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THE WAR IN DONBAS: REALITIES AND PROSPECTS OF SETTLEMENT

Russian occupation of Donbas is a part of hybrid war against Ukraine, which began in February 2014 with illegal annexation of the Crimea. At the same time, Russia's expansion in the "Ukrainian direction" should be considered in the context of the Kremlin's global aggressive neo-imperial policy.

According to the UN, the conflict in the East of Ukraine "is already one of the deadliest in Europe since World War II". During five years of war, 13 thousand people were killed and 28 thousand wounded, with about 1.8 million residents of Donbas and the Crimea being displaced by the conflict. 17 thousand sq.km. of the Donetsk and Lugansk oblasts were occupied, which together with Crimea makes 43.7 thousand sq.km., or 7.2% of the territory of Ukraine. 409.7 kilometres of the Ukrainian-Russian border remain uncontrolled. Ukraine sustained tremendous financial and economic losses. Occupation resulted in the fall of country's GDP, while parts of the region's industrial potential were illegally moved to Russia.

The puppet pseudo-governments of "DPR" and "LPR" – read the occupation administrations – were set up in the East of Ukraine against the large-scale militarisation of the region. The occupation forces amount to more than 30 thousand militants, with one-third being the Russian contingent. It is a combat-capable, well-armed military formation, which is equal to armed forces of many European countries by its size and military efficiency. Sweeping political and ideological "Russification" along with alienation of occupied territories from Ukraine is underway.

The Kremlin seeks to "implant" pseudo-republics back in Ukraine in their current form to disintegrate Ukrainian statehood, block its course towards the EU and NATO, and instil control and subordination to Russia. Not recognising itself as a party to the conflict on the East of Ukraine, the aggressor consistently derails peace initiatives and tries to legitimise puppet "DPR" and "LRP" as rightful parties to the negotiation process.

Years-long political and diplomatic talks in various formats largely failed to produce any positive results. Due to its aggression against Ukraine, Russia was kicked out of G8 and deprived of its PACE vote since 2014; the West introduced a range of anti-Russian sanctions (personal, targeted, sectoral); Russian aggression was condemned by respected international organisations (UN, OSCE, PACE, EU, NATO). Western nations demonstrate solidarity with Ukraine at the political and diplomatic level and provide military, financial, economic and humanitarian aid. It is clear that the sanctions policy has a cumulative effect and the price of aggression grows, but it is yet to affect the Kremlin's general geopolitical course, including Russia's actions in the Donbas.

Despite efforts of the Ukrainian government to resolve the conflict peacefully, actions of the official Kyiv have lacked strategic approach, comprehensiveness, efficiency and consistency. Decisions are made with critical delays; there is no holistic strategy regarding Russia. Moreover, during the election campaigns, the topic of Donbas acquired an outright populist colouring.

Obviously, the time of continuing occupation plays against Ukraine. People's consciousness, attitudes and behaviours change under the influence of invaders, while the new generation is raised in the spirit of the "Russian World". This situation requires new approaches to the policy of de-occupation and reintegration of Donbas, taking into account external circumstances, processes inside Ukraine and trends in the occupied territories.

This report was produced by the Razumkov Centre within the project supported by the Ministry of Foreign Affairs of the Netherlands.

The first section looks into some geopolitical aspects of the Russian intervention in Donbas; reviews goals and peculiarities of Russian aggression in eastern Ukraine; studies the role and impact of the West in resolving the conflict; and assesses the "Donbas" policy of Ukraine.

The second section describes the overall trends and processes in occupied territories in the military, economic, energy, political, information and environmental spheres.

The third section provides possible scenarios of developments in the conflict zone and assesses chances and prospects of deploying the UN peacekeeping mission to Donbas.

The fourth section offers conclusions, as well as a set of proposals for resolving the conflict in the East of Ukraine.

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1. GEOPOLITICAL ASPECTS OF CONFLICT IN DONBAS

The war in Donbas is neither local, peripheral conflict, nor “crisis in Ukraine” or “civil standoff”. President Poroshenko in his speech at the United Nations General Assembly Debate on February 20, 2019, noted: “...there is no so-called “crisis in Ukraine” nor “internal conflict in Ukraine”, but an ongoing military occupation and armed aggression by Russia against Ukraine”.¹

Annexation of the Crimea and the Kremlin’s intervention in the East of Ukraine are, on the one hand, elements of Russia’s policy in the post-Soviet space, which Moscow viewed and continues to view as a zone of its “privileged interests”.² On the other hand, the occupation of Donbas should be considered in wider context of the Kremlin’s neo-imperial aggressive geopolitics, which challenges and threatens not only Ukraine’s statehood and sovereignty, but also the entire global configuration, including the political system of present-day Europe.

