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## Conflict in Donbas: Endless negotiations and (im)possible solutions

Edited by  
Oleksii Polegkyi and Tomasz Stępniewski

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## Executive summary

- After the 2019 presidential and parliamentary elections in Ukraine, new efforts to reset negotiations between Ukraine and Russia about Donbas conflict resolution took place. Despite some achievements in this regard (mainly in humanitarian aspects), a solution is still far away.
- There are no changes in Russia's attitude towards Ukraine and conflict resolution. The main goal during last year from a side of Russia was pushing the Ukrainian government to direct negotiations with representatives of occupational administrations. Moscow wants to become a "mediator" but not part of conflict.
- The main problem of the current state of affairs lies not only in the different approaches towards the negotiations, but also in the different aims of Russia and Ukraine. For Ukraine, the end of conflict means restoration of its sovereignty. For Russia it means keeping Ukraine in its "sphere of privileged interests" and influencing Ukrainian internal affairs. As British

analyst Duncan Allan summarized the dilemma of the Minsk Accord: “Ukraine views the Minsk Process as a chance to restore its sovereignty, whereas Russia sees it as an opportunity to curtail this sovereignty”<sup>1</sup>.

- The Ukrainian government still did not present a realistic vision for resolution of the conflict or a strategy for re-integration of the occupied parts of Eastern Ukraine. On the one hand, during this year Zelenskyy was heavily criticized inside the country for “giving up” in the conflict with Russia. At the same time, Zelenskyy’s team demonstrates less and less optimism that the promised “quick end to the war” is achievable. Nowadays, it seems that Kyiv is gradually losing hope for a “quick” solution.
- It is already obvious that local elections in Ukraine in October 2020 will not include elections in the occupied parts of the Donetsk and Luhansk oblasts, so there is no chance that this will be the year of “re-integration” of Donbas into Ukraine. The Ukrainian position remains clear – elections in the occupied part of Donbas should only go ahead in a secure environment, meaning it requires the prior withdrawal of Russian forces and the return of the eastern border to Ukraine’s control. At the same time, Russia has clearly indicated that it is not interested in absorbing those regions into Russian Federation.

<sup>1</sup> D. Allan, *The Minsk Conundrum: Western Policy and Russia’s War in Eastern Ukraine*, Chatham House, London, 22 May 2020, <https://www.chathamhouse.org/2020/05/minsk-conundrum-western-policy-and-russias-war-eastern-ukraine>.

- Most probably, this type of endless negotiation and frozen conflict situations is the only realistic scenario for the near future.





Oleksii Polegkyi and Tomasz Stępniewski

## **Conflict in Donbas: Introduction**

A year ago, after successful presidential and parliamentary elections, a new team led by the newly elected President of Ukraine Volodymyr Zelenskyy announced a “new policy” towards the resolution of the Donbas conflict. One of the promises made by Zelenskyy during his election campaign was peace in Donbas. He did not explain how it could be achieved, but many of his supporters believed that his election as President of Ukraine would create a new basis for negotiation with Russia and could make some steps forward for the peacebuilding process in Donbas.

During the last year, the Ukrainian side has made significant efforts to re-launch some components of the Minsk Process (with the priority on humanitarian aspects), but as we can see, substantial results have not been achieved. Ceasefire violations continue to occur frequently, such as that on July 13, 2020 when Russian-led military forces violently murdered a Ukrainian military medic in violation of

the agreements and the security guarantees<sup>1</sup>. It also seems unrealistic that implementation of Minsk Accord means finding a mid-point between the Russian and Ukrainian positions. However, “attempts to do so have failed – heaping pressure on Ukraine, risking political instability in Kyiv, and not leading to any discernible change in Russian policy”<sup>2</sup>.

### **Is it time to look for a new format of negotiations?**

Six years have passed since the June 6, 2014 creation of the Normandy Format, but the prospects of conflict resolution and de-occupying the eastern regions of Ukraine seized by Russia remain as distant as ever.

The last meeting in the Normandy format with participation of heads of state took place on December 9, 2019 in Paris. Then the leaders of Ukraine, Germany, France and Russia agreed on a number of measures for a peace building process in Donbas, including a complete ceasefire and the exchange of prisoners on an “all-for-all” basis. Zelenskyy announced that this meeting signaled a highly significant step forward, despite recognition of potential problems in further negotiations with Moscow. The last Normandy meeting (without heads of states) was held on July 3-4, 2020 in Berlin. After this meeting Russia’s representative

<sup>1</sup> *Ukraine informs the OSCE of Russia’s hybrid warfare methods, recent killing of Ukrainian medic in the Donbas*, Ministry of Foreign Affairs of Ukraine, 15 July 2020, <https://mfa.gov.ua/en/news/ukraine-informs-osce-russias-hybrid-warfare-methods-recent-killing-ukrainian-medic-donbas>.

<sup>2</sup> D. Allan, *The Minsk Conundrum: Western Policy and Russia’s War in Eastern Ukraine*, Chatham House, London, 22 May 2020, <https://www.chathamhouse.org/2020/05/minsk-conundrum-western-policy-and-russias-war-eastern-ukraine>.

Dmitry Kozak announced a pause in the Normandy negotiation process, pending “clarifications” of Ukraine’s positions. Oleksii Reznikov, the Deputy Prime Minister of Ukraine for Reintegration of the Temporarily Occupied Territories, wrote: “The most pragmatic approach to this challenge lies in greater support for Ukrainian sovereignty and territorial integrity via the modification of the failing Minsk Process”<sup>3</sup>.

The main problem is that neither side can propose a plan that is acceptable for the other side. Ukraine in this situation seems to be most vulnerable because it bears most of the negative consequences of the conflict. But Ukraine cannot accept the Russian proposal (as it would mean accepting limitations of its sovereignty) and at the same time, it has no power and ability to solve conflict because for Kremlin it will be a losing game. Russia has reached its limits in the possibilities to pressure Ukraine but cannot accept real peace in Donbas under Ukrainian control as it will be perceived as weakness both politically in the Kremlin and personally in Vladimir Putin. Domestic policy obviously plays an important role in both cases. Zelenskyy, even if he could accept Moscow’s deal, is limited because Ukrainian society does not accept “peace under any condition”.

The situation surrounding the international trial of Russian involvement in the shooting down of flight MH17 is looking even worse for Putin. Most probably, Putin will try to keep all the options in Ukraine open and use the conflict

<sup>3</sup> O. Reznikov, *Containing the Kremlin: Why the West must rethink policy towards a revisionist Russia*, Atlantic Council, Washington, 8 July 2020, <https://www.atlanticcouncil.org/blogs/ukrainealert/containing-the-kremlin-why-the-west-must-rethink-policy-towards-a-revisionist-russia/>.

as a “space for negotiation” with the West. This is why, in the near future, most probably he will be suppressing any attempts to achieve significant progress in ending the war in Donbas. We see no indication that the goals of the Russian leadership with regard to Ukraine have changed, thus we can expect a continuation of the current policy. However, the means could be changed. It is likely that Moscow will try to interfere more actively in the internal political struggle in Ukraine and exploit the weaknesses of the current Ukrainian political elites.

Openly pro-Russian politicians in Ukraine (such as Victor Medvedchuk, for example) would probably not be able to garner significant support from the Ukrainian population, but with a concentration of major Ukrainian media (first of all, many TV channels) under his control, he is able to influence public opinion and introduce the Russian agenda and narrative.

After his election a year ago Zelenskyy said that the timeline for negotiation and compromise is expected to be the end of 2020, which should have been the year of “re-integration”. Otherwise it will be time for plan B. But nobody knows what the “plan B” is. Unfortunately, it seems that this is also the biggest question for Volodymyr Zelenskyy himself.

## **Public opinion in Donetsk and Luhansk region (government-controlled areas)**

If we look at the latest public opinion survey among residents of the government-controlled areas Donetsk (Donetsk

GCA) and Luhansk (Luhansk GCA)<sup>4</sup>, we can see a bigger picture. The majority (58%) of respondents from the Luhansk GCA thought that there were no changes since the presidential and parliamentary elections in 2019 while 29% said the situation became even worse. Also, a relative majority of respondents from Donetsk GCA admitted they did not notice changes for better (41%) or said situation became worse (19%). At the same time, 37% of Donetsk respondents said they saw certain improvement.

An opinion poll in Donbas revealed dramatic changes in attitudes toward Russia and the conflict. 76% of Donetsk respondents recognized the Russia Federation as a participant in the conflict while in 2018 57% expressed such an opinion. When asked whether Ukraine and Russia were at war 64% of Donetsk respondents agreed while only 20% disagreed.

Meanwhile public opinion in the Luhansk region became more polarized. In 2018 only 41% said Russia was involved in the conflict and 31% disagreed with such statement. In 2020 47% of Luhansk GCA respondents agreed that the Russian Federation is a participant but 39% denied Russian involvement. We have the same picture with recognition of war between Ukraine and Russia. While 38% respondents believed that Ukraine and Russia were at war, 43% said they were not.

The same survey (in the government-controlled areas of the Donetsk and Luhansk region) revealed significant changes in attitudes toward possible compromises for the

<sup>4</sup> *Results of regional public opinion poll in Donetsk and Luhansk regions*, Ilko Kucheriv Democratic Initiatives Foundation, 13 May 2020, <https://dif.org.ua/article/results-of-regional-public-opinion-poll-in-donetsk-and-luhansk-regions>.

sake of peace. In 2018 45% in Donetsk and 47% in Luhansk regions said that compromises should be made at any price, but in 2020 these figures decreased to 14% and 34% respectively. Currently, 50% of respondents in Donetsk and 49% in the Luhansk regions believe that compromises are necessary but not at any cost.

Local elections held on the terms of the DNR/LNR leadership are unacceptable for 68% of Donetsk and 35% of Luhansk respondents. It should be mentioned that while 36% of Luhansk respondents are ready to accept such elections, only 16% of Donetsk residents agree with such concessions.

Total amnesty for combatants of the DNR/LNR is unacceptable for 55% of Donetsk and 50% of Luhansk respondents. Enrollment of DNR/LNR combatants in local police forces, courts and prosecutor offices is unacceptable for 60% of Donetsk and 30% of Luhansk respondents. It is noteworthy that 34% of Luhansk respondents would accept it and 36% remain undecided. Special economic and political relations between the DNR/LNR and Russia are unacceptable for 55% of Donetsk respondents, while acceptable for 49% of Luhansk respondents. At the same time granting and including in the Constitution special status to certain districts of Donetsk and Luhansk regions is acceptable for 48% of Donetsk and 52% of Luhansk acceptable for 60% of Donetsk and Luhansk respondents.

Hypothetical questions about deployment of UN peacekeeping forces on the uncontrolled territories of Donbas showed polarization and difference between Donetsk and Luhansk residents. In the Donetsk region, 53% of respondents supported such idea while 31% rejected it and 16% were undecided. In Luhansk GCA public attitudes are very

different: 51% rejected this idea and only 30% supported it with 19% of undecided.

## **Composition of policy papers**

We start with David Marples' chapter "Ukraine's Donbas: what should be done?". He asks – Is there a solution to Ukraine's Donbas war? He starts with an overview of the Ukrainian situation and the special role of Donbas in its history and politics. He supposes (despite of all the complications and contradictions) that the Donetsk and Luhansk regions in their entirety are and should remain an integral part of Ukraine. However, a very controversial proposal of David Marples is that one way to solve the conflict is through direct communication between Ukraine and the leaders of the two quasi-states without Russian participation. Moscow itself has proposed this for years, but it is naïve to think that those quasi-states have any autonomy and are able to decide anything without a direct order from the Kremlin.

Andreas Umland in the chapter "How to solve the Russian-Ukrainian conflict in the Donets Basin?" proposes a four-stage Action Plan for Western and Ukrainian actors. The most realistic way to establish peace in this conflict is with international involvement under the UN mandate. For a transition period, Donbas should be put under the control of an international administration and UN peacekeeping forces. He proposes implementing an agenda of re-imagination, prioritization, pacification and re-integration.

First of all, he supposes, we need to re-imagine the conflict, as it is a widespread misperception that today's Donbas confrontation is comparable to older territorial disputes

in post-Soviet area such as the “failed states” of Georgia or Moldova. Phase two – Prioritization – requires putting the resolution of this conflict higher on the EU’s foreign policy agenda. In the deal with the Kremlin, “the West should develop a tougher combination of carrots and sticks”. If Moscow would take a more compromising position, the search for a practical solution of the Donbas conflict can start. At this time phase three – Pacification – can be introduced, conducted by international peacebuilding forces. Providing a strong base for last part – Reintegration, after a transitional international administration, will be the political provisions of the Minsk Agreements. According to Umland’s vision, Ukraine will need to accept some claims of the political aspects of the Minsk Agreements, but these can be re-formulated in a more appropriate way.

Umland claims that tightening Western sanctions will probably lead Putin to assent to an international administration of the Donbas as the least embarrassing way out. With UN troops in Donbas, Kyiv could start gradually implementing a reintegration plan that does not violate the Minsk Agreements’ text, yet still re-establishes proper Ukrainian control over Donbas. According to him, only this result will constitute a sustainable solution to the conflict.

This challenging yet promising approach would probably face many problems. Implementation of the political provisions of Minsk Agreements seems the most problematic from the Ukrainian point of view, as implementation of the Russian vision (as laid out in the Minsk Agreements) would seriously limit Ukrainian sovereignty and would not be accepted by the patriotic segment of Ukrainian society.

