000 people, of which nearly 2,800 were said to be civilians. Reports by the United Nations (UN) state that around 3.4 million are still residing in the territories controlled by the armed groups. Additionally, reports also state that as a result of the conflict, there are nearly 1.8 internally displaced persons (IDP) and conflict-affected persons in Ukraine.

The former UN Resident and Humanitarian Coordinator in Ukraine, Mr. Neal Walker, stated that nearly 4.4 million people are being affected by the conflict and facing dire humanitarian situation as of April 2018. The conflict is also severely impacting critical civilian infrastructures in the Donbass region and water supply to thousands of civilians is at critical risk. The use of landmines across urban areas, farmlands and checkpoints is also a constant concern.



WATER

Availability of water to the citizens of the conflict region has become a major concern as the Line of Contact runs through the area of the Donbass region, where most of the water infrastructure is located.

As per reports from the United Nations Children’s Fund (UNICEF), almost 750,000 children residing in eastern Ukraine risk losing access to drinking water due to the damage caused to water infrastructure in the conflict region and around 3 million people rely on water infrastructure that is located on the Line of Contact.

Since the conflict began in 2014, major water infrastructure in the region have been forced to cease their operations on multiple occasions due to damages caused by the shelling in the area. The current UN Resident and Humanitarian Coordinator in Ukraine, Ms. Osnat Lubrani, stated that in 2018 alone there have been over 75 incidents affecting critical water infrastructure in Eastern Ukraine. Some of the instances of attacks on or related to water infrastructure during the conflict period are as follows:

§ On 18 October 2016, the first pumping station of the Yuzhnodonbasskaya water pipeline was attacked. This pumping station provides water to the Donetsk Filtration Station, the Krasnoarmiska Filtration Station, the Velykoanadolska Filtration Station and the Starokrymska Filtration Station which collectively provide water to over 1.5 million people in the Donbass region.

§ In March 2017, the Donetsk Filtration Station again came under attack and closed down for few days, and members of the International Committee of the Red Cross (ICRC) who has been working towards protecting the water infrastructure in the conflict region requested for a temporary cease-fire to demine the area so the Voda Donbasu employees could access and restart the filtration station.

§ Leakage in a pipe crossing the Line of Contact due to shellings forced the closure of the Horlivka Filtration Station for few days in October 2018. The same pipeline was damaged before in November 2016 and further repair work had to be undertaken on the pipeline in August 2018. The Horlivka Filtration Station supplies water to 191,131

Map of the Filtration Stations in Donbass



people of which around 45,049 people were left without water, causing their centralized heating to not function for that period.

§ Apart from direct attacks on water infrastructure, attacks on employees of these facilities has also caused them to be shut down and affected the water availability in the region. In April 2018, five employees of the Donetsk Filtration Station were wounded when their vehicle was fired upon leading to the closure of the filtration station for few days for security reasons.

§ On 17 May 2018, two power lines supplying the 3rd Lift pumping station of the Sievierskyi Donets Donbass (SDD) channel were cut by shelling. One line was repaired immediately; however, the other was severely damaged. Since the damaged power lines are located in the area near the Line of Contact, their repairs had to be undertaken during a cease-fire between the conflicting parties. Around 3.25 million people rely on the pumping station for supply of water.

§ Between 5 and 12 October 2018, over 230 people were reportedly poisoned through piped water in the town of Makiivka in the Donetsk region. Analysis conducted by representatives of the DPR found traces of

chemicals in the piped water in Makiivka.

§ In mid-December 2018, shelling damaged local pipelines and disrupted water supply to around 43,000 citizens in Toretsk. The water supply was restored after 5 days. The same water sources were interrupted due to shellings in the region on 12 January 2019, leaving four towns without water - Toretsk town (affecting 32,873 people), Zalizne town (affecting 3,021 people), Severne village (affecting 5,937 people), and Pivdenne village (affecting 982 people).