This section reviews some aspects of Russia’s “hybrid” policy in the global arena and its military materialisation in Ukraine, namely intervention in the Donetsk and Luhansk regions, and specifics of occupation policy. The section also studies the role and impact of the West on settling the conflict in Donbas, attitudes and responses of international institutions. Finally, it characterises some aspects of Ukraine’s policy in relation to Donbas conflict.

1.1. Russia’s “hybrid” aggression: geopolitical dimension

The Russian-Ukrainian war, which continues for five years already, is one of the causes, components and fragments of much larger confrontation between Russia and the West that tends to escalate. According to President Poroshenko, “the annexation of Crimea, the occupation of the Donbas part became the prelude to the hybrid war of Moscow not only against Ukraine..., against the European Union..., against the United States, against NATO, against the Baltic States, and, in the end, against the whole democratic and civilised world”.³

In the broadest context, Russia’s global goals include weakening of the competition and restoring the status of a global power, which, while neglecting international law, advances its interests from the position of strength and seeks to re-format the established world order according to its scenario.

The formation and geopolitical realisation of the policy of Russia’s “revival” first as a “hegemonic state” in the

post-Soviet space and then as a “world leader”, the carrier of “sovereign democracy”, the “third-type civilizations” that actively opposes the West has been gradual.⁴ The Kremlin’s aggressive “hybrid” policy in the world should be generally viewed as an outcome of internal processes in Russia, which the West could definitely see and understand.⁵ These processes in Russia can be outlined as follows.⁶

New ideological foundation of the Russian state has been developed based on imperial values of grandeur and self-sufficiency, dominance in the post-Soviet space, isolationism, aggressive and clearly anti-Western foreign policy, and confrontation with other global centres of power (primarily the United States, the EU and NATO).

Focus on confrontation with the West is quite obvious. Moreover, “resistance to external enemies” for current Russian regime is the main incentive for mobilizing society. This “external threat” became the heart of Russia’s domestic and foreign policy. Anti-Western rhetoric evolved into the state ideology, became a criterion

¹ Statement by the President of Ukraine at the United Nations General Assembly Debate on agenda item 67 “The situation in the temporarily occupied territories of Ukraine”, 20 February 2019 – official website of the President of Ukraine, <https://www.president.gov.ua/en/news/vistup-prezidenta-ukrayini-na-debatah-generalnoyi-asambleyi-53282>.

² The CIS space is defined as a priority of Russia’s foreign policy in the basic documents – the Foreign Policy Concept and the National Security Strategy. This position is regularly reiterated in the annual addresses of the President of Russia to the Federal Assembly of the Russian Federation. Russia views the Eurasian Economic Union (EAEU) as the nucleus of economic integration, and the Collective Security Treaty Organisation (CSTO) as an intergovernmental tool for countering military threats.

³ President’s speech at a special session of the Verkhovna Rada of Ukraine on the occasion of the fifth anniversary of the beginning of Russian armed aggression against Ukraine, 19 February 2019 – official website of the President of Ukraine, <https://www.president.gov.ua/en/news/vistup-prezidenta-pid-chas-specialnogo-zasidannya-verhovnoyi-53254>

⁴ See: “The Russia-Ukraine conflict: current situation, consequences, prospects”. Analytical report by the Razumkov Centre – National Security and Defence, 2014. No.5-6, p.3-5, http://razumkov.org.ua/uploads/journal/eng/NSD148-149_2014_eng.pdf.

⁵ One should not underestimate the fact that Moscow, through its media and intelligence, actively forms a “positive image”, also by using political corruption among the representatives of Western elites, by buying media and individual public opinion leaders.

⁶ Russia’s “hybrid war” – Challenge and threat for Europe, National Security and Defence, 2016. No.9-10, p.5, http://razumkov.org.ua/uploads/journal/eng/NSD167-168_2016_eng.pdf

of patriotism and a marker of civil stance. In essence, it refers to rejection of universally recognised civilizational values.