It is also very questionable whether Moscow is ready to come to any kind of agreement with Ukraine that does not include acceptance of all of the Kremlin's claims. The idea of introducing a UN peacekeeping mission has been under discussion for several years. Ukraine could be interested in the UN missions ensuring and supporting the process of restoring peace in Luhansk and Donetsk oblasts, but this will only be possible if Russia is actually ready for peace in Donbas. Unfortunately, Russia's interest in a UN (or even OSCE) mission in Donbas is rather small. Implementation of such a mission would significantly limit the possibility for the Kremlin to influence Kyiv. Russia would prefer a mandate limited to ensuring OSCE observers' security along the contact line which does not significantly change the situation or limit Moscow's activity in the region.

Maria Kucherenko in her chapter "War is peace: Peace plans of Russia as a new instrument of war" discusses various "peaceful plans" promoted by Russia as an instrument for resolution of the conflict in the Eastern Ukraine. She criticizes different versions of such plans proposed by Russian and some Western experts and politicians. She observes that for Kremlin, it is critically important to claim that Russia is not a part of the conflict and to propose its own interpretation of the Minsk agreements. Any attempt by Ukrainian authorities to reach peaceful agreement "as soon as possible" will only drive Ukraine into Russian traps.

Kucherenko argues that Ukraine should return to the principle of "security comes first". The political part, related to issues such as any kind of elections, the development of new negotiation formats and platforms, etc. should be the prerogative of the Normandy format exclusively. Ukrain-

ian negotiators should not divide the Russian-Ukrainian war into Russian aggression in the East of Ukraine and the annexation of Crimea.

On March 11, 2020 in Minsk the decision was made to establish a new Advisory Board within the Minsk Trilateral Contact Group (TCG)<sup>5</sup>. The Head of the Office of the President of Ukraine Andriy Yermak confirmed by his signature the indirect recognition of the representatives of the occupation administrations as “official representatives of ORDLO”. It was, as many in Ukraine claim<sup>6</sup>, the biggest mistake of official Kyiv. This decision has prompted hard discussions in Ukrainian society<sup>7</sup>. Many experts in Ukraine criticized establishment of this Advisory Board – an additional consulting body – because it fixes the subjectivity of the representatives of ORDLO (separate districts of Donetsk and Luhansk regions) and Russia has only the status of a guarantor-observer, similarly as Germany, France and the OSCE.

Discussion of these topics in Ukraine are reflected in Vitalii Kulyk’s chapter, “Risks from boosting the negotiation process in the Trilateral Contact Group”. Kulyk discusses the risks of introducing the Advisory Council as a part of the Trilateral Contact Group (TCG) in Minsk format negotiations. Why are new initiatives in Minsk unacceptable for Ukraine? What are “the new and old traps of Minsk agree-

<sup>5</sup> TCG meeting was held in Minsk with participation of Head of the President’s Office Andriy Yermak, Presidential Office, 22 June 2020, <https://www.president.gov.ua/en/news/u-minsku-vidbulosya-zasidannya-tkg-za-uchastyu-kerivnika-ofi-60125>.

<sup>6</sup> E. Yasko, *Four threats of “new Minsk”: why in “Servant of the people” there is opposition to agreements about ORDLO* [Chotyry zahrozy “novoho Mins’ka”: chomu v “Sluzi narodu” ye sprotyv domovlenostyam pro ORDLO], 23 March 2020, <https://www.eurointegration.com.ua/articles/2020/03/23/7107795/>.

<sup>7</sup> Reshchuk Kateryna, *Interview with Roman Bezsmertnyi, “Ukrainska Pravda”*, 13 March 2020, <https://www.pravda.com.ua/articles/2020/03/13/7243533/>.

ments”? According to Kulyk, the main goal of Moscow in these maneuvers is to force Kyiv into “direct dialogues” with militants from the Russian controlled part of Donbas.

Yulia Kaplan then presents her chapter “Particular attitudes and identities of the residents of Donetsk region with-in armed conflict in Donbas (governmental controlled and temporarily occupied areas)”. According to Kaplan, opinions and attitudes of the residents of Donbas before the beginning of the armed conflict, particularly in the Donetsk region, show the absence of majority support for separation from Ukraine. At the same time, sociological data from the temporarily occupied territories of the Donetsk region (in 2016 and 2018) shows that majority of the respondents are reluctant to define their positions about future of the region. Also they prefer to identify themselves more as local or regional residents, not as citizens of the “DPR” (“Donetsk People`s Republic”) or part of the Russian Federation. Also, it has to be remarked that residents of the temporarily occupied territories of the Donetsk region lack information about real processes in Ukraine.

The role of the media could be very important in this situation. Based on Detector Media study<sup>8</sup> of the perceptions of the population under the control of Ukraine (where Ukrainian media are present) and the occupied territories (where Ukrainian media are absent) we can see how different narrations results in the polarization of people`s opinions towards many issues. This is not only the case in the Donetsk

<sup>8</sup> Survey “Attitude of population to media, propaganda and media-reforms during the conflict time”, NGO Detector Media, Kyiv, 2015, <https://ms.detector.media/reports/post/13761/2015-07-20-survey-attitude-of-population-to-media-propaganda-and-media-reforms-during-the-conflict-time/>.

region. According to above mentioned Detector Media study, the use of Ukrainian and Russian news sources is related to the level of support for respective opinions about development in the country (also within a region, as well as within linguistic and ethnic groups). That is true of all the issues: the Maidan, the war, the situation in Ukraine – and is true for both the Ukrainian and the Russian media.

Serhiy Kudelia in the chapter “Veto on Peace/Veto on War” discuss changes in the Zelenskyy’s strategy towards Donbas during his first year at the office. Zelenskyy failed to implement optimistic promises to end the war quickly, and growing dissatisfaction with his policy has narrowed the possibilities for resolution of the problem of Donbas. At the same time, costly policy shifts that progress in Donbas talks requires could further destabilize Zelenskyy’s power and produce a major political crisis. Kudelia concludes that maintaining the status quo may appear to be the least risky short-term option for Zelenskyy, but it will erode his political support, tarnish his legacy, and further harden the divide between separatist-controlled areas of Donbas and the rest of Ukraine.

Oleksii Polegkyi and Tomasz Stępniewski  
Edmonton–Lublin, August 2020



David R. Marples

## **Ukraine's Donbas: What is to be done?**

### **Summary:**

This chapter will address the following issues: Is there a solution to Ukraine's Donbas war? What are the advantages and drawbacks to a sustained effort to keep the regions currently under occupation within the Ukrainian state? What sorts of concessions would be necessary? Is the Minsk formula a valid and expedient basis on which to proceed? What is the best policy for the Ukrainian government to adopt?

### **The composition of and outlook for Ukraine**

Today's Ukraine is not homogenous: there are regional variations in culture, history, and language. To some extent, that is inevitable in a state that has been occupied at different times in its history and for which statehood on a permanent basis was much delayed when compared to its neighbours. Ironically, the Soviet Union under Stalin, often perceived as

one of Ukraine's main persecutors, bears the main responsibility (Crimea excepted) for the state borders that comprised the country when it declared independence in August 1991. The logical defined regions are as follows, moving from east to west:

- Eastern Ukraine
- Central Ukraine
- Southern Ukraine
- Western Ukraine
- Transcarpathia
- Crimea

In the late Soviet period Ukrainians made up the majority of population in all regions other than Crimea, which had been incorporated in 1954 as a gift from Russia to denote 300 years of friendship following the Treaty of Pereiaslav between Tsar Aleksey and Hetman Bohdan Khmelnytsky. In Donbas and the South, Russian speakers predominated, the population in the central region spoke both Russian and Ukrainian, the western regions are largely Ukrainian, and those in Transcarpathia spoke mostly Ukrainian with a sizeable contingent of Hungarian speakers.

Yet language, while important, has rarely defined the political scene in Ukraine. None of the recent conflicts can be attributed to ethnic tension over language. Of much greater importance has been culture and history and a disputed past, particularly in the tumultuous 20<sup>th</sup> century. By and large, Ukrainian leaders have paid a lot of attention to this past. Ukrainians fought on both sides during the First World War, and in the Second, toward the end of the war, while most Ukrainians of conscription age fought in the Red Army against Nazi occupation, a significant number

in Western Ukraine, under the mantle of the Ukrainian Insurgent Army, which paid allegiance to Stepan Bandera and was led by Roman Shukhevych, fought against the return of Soviet rule. How to place such events in context has been one of the defining issues of contemporary Ukraine, and every leader has had to come up with a response.

## Why the Donbas?

In the far eastern regions of the Donbas, however, the answer is relatively straightforward. Though residents do not conform to many characteristics of that utopian figure *Homo Sovieticus*, they combine a fierce independence with Soviet culture, patriotism, and to some extent nostalgia. Location and familiarity with the region is more important than linguistic or ethnic background. In the 1990s, the combination of militance in industry (including the remarkable coal miners' strike of 1989), proud autonomy and desire for more control over local industries, and the emergence of new "businessmen" (oligarchs) created tension in the Soviet period. In the newly independent Ukraine an atmosphere of violence and freebooting pervaded, leading one Canadian journalist to dub the era "Comrade Criminal"<sup>1</sup>. The centre of the volatile mix of old party leaders and new business was Donetsk, and just as in the late Soviet period, its major rival was a city of about the same size, Dnipropetrovsk.

The local clan rivalry manifested itself at the levels of the highest leadership. In 1997, after Pavlo Lazarenko, a Dnipro-

<sup>1</sup> S. Handelman, *Comrade Criminal: Russia's New Mafiya*, New Haven: Yale University Press, 1997.

petrovsk-born businessman, became Prime Minister under President Leonid Kuchma – his Deputy Prime Minister with responsibility for energy, Yulia Tymoshenko, came from the same city – there was an attempt to assassinate Lazarenko on the Kyiv-Boryspil Highway. A Donetsk gang was reputed to have organized the attempt, although in 2011 an accusation arose against Tymoshenko herself<sup>2</sup>. The Donetsk clan achieved its pinnacle in 2010 when a native son and former governor, Viktor Yanukovich became President of Ukraine. For the first time, Donetsk business became the business of the state. Corruption was deeply entrenched in this regime, from the president and his Donetsk-raised Prime Minister Nikolai Azarov downward.

The symbolic achievement of Yanukovich's presidency was hosting the Euro-2012 soccer championships, shared with Poland, the second-most watched sporting event in the world after the World Cup. Donetsk was a host city for the semi-finals, with a plush new airport to welcome guests. On June 15, when the Ukrainian national team played France, the burly figure of Yanukovich was filmed watching from the seats, clad in a blue and yellow scarf<sup>3</sup>. Small wonder, then, that the EuroMaidan uprising caused much resentment in Donbas. The removal of Yanukovich was perceived as a Western-inspired coup, and many believed Moscow's assertion that neo-Nazis and Bandera supporters had taken over Kyiv. The world that they had enjoyed for the past four

<sup>2</sup> Тимошенко можуть звинуватити в замаху на Лазаренка, "Obozrevatel", 31 October 2011, <https://www.obozrevatel.com/ukr/politics/52648-tymoshenko-mozhut-zvinuvati-v-zamahu-na-lazarenka.htm>.

<sup>3</sup> Віктор Янукович, уніан фотобанк, <https://photo.unian.ua/photo/420875-viktor-yanukovich>.

years was coming to an end and the new Ukraine was unpredictable, although it was clear that it was moving westward toward the European Union.

On the other hand, there is little historic or current evidence that Donbas wanted to break away from Ukraine<sup>4</sup>. The anger was widespread, but it did not translate directly into action. The catalyst for the transformation of anger and concern into separatism was the arrival of forces willing to carry it out, namely Russian-backed mercenaries from Crimea and the provision of Russian weapons and other supplies across the border. The quest for a Russian World was brief but terrifying: for a moment, there were genuine fears that a Russian invasion could bring an end to Ukraine, and even move into Poland or the Baltic States. That it petered out was a result both of the lack of local support and hesitation in the Kremlin. But in Donbas it had enough momentum and sufficient local support to be consolidated.

## The war of 2014-2020

The war in Ukraine's far eastern regions is in its sixth year. The separatist regions, which named themselves the "Donetsk People's Republic" (DNR) and "Luhansk People's Republic" (LNR) have formed their own governments and administer the occupied lands despite a lack of international recognition. Though they have been subjected to attacks and a trade embargo by the Kyiv government, they have

<sup>4</sup> See, for example, D. Istrate, *Survey: majority of Donbas residents want to be part of Ukraine*, "Emerging Europe", 28 August 2019, <https://emerging-europe.com/news/survey-majority-of-donbas-residents-want-to-be-part-of-ukraine/>.

survived mainly through the support of the Russian government, which supplies financial, material, and military assistance although it publicly maintains that it is not involved in the war, which it refers to as a Ukrainian civil war. Thus, an unusual situation is created in which a belligerent – the most powerful military force in the region – is not an official protagonist in discussions. Rather, it plays the part of a mediator. Moreover, the two “governments” are not equal in power: from the outset the DNR has been the main player.

By late 2014, it was clear that Russian annexations had begun and ended with the Crimean peninsula, the location of Russia’s main Black Sea base at Sevastopol. Subsequently, the Russian side offered no clear solutions. It did not recognize the independence of the two republics but continued to assert that the EuroMaidan uprising of 2013-14 had a resulted in a “neo-Nazi” coup that removed incumbent president Viktor Yanukovych. Though such statements were simplistic and largely misleading, they contained elements of truth. EuroMaidan in February 2014 was very different from the orderly and peaceful protests of November and December of the previous year. More extreme elements and the wide provision of weapons rendered the protests more violent. The mass celebration of the birth of Stepan Bandera on January 1, 2014, received widespread publicity, and the words of the OUN (Organization of Ukrainian Nationalists) greeting “Glory to Ukraine! To our heroes, glory!” were now familiar to all.