§ On 27 January 2019, two towns in the militant-occupied Luhansk region did not have access to water supplies. The Molodohvardiyska water pumping station and the Pervomaisk-Zolote-5 water supply facility were not operational due to the fighting in the region, leaving residents of Rovenky and Pervomaisk without water for a few days. The water services to the towns of Krasnyi Luch, Antratsyt, Petrivske and Perevalsk were also impacted.

Another major concern in the conflict region, apart from access to water, is the presence of chlorine gas in few of the filtration stations. The UN has warned of the risk of a chemical disaster and water safety due to the escalation of the conflict near water supply facilities. There are water treatment plants in the region that hold chlorine





gas and other chemicals used for purifying the water supplied in the Donbass region. Chlorine gas can cause severe health impacts and death by asphyxiation and could be used as a chemical weapon by the warring parties. The Donetsk Filtration Station has a chlorine pipeline and the Verkhnokalmiuska/ Verhniokalmiuska Filtration Station (supplying water to 800,000 people) has 100 tons of chlorine gas stored in it. As per the ICRC, the Verkhnokalmiuska Filtration Station could contain as much as 300 tons of chlorine gas and the leakage of this could affect nearly 400,000 people. Both these filtration stations and the areas surrounding them have been attacked many times during the on-going conflict.

As mentioned above, most of the water infrastructure supplying water to the Donbass region is located near the Line of Contact. This has led to constant damage to the pipelines, filtration stations and pumping stations. Repairing these damaged structures has also proved to be a difficult task due to the constant shelling and daily violations of cease-fire in the area. Since the beginning of the conflict, water technicians working for Voda Donbasu in Eastern Ukraine have come under attack dozens of times while carrying out repair work. Nine workers have lost their lives and 23 of them have been injured. Between May 2018 and January 2019, 11 water workers have been injured due to the on-going conflict. The water technicians work for Voda Donbasu which maintains the water infrastructure in the region and works on both sides of the Line of Contact, providing drinking water for around 3.8 million people. The Special Monitoring Mission to Ukraine (SMM),

which has been set up by the Organization for Security and Co-operation in Europe (OSCE), has reported that there are sometimes over 100 violations per day in the area around the Donetsk Filtration Station and there is also evidence of presence of explosive devices on access roads to the facility. Temporary cease-fires take weeks to negotiate and sometimes last only a few hours, giving employees a very short window of opportunity to carry out repairs on the damaged stations and water pipes. In June 2017, the UN Emergency Relief Coordinator, Stephen O'Brien appealed to the conflicting parties to ensure that there be "a prolonged cessation of hostilities to allow critical repair and maintenance to restore the water supply, including the facilitation of any movements across the 'contact line'".

CONFLICT RESOLUTION

Efforts have been made between the warring parties and the international community to find solutions for the impending crisis in Ukraine and to stop the on-going conflict in Donetsk and Luhansk. A meeting of representatives of Ukraine, Russia, Germany, and France (known as the Normandy Format) was held in 2014 to negotiate terms for resolving the conflict in Eastern Ukraine. This led to the formation of the Trilateral Contact Group (TCG), set up by the OSCE in June 2014, composed of representatives from Ukraine, Russia and the OSCE. The TCG drafted and signed the 'Protocol on the Results of Consultations of the Trilateral Contact Group' (also referred to as the "Minsk 1") on 5 September 2014 in Minsk, Belarus. Minsk 1 was also signed by representatives from Donetsk and Luhansk.

Minsk 1 contained provisions on bilateral cessation of the use of weapons; release of hostages and unlawfully detained persons; conducting an inclusive national dialogue, etc. and was followed by an additional Memorandum signed on 19 September 2014 which provided for conditions and details of the ceasefire and defined the “Line of Contact” establishing the 30 km buffer zone (also known as the “grey zone”) between the sides by pulling heavy weaponry 15 km back on each side of the Line of Contact. However, Minsk 1 failed to stop the fighting in Donbass and this ceasefire deal collapsed within a few days of its signing. One of the reasons for the failure of Minsk 1 is that the agreement did not provide a time-frame or sequence for the implementation of measures stated in the agreement and another reason for the failure was that the agreement was very broad and vague in its terminology and did not provide for specific ways for the parties to implement the provisions stated in the agreement.