In broad terms, we can outline some features of Russia's current political system. *First*, militarisation of the country (funding priority of uniformed agencies) and social consciousness (revival and re-introduction of militarist rituals and practices of the Soviet era) have intensified. Functions and powers of law enforcement agencies have been expanded, with social status of their staff raised other categories of citizens. "Personal army" of the Russian President – the National Guard – has been created. *Second*, citizen rights and freedoms of citizens have been limited. Public persecution for disloyalty to the regime and persecution of opposition leaders have become a regular practice. *Third*, media has been completely nationalised, creating powerful pro-government "holdings of truth", while small independent media have been eliminated or pushed out to the periphery. *Fourth*, the government has established total control over the "third sector". Disloyal (mostly human rights) organisations have been branded as "foreign agents", and foreign NGOs have been banned.

Hence, Russia has created an authoritarian state with the cult of personality elements, totalitarian domestic and aggressive foreign policy, with disdain, cynicism and hypocrisy of international rules and regulations. This is the state, with which the world will have to co-exist in the nearest future.

Armed aggression against Georgia in August 2008 with subsequent annexation of Abkhazia and South Ossetia was a significant step forward in the formation of Russia's foreign policy. Due to moderate and muted response of the West, this operation further reinforced and broadened the Kremlin's external ambitions. The principles of Russia's global policy developed in annual addresses of Russian President to the Federal Assembly and were conceptually enshrined in a number of documents, including the National Security Strategy (2015), the Military Doctrine (2015), and the Foreign Policy Concept (2016).⁷

Presidential Address to the Federal Assembly on 1 March 2018⁸ was probably the most harsh and outspoken demonstration of the Kremlin's aggressive course – in fact, it sounded like an ultimatum to the West, surpassing Putin's Munich Speech by its confrontational

nature.⁹ The document unveiled Russia's political, ideological and socio-cultural militarisation, building on the "fortress under siege"¹⁰ philosophy and apologetics and using blatant nuclear blackmail with willingness to pay any social price for confronting Russia's opponents. This course towards strengthening Russia's armed forces and readiness for immediate response to the "West's encroachment" was further reflected in the next Presidential Address on 20 February 2019.¹¹

The programme article "Putin's Lasting State" by the Russian President's advisor Vladislav Surkov¹² is the most recent illustration of the direction and nature of political and ideological discourse in Russia and that of ideological positions of actors from Putin's immediate environment. This is a peculiar imperial manifesto of Putin's long-lasting, military and police-based "great power" Russia, in which "deep nation" trusts only its first person. Putin's effective political machine gains momentum, "gathers land" and counterattacks the West by "interfering with their brains". Consequently, the West has no choice but to accept the behaviour of great Russia.

Given the strategic goals of current political regime in Russia, it is possible to outline some tactical objectives of Russian foreign policy:

- to undermine power of key Western opponents (today these are the United States, NATO, and the EU); to engineer their internal instability; to weaken their state institutions and internal consolidation; to increase discrepancies within their political and economic elites; to make them focus on various internal problems;
- to weaken alliances and separate key opponents from their allies;
- to force key opponents out of regions that Russia views as spheres of its interests or where it pretends to dominate (post-Soviet space, Europe, Middle East, Central and North-East Asia, partly Africa);
- to weaken international organisations; to force them follow the Russian rules and put pressure on opponents through these organisations; and
- to ensure internal stability and secure periphery along its borders.

It should be acknowledged that this "divide and conquer" tactics along with creation of controlled chaos and destruction of enemies from within have been field-tested

⁷ The National Security Strategy of the Russian Federation approved by the Order of the President of the Russian Federation of 31 December 2015 – President of Russia website, <http://kremlin.ru/acts/bank/40391>; The Military Doctrine of the Russian Federation approved by the Order of the President of the Russian Federation of 25 December 2014, new version approved in 2015 – website of the Ministry of Foreign Affairs of the Russian Federation, http://www.mid.ru/foreign_policy/official_documents/asset_publisher/CptCk6B6Z29/content/id/976907; Foreign Policy Concept of the Russian Federation approved by the Order of the President of the Russian Federation of 30 November 2016 – website of the Ministry of Foreign Affairs of the Russian Federation, http://www.mid.ru/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/2542248.