On the Ukrainian side, the first response to events in the east was to treat the population of the occupied regions as “terrorists”, which immediately equated all noncombatants, along with insurgents, as people against whom there

would be the sternest retribution. The name given to the military operation to take back occupied lands, thus, was the “Anti-Terrorist Operation”. Petro Poroshenko, elected president in June 2014, gradually took on a more nationalistic stance, regarding Russia as a hostile force and reducing economic dependence on its neighbor, including direct communications such as transport and political negotiations. Under Poroshenko, Ukraine’s economic situation worsened, and the deteriorating relations with Russia resulted in violations of the 2003 Accord that had recognized the rights of passage of both countries through the Black and Azov Seas. In 2018, Russia completed the building of a bridge from the mainland to the Kerch Strait on the peninsula and cut off access to ports on the Azov Sea, such as Berdiansk and Mariupol.

Following direct Russian military intervention in the Donbas war in September 2014 and February 2015, which enabled the separatists to achieve two decisive victories, Poroshenko agreed to negotiate on two occasions in Minsk, which produced the two Accords. The Accords did have some positive points, such as removal of heavy weapons from the battle zones, exchanges of prisoners, autonomy for the occupied regions, and Ukraine’s control over its eastern borders. From Ukraine’s perspective they took place under duress, with the participation of the foreign ministers of France and Germany, but with Vladimir Putin in the role of a mediator. They were also signed by the representatives of the Donetsk People’s Republic (DNR) and Luhansk People’s Republic (LNR), providing them with a certain recognition, if not legitimacy, on the part of Ukraine. However, the accords proved impossible to implement, with both sides accusing

the other of violations. In truth, the OSCE group monitoring the ceasefire has reported conflicts and discharging of weapons almost daily over the past five years<sup>5</sup>. The Russian border remains open and the regular routes from Rostov-on-the-Don to Donetsk and Luhansk – just over 200 kilometers in each case – have remained open.

The DNR and LNR held closely monitored referendums on independence from Ukraine, but have received no international recognition. They do not correspond to the recognized definitions of a nation state, but could perhaps be termed “quasi-states” or statelets. They are both parts of clearly defined regions of Ukraine and moreover compose only a minority of territory within each oblast. That they exist at all owes much to the occupation of the two major cities, as well as Debaltseve, the communications bridge between them and the site of one of the major battles of the conflict in January-February 2015. The city had been occupied initially by the separatists, but was retaken by Ukrainian forces of ATO in July 2014. The characteristics of DNR and LNR leaders are terms of short duration, expansionism, violence, and pro-Russian political sentiments. Some have been locals, others have arrived from Russian territory.

Russian interference has also gone beyond weapons and material aid to include the provision of Russian passports to the populations of the DNR and LNR through an office in Rostov. Russian influence is heightened through almost

<sup>5</sup> See, for example, *Spot Report 37/2020: Members of the armed formations continued to deny SMM patrols passage at checkpoints in Donetsk and Luhansk regions*, OSCE report, July 2020; <https://us6.campaign-archive.com/?e=754dbbc9fd&u=b11aceda364f89afa6cadbbb&id=9be189c235>.

complete dominance of media and social media outlets, as well as the education system, which is modeled after the Russian curriculum and relies on Russian, rather than Ukrainian, textbooks. It has become very difficult for children in the occupied parts to receive any instruction in the Ukrainian language. On March 6, 2020 the DPR changed its Constitution to make Russian the only official language. The LPR Parliament followed suit on June 3 without any opposing votes. LPR leader Leonid Pasechnik's representative in the Parliament, Nina Galan, maintained that because of its traditions, the Russian language "plays a definitive role in consolidation and cultural development of the people of the LPR"<sup>6</sup>.

Thus, while Russia has not annexed the DNR and LNR, or even recognized them—in contrast to other breakaway regions such as Transnistria, Abkhazia, and South Ossetia—it controls them by appointing their leaders and through the provision of supplies, without which the regimes would collapse. After the assassination of the ambitious president of the DNR, Aleksandr Zakharchenko, in August 2018, Russia installed the more compliant Donbas native Denis Pushilin as the new president. The leader of the LNR, Pasechnik, worked for the Security Service of Ukraine prior to his 2014 defection and appointment as the Minister for Security in the separatist republic. He was raised in Donetsk and Magadan in the Russian Far East.

<sup>6</sup> *Luhansk People's Republic legislature adopts Russian as the only official language*, 3 June 2020, <https://tass.com/society/1163637>.

## **Advantages to retention**

Prior to the conflict and EuroMaidan uprising, the Donbas<sup>7</sup> was perhaps the single most important region of Ukraine in economic and political terms. Most of Yanukovych's Cabinet came from the region. It has a long association with organized crime and oligarch control. Much of its economic importance hinged on industry, particularly coal and steel production. It accounted for about 14% of Ukraine's GDP in 2013, a figure that was actually declining because of longstanding problems in the coal industry. Though Rus-sophone, both Donetsk and Luhansk regions had ethnic Ukrainian majorities of 56.9 and 58% respectively. As an economic region, Donbas has a significant history of development dating back to the 19<sup>th</sup> century.

The single most important argument in favor of retention, however, is the territorial integrity of Ukraine as a state. Russian occupation of Crimea is more complex, since Crimea has an ethnic Russian majority and a shared history with both Russians and Tatars. But despite some symbolic attempts at forming a separate state or autonomous region, Donetsk and Luhansk's inclusion in Ukraine has never been questioned. Moreover, despite the loss of the two major cities, Ukraine still controls most of the two oblasts. Cities such as Kramatorsk, Bakhmut, Mariupol, and Sloviansk – once the separatists' headquarters – are on the Ukrainian side of the border.

<sup>7</sup> For simplicity, I am using the term 'Donbas' to refer to Donetsk and Luhansk regions. In economic terms, the Donbas coalfield also includes part of Rostov Oblast in the Russian Federation.

The ATO and trade embargoes deployed by the post-EuroMaidan government undermined faith in the Kyiv government, but it should be possible to nurture sentiment toward Ukraine in regions that have never displayed majority wishes to be joined to Russia. Ukraine's richest oligarch, Rinat Akhmetov, who was based in Donetsk prior to the war, has remained involved in Ukrainian affairs and reportedly has close contacts with several members of President Volodymyr Zelenskyy's Servant of the People Party, which holds a majority in Parliament. Whether or not Akhmetov's role is benevolent or pro-Ukraine is debatable; but the fact is he is still an active and important Donbas player.

The argument can be raised that the DNR and LNR, as Russian proxies, will seek to undermine the authority of Ukraine, not only in terms of economic drain, but also as buffer zones promoting pro-Russian policies. By retaining them, Ukraine could offer some incentives that would demonstrate concern for the welfare of their populations. At present, many elderly persons cross the border regularly to retain their Ukrainian residency which guarantees them their pensions.

The loss of the DNR and LNR zones would also put pressure on the remaining parts of the Donetsk and Luhansk oblasts to join the breakaway republics. That would ensure contact with the major cities and reunite some families. It also potentially could lead other regions to question Kyiv's authority and at the least make demands for autonomy, such as the Transcarpathian Oblast in the far west and the western part of the Odesa Oblast, which is multi-ethnic and has a lengthy history of ties with the Balkans. Any such demands weaken the authority of the government in Kyiv and

serve to promote Russian designs to ensure that Ukraine is kept out of NATO and that its ambitions for full membership in the European Union cannot be brought to fruition. In brief, it creates a bad precedent, quite different from the situation in Crimea, which can be attributed directly to Russian aggression.

## Disadvantages to Retention

The drawbacks of retention of the occupied zones have been widely discussed<sup>8</sup>. The consensus of the advocates of abandoning the DNR and LNR can be reduced to several reasons: Russian influence, political incompatibility, economic drain on the Ukrainian state, and the need to deal with the governments of the two self-designated republics and their roles in referendums and future decision-making.

As noted above, Russia's role in the conflict is obvious but ambiguous. It is the dominant player, and will likely remain so unless the border can be regained and sealed. In practice, that would entail cutting off access on a more or less permanent basis until relations between the two states be-

<sup>8</sup> In particular, the American political scientist, Alexander J. Motyl, has authored several short articles suggesting that Ukraine should cast off the Donbas. See, for example, *It's Time for Ukraine to Let the Donbas Go*, "Foreign Policy", 6 December 2019, <https://foreign-policy.com/2019/12/06/ukraine-better-without-donbas-costly-reconstruction-pro-russia-west/>; *Kiev Should Give Up on the Donbas*, "Foreign Policy", 2 February 2017, <https://foreignpolicy.com/2017/02/02/ukraine-will-lose-its-war-by-winning-it/>; *Why reintegrating the Donbas is suicide for Ukraine*, "Kyiv Post", 25 February 2016, <https://www.kyivpost.com/article/opinion/op-ed/alexander-j-motyl-why-reintegrating-the-donbas-is-suicide-for-ukraine-408879.html>; *If Putin gives back Donbas, it will be a "Trojan horse" for Ukraine*, "112 Ukraine", 9 January 2017, <https://112.international/interview/if-putin-gives-back-donbas-it-will-be-a-trojan-horse-for-ukraine-12877.html>; *It's time for Ukraine to let the Donbas go*, "Kyiv Post", 7 December 2019, <https://www.kyivpost.com/article/opinion/op-ed/alexander-motyl-its-time-for-ukraine-to-let-the-donbas-go.html>.

come more amicable. There is little prospect that this would happen, not least because the region has close ties with the Russian Federation. In the past, Donbas has repeatedly supported pro-Russian candidates for the Ukrainian presidency – most blatantly Yanukovich in 2004 and 2010 – and pro-Russian parties in the Parliament, such as the current opposition platform For Life. Pro-Russian politicians such as Viktor Medvedchuk, former Head of the Presidential Administration of Leonid Kuchma (2002-05), remain active in Ukrainian politics, and Medvedchuk owns the 112.ua news service. He is a close ally of the leader of the For Life Party, Yuriy Boyko. Both are pro-Moscow. Boyko is from Horlivka, which is in the separatist zone. The removal of Donbas would undercut the power bases of both politicians.

Conversely, were the whole of Donbas to be reintegrated, the pro-European direction of Ukrainian politics would be undermined if not removed altogether. Even with the loss of territories and certain support in cities such as Donetsk and Luhansk, the For Life party received the second highest number of votes in the 2019 parliamentary elections, ahead of the factions of former President Poroshenko and former Prime Minister Yulia Tymoshenko. Conceivably, with the whole of Donbas returned to Ukraine, the potential of the platform to form the government would be significantly enhanced. The same logic applies to presidential elections, where Bokyo remains a viable candidate as a former Minister of Fuel and Energy and prominent politician. His support for closer integration with Russia has remained unchanged.

The decline of old industries and the impact of the 6-year-old conflict, along with high mortality rates and high number of internally displaced persons has brought the former

economically powerful region into disarray. At least 1.5 million former residents have left the occupied regions, while the war has resulted in about 13,000 deaths and probably 40,000 casualties. It would require enormous investment to rebuild and restore it to its former prominence. Moreover, the remaining population consists of those unable to leave because of age or infirmities or those directly involved in the military and security forces of the occupied zones. The Donetsk National University Vasyl Stus has relocated some of its staff to Vinnytsia, and Ukraine's most celebrated football team, Shakhtar Donetsk, moved its operations at first to Lviv, and then—from 2017 – to the Metalist Stadium in Kharkiv.

The government of Ukraine has shown great reluctance to deal directly with or even recognize the governments of the two republics. In this respect, the position of the Poroshenko government and that of the Zelenskyy administration have remained the same. Zelenskyy is more open about communication with Moscow but has made little progress after a year in office.

## **Conclusion**

The ideal solution is not obvious. If Donbas is to be retained, Ukraine will have to provide it with significant autonomy and local control, perhaps as an autonomous republic combining the separatist areas under the current boundaries. That would almost certainly require a full amnesty for combatants and above all, ensure the future security of Ukraine, meaning that all military forces would need to leave the area, and the border would need to be secured. The leaders of the

current quasi-governments would have to be incorporated into the new governments, assuming they choose to remain. Unfortunately, Ukraine has few means by which to secure such a situation and is dependent on outside support. Whatever the future, whether such support comes from the OSCE or the UN, or neutral powers, Russia will want to be involved.

Another alternative, which to date has always been dismissed out of hand by Ukraine, is direct communication with the leaders of the two quasi-states. However unattractive, it is the one way to change the status quo without involving Russia. These regimes, though widely condemned as illegal and violent, have lasted for six years. They are not going away. Moreover, the Ukrainian government would not need to recognize them as legal or as nation states; the key move would be to start a dialogue with the current “temporary authorities” in Donetsk and Luhansk. Such a path would be fraught with perils, accusations of treachery and the like, but for the populations in the long term, being part of Ukraine is far more attractive than the two alternatives: survival in a frozen conflict as independent mini-states or joining Russia.

Above all, the Donetsk and Luhansk regions in their entirety are and should remain an integral part of Ukraine. Ukraine as a state is only as strong as its component parts, and the retention of and investment in a region that still contains valuable natural resources would be beneficial. The consequences of ceding the occupied areas are too high to sustain and could lead to the loss of other parts of Ukraine, fulfilling Vladimir Putin's dismissive comment that Ukraine

is a “failed state”<sup>9</sup>. Ukraine is approaching the thirtieth year of independence. It has some genuine accomplishments and is far ahead of Russia in terms of democracy, the rule of law, and freedom of assembly. Many of its problems are not of its own making, though some are. It should not cast off any of its composite parts, including Donbas and Crimea.