Four months after the signing of Minsk 1, the ‘Package of Measures for the Implementation of the Minsk Agreements’ (also referred to as “Minsk 2”) was signed on 12 February 2015. Minsk 2 was signed not to replace but to revive Minsk 1 and provided more details as compared to Minsk 1. Additionally, the United Nations Security Council (UNSC) in its resolution 2202

(2015), endorsed the Minsk 2. The Protocol called for an immediate ceasefire from 15 February 2015 in Donetsk and Luhansk regions; creation of a buffer zone of 50 kilometers on both sides for artillery systems of 100 mm caliber or more; 70 kilometers for multiple rocket systems and 140 kilometers for the heaviest rocket and missile systems; launching a dialogue for interim local-self-government in Donetsk and Luhansk; intensify working of the TCG and establishment of working groups to implement provisions of the Minsk agreements.

Four working groups of the TCG were set up— Security, Economic, Political and Humanitarian – which meet regularly to deliberate on thematic solutions to the Ukrainian crisis. The latest meeting of the Economic Working Group was held on 17 October 2018, where they focused on formulating steps to carry out repair work on the on the South Donbass water pipeline and water deliveries in the Karbonyt and Voda Donbasa supply systems.

Although the working groups are still holding regular meetings, the Minsk 2 collapsed the very next day after signing due to heavy shelling from both sides. Russia did not adhere to the proviso of the deal which provided for an immediate ceasefire from 15 February 2018 and was accused of deploying a large amount of artillery and multiple rocket launcher systems around



Debaltseve from where Russia shelled Ukrainian positions. Within a few days of the collapse of Minsk 2, President Poroshenko called for a UN peacekeeping mission to monitor the ceasefire along the Line of Contact which was rejected by Russia stating it would contravene “the set of measures aimed at implementing Minsk's peaceful settlement agreements”.

Minsk 2 also had provisions for conducting local self-government elections in Donetsk and Luhansk under the auspices of the OSCE. On 11 November 2018 elections were held in these regions following the assassination of the leader of DPR through a bombing in August 2018. Denis Pushilin, who was already the acting leader of DPR, won the election with 61% of the votes and Leonid Pasechnik, the acting head of LPR won with 68% of the votes. However, the elections were not recognized by OSCE as they were not in accordance with the Minsk agreements and the elections were said to be against the Ukrainian Parliaments' law for special status for Donetsk and Luhansk.

A third Minsk Agreement was signed on 19 July 2017 (“Minsk 3”) for the establishment of safety zones along the Line of Contact. The zones were created specifically around two water installations: the Vasilevka First Pumping Station and the Donetsk Filtration Station. The agreement provided that troops and military equipment will be withdrawn and no military operations will take place in these safety zones. However, the Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (SMM) stated in June 2018 that ceasefire violations have continued around the Donetsk Filtration Station.

There have been constant violations of the ceasefires launched by the participants of TCG in an attempt to end hostilities along the Line of Contact. The ceasefire launched by TCG in March 2018 was the 18th attempt since 2014 to end the hostilities which also failed. Yet another



ceasefire was announced on 29 December 2018 by the representatives of Ukraine, Russia and the OSCE, which came to be known as the “New Year’s Truce”. However, within a few days, there were reports of the ceasefire being violated by Russian-backed separatists in the Donbass region and by the end of January 2019, DPR representatives stated that Ukrainian forces have committed nearly a hundred ceasefire violations in the Donbass region.