⁸ Presidential Address to the Federal Assembly on 1 March 2018 – President of Russia website, <http://en.kremlin.ru/events/president/news/56957>.

⁹ On 10 February 2007, President Putin presented a highly confrontational speech at Munich Security Conference, which triggered the "new cold war" polemics in Western political circles.

¹⁰ This ideology of self-sufficient "third-type civilizations" of neither Western nor Eastern type, which confronts its enemies, was publicly interpreted in the landmark article "The Loneliness of the Half-Breed" by Putin's aide, Vladislav Surkov, published on 9 April 2018 in "Russia in Global Affairs" journal, <https://eng.globalaffairs.ru/book/The-Loneliness-of-the-Half-Breed-19575>.

¹¹ Presidential Address to the Federal Assembly on 20 February 2019 – President of Russia website, <http://en.kremlin.ru/events/president/news/59863>.

¹² Surkov V., Putin's Lasting State – "Nezavisimaya Gazeta", 11 February 2019, http://www.ng.ru/ideas/2019-02-11/5_7503_surkov.html.

and actively used by the Russian leadership in the pro-Soviet space for quite some time.¹³ In particular, Moscow itself is a direct participant and manager of “frozen” or “simmering” conflicts in the post-Soviet space, which are essentially the “ticking bombs”.

Russia’s global policy is comprehensive and coordinated. To fulfil its tactical objectives, the Kremlin employs the broad range of means of “hybrid” aggression, which include the following:¹⁴

First, this includes massive and aggressive propaganda by Russia’s powerful overseas broadcasting (*Russia Today*, *Sputnik*) – an effective information weapon, powerful aggregator of fake information and a tool for targeted advancement of Russian ideology and the *Russian World* concept. According to James Sherr, the “*Russian World* is a world with its own discourse, logic and coherence. ‘Facts’ that come out of it can be disputed and even refuted. But the worldview of this environment cannot be broken down by facts... the divide between the Russian World and the order based on Helsinki Accords cannot be bridged with a ‘sensible compromise’”.¹⁵

During October 2015 – July 2016 alone, the experts of *East StratCom Task Force* at the European External Action Service have registered 1,649 instances of disinformation and fake messages from pro-Kremlin media, which were being distributed in Europe and worldwide in 18 languages.¹⁶ In 2018, the EU analysts (*EU vs Disinformation project*¹⁷) registered 1,000 cases of disinformation in Russian media, including 461 related to Ukraine.

Second, Russia actively employs a set of “traditional” influences – political and diplomatic pressure along with economic leverage. These means of “soft and hard power” have long been used by Moscow against its CIS partners and countries elsewhere in the world (Middle East, Africa, and Central Asia). Suffice it to mention “customs”, “gas” and “meat and dairy” wars against Ukraine, “fruit” and “wine” wars against Moldova and Georgia, and the like (these are more effective against post-Soviet countries). Meanwhile, the Kremlin extensively uses the “energy

weapon”. The latest example of it is ongoing construction of Nord Stream 2 gas pipeline with clear geopolitical goal to bypass Ukraine, which caused a bitter quarrel between the United States and some EU countries (primarily Germany).

Third, hybrid warfare includes an extremely dangerous interference in internal processes, including elections. According to American researchers, Russia has been accused of meddling in the affairs of at least 27 countries since 2004. Targeted countries include EU members, the United States, Canada, Turkey, Georgia, Moldova, Belarus, Ukraine and others¹⁸. Russia’s alleged involvement in the 2016 presidential elections in the United States was the biggest *cause célèbre*. Joint report “Information Manipulation” (September 2018) by the Policy Planning Staff (CAPS) and the Institute for Strategic Research (IRSEM) describes Russian interferences in referendums (the Netherlands, Brexit, Catalonia) and elections (the United States, France, Germany).¹⁹

Recent attempt of the Russian Federation to influence the referendum in Macedonia (30 September 2018) on the country’s name, which would have paved the way to the EU and NATO, captured the headlines in the West. As Simon Tisdall of *The Guardian* put it, “...Russia’s methods in Macedonia look highly familiar. Disinformation campaigns and “fake news”, cyberwarfare and hacking, phoney *Facebook* and *Twitter* accounts and secret cash payments... are all alleged to have been used”.²⁰