<sup>9</sup> See, for example, G. Gil, *DOUBLETAKE: Is Ukraine a Failed State?*, “New Eastern Europe”, 19 August 2015, [https://neweasterneurope.eu/old\\_site/articles-and-commentary/1694-doubletake-is-ukraine-a-failed-state](https://neweasterneurope.eu/old_site/articles-and-commentary/1694-doubletake-is-ukraine-a-failed-state).



Andreas Umland

**How to solve the Russian-  
-Ukrainian conflict  
in the Donets Basin?  
*A Four-Stage Action Plan for  
Western and Ukrainian Actors***

**Summary:**

Since spring 2014, Ukraine has suffered from a full-scale war in the Donets Basin (Donbas). To find a solution to the Russian-Ukrainian confrontation, Western and Ukrainian political analysts, opinion- and policy-makers, civic activists as well as diplomats need to jointly implement an agenda of re-imagination, prioritization, pacification and re-integration. The Donbas conflict needs to be understood anew, approached differently, engaged with directly, and solved sustainably. It should start with clearer communication of the stakes of the Ukraine Crisis for the EU. Resulting tighter economic and individual sanctions should be accompanied with positive offers to a post-imperial Russia. For a transition period, the Donbas should be put under the control of an international administration and UN peacekeeping forces. Finally, Ukraine and

the West need to find a way to secure sufficient central control over a reintegrated Donbas while formally implementing the political parts of the Minsk Agreements.

For more than six years, Russia and Ukraine have conducted a war involving heavy arms and thousands of fatalities close to Europe's largest nuclear power plant, at Zaporizhzhia. Russian military operations on Ukrainian soil violate the intent of the worldwide effort to limit the spread of weapons of mass destruction, even more so than Moscow's occupations of Moldovan and Georgian territories. The Kremlin's behavior may encourage various non-atomic weapons countries across the globe to rethink their commitments under the Nuclear Non-Proliferation Treaty.

Despite its enormous stakes, the simmering conflict in Donbas and annexation of Crimea have received only limited attention from Europe. Instead, the EU and most of its member states are cutting Moscow a great deal of slack. To be fair, some EU institutions and leaders have invested considerable time and energy in attempts to end the war. Yet, most European politicians, diplomats, and journalists suffer from what might be called "post-geographical externalization syndrome". They see the Donbas and Crimea as territories far away from Europe, and thus treat it as an issue.

Yet, a significant escalation of the conflict – which could precipitate the collapse of the battered Ukrainian state – would be nothing less than catastrophic for Europe. Western political elites and voters nevertheless remain surprisingly escapist and/or optimistic about Moscow's actions, capabilities, and intentions in Ukraine. At worst, the EU will only

realize the severity of the crisis on its eastern border if there is another disaster involving its own citizens comparable to the July 2014 downing of Malaysia Airlines flight MH17. Against this background a sooner rather later solution of the Donbas conflict is urgently needed. Below, I sketch out a possible action plan.

### **Phase one: Re-Imagination**

A communication campaign should address a widespread misperception that today's Donbas confrontation is comparable to older territorial disputes in such "failed states" as Georgia, Azerbaijan or Moldova. The repercussions of the ongoing war beyond Eastern Ukraine demand public clarification. The Donbas war should be perceived as a hot conflict, putting under question Europe's security system as one of the largest European states remains on the brink of collapse.

The prime reasons for this risk are neither the current domestic political tensions nor the grave economic difficulties of Ukraine. During the break-up of the USSR in 1989-1991, "Ukraine without Kuchma" protests of 2000-2001, Orange Revolution in 2004, or Euromaidan uprising in 2013-2014, Ukraine was shattered by tremendous upheavals. Yet, none of these conflicts seriously endangered the Ukrainian republic's integrity. Ukraine's economic situation throughout the 1990s, and during the Great Recession of 2008-2010 was as difficult as – or more so than – today. Yet, neither of these two deep economic Ukrainian dives threatened European security. While laudable, the West's large-scale financial help and developmental support for Ukraine is sometimes

misconceived as a (if not the) major instrument to solve the Ukraine crisis. Yet, even graver earlier political and economic domestic dislocations in Ukraine's recent past did not threaten the stability of its state. Western help for Ukraine should continue, but should not be misunderstood as a substitute for actually solving the Donbas conflict.

Moscow's shrewd combination of crude military and seditious non-military methods ("hybrid war") is meant to subvert Ukraine as a socio-political community. The Kremlin's premier instrument for achieving this aim is to keep Donbas as an open bleeding wound that will eventually cause Ukraine's state to implode. A seemingly domestic Ukrainian collapse can then be used by the Kremlin to demonstrate to Russia's population the impotence of European integration and foolishness of post-Soviet democratization.

While this is a rational strategy in terms of short-term Russian regime stability, it is a hazardous enterprise. Western public opinion shapers need to communicate better why and how Ukraine's possible future collapse entails transnational risks. For instance, it is possible that millions of Ukrainian refugees would flow into the EU. In a worst-case scenario, a malfunctioning of Europe's largest nuclear power plant in Zaporizhzhia, less than 300 miles away from the current war zone, could have repercussions worse than those of the 1986 Chernobyl disaster. A public narrative emphasizing European states' national interest in Ukrainian stability needs to replace currently widespread externalization of the Donbas war as a sad but far away conflict with few direct implications for the EU.

## Phase two: Prioritization

A novel understanding of the European relevance of the Donbas war should lead the EU to put its solution higher on its foreign policy agenda, and in the more immediate future. The current sanctions regime is not trivial, but it is malapportioned. According to research results of Moscow's Skolkovo School of Management, EU sanctions "are capable of jeopardizing Russia's production of gas and, particularly, oil in the future"<sup>1</sup>. The underlying assumption of Brussels's approach is that strategic patriotism guides Moscow's decision making. The West hopes that future income losses for the Russian state will lead the Kremlin to modify its policies towards Ukraine. Yet, the logic of Moscow's approach to secure domestic regime stability may be different. A collapse of the Ukrainian state resulting from a successful hybrid war – above all, in Donbas – may be sufficient to compensate for negative political repercussions of declining future energy exports.

In other words, the West needs to more explicitly address the figurative race between domestic effects on Russia of, on the one side, Western sanctions, and, on the other side, Ukrainian destruction. If Ukraine's negative example demonstrates in time to Russia's population that democratization leads to suffering and chaos, the Putin System can absorb a later decline of Russian living standards that results from the EU's current sanctions. While a poorer future Russian state may be bad, it may still be seen as better than democratizing Russia with the risk of

<sup>1</sup> *Perspektivy rossiyskoy neftedobychi: zhizn' pod sanktsiyami*, March 2018, <https://energy.skolkovo.ru/downloads/documents/SEnC/research04-ru.pdf>.

a Ukraine-like collapse. According to this supposition, Putin's regime will prevail in spite of notable effects of any future EU sanctions.

In order to counteract this scenario, the West should develop a tougher combination of carrots and sticks. First, sanctions need to be modified so as to generate earlier effects. Among others, Russian access to Western financial markets should be further reduced, and the building of the Nord Stream II pipeline frozen. Second, the Putin system's integrity should be shattered via additional measures against government officials and so-called "oligarchs". The freedom of the regime's major stakeholders (as well as their immediate family members) should be further restricted to generate more intra-systemic dissatisfaction.

Third, a forward-looking vision for improved post-conflict Russian-Western relations should be communicated throughout Russia. Western offers to a less aggressive Moscow could include joint energy projects or a free-trade zone between the Eurasian and European unions. Western awards to Russia for even more comprehensive solutions to all disputed territorial conflicts from Transnistria over Crimea to South Ossetia could include an Association Agreement (including a DCFTA) with the EU, a visa-free regime with the Schengen Zone, and a Membership Action Plan with NATO. Think-tanks and NGOs should communicate such ideas to the Western public. After they become widely known, national governments and international organizations (EU, NATO) could be encouraged to voice such proposals for a hypothetical Euro-Atlantic integration of Russia in meetings with Russian governmental and non-governmental actors. The offers should be made officially, explicitly and

repeatedly to feed societal pressure for a change in Russia's political course.

### **Phase three: Pacification**

Once Moscow takes a more compromising position, moves towards a practical solution to the Donbas conflict can start. Western experts, diplomats and politicians should thus explore future financing, and mandate and shape an international peace building operation across the entire Eastern Donbas. A temporary third-party intervention would provide a transitional stage between Moscow's current crypto-occupation and the seized territories' subsequent return to Kyiv control. A UN mission with up to 30,000 peacekeepers, as the core element of such an operation, could serve as a face-saving mechanism for the Kremlin. Moscow would, in the UNSC, have to approve deployment of a multinational force in the Donets Basin, and could present this to the Russian public as Putin's peace initiative.

In combination with OSCE observer and EU civil missions as well as in cooperation with the Ukrainian state, the UN troops' primary task would be to provide for demilitarization, disarmament, demining, another re-set of local self-governance, media freedom, return of IDPs, creation of a new police force, observance of civil and political rights, as well as preparation of local elections. Armed UN detachments would have to come from non-NATO and non-CSTO countries to pre-empt accusations of instrumentalization. Andrej Novak (2014), Oleksiy Melnyk with Andreas Umland (2016), International Crisis Group (2014), International Crisis Group (2016), International Crisis Group and Andrey Kor-

tunov (2017), or, more recently, Richard Gowan, Alexander Vershbow, Vitalii Kulyk and Maria Kucherenko and Liana Fix and Dominik Jankowski (2018) have, among others, discussed various additional challenges of such a scheme. International developmental organizations (World Bank, UNDP, EBRD, USAID, GIZ, DFID, SIDA etc.) should become active in the occupied territories as soon as an improved security situation permits.

### **Phase four: Reintegration**

The principal issue for the restoration of the currently occupied territories as parts of the Ukrainian state, after transitional international administration, are the political provisions of the Minsk Agreements. This includes constitutional reform, a special “law on interim local self-government”, the creation of “people’s police units” as well as other prescriptions intended by the Kremlin to infringe upon Ukraine’s political sovereignty. In February 2015, the signed text of the so-called Minsk II Agreement had been largely pre-formulated by the Kremlin. Nevertheless, most of Moscow’s formulations were accepted by Ukraine, Germany and France under the impression of a Russia-led and victim-rich military offensive by the separatists conducted concurrently with the Minsk negotiations.

Ukraine’s major stakeholders (MPs, parties, opinion-leaders etc.) reject today the political components of the 2015 agreements. Western and Ukrainian politicians, diplomats and experts thus need to discuss a way out of this deadlock. One way to do so would be a joint Ukrainian-Western re-interpretation of the Minsk Agreements’ emphasis on

the exceptional standing of Donbas. A new reading of the Minsk II's call for a "special status" for Donbas could mean *stronger* rather than weaker control over the currently occupied territories by Kyiv.

To be sure, the Kremlin's goal with Minsk II, was to increase Donbas's official independence and Russia's unofficial influence there. Yet, Ukrainian and Western diplomats could agree upon turning this purpose of the Agreement text on its head while still formally fulfilling its prescriptions. A future Ukrainian law on Donbas could indeed proclaim a "special status" for the currently occupied territories. Yet it could, for instance, also increase the power of the Luhansk and Donetsk prefects. The new political offices are envisaged by the constitutional reform in connection with Ukraine's ongoing decentralization which, in turn, is explicitly mentioned in the Minsk Agreements. While these prefects had been originally designed to fulfill supervisory functions in a decentralized Ukraine, their prerogatives for Donbas could be extended to that of temporary presidential governors within the framework of a regional interim regime. The National Guard – not mentioned at all in the Minsk Agreements – could, in a future Donbas law, be granted additional rights and obligations in the currently occupied territories. Similar further provisions could be included in Donbas law in order to make constitutional reform acceptable or even desirable to the Verkhovna Rada.

## **Concluding remark**

This four-stage plan will hardly be to the liking of the Kremlin. If implemented consistently, it could still force Moscow

to go along with it. Tightening Western sanctions will eventually lead Putin's entourage to assent to an international administration of Donbas as the least embarrassing way out. Once UN troops have arrived, Kyiv could start gradually implementing a reintegration plan that does not violate the Minsk Agreements' text, yet still re-establishes proper Ukrainian control over the Donets Basin. Only this end result will constitute a sustainable solution to the conflict.



Mariia Kucherenko

## **“War is peace”: “Peace plans of Russia” as a new instrument of war**

### **Summary:**

There are different “peaceful plans” promoted by Russia as an instrument for resolution of the conflict in the Eastern Ukraine. Here different versions of such plans proposed by Russian and some Western experts and politicians will be critically discussed. For the Kremlin, it is critically important to claim that Russia is not a part of conflict and to propose its own interpretation of the Minsk agreements. An attempt by Ukrainian authorities to reach a peaceful agreement “as soon as possible” will only drive Ukraine into Russian traps. It should be emphasized that Ukraine should return to the principle of “security comes first”. The political part, related to such issues as any kind of elections, the development of new negotiation format and platforms, etc. should become the prerogative of the Normandy format exclusively. Ukrainian negotiators should not divide the Russian-Ukrainian war into Russian aggression in the

East of Ukraine and the annexation of Crimea as it is same issue of Russian aggression towards Ukraine.

The density of events and statements around the Russian-Ukrainian war resembles the situation of 2015-2016. The Ukrainian media field is drowning in all sorts of “peace plans” and “concepts” – both coming from the Russian Federation itself, and created by Russia in collaboration with certain European platforms and individuals. Let us consider the most sensational and significant “peacekeeping concepts” of recent times, proposed by the Russian Federation.