There are several hindrances in effectively monitoring the actual implementation of the ceasefire provisions stated in the Minsk agreements. The ceasefire is monitored by two bodies, the OSCE SMM and the Joint Center for Control and Coordination (JCCC). However, the OSCE observers have been denied entry into certain areas within Donetsk and Luhansk or they have been forced to flee from specific combat zones because of a threat to their lives. The OSCE still sees an average of 1,000 ceasefire violations a day. The JCCC, which was formed as a result of the Minsk 2, is composed of members from the Army of Russia and Ukraine to monitor the ceasefire agreement. However, Russia withdrew its participation from the JCCC in December 2017 citing obstruction to its activities by Ukrainian forces and is yet to re-join as of January 2019 despite efforts by the SMM to get Russia to be a part of JCCC again.

In addition to the Minsk agreements, the representatives of Ukraine, Russia, France and Germany (under the Normandy format) hold meetings once every year to discuss the Ukrainian conflict. The two most recent meetings took place in Berlin in 2018. During the 26 July 2018 meeting, one of the pertinent issues discussed was Ukraine’s proposal for a UN mission to monitor the situation in Donbass. However, no consensus could be reached as to where exactly the mission would be deployed and the precise mandate of the mission. Another meeting was held on 28 November 2018, wherein one of the pertinent issues discussed was the need for a political settlement of the crisis in Ukraine in accordance with the Minsk agreements.

The upcoming Presidential elections in Ukraine, to be held on 31 March 2019, could potentially have an impact on the ongoing conflict in the Donbass region. Based on who would be chosen as Ukraine’s next President, there could be a difference in the approach towards the relations with Russia and resolution of this conflict. The conflict also casts a shadow on the voting abilities of the persons residing in the conflict area and the IDPs. Reports have stated that between 12% and 16% of Ukraine’s population would not be able to vote in the Presidential elections as they reside either in Russian-occupied Crimea or in the autonomous territories of Donbass. In the past, the 2014 national and 2015 local elections could not be held in Crimea and certain areas of Donetsk and Luhansk regions as they were declared by the parliament as temporarily occupied territories. However, efforts are being made by the OSCE and various NGOs to ensure that IDPs and Donbass residents get an opportunity to vote in the upcoming elections. The OSCE is also planning to deploy 850 observers to monitor the presidential elections of which 100 would be long-term observers and 750 would be temporary observers deployed only for the elections.

RECOMMENDATIONS

Despite the attempts made by the clashing parties to find solutions to end the conflict through the Minsk 1, Minsk 2 and Minsk 3 protocols and the multiple ceasefire agreements between the TCG participants, the fighting in the Donbass region has not stopped. The damage caused to the critical infrastructure in the conflict area have resulted in major disruptions in the water supply.

Voda Donbasu, which functioned originally on a local level, has now been required to regularly communicate with the TCG, international donors, authorities in Ukraine and Donetsk and the OSCE SMM to carry out its basic functions.

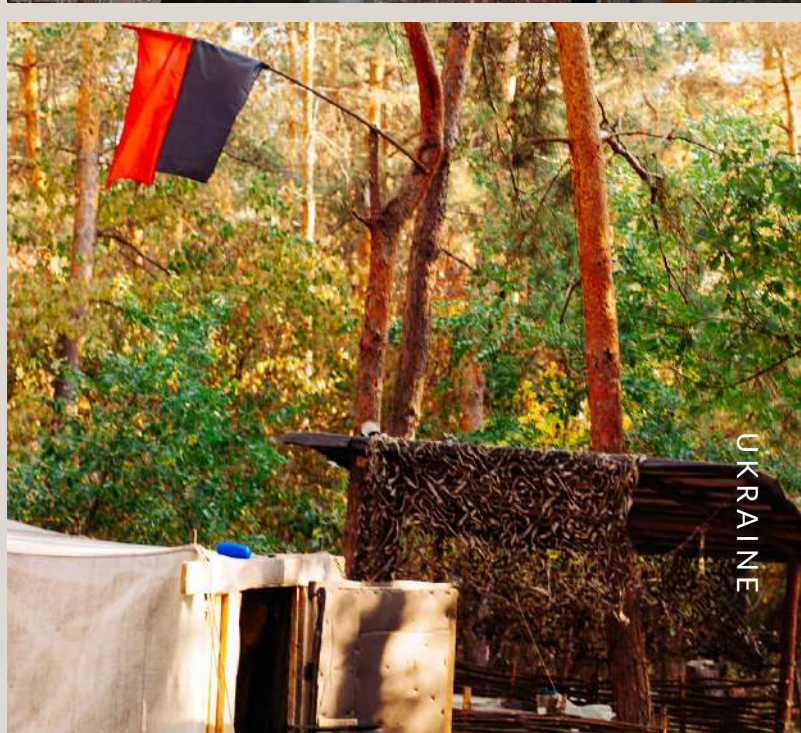
The ICRC, which has been actively working in the conflict area, has proposed to set up “protected zones” around critical infrastructure, especially the water infrastructure located in and around the Line of Contact.