Fourth, the Kremlin has been intensively employing methods and means from the arsenal of intelligence services. This primarily concerns operations for creating pro-Russian lobby among European politicians and public figures via corruption schemes, bribery and blackmail. This also includes various types of assistance (mostly financial) to pro-Russian political forces in Europe and around the world (a well-known fact of Russia financing the French National Front).²¹ According to Frans Timmermans, Vice-President of the European Commission, “the reason why Putin supports the extreme right in Europe is that he knows how it weakens us and divides us”.²²

¹³ See: Holtsov A., “The Geopolitical Dimension of the Russian Federation’s Strategy in the Post-Soviet Space” – Kyiv, The Centre of Educational Literature, 2018.

¹⁴ For more detail see: “Russia’s “hybrid war” – Challenge and threat for Europe”, National Security and Defence, 2016. No.9-10, p.2-7, http://razumkov.org.ua/uploads/journal/eng/NSD167-168_2016_eng.pdf.

¹⁵ J. Sherr. Valdai-2016 – Ukrainskyi Tyzhden, No.44, 2016, p.31.

¹⁶ EU experts discovered thousands of false stories by Russian media – Deutsche Welle website, 26 July 2016, <http://www.dw.com/uk>.

¹⁷ Separate project within the *East StratCom Task Force*.

¹⁸ Alleged Russian political meddling documented in 27 countries since 2004. – USA TODAY, 7 September 2017, <https://www.usatoday.com/story/news/world/2017/09/07/alleged-russian-political-meddling-documented-27-countries-since-2004/619056001>.

¹⁹ Jean-Christophe Ploquin, Les nouveautés de la “guerre de l’information” menée par la Russie (Future trends of Russia’s information war), 11 September 2018, <https://paris-international.blogs.la-croix.com/les-futures-tendances-de-la-guerre-de-linformation-menee-par-la-russie/2018/09/10>.

²⁰ Tisdall S. Result of Macedonia’s referendum is another victory for Russia. – *The Guardian*, 1 October 2018, <https://www.theguardian.com/world/2018/oct/01/result-of-macedonia-referendum-is-another-victory-for-russia>.

²¹ More can be found in C.Vaissie’s book “Les réseaux du Kremlin en France” (Kremlin’s Networks in France), some chapters of which have been translated and published in Ukraine by the NGO “Public Initiative” Educational Centre in 2016. This material has been reprinted in the National Security and Defence journal, 2016. No.9-10, p.98-108, http://razumkov.org.ua/uploads/journal/eng/NSD167-168_2016_eng.pdf.

²² Vice-President of European Commission: Putin supports far-right to divide Europe – *Ukrayinska Pravda*, 31 March 2017, <http://www.eurointegration.com.ua/news/2017/03/31/7063870>.

Fifth, within its “hybrid” aggression, the Russian side widely engages in intelligence and espionage, uses subversive operations and sabotage. In recent years, facts of such actions have been recorded by special services of the Baltic States, Poland, the Czech Republic, Sweden, Germany, and others. For example, the chemical attack in Salisbury in March 2018 by two GRU agents sent shockwaves across the world. In response, around 30 countries expelled many Russian diplomats. In September–November 2018 we saw a series of high-profile spy scandals involving Russian intelligence: (a) the Netherlands detained two Russian citizens who tried to steal data from a chemical laboratory in Swiss Spiez investigating chemical attacks in Syria and Britain; (b) two Russian spies were arrested in Switzerland while preparing an attack on the World Anti-Doping Agency (WADA) laboratory; (c) in Austria, a retired Austrian army colonel was arrested on suspicion of intelligence gathering for Moscow, which forced Karin Kneissl, the Austrian Minister of Foreign Affairs, to cancel her visit to Russia.

Sixth, Russia broadly uses technologies of discrediting other countries’ government institutions and provides support to radical right-wing, nationalist and populist movements that spread anti-NATO and anti-American sentiment across the EU. In European countries and elsewhere in the world it forms networks of loyal political and civil society organisations, and the media.²³

Seventh, the “military component” of hybrid influence also has been used by the Kremlin – in recent years the instances of “military testing” of NATO’s defence systems became more frequent, including provocations by the Russian Armed Forces in air and sea. In September 2018, Russia held “Vostok-2018” military exercise involving 300 thousand troops – the largest drills since the Soviet Union.