### **Report by Russian Ministry of Foreign Affairs “Human rights situation in certain countries”**

The release of such kinds of documents is an established tradition for the Ministry of Foreign Affairs of the Russian Federation. In the section devoted to Ukraine, the reader is immediately informed that the “situation with human rights in Ukraine continues to degrade”<sup>1</sup>. This is revealed through a story about “extremely difficult conditions for the transition of the checkpoints via the contact line (between the Ukrainian controlled and occupied territory of Eastern Ukraine) due to their insufficient number”. Russia does not mention its own role in this situation in any way: after all, it was precisely because of Russia that checkpoint

<sup>1</sup> *Human Rights situation in certain countries*, Ministry of Foreign Affairs of the Russian Federation, 7 February 2020, [https://www.mid.ru/en/foreign\\_policy/humanitarian\\_cooperation/-/asset\\_publisher/bB3NYd16mBFC/content/id/4025481#35](https://www.mid.ru/en/foreign_policy/humanitarian_cooperation/-/asset_publisher/bB3NYd16mBFC/content/id/4025481#35).

in Zolote was not opened<sup>2</sup>. The problem of paying Ukrainian pensions in the occupied territories and the provision of compensation for houses destroyed during the conflict were described with the same cynicism. New attempts were made to accuse the Security Service of Ukraine (SBU) of crimes actually committed by the Russian Federal Security Service (FSB) and the so-called "MGB" (Ministry of State Security) on the territories occupied by Russia in Eastern Ukraine.

This report, in essence, was an announcement of the subsequent speech delivered by Russia's Permanent Representative to the United Nations Vasilii Nebenzia's at the UN on the fifth anniversary of the Minsk Agreements. Representatives of the Russian Federation repeat all the same theses on other international platforms.

### **"Twelve Steps": Notorious Russian International Affairs Council (RIAC) plan**

One of the most sensational "peacekeeping plans" of recent times is the "Twelve Steps Toward Greater Security in Ukraine and the Euro-Atlantic Region"<sup>3</sup> document. This was signed by the founders and members of the Euro-Atlantic Security Leadership Group, including Wolfgang Ischinger (Chairman of Munich Security Conference Foundation), Igor Ivanov (Former Minister of Foreign Affairs of Russian

<sup>2</sup> *Зачем Москва срывает развод на Донбассе. Четыре мнения [Why Moscow breaks the withdrawal in the Donbas. Four opinions]*, "лига.нет", 29 October 2019, <https://www.liga.net/politics/articles/zachem-moskva-sryvaet-razvod-na-donbasse-chetyre-mneniya>.

<sup>3</sup> *Twelve Steps Toward Greater Security in Ukraine and the Euro-Atlantic Region*, Russian International Affairs Council, 14 February 2020, [https://russiancouncil.ru/en/analytics-and-comments/analytics/twelve-steps-toward-greater-security-in-ukraine-and-the-euro-atlantic-region/?sphrase\\_id=36941975](https://russiancouncil.ru/en/analytics-and-comments/analytics/twelve-steps-toward-greater-security-in-ukraine-and-the-euro-atlantic-region/?sphrase_id=36941975).

Federation), Des Browne (Vice Chair of Nuclear Threat Initiative; Chair of the Board of Trustees and Directors of the European Leadership Network; former Secretary of State for Defense, United Kingdom), and a number of experts who have previously held senior positions in the security sector. In addition, among the signatories were representatives of Ukraine – Vasyl Filipchuk, Oleksandr Chalyi and Oleksiy Semeniuk.

This document is an attempt to rearrange the senses around the Russian-Ukrainian war in order to further the Russian dialogue on friendship, trade and cooperation with the West (“reducing tension in relations between Russia and the West” is one of the main goals of the “Twelve steps”, stated directly in the text of the plan). Russia itself does not appear in the document in its true role – the country that occupied part of the Ukrainian territory. The war is called the “conflict in Ukraine”, but for the sake of a settlement, it is proposed to begin a dialogue between Ukraine and Russia on a “wide range of issues, including Crimea”. This “peace plan” should be read as another component of the Russian strategy to continue its illegal actions, together with an attempt to reduce costs.

The plan involves “restoring the Joint Centre for Control and Coordination (JCCC) in Donbas” through the return of the Russian Federation there, but it is necessary to note the semantic shift: the JCCC functioned in the east of Ukraine even after the Russian officers left its structure in 2017, with one legally acting party – the Ukraine. Moreover, the authors of the text (especially Russian and Ukrainian) should not pretend that they do not understand the purpose of the Russian officers’ withdrawal from this format. It was only

necessary in order to push Ukraine to communicate directly with the representatives of the occupation administrations, who posed as officers of the JCCC. In addition, the authors of this "peaceful concept" decided that the so-called "military Normandy format" is needed. It is written directly that this is necessary for the exchange of information on violations that are recorded by both the JCCC and the Special Monitoring Mission (SMM) OSCE. However, in fact, military advisers are involved in the Normandy format itself, which is not a secret, and is recorded in documents related to the Minsk and Normandy formats – for example, in the Trilateral Contact Group (TCG) Framework Decision of September 20, 2016.

The format proposed in "Twelve steps" needed to coordinate a surrogate of the peacekeeping mission or transitional administration on the occupied territories. In this case the task of Russian officers will be creation of the "transitional" structures which is absolutely unacceptable for Ukraine. The basis can be taken from the famous report by Richard Gowan<sup>4</sup>, presented several years ago, and offering as peacekeepers representatives of pseudo-neutral countries like Belarus, as well as the plan of Martin Sajdik<sup>5</sup>, with his "joint UN and OSCE missions". It is also proposed to "improve SMM access to the entire conflict zone". The emphasis is on the occupied territories of Eastern Ukraine but a formal reference is made to the communique of the Normandy

<sup>4</sup> R. Gowan, *Can the UN unite Ukraine? RG: Expert Report on Peacekeeping in Eastern Ukraine* Rasmussen Global's Ukraine Initiative, 30 January 2018, <https://rasmussenglobal.com/media/can-un-unite-ukraine-rg-expert-report-peacekeeping-eastern-ukraine>.

<sup>5</sup> V. Kulyk, M. Kucherenko, *План Сайдіка: альтернатива «безальтернативному» Мінську [Sajdik's plan: an alternative to "uncontested" Minsk]*, "Hvylya", 30 January 2019, <https://hvylya.net/analytics/politics/plan-saydika-alternativa-bezalternativnomu-min-sku.html>.

summit in Paris in December 2019, in which was mentioned access to the entire territory of Ukraine. The entire territory of Ukraine includes Sevastopol and Crimea, where SMM representatives are still not allowed to enter. However, this fact is not mentioned by the authors of the report. The environmental threat however, is mentioned – it refers to the elimination of radiological hazards, but does not mention the role of the occupation administrations in activating this threat (the “wet conservation” of the Yunkom mine).

The most controversial points were the positions on the revision of the sanctions regime, “the opportunity to consider a free trade zone” in the ORDLO and “the launch of an intra-Ukrainian national dialogue on identity, with the participation of Ukraine’s neighbors”.

## **Report by Centre for Political Conjuncture on the fifth anniversary of the Minsk agreements**

On the fifth anniversary of the Package of Measures for the Implementation of the Minsk Agreements, the Russian Center for Political Conjuncture, headed by Alexei Chesnakov (associated with former Russian President advisory Vladislav Surkov), issued a report on the prospects of this document and the settlement as a whole. This report contains Russian assessments of the positions of Ukraine, Germany, France, as well as the position of the Russian Federation itself<sup>6</sup>.

<sup>6</sup> *Минские соглашения: итоги пяти лет реализации и перспективы на будущее* [Minsk agreements: results of five years of implementation and prospects for the future], Center for Political Conjuncture, 16 December 2019, <http://cpkr.ru/issledovaniya/rossiya-ukraina/minskie-soglasheniya-itogi-pyati-let-realizatsii-i-perspektivy-na-budushchee/>.

Chesnakov's conclusions are that maintaining the status quo with progressive advancement in the economic and humanitarian spheres is the most likely option for further developments. Chesnakov continues to insist on the term "transformation of the security component", as in his report "No Compromises". It means the creation of the "municipal police", prescribed in the Ukrainian law on the special status of ORDLO and text of the Package of Measures, exclusively as a reason to legalize illegal armed groups in Ukrainian law-enforcement agencies.

In addition, in the section about the Russian view of the agreements, the suggestion that the Minsk agreements should be implemented by Ukraine, as desired by the Russian Federation (made by Ukraine unilaterally) is explicitly stated once again, because "this is the price for a military loss". The idea of a "military loss" is consistently repeated by Chesnakov and serves to legalize the principle "might is right". The authors of the report argue that the Russian Federation sees as a priority "the fulfillment of all parts of Minsk Agreements simultaneously, as it is written". However, this approach does not correspond to the text of agreements. In reality, there is a clear sequence for almost all points in the text of agreements. First a comprehensive ceasefire must be achieved, after which there may be further dialogue on the political components.

Chesnakov emphasizes: openly, at least in the public discussion, the Russian experts, focused on Ukraine, do not formulate risks from a compromise in the Donbas. Such an approach seems false to him. The author of the report claims that in exchange for a compromise on the ORDLO, Russia should demand some "guarantees of the West's refusal of

further pressure, related to the Crimea". Then he adds that he is well aware that such written guarantees are a priori impossible, and verbally it means nothing. Chesnakov also mentions the prospect of lifting sanctions. From his point of view, the risk for Russia is that even if the EU provides guarantees to ease sanctions pressure, the United States will definitely not give such guarantees. Another risk is the impossibility to normalize relations in the EU-US-Russia triangle, and transit of power within the Russian Federation itself.

If we bring all these Russian "peace" concepts together, it turns out that, for Russia, it is critically important to hide its factual role in what is happening in Eastern Ukraine. The Kremlin needs documents that would record the Russian interpretation of the Minsk agreements. The Russian side understands that the cases of the ORDLO and Crimea were divided artificially, and most importantly, that everyone understands this artificiality and Russian interest in such an approach.

Occupied territories of Eastern Ukraine and the fate of its population have never worried the Russian Federation, and Moscow still does not care about it. The occupied territories themselves are not a "value" for Russia, but are perceived as an "object" that can be exchanged for Western consent for the "might is right" principle.

## **What conclusions should Ukraine and its Western allies draw?**

Every attempt to make concessions in the negotiations, to reach agreement "as soon as possible" for the sake of a peaceful settlement, will only drive Ukraine into Russian traps. It

will be more difficult to prove that Ukraine is at war with the Russian Federation, and not with some mysterious "rebels", and there will be more pressure for "direct negotiation formats" and incorrect designations of the sides of the conflict in documents. Therefore, Ukrainian authorities need not to write out next simulacra of reconciliation strategies, but to work out several simple algorithms for negotiating actions.

Ukraine, as a side of the negotiations, should return to the principle of "security comes first". And in this case security doesn't mean only ceasefire – it means also a withdrawal of heavy weapons from certain lines, mentioned in the text of Minsk agreements, and unimpeded access to occupied territories for SMM OSCE. Negotiations in Minsk should not be within the framework of the Russian interpretation (selective appeals to the text of the Minsk agreements), but within the framework of interpretation according to the TCG-format (three parties of negotiations – Russia, Ukraine, OSCE) focusing solely on the most pressing issues related to the humanitarian component. For example, a local ceasefire, repairing of civilian infrastructure, environmental threat, etc. The political part, related to such issues as any kind of elections, the development of new negotiation format and platforms, etc. should become the prerogative of the Normandy format exclusively.

Ukrainian negotiators should finally abandon the vicious practice of dividing the Russian-Ukrainian war into Russian aggression in the East of Ukraine and the annexation of Crimea. It is big mistake to pretend that these two cases are not related to each other. The capture of Ukrainian ships by Russia in November 2018, together with the blockade of the port Mariupol, proved this.

In general, it is critically important for Ukraine to look at the Sea of Azov as a zone where escalations are inevitable. Russia's problems with water in the North Crimean Canal will not disappear, which means that Kremlin has not yet ruled out the possibility of a land corridor to Crimea. Yes, it may be postponed for some time as unrealizable or excessively costly for the Russian Federation, but it will never be altogether forgotten. Against this backdrop, the Ukrainian authorities should have listened to those soldiers. The President should take into account their position regarding possible withdrawals in Hnutove and on the Shore of Azov Sea as a whole. If Ukraine will not hold Hnutove in case of escalation, it will open a direct road to Mariupol. In addition, President Zelenskyy and his team should accept a rather painful and difficult thought that there will be no peace "in turbo mode". Ukrainians have no choice – they need to protect their own country and themselves. You cannot be "tired" of a defensive war.



Vitalii Kulyk

## **Risk from boosting the negotiation process in the Trilateral Contact Group**

### **Summary:**

This paper discusses the negotiation process in the Trilateral Contact Group (TCG) activated by President Zelenskyy's team, risks of the establishment of new Advisory Board as a part of TCG format and new initiatives of "direct dialogue" between Ukraine and representatives of illegal armed groups at the level of TCG subgroups. It asks why new initiatives in Minsk are unacceptable for Ukraine, and what "the new and old traps of Minsk agreements" might be. The main goal of Moscow in these maneuvers is to force Kyiv to "direct dialogues" with militants from the Russian controlled part of Donbas.

The actions of the Office of the President of Ukraine and the Ukrainian negotiating team in the Trilateral Contact Group (TCG) show that the current Ukrainian authority wants to force all tracks in Minsk to have one more meeting of the Normandy format amongst heads of states. But represent-

atives of Ukrainian delegation don't have a firm strategy for both formats. There is also a visible tendency to speed up the negotiation process by proposing supplementary formats such as an Advisory Board (as a part of TCG format) and the introduction of internally displaced persons directly into the work of the TCG. A new Advisory Board within the Minsk Trilateral Contact Group (TCG) was confirmed with the signature of the Head of the Office of the President of Ukraine Andriy Yermak on March 11, 2020<sup>1</sup>, with the indirect recognition of the representatives of the occupation administrations as "official representatives of ORDLO". This approach seems extremely risky.