Although, the Minsk 3 agreement does talk about creating safety zones around two water installations, the ICRC, in their paper published in January 2017, highlighted 12 sites that the ICRC considers as the “most vital to the welfare of the population in both government and non-government-controlled areas”. ICRC further categorizes these 12 structures into two sets based on the order of priority: urgently needed protected zones and other protected zones.

Provided below is the list of the 12 infrastructure identified by ICRC:

Urgently needed protected zones -

1. Verhknioalmiuska Filtration Station (which holds around 300 tons of chlorine gas) located on non-government controlled area (Donetsk)
2. Horlivska/Gorlovka 3rd Lift Pumping Station and the water pipeline from there to Horlivska/Gorlovka Filtration Stations located in the government controlled area (Donetsk)
3. 1st Lift Pumping Station on the south Donbass channel located on the Line of Contact
4. Donetsk Filtration Station located on the Line of Contact
5. Water Pipeline going from the Donetsk Filtration Station towards Verkhonotoretsk and Piskythere villages the located on the Line of Contact



Other protected zones -

6. Water Pipelines between Zolote/Zolotoe city and Pervomaisk city (Karbonit system) located on the Line of Contact
7. Krasnolymanskyi boreholes, including Krasnolymanskaia pumping station and Yaschikavskyi boreholes, including Sloviánoserbškaia pumping station located on non-government controlled area (Luhansk)
8. Petrovskyi borehole and the water pipeline from there to Luhansk city located on government controlled area (Luhansk)
9. Shchastia/Schaste power plant located on government controlled area (Luhansk)
10. Water line alimending Pivdenne/Leninskoe and Toretsk/Dzerzhinsk located on the Line of Contact
11. Marinka gas sub-station which controls the gas supply to Marinka and Krasnogorivka cities, located in the government controlled area (Donetsk)
12. Mikhailovka Transformer Station (which holds toxic material including mercury) on non-government controlled area (Luhansk).

Furthermore, the ICRC has stated that these “protected zones” are different from the “disengagement zones” (zones within which withdrawal of armed forces is mandated) identified by the TCG in the ‘Framework Decision relating to disengagement of forces and hardware by Ukrainian armed forces and armed formations’ in 2016. The protected zones do not in any way affect an on-going conflict neither do they assist in implementing the provisions of a peace agreement. The creation of protected zones endeavour only to build trust between parties to the conflict. The protected zones are different from the disengagement zones with regards to the location of the area, and the obligations of the concerned parties. Additionally, protection zones around critical infrastructure do not seek to replace already existing agreements or improve the conflict situation, it aims to address a particular humanitarian problem caused by the conflict.

Protection of the water infrastructure would ensure that there is no disruption of water supply to the people, needed not only for household purposes but also for the centralised heating that is especially critical during the winter months. It is necessary to mobilise strong support for the ICRC proposal of protected zones at all levels.



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