It is clearly not an exhaustive list of Russia’s foreign policy tools, which include cutting-edge technologies and developments along with traditional ones. Almost entire arsenal of Russia’s “hybrid” aggression is applied in Donbas and in Ukraine as a whole, with both serving as a test range and a bridgehead for the Kremlin’s further expansion. Russia goes on the offensive, and it is no longer an attempt to rebuff the European and Euro-Atlantic influence in the post-Soviet space – the Kremlin’s “zone of privileged interest”. It is a large-scale hybrid expansion in the EU and other regions of the world for the purpose of reformatting the established world order in Russian interests.

1.2. Russian intervention in Donbas: goals and specifics

Russia’s aggression against Ukraine, in particular its annexation of the Crimea and intervention in Donbas, should be considered through the prism of Russian general geopolitics, partially outlined above. Addressing the “the Ukrainian issue” for Moscow is critical at the regional level to ensure controlled and managed “zone of privileged interests” in the post-Soviet space.

Ukraine’s European and Euro-Atlantic integration and its escape from the Russian sphere of influence hints at failure of the Russian-centric Eurasian integration project and collapse of Moscow’s claims to “special rights” in the CIS on the one hand and weakening of Russia’s geopolitical and geo-economic positions on the other.²⁴

There exists another obvious motive for Russian aggression, namely successful realisation of the “European project” by Ukraine. Introduction of an attractive model of social order as a convincing mobilisation example for other post-Soviet countries presents a dangerous challenge and a threat to the ruling Russian regime.²⁵ Elmar Brok, the Member of the European Parliament, perfectly explained the situation: “The worst thing that could happen to Russia is if Ukraine becomes a democratic and economically successful state with a rule of law. It would be a disaster for the Kremlin...”.²⁶

The Russian policy regarding Ukraine underwent a three-phase evolution: from soft persuasion to accept the Eurasian integration under the auspices of the Russian Federation to rigorous coercion involving political-diplomatic, economic, energy and information leverage and, finally, to direct military aggression.

It is clear that the occupation of Donbas within the Kremlin’s strategy plays a secondary role; it is, in fact, only one of “power” instruments of Russian politics that seeks to transform Ukraine into a controlled and amenable satellite nation, or to dismantle the Ukrainian statehood in its present form.

1.2.1. Ideological support for the occupation of Donbas

Since the onset of its aggression in 2014, the Russian leadership formulated the “**Donbas mythologeme**”,²⁷ spreading it domestically and internationally with the help of body politic, the diplomatic service and controlled media to “explain” the situation in Ukraine, the causes of conflict in the East, its nature and position of the Russian Federation. This Russian interpretation of the Donbas events essentially boils down to the following.

²³ The report “The Kremlin’s Trojan horses” (2016), elaborated by the experts of Atlantic Council, provides detailed description of the facts of Russian “hybrid” expansion in Germany, France and the United Kingdom, www.atlanticcouncil.org/publications/reports/kremlin-trojan-horses.

²⁴ See: the article by A. Holtsov “The strategies and goals of Russian intervention in Donbas” in this publication.

²⁵ See: Ukraine’s European integration: Internal factors and external influences. Analytical report by the Razumkov Centre – National Security and Defence, 2013. No.4-5, p.7-10, http://razumkov.org.ua/uploads/journal/eng/NSD141-142_2013_eng.pdf.

²⁶ Elmar Brok: Democratic and economically successful Ukraine is the worst thing that could happen to Russia – UNIAN, 23 December 2016, <http://interfax.com.ua/news/interview/392660.html>.

²⁷ See: “The Russia-Ukraine conflict: current situation, consequences, prospects”. Analytical report by the Razumkov Centre – National Security and Defence, 2014. No.5-6, p.3-5, http://razumkov.org.ua/uploads/journal/eng/NSD148-149_2014_eng.pdf.