Some time ago, many Ukrainian experts noticed that what is happening around the topic of the Advisory Board is only the arbitrariness of some officials, while any or all initiatives of this council can be easily reversed. When the Ukrainian side refused to discuss an Advisory Board in the configuration reflected in the "Yermak protocols" (a draft project of the Advisory Board) from March 11, 2020<sup>2</sup>, a number of Ukrainian experts saw it as a victory for Ukrainian civil society, but that was not the case.

The response to the petition on the withdrawal of signatures under the Yermak protocols puts everything in its place. The position of the Presidential Office is that an Advisory Board should be created. Moreover, as follows from numerous interviews with the Minister for Reintegration

<sup>1</sup> *TCG meeting was held in Minsk with participation of Head of the President's Office Andriy Yermak*, Presidential Office, 22 June 2020, <https://www.president.gov.ua/en/news/u-min-sku-vidbulosya-zasidannya-tkg-za-uchastyu-kerivnika-ofi-60125>.

<sup>2</sup> *Новые минские протоколы. Документ [New Minsk Protocols. Document]*, ZN, 13 March 2020, [https://zn.ua/POLITICS/novye-minskie-protokoly-dokument-347861\\_.html](https://zn.ua/POLITICS/novye-minskie-protokoly-dokument-347861_.html).

Oleksii Reznikov, the authors of this project from the Presidential Office and Ministry perceive all criticism of the idea to create an Advisory Board for Reintegration as “manipulation” by Zelenskyy’s political opponents. From Reznikov’s point of view, the only goal of opponents of an Advisory Board is to bring down the rating of a popularly elected president<sup>3</sup>. Later, the Ukrainian government modified the proposal for an Advisory Board, but focused on the need to attract internally displaced persons to the negotiations – in this way both Reznikov and Yermak justified the need for an Advisory Board.

Representatives of the Office of the President and the Ministry of Reintegration emphasize that Ukraine needs to erode the monopoly of the occupation administrations, controlled by Russia, on the representation of the occupied territories (ORDLO) by involving internally displaced persons, rather than by direct negotiations with the occupation administrations<sup>4</sup>. Experts loyal to the Office of the President emphasized in their public statements that it is no longer an Advisory Board, but a completely different approach to the problem. However, is this so? The approach of the Office of the President and the relevant ministry contains several serious risks, which can be described as “new and old traps of Minsk agreements”. First, instead of a security compo-

<sup>3</sup> Interview with Oleksii Reznikov for “Bacman”, GordonUA.com, 20 March 2020, <https://gordonua.com/ukr/news/politics/-nijakoji-kramoli-nijakoji-zradi-mi-vsi-duzhe-pravilno-robimo-reznikov-povidomiv-podrobitsu-pro-konsultativnu-radu-z-donbasu-1491827.html>.

<sup>4</sup> Yermak announces “advisory board” of residents of occupied and controlled territories to discuss “Minsk” [Yermak anonsuye «konsul'tatyvnu radu» z zhyteliv okupovanykh ta pidkontrol'nykh terytoriy dlya obhovorennya «Mins'ka»], “Radio Svoboda”, 13 March 2020, <https://www.radiosvoboda.org/a/news-yermak-konsultatyvna-rada/30485915.html>.

nent, the Ukrainian negotiators continued to talk about new points on the withdrawal of forces and about the political track of the agreements. It is necessary to mention here that the logic of the implementation of the Minsk Agreements on the principle of “security comes first” was undermined by a discussion of the modalities for holding elections in the format described in so-called “Steinmeier formula”<sup>5</sup> before the complete ceasefire without violations, withdrawal of heavy weapons, and verification of this process by the OSCE (points of the Package of Measures 1, 2, 3 respectively)<sup>6</sup>.

For a long time (pending agreement on additional ceasefire measures) Ukrainian negotiators continued the dialogue on the political part of the existing agreements, while the security situation became progressively worse. There was constant shelling of the point of withdrawal No.3 (Bohdanovka-Petrivske), which is also recorded in the official report of the Joint Forces Operation, the outskirts of the existing points (especially the point of withdrawal No.2 Zolote) and points of withdrawal, which are currently under discussion (for example, Hnutove)<sup>7</sup>. But instead of focusing negotiations on ceasefire violations in the area of the three points of withdrawal and the necessity to follow the TCG Framework Decision of September 20, 2016, the Ukrainian delegation again failed to agree on new withdrawal zones

<sup>5</sup> *Формула Штайнмайера*: опубликован документ, который подписал Кучма [Steinmeier formula: the document, signed by Kuchma, is published], “BBC Ukraine”, 2 October 2019, <https://www.bbc.com/ukrainian/news-russian-49905731>.

<sup>6</sup> *Package of Measures for the Implementation of the Minsk Agreements*, OSCE, 12 February 2015; <https://www.osce.org/cio/140156>.

<sup>7</sup> *На Донбассе готовят три новые точки разведения войск* [Preparing new three points of withdrawal on Donbas], Krym, Realii, 9 February 2020, <https://ru.krymr.com/a/news-na-donbasse-gotovyat-tri-novie-tochki-razvedeniya-voisk/30425284.html>.

as part of the TCG meetings. Representatives of the occupation administrations reported that they had “prepared five carefully worked out options for new withdrawal points”, and stated that they would like to begin work on four withdrawal points, which did not raise any objection from the Ukrainian side”<sup>8</sup>.

Here arise several questions: according to the results of the Normandy summit, Ukraine and the Russian Federation should agree on three new points of withdrawal. Why did the occupation administrations start talking about four points and which points are meant, exactly? The Minister of Reintegration Oleksii Reznikov in one of his interviews gave a partial answer to this question<sup>9</sup>: because such an approach was obviously encouraged by the Ukrainian negotiation delegation. Reznikov publicly stated that he was ready to agree on six points of withdrawal. However – it is possible to say with certainty – “new compromise points of withdrawal” do not exist. The Russian side reads the word “compromise” solely as an opportunity to push those options and conditions which are necessary for Moscow. Moreover, for Moscow, it is not about the new points of withdrawal themselves but about the possibility of gauging how much official Kyiv is ready to give. Now the Ukrainian side is reporting about “agreed new four points of withdrawal”,

<sup>8</sup> *Uchastniki kontaktnoy gruppy dogovorilis' provesti novyy obmen plennymi do Paskhi* [Contact group members agreed to hold a new prisoner exchange before Easter], “TASS”, 9 April 2020, <https://tass.ru/mezhdunarodnaya-panorama/8196407>.

<sup>9</sup> Алексей Резников, *Мы дадим возможность людям догнать тех, кто ответственен, – будь это страна-агрессор или конкретное лицо* [Oleksii Reznikov: We will enable people to catch up with those who are responsible – be it an aggressor country or a specific person], “LB”, 4 May 2020, [https://lb.ua/news/2020/05/04/456684\\_aleksey\\_reznikov\\_mi\\_dadim.html](https://lb.ua/news/2020/05/04/456684_aleksey_reznikov_mi_dadim.html).

but have not named them. The current situation is largely a consequence of the fact that Ukraine did not adequately focus on violations committed by the occupation administrations directly during the withdrawal at three pilot sites. It was non-synchronization of the process; attempts to blur the concept of Joint Centre for Control and Coordination (JCCC) through presence of militants, dressed in uniform with the “JCCC” stripes in areas that were supposed to be demilitarized. It was not just a violation of the conditions prescribed in the TCG Framework Decision of September 20, 2016, but also an attempt to say that the “militants” (from Russian controlled territory) are a party in the JCCC format. However, this is not true, because the JCCC consisted of representatives of Ukraine and Russia, before Russia left the format in December 2017.

A second risk lies in the “direct dialogues” with the ORD-LO and their legitimization. Representatives of the militants through their “official resources” continued to push the idea of direct communication “between the parties to the conflict,” meaning official Kyiv and representatives of so-called “Luhansk People’s Republic” (“LPR”) and “Donetsk People’s Republic” (“DPR”) in military subgroup of TCG. They used the old absurd statements, that the DPR should participate in the “Joint Centre for Monitoring and Coordinating Cease-fire and Stabilizing the Division Line of the Parties” (JCCC) (they call it “JCCC DPR”). The main idea of this ploy is to force Kyiv into “direct dialogues” with the militants (consultations, direct telephone lines with the command of the armed units, etc.). However, as already mentioned above, the JCCC consisted of representatives of Ukraine and Russia (until Russia exited from the format in late 2017). Militants

are not a party in this format, no matter how many false statements they produce in this regard.

The most successful Russian attempt to force Ukrainian side into “direct dialogue” with the so-called republics was to achieve agreement on additional measures for the ceasefire of July 22, 2020. A text published by OSCE<sup>10</sup> mentioned the “JCCC in the current composition”, which allows Russia to act according to their interpretation of JCCC, lobbying for “common inspection” by militants and Ukrainian representatives to Ukrainian positions in Shumy, where, from their point of view, some “violation of additional measures for ceasefire” (engineering work) have taken place. However, according to SMM OSCE reports, there was no violation by the Ukrainian side. The initiative of “common inspections” was stopped both by new demands from the Russian side and strong protests by Ukrainian civil society.

The Russian side at the level of other subgroups is promoting similar manipulations: in the political subgroup, they constantly put forward the requirement of coordinating elections and Ukrainian legislation with representatives of quasi-state entities. This manipulation reached its peak following the latest TCG meetings and the meeting of the Normandy Four’s foreign policy advisers. Russia has confirmed its desire to change the decree on local elections in Ukraine, which constitutes direct interference in the internal politics of another state and cannot be justified in any way. The sense and internal logic of the actions of the Russian Federation have not changed at all: a direct dialogue

<sup>10</sup> *Press Statement of Special Representative Grau after the regular Meeting of Trilateral Contact Group on 22 July 2020, 23 July 2020, <https://www.osce.org/ru/chairmanship/457888>.*

between representatives of the Ukrainian authorities and illegal armed groups at the level of each of the subgroups of TCG, but with an emphasis on the political component.

A third point is the inequitable exchange of captives. Work on the humanitarian block of the settlement was demonstrated by the Office of the President with a series of long-awaited breakthroughs: the release of captives at the end of 2019, and the release of captives tied to Easter 2020. Both of these exchanges look like a serious political concession: in the case of the December exchange, the Russian Federation was issued representatives of “Berkut”, suspected in the shootings of protesters during the Maidan protests in 2013-2014<sup>11</sup>. The lists of captives, published by representatives of the occupation administrations in preparation for the Easter exchange, contained the names of people about whom there was no information, but did not contain the names of those whom Ukraine consistently requests. Nevertheless, obviously, these nuances will not stop the Presidential Office, which is unanimously forcing all processes around the negotiations with the militants from ORDLO and the Russian Federation. Now, new exchanges are blocked by the Russian Federation until the election decree is changed, which is a real trap for Zelenskyy and his team, who perceived the release of prisoners as an opportunity to increase their rating.

The last risk is forcing negotiations on Andrii Yermak's initiative. Following one of the meetings of the TCG, the

<sup>11</sup> O. Karmodi, *Родина ментов. В Москве ждут отпущенных Киевом бойцов 'Беркута'* [Rodina mentov. Waiting for the released fighters "Berkut" in Moscow], "Radio Svoboda", 30 December 2019, <https://www.svoboda.org/a/30350376.html>.

head of the President's Office, Andrii Yermak, announced his intention to intensify the negotiation process "in the form of a video conference continuously"<sup>12</sup>. He noted that Ukraine has initiated daily work in the TCG format on behalf of President Zelenskyy. Yermak stated that "We must take an active position and move away from the traditional format, when only rejection of the proposals of the other side on a public plane was called success". However, this "turbo mode" is based solely on the execution of Zelenskyy's instructions by the head of Presidential administration. Alternatively, it may be an initiative to hide a recent scandal over corruption schemes by Yermak's brother<sup>13</sup>.

According to the Russian agency TASS, a representative of the ORDLO occupation administration, Rodion Miroshnik (who was present at the meeting of the TCG as an invited party), said that Andrii Yermak personally insisted on an exchange as soon as possible based on the lists provided by the militants<sup>14</sup>. In a message posted on the website of the President of Ukraine after the meeting of the Trilateral Contact Group, Yermak was also presented as the main in-

<sup>12</sup> Ермач о ТКГ: Прозываем работать в формате 24/7, а не от заседания к заседанию [Yermak about TCG: We urge to work in a 24/7 format, and not from meeting to meeting], "Liga", 20 April 2020, <https://news.liga.net/politics/news/ermak-o-tkg-prizyvaem-rabotat-v-formate-24-7-a-ne-ot-zasedaniya-k-zasedaniyu>.

<sup>13</sup> M. Shashkova, Около \$100 тыс. для брата Ермача. Что рассказали фигуранты "пенон Ермача" о подборе кадров для команды Зеленского [About \$ 100 000 for brother of Andrii Yermak], "NV", 9 April 2020, <https://nv.ua/ukraine/politics/plenki-ermak-brat-andreya-ermak-rassledovanie-novosti-ukraini-50080974.html>.

<sup>14</sup> Uchastniki kontaktnoy gruppy dogovorilis' provesti novyy obmen plennymi do Paskhi [Contact group members agreed to hold a new prisoner exchange before Easter], "TASS", 9 April 2020, <https://tass.ru/mezhdunarodnaya-panorama/8196407>.

itiator of “increasing the effectiveness of negotiations on the part of Kyiv”<sup>15</sup>.

Obviously, the Office of the President of Ukraine still does not hear the arguments of civil society representatives. An attempt “to agree as soon as possible, and do not care with whom”, even in the framework of the Minsk process, has been and remains totally unacceptable. Ukraine and Ukrainians have come a long way during these six years of the Russian-Ukrainian war. Over the years, we have lost too much to allow anyone to surrender our interests for the sake of their distorted ideas about this war for the sake of maintaining their personal “career successes”.

<sup>15</sup> Сторони ТКГ досягли принципових домовленостей щодо взаємного звільнення осіб [Storony TKG dosyagly pryntsyprovyykh domovlenostey shchodo vzayemnoho zvil'nennya osib], 8 April 2020, <https://www.president.gov.ua/news/storoni-tkg-dosyagli-principov-ih-domovlenostej-shodo-vzayemn-60553>.



Yulia Kaplan

**The residents of Donetsk:  
Attitudes, opinions  
and identities  
(governmental controlled  
and temporary occupied areas)**

**Summary:**

Opinions and attitudes of the residents of Donbas before the beginning of the armed conflict, particularly in Donetsk region, show the absence of majority support for separation from Ukraine. The results of the public opinion survey of local inhabitants in 2014 confirmed this statement. Since then, the impact of the Russian Federation on the conflict and separatist processes has become more apparent. Sociological data from the temporarily occupied territories of the Donetsk region (in 2016 and 2018) shows that majority of the respondents prefer not to define their positions about future of the region. Also they prefer to identify themselves as local or regional residents, not as citizens of the “DPR” (“Donetsk People’s Republic”) or part of the Russian Federation. It should also be noted that residents of the temporarily occupied territories of Donetsk region do not have much information about real processes in Ukraine. This

statement is supported by actual exclusion of local residents from Ukrainian information spaces.

The armed conflict in Donbas has continued for more than six years. However, the Ukrainian and international communities still do not have a comprehensive understanding of the causes, main events, or prospects for resolving this conflict. The lack of information about the key processes that took place in the Donetsk and Luhansk regions in late 2013 and early 2014 created the basis for the formation of many myths and stereotypes not only among ordinary Ukrainians, but also stakeholders who make political decisions. The main blind spot was the lack of real knowledge of the opinions and attitudes of the population of the region at the beginning of conflict and the Russian Federation's occupation of the eastern Ukraine regions.

According to the results of a quantitative survey in the Donetsk region in the spring of 2014<sup>1</sup>, almost 66% of local residents said that the region should be part of Ukraine. In this group of respondents, most of them (31.6%), believed that the Donetsk region should remain part of Ukraine, but when asked about expanding the local authorities' power. 18.6% of residents said that the region should be in Ukraine on the same basis as previously. 15.5% of respondents said that the Donetsk region should remain part of Ukraine, but on the preconditions of the federal system of the state. 18.2% were for the region's accession to the Russian Feder-

<sup>1</sup> V. Kipen, *Travmovana svidomist' yak naslidok i faktor nestabil'nosti*, Institute for Social Research and Political Analysis, Donetsk, 2014, [http://www.isdpa.org.ua/sites/default/files/kipen\\_v.p.\\_travmovana\\_svidomist\\_04.2014.pdf](http://www.isdpa.org.ua/sites/default/files/kipen_v.p._travmovana_svidomist_04.2014.pdf).

ation. Only 4.7% of respondents supported separation from Ukraine and the creation of an independent state. Thus, opinion polls show a lack of pro-Russian or separatist attitudes in the Donetsk region at the beginning of the Russian occupation. At the same time, the vast majority of respondents, a total of 77%, considered it correct and necessary to hold pro-Ukrainian demonstrations in Donetsk. In addition, the level of fear in the local population was very high. 60.5% of respondents said they were afraid of “radical Banderits people from Western Ukraine” and 46.7% said they were afraid of the new central government in Kyiv (after the escape of former President of Ukraine Viktor Yanukovych). Such fears appear to be a result of the actions of local authorities, which acted in the interests of the Russian Federation, and strong Russian propaganda in Donbas.

To understand the current situation in the temporarily occupied part of the Donetsk region and the prospects for its possible reintegration into Ukraine, it is essential to analyze the opinion of local residents in the occupied area. The quantitative survey data collected there is most critical. However, the prevailing position of experts is that conducting sociological research in the occupied territories is highly problematic for a number of reasons:

- people live under military pressure, so there is a real danger in openly expressing their positions, especially pro-Ukrainian ones;
- the local population is under the influence of strong Russian propaganda, so their positions may be very distorted;
- in the temporarily occupied territories it is difficult to conduct qualitative or quantitative surveys, because

the leading sociological agencies have limited access to these territories.

However, some sociologists and other experts believe that even under occupation, research is necessary to understand the attitudes and opinions of the local population. Public opinion polls in the occupied territories at least allow exploration of the main trends. In addition, such research is crucial to inform key components of Ukraine's policy towards the inhabitants of the occupied area. This is especially important in the absence of a "wall" between the controlled area and the occupied area, and in preserving the strong horizontal ties between the population of Ukraine and occupied Donbas. Sociologists and experts will have to take into account that such studies may involve a high level of error for the reasons given above.

During the last six years, a significant number of sociological research projects, both qualitative and quantitative, were conducted in the temporarily occupied territories of Donbas. Most of them are closed to the public. The Analytical Centre "Donbas Think Tank", with the support of the National Endowment for Democracy (NED), the Ministry of Information Policy of Ukraine, conducted three waves of surveys in the Donetsk and Luhansk regions during 2016-2018. The surveys were conducted in both the occupied and controlled parts of the two regions. In the Donetsk region, two waves of surveys were conducted, which made it possible to see a certain dynamic of change in the public mood of the local population.

The first wave of the study, "Features of Mindset and Identity of Residents of the Controlled and Occupied Ter-

ritories of The Donetsk Region”<sup>2</sup>, was conducted from May 30 to June 13, 2016 by the Ukrainian International Institute IFAK with support from the Analytical Centre “Think Tank Donbas”. The sample in the controlled territories consisted of 805 respondents (marginal sampling error + - 3.45%), and in the occupied region, 605 respondents (marginal sampling error + - 3.98%) were included. The second wave<sup>3</sup> was ordered by the Ministry of Information Policy of Ukraine under support of the Analytical Centre “Donbas Think Tank” and the NED. This was conducted by the Ukrainian office of the international research agency IFAK Institute from 10 to 26 December 2017 through personal (face-to-face) interviews. The sample in the occupied territory of the region is 600 respondents, and 705 in the controlled territory. The marginal error of the sample in the occupied territory is + - 4.01%, and in the controlled territory + - 3.77%.

Quantitative opinion polls focused on the following issues:

- Features of identity of Donetsk region residents;
- Emotional condition of the Donetsk region’s population under the armed conflict on both parts of the contact line;
- Perception of the conflict, attitude towards the situation in Donbas;

<sup>2</sup> *Donbas Think Tank, (2016) Specific features of the mindset and identity of the residents of controlled and uncontrolled territories of the Donetsk region: conclusions and recommendations*, Kyiv, retrieved from: <https://drive.google.com/file/d/oB1oPzQmUulHRY1JfdX-Nrb3ZlWW8/view>.

<sup>3</sup> *Donbas Think Tank, (2018) Specific features of the mindset and identity of the residents of controlled and uncontrolled territories of the Donetsk region: conclusions and recommendations*, Kyiv, retrieved from: <https://drive.google.com/file/d/1gWg9Jk5hqZlwsVTCm-BUdrYgUxJxlHsv/view>.

- Assessment of prospects for conflict resolution, vision of the future;
- Communication between the population of the temporarily occupied territories and other regions of Ukraine;
- Comparison of living standards in different areas between residents of the controlled part of Donetsk and Luhansk regions of Ukraine and the temporarily occupied territories.

Below is a discussion of the opinions and positions of the residents of Donetsk region (controlled and occupied part) during the conflict.

## **Identity**

Among the main positive changes at the controlled part of Donetsk region was an increasing level of civil identification. 42% consider themselves citizens of Ukraine, up from 32% in 2016. At the same time, there is a decreasing level of territorial identity, down from 61% in 2016 to 45% in 2017. In the occupied territories, the number of those who identify themselves as “citizens of the so-called DNR” has significantly decreased. According to 2017 data, only 13% considered themselves “citizens of the so-called DNR”. In 2016, that number was 18%. Instead, the level of territorial identity has risen to a total of 72%.

## **Commonalities and differences with Ukraine and Russia**

At the same time, 41% of the surveyed residents of the occupied territories believe that their own values and way of thinking are more like the Russians. About a third of them – 34% – said that they are not similar not to Russia's population nor residents of other regions of Ukraine. Instead, in the Ukrainian controlled territories, the position of proximity to the values of Ukrainians living in other regions of the country was 34%. However, almost one in four feels its regional uniqueness is dissimilar to both Russians and Ukrainians. More than half of those polled in the occupied territory said that they share culture and traditions with other regions of Ukraine (57%), and 53% distrust the Ukrainian authorities. The number of dividing factors are much higher for half of the respondents. In particular, separated ones' values and way of thinking – 62%; disappointment with changes in the country – 54%; belonging to Ukrainian civil society – 52%; religion – 51%; wishing to change life in Ukraine for the better – 49%. Despite most of the divisive factors, the positive fact is that people in both the controlled and occupied parts of the Donetsk region for the most part believe that the rest of Ukraine's population has treated them well during the armed conflict. In the controlled territories, a total of 51% fully or partially agree with this. Another 28% partly agree and partly disagree with this statement. In the occupied area, a total of 46% agreed and 41% partially agreed and partially disagreed. In general, the positive dynamics in this poll compared to the 2016 survey should be noted.

## **Emotional condition**

The results of the survey about the emotional condition of residents of Donetsk region on both sides of the contact line are very revealing. The prevailing feelings of residents of the controlled area are uncertainty about the future – 50%; frustration – 34%; and anxiety – 33%. In the occupied part of the Donetsk region, hope for the future prevails at 51%, while a third of respondents feel uncertainty about the future (36%), and 31% feel anxiety. Most residents of the occupied territories are afraid of the resumption of active fighting (81%), while 40% fear lower living standards (unemployment, lack of permanent income, pensions, etc.). Third place is the fear of a possible freeze of the conflict (35%). The biggest fears for the inhabitants of the controlled territories are the resumption of fighting (60%), and lower living standards (53%). Third place among the fears is lawlessness and inaction by the judicial system (24%). At the same time, a rather negative trend is observed in the controlled part of Donetsk region. The assessment of the state of the judicial and legal system of Ukraine in the controlled area has significantly deteriorated in comparison with the results of the first wave of the survey. The number of people who consider that the judicial system in Ukraine is better than in the occupied territories has decreased significantly. In 2016, 51% said that its level in Ukraine is higher than in the so-called DNR, but in 2017, only 26% continue to believe so.

## **Perception of the armed conflict**

In the occupied territories of the Donetsk region, the number of those who believe that a civil war is going on in the

Donetsk region has increased, with 55% saying they believe this is the case (in 2016 this was 44%). At the same time, the number of those who believe that this is a war with Russia has decreased to 8% (2016 – 14%). However, in the controlled territories of the Donetsk region, 31% of respondents consider these events a war with Russia, a significant increase from 24% in 2016. Residents of the controlled and occupied parts of the Donetsk region perceive the armed confrontation in eastern Ukraine mainly through the prism of a conflict between the political elites of Russia and Ukraine. In particular, 52% and 40% believe so. In the occupied territories, only 5% acknowledge that this is a hybrid war between Russia and Ukraine. In general, the understanding of the armed conflict in Donbas as a hybrid war between Russia and Ukraine is quite low in the controlled area of the Donetsk region, with only 17% saying so.

## **Scenarios for resolving armed conflict**

Among the probable scenarios for resolving the conflict in Donbas, 33% of residents of the controlled area support the option of giving the current so-called “DPR” and “LPR” special status within Ukraine. Compared to the results of the 2016 survey, the number of its supporters decreased slightly from 37%, while the share of those who support a complete economic blockade increased to 17% (10% in 2016). The same number support the restoration of control of Ukraine by military means, compared to 9% in 2016. In the occupied territories, the number of supporters for granting this part of the Donetsk region a special status within Ukraine has increased to 43% (31% in 2016). The same number of re-

spondents (43%) support granting independence to these territories.

## **Trust in the media**

In the controlled territories of the Donetsk region, the level of trust in the Ukrainian media has significantly decreased. In total, only 16% fully or somewhat trust the national media (down from 30% in 2016). Accordingly, the number of those who do not trust the national media has increased to 39%. At the same time in the occupied territories, the level of radically negative attitudes towards the Ukrainian media has decreased. In particular, the number of those who do not fully trust the Ukrainian media decreased to 26% (40% in 2016). At the same time, the share of those who rather trust then distrust increased to 39% (25% in 2016). There have been noticeable changes in the level of trust in the Russian media on the part of the residents of the occupied area of the Donetsk region. The share of those who fully or somewhat trust the Russian media has decreased. In total, this is only 19% (27% in 2016). The number of those who somewhat do not trust the Russian media has also increased from 11% in 2016 to 23% in 2017.

## **Standards of living**

In the controlled territories, the population's assessments of living standards, well-being, food prices, job opportunities, and the level of medical care have significantly deteriorated compared to the occupied territories. On average, positions decreased in Ukraine by about 10%, which is higher than in

the occupied part. At the same time, the number of those who believe that there is no difference between the controlled and occupied territories in the standard of living on different indicators has increased. Estimates of job opportunities have deteriorated the most: 63% in 2016 believed that they were the best in Ukraine, while in 2017 only 53% said so. In regard to food prices, 73% in 2016 indicated that they are the best in Ukraine, but in 2017 this was 54%. In 2016, 49% considered the level of medical care highest in Ukraine, but in 2017 this fell to 34%.