First, the Russian leadership fabricated the thesis about the coup in Ukraine. According to the Kremlin's interpretation, an anti-constitutional revolt, engineered by the West, occurred in Ukraine in 2014 with the nationalist forces ("Banderites") seizing the power. This thesis has become widely used in Russian propaganda and subsequently enshrined in the new National Security Strategy (2015), which features such novels as "the support of the United States and the European Union for the anti-constitutional coup d'état in Ukraine", "the strengthening of far right nationalist ideology".²⁸ Russian leaders – first President Putin (press conference on 4 March 2014) and then Prime-Minister Medvedev (*Bloomberg* interview on 20 May 2014) openly questioned the validity of agreements with Kyiv in connection with the change of power in Ukraine.²⁹ Moreover, while speaking at the Media Forum in St. Petersburg on 24 April 2014, Putin called the government in Kyiv "junta". Being widely circulated by the Kremlin propaganda, this tag entered Russian political discourse.³⁰

President Putin continued to express doubts in the legitimacy of Ukrainian government in his subsequent speeches and statements. In particular, at the news conference on 10 August 2016 Mr. Putin, having "accused" Ukraine of terrorism, repeatedly referred to "people who seized power in Kyiv".³¹ Similar views were articulated by the Russian President at the 8th Investment Forum on 12 October 2016³² and at the annual news conference in December 2017.³³

Second, fake thesis about "civil standoff" was the main component of Russia's "Donbas mythologeme". Specifically, it emphasises that "Russophobic Kyiv authorities" conduct "punitive operations" against Donbas rebels – "those who were yesterday working down in the mines or driving tractors".³⁴ Moreover, back on 29 August 2014 Putin addressed the so-called "Militia of Novorossiya" that "has reached significant results in curbing Kyiv's military operation" and later, on 24 October 2014 he presented the detailed Russian version of the conflict in Donbass at a meeting of the Valdai International Discussion Club.³⁵

By using its proverbial "post-truth" style, the Kremlin accuses the West of the events in Ukraine. The Russian President made it official in his speech at the UN General Assembly session in September 2015: "...the post-Soviet states were forced to face a false choice between joining the West and carrying on with the East. Sooner or later, this logic of confrontation was bound to spark off a major geopolitical crisis. And that is exactly what happened in Ukraine, where the people's widespread frustration with the government was used for instigating a coup d'état from abroad. This has triggered a civil war".³⁶ Two years later, in September 2017 Sergey Lavrov, Russian Minister of Foreign Affairs, echoed his President's statement at another UN General Assembly session, stressing that the West "by its reckless eastward NATO expansion provoked instability in the post-Soviet space", including "internal Ukrainian crisis that broke out as a result of the anti-constitutional coup perpetrated by the ultra-radicals".³⁷

The paragraph on the situation in Ukraine in Russia's Foreign Policy Concept is an example of outright hypocrisy and cynicism: "The Russian Federation is interested in developing political, economic, cultural and spiritual ties with Ukraine in all areas on the basis of mutual respect... Russia undertakes to make every effort to promote political and diplomatic settlement of the internal conflict in Ukraine..."³⁸

It is this statement about the internal conflict that Russia uses to justify the idea that "DRP" and "LPR" were formed by "rebels" to have organised opposition to the Ukrainian authorities, and that official Kyiv should hold direct negotiations with these "governments". This demand of the Russian side aimed at legitimisation of "DPR" and "LPR" as official parties to negotiations is one of the main tools for impeding both the Normandy format and the Trilateral Contact Group in Minsk. This does not make even "technological" sense, since both "republics" are puppet, dependent entities, fully guided and controlled by the Russian leadership. Therefore, it is logical to negotiate with Russia that makes all decisions. Moreover, according to Ukrainian legislation, "DPR" and "LPR" are the occupation administrations of the Russian Federation.

²⁸ The National Security Strategy of the Russian Federation – President of Russia website, <http://kremlin.ru>

²⁹ See: "The Russia-Ukraine conflict: current situation, consequences, prospects". Analytical report by the Razumkov Centre, p.11.

³⁰ Media Forum of Independent Local and Regional Media, 24 April 2014 – President of Russia website, <http://en.kremlin.ru/events/president/news/20858>

³¹ President of Russia website, <http://en.kremlin.ru/events/president/news/52684>.

³² Russia Calling! Investment Forum – President of Russia website, <http://en.kremlin.ru/events/president/news/53077>.

³³ Vladimir Putin's annual news conference. 14 December 2017 – President of Russia website, <http://en.kremlin.ru/events/president/news/56378>.

³⁴ At the press statement following Russian-Hungarian talks on 17 February 2015, Vladimir Putin stated that the Ukrainian army lost Debaltsevo to "former coalminers and tractor drivers".