In the occupied territories, according to most indicators, respondents also believe that the standard of living and well-being in Ukraine is not higher than in the DIR. In particular, estimates of food prices are indicative. Thus, in the occupied area of the Donetsk region in 2016, 58% answered that prices are better in Ukraine, but in 2017 the response was 26%. The vast majority in 2017 (64%) believe that there is no difference. In 2016, 30% of respondents answered so.





Serhiy Kudelia

## **Veto on peace/Veto on war: President Zelenskyy's Donbas imbroglio<sup>1</sup>**

The sweeping victory of President Volodymyr Zelensky, who ran on the promise of peace, heightened public expectations about a swift end to the armed conflict in Donbas. In early 2020, conflict resolution in eastern Ukraine remains the top issue for 64 percent of Ukrainians and is, by far, more important than any changes in social or economic spheres<sup>2</sup>. The public perception of Zelenskyy's ability to achieve progress on this issue, however, has dimmed. The share of respondents who believed that the new authorities were unsuccessful in their attempts to achieve a cessation of hostilities in Donbas increased from 44 percent in November 2019 to 70 percent in February 2020<sup>3</sup>. This shift in public opinion

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<sup>1</sup> First appears in: "PONARS Eurasia Policy Memo", No. 44, March 2020, re-published with permission of Author.

<sup>2</sup> Based on the survey conducted by Rating Group on January 22-26, 2020.

<sup>3</sup> Based on the survey conducted by Kyiv International Institute of Sociology, February 21-25, 2020.

coincided with greater clarity on Zelenskyy's bargaining position, which increasingly resembles that of his predecessor, Petro Poroshenko. This raises the likelihood of a continued diplomatic stalemate over Donbas and prolonged low-intensity warfare along the contact line. While maintaining the status quo may appear to be the least risky short-term option for Zelenskyy, it will erode his political support, tarnish his legacy, and further harden the divide between separatist-controlled areas of Donbas and the rest of Ukraine.

### **Promising a veto on war**

As a presidential candidate, Zelenskyy articulated a conciliatory vision for ending the war. Initially he expressed optimism about his ability to reach a settlement with Russian President Vladimir Putin. In an interview prior to the launch of the campaign, he dismissed the leaders of the self-proclaimed Donetsk and Luhansk People's Republics as "puppets" and suggested the possibility of a grand bargain with Putin if both could "move together to the middle". Zelenskyy also criticized the Minsk agreements for failing to offer a clear framework for resolving the conflict and advocated expanding the Normandy format talks to include the leaders of the United States and the United Kingdom. Finally, Zelenskyy emphasized the importance of humanitarian outreach to Ukrainians living in rebel-controlled areas, such as conducting a targeted information campaign, restoring economic ties, and resuming social payments.

In the opening months of his presidency, however, Zelenskyy struggled with achieving progress on any of these points. His awkward attempt to invite the United States

and the United Kingdom to the talks, an idea which he expressed publicly in his July 8 video address to Putin, received no official response. Washington's disinterest in joining the Normandy format became apparent during a bilateral meeting with U.S. President Donald Trump in September 2019 in which the U.S. leader urged Zelenskyy to "get together with Putin to solve your problem". Subsequent resignations of top officials involved in setting Ukraine policy in Washington precluded the United States from having even indirect influence over the talks during the Normandy Four (N4) meeting in December.

Zelenskyy also faced initial reluctance to schedule a Normandy-format meeting on the part of the Russian president. During his press conference in June, Putin indicated that he wanted to see a tangible change in Ukraine's approach to Donbas before the meeting can take place. This led Kyiv to make a series of accommodative moves in humanitarian, diplomatic, and military spheres. A major prisoner swap with Russia became possible only after Zelenskyy's acquiescence to release Volodymyr Tsemah, a Ukrainian militant charged with the downing of the MH17 passenger plane. In a reversal of Poroshenko's belligerent rhetoric, the presidential office praised the prisoner exchange as "the first step on the way to normalization of a dialogue" between the two countries.

On the diplomatic front, Ukraine accepted the "Steinmeier formula", which specified the timing of the enactment of the law on a special status for the separatist-controlled areas of Donbas. Based on this provision, the law would go in to effect temporarily on the day of a snap local election immediately after the closing of polling stations. It would take

permanent effect only after the release of an OSCE report that recognized the democratic nature of the elections and their correspondence to Ukrainian legislation. Russia has viewed the Steinmeier formula as a mechanism to prevent Ukraine from reneging on its promise to provide “special status” (de facto autonomy) to parts of Donbas once the elections are over. Previous Ukrainian authorities, by contrast, resisted the adoption of the formula on the grounds that it could threaten Ukraine’s sovereignty and lead to the reintegration of Donbas by former separatist leaders.

Finally, as a confidence-building measure, Ukraine agreed to withdraw its troops near three localities on the contact line in the Donetsk and Luhansk regions with the simultaneous disengagement of separatist armed formations there. The withdrawal of troops was largely completed by the end of November. However, due to resistance from some volunteer battalions stationed in those areas, Zelenskyy had to travel personally to the frontlines and compel veteran fighters to follow his orders. This underscored his commitment to seeing through all the steps necessary to make the N4 meeting in Paris possible.

## **Demanding a veto on peace**

Zelenskyy’s conciliatory approach, however, came at a cost. In September, former Euromaidan activists and war veterans issued a letter that characterized the Steinmeier formula as Ukraine’s surrender on Kremlin terms and warned against the provision of a special status for Donbas. The announcement of Ukraine’s official acceptance of the formula on October 1 became a focal point for protest actions in multiple

towns across Ukraine under the slogan “No to Capitulation!”. The two largest rallies of this new movement were held on Kyiv’s Maidan square on October 6 and December 8 with close to 20,000 people in attendance. Over two dozen regional and city councils in Western and Central Ukraine also issued resolutions condemning Ukraine’s adoption of the Steinmeier formula.

In addition, the leaders of three parliamentary factions – Petro Poroshenko, Yulia Tymoshenko, and Sviatoslav Vakarchuk – released a statement outlining their so-called “red lines” identifying non-negotiable positions for the Ukrainian authorities. Its central demand was to make the fulfillment of “security requirements” the main precondition for any progress on the political provisions of the Minsk agreements. Chief amongst these requirements were withdrawal of Russian troops from Donbas, disarmament of separatist militias, and re-establishment of full control over the Russian-Ukrainian border.

The new coalition of civic activists, partisan opposition leaders, and regional elites resembled the anti-Yanukovich alliance of 2013-14 and included many of the same figures. Their immediate goal was to drastically narrow Zelenskyy’s bargaining range in talks with Putin and to impose on him the same negotiating positions that impeded the peace process under Poroshenko. The renewed standstill would then increase the probability of a *de facto* partition of Donbas along the established contact line – an outcome favored by many in this coalition.

Although the opposition movement remained modest in size and lacked broader public support, its capacity for collective action and the absence of any counter-mobili-

zation efforts from Zelenskyy's team gave it a major agenda-setting advantage. Radical far-right groups that were prominent among the protesters added coercive leverage by drawing explicit parallels between former president Viktor Yanukovych and Zelenskyy and threatening a nationwide resistance campaign. Faced with this pressure from below, Zelenskyy reiterated most of the opposition's "red lines" in a statement following the N4 meeting in December, making them part of Ukraine's official position.

Following the Paris summit, Zelenskyy outlined, in broad terms, his own plan on Donbas that was ambiguous enough both to placate the irreconcilable domestic opposition and keep the possibility of a compromise with Moscow open. The so-called "Zelenskyy formula" accepts the Minsk agreements but suggests amending some of its provisions to allow for a different sequencing of political and security measures:

- It reaffirms the primacy of fulfilling "security" requirements before elections can take place, but allows for the possibility of joint border control with local militias during the transition period.
- It accepts the need to provide "special status" to the Donbas territories but suggests that additional powers should be no greater than what other regions receive in the context of decentralization reform.
- It agrees to launch a discussion of constitutional reform and local election law with the separatist side, but only within an advisory council consisting of representatives from Ukraine who were internally displaced and from among those Ukrainians still residing in the separatist-controlled territory.

- It adopts a piecemeal approach to further troop withdrawal organized in phases from one pre-defined sector to another rather than comprehensively along the entire contact line.

## Why the New Impasse?

Despite their ambiguity, some of Zelenskyy's proposed measures triggered strong criticism from the opposition and even from within his own party. Their design, however, precludes any substantive diplomatic progress in resolving the conflict and will likely perpetuate current gridlock.

First, it ignores the political realities in separatist-controlled areas where local governing structures have exercised effective control over the territory and managed to gain a degree of legitimacy through an ideological narrative centered on Kyiv's victimization of Donbas and pro-Russian irredentism<sup>4</sup>. This makes untenable any propositions that would bar current separatist officials from participating in politics or serving in public offices. Any acceptable bargain from the separatist standpoint would need to provide both legal protection for these individuals and guarantees of their access to the political process via public service jobs. Similarly, attempts to replace direct representatives of self-declared republics with their "civic" proxies as "consultation" partners lack both practical and political sense. They will likely

<sup>4</sup> One 2019 survey of Donetsk and Luhansk residents found that 45 percent of respondents wanted their territories to be part of the Russian Federation; see: G. Sasse and A. Lackner, *Attitudes and Identities Across the Donbas Front Line: What has changed from 2016 to 2019?*, "ZOIS Report", No. 3, August 2019.

backfire domestically and add another layer of redundant complexity to the bargaining format.

Second, the Zelenskyy formula, similarly to Poroshenko's plan, is based on an unrealistic assumption about the possibility of successful sequencing of security and political steps in the conflict resolution process. The "sequencing" proposition is meant to minimize possible voter intimidation and interference in the electoral process to ensure a free and fair vote. However, it overlooks the sense of insecurity that it would normally generate on the part of separatist authorities. Hence, successful rebel disarmament can be achieved only with third-party security guarantees that the separatists view as sufficiently credible to agree to disarm unilaterally. Russia is likely the only actor who could offer such a guarantee, but its withdrawal from Donbas is one of the security preconditions of the Zelenskyy formula. Hence, the conditioning of elections on full disarmament of armed separatist formations without measures to minimize resulting insecurity creates an insurmountable barrier to finalizing any agreement on elections.

Third, the president's plan fails to acknowledge the centrality of adopting an explicit power-sharing arrangement in the absence of which no peace agreement on Donbas is possible or sustainable. Territorial power-sharing provides expanded powers only to contested territories and in specific policy domains, such as law enforcement, judiciary, education, trade, or cultural politics. Its constitutional recognition is meant to reassure the separatist side that these expanded powers would not be unilaterally revoked at a later point. It also allows for the resolution of multiple incompatibilities regarding the interests of the center and the Donbas

region that gave rise to the conflict in 2014. However, none of these issues can be effectively addressed within the decentralization framework as the Zelenskyy plan suggests, especially given the authorities' continued commitment to an ethnocentric nation-building project in educational and cultural spheres.

Despite the contradictions of the so-called Zelenskyy formula, it will be increasingly difficult for the Ukrainian president to amend his position. His earlier embrace of the "red line" demands means that any major policy reversal will serve as a pretext for another anti-incumbent mobilization. With his popularity already in decline, Zelenskyy finds himself far more vulnerable to opposition pressures now than he was at the start of his presidency. Given that the president had to reshuffle his government and replace the prime minister just six months into their tenure, his control over the executive appears tenuous. The pro-presidential, single-party majority in the parliament shows high volatility due to internal defections and conflicting loyalties of its members.

Under these circumstances, the costly policy shifts that the progress in Donbas talks requires could further destabilize Zelenskyy's power and produce a major political crisis. At the same time, another proposed alternative – the construction of a separation fence along the contact line – would only serve the interests of the president's opponents who advocate for the "freezing the conflict" and postponing reintegration attempts indefinitely. It would also be a public recognition of the president's inability to fulfill his key campaign promise, and alienate many among his core constituents in southeastern Ukraine. While either strategy in-

volves political risk, Zelenskyy's ultimate political obligation remains to his voters. Persistently strong majority support for accommodation over Donbas within Ukrainian society should serve as a powerful incentive for Zelenskyy to broaden his bargaining range well beyond what the hardline opposition dictates<sup>5</sup>. This requires forceful articulation of the new parameters of a compromise and cross-regional mobilization of the president's voter base on its behalf. His docile acquiescence to the status quo, by contrast, would mean that Zelenskyy's legacy on the principal issue for Ukraine's future will ultimately be defined by the very people he once ridiculed so well.

<sup>5</sup> According to a Democratic Initiatives Foundation November 2019 poll, 73 percent of respondents in Ukraine favor negotiating a compromise agreement with Russia and separatist leaders to achieve peace in Donbas, while 16 percent advocate using force to gain peace through a decisive military victory.



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A year ago, after successful presidential and parliamentary elections, a new team led by the newly elected President of Ukraine Volodymyr Zelenskyy announced a “new policy” towards the resolution of the Donbas conflict. One of the promises made by Zelenskyy during his election campaign was peace in Donbas. He did not explain how it could be achieved, but many of his supporters believed that his election as President of Ukraine would create a new basis for negotiation with Russia and could make some steps forward for the peacebuilding process in Donbas. During the last year, the Ukrainian side has made significant efforts to re-launch some components of the Minsk Process (with the priority on humanitarian aspects), but as we can see, substantial results have not been achieved.

Six years have passed since the June 6, 2014 creation of the Normandy Format, but the prospects of conflict resolution and de-occupying the eastern regions of Ukraine seized by Russia remain as distant as ever.

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