³⁵ See: "The Russia-Ukraine conflict: current situation, consequences, prospects". Analytical report by the Razumkov Centre, p.10.

³⁶ Vladimir Putin took part in the plenary meeting of the 70th session of the UN General Assembly in New York – President of Russia website, 28 September 2015, <http://en.kremlin.ru/events/president/news/50385>.

³⁷ Statement by Foreign Minister Sergey Lavrov at the 72nd session of the UN General Assembly, New York, 21 September 2017 – website of the Ministry of Foreign Affairs of the Russian Federation, http://www.mid.ru/ru/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/2870898.

³⁸ See: the Foreign Policy Concept of the Russian Federation (approved by President of the Russian Federation Vladimir Putin on 20 November 2016) – website of the Ministry of Foreign Affairs of the Russian Federation, http://www.mid.ru/en/foreign_policy/official_documents/-/asset_publisher/CptlCk6B6BZ29/content/id/2542248.

Quite illustrative is the fact that already on 12 May 2014 (the next day after the so-called “referendums on independence”), the Russian Foreign Ministry called for a dialogue between Kyiv and Donetsk and Luhansk,³⁹ and following the “elections” in the occupied territories on 2 November 2014, the Russian Foreign Ministry released a statement on the need to “establish a lasting dialogue between the central Ukrainian government and the representatives of Donbas”.⁴⁰

Unfortunately, under the influence of Russian propaganda certain false definitions – “conflict or crisis in Ukraine” – became widespread in the western information space and in some resolutions of international organisations, although they have nothing to do with the real situation in Donbas.

Third, the Russian propaganda actively promoted the false thesis that Donbas never been a historical territory of Ukraine, but rather belonged to so-called “Novorossiya”. This “discovery” was made by the Russian President on 17 April 2014 – about the time when Russian special forces started penetrating Donbas – during the “Direct Line with Vladimir Putin”. While addressing major Russian media, he stated that “back in the tsarist days Kharkov, Luhansk, Donetsk, Kherson, Nikolaev and Odessa were not part of Ukraine. These territories were given to Ukraine in the 1920s by the Soviet government”.⁴¹ President Putin further developed this thesis in October 2014 at the meeting of the Valdai Club, speaking about the “region with the centre in Novorossiysk”, historically called Novorossiya.⁴² Therefore, Russia constructed a pseudo-historical and ideologically-justifiable motive for “returning primordially Russian lands”.

The idea of “Novorossiya” was immediately embraced by Russian propaganda, entered the official vocabulary and became a political and ideological motivation for further actions of the Kremlin. Relevant organisational and informational arrangements for “Novorossiya” included the new TV channel and media portals, the information agency and political movement of the same name. Launching of “Novorossiya” became a political signal and directive by the Kremlin, which resulted in the announcement of so-called “confederate republic of Novorossiya” in June 2014 in the occupied territories of the Donetsk region (this decision was cancelled in spring of 2015). The concept of “Novorossiya” should be viewed as an element of Russia’s strategic scenarios aimed at dismantling of current Ukrainian statehood and

dismembering the country. Although the “Novorossiya” plan has failed, it would be premature to argue that Moscow has abandoned this scenario altogether.

Fourth, the Kremlin stubbornly insists on Russia’s non-involvement in the armed conflict in Donbas. Messages of this kind are regularly communicated at the high and highest level. It was first stated by President Putin on 17 April 2014: “Nonsense! There are no Russian units in eastern Ukraine – no special services, no tactical advisors. All this is being done by locals”.⁴³ These infamous statements by the official Moscow – “we are not there” (*nas tam net*) – became the most vivid example of false denial of large-scale armed aggression. The Ukrainian side collected enormous material evidence of Russian armed intervention in Donbas and handed it over to international judicial institutions.

Russian aggression in the East of Ukraine has been acknowledged in many resolutions of the OSCE, PACE, EU, NATO and other organisations. Due to the occupation of Donbas, the Russian delegation was deprived of its vote in the PACE. Examples of international response are provided in the table *“Some international documents concerning Russian military intervention in Donbas”* (p.15-17).

In his statement at the UN General Assembly on 20 February 2019, the President of Ukraine Petro Poroshenko shared data about the occupation contingent in Donbas – “...the overall number of illegal armed formations stands now at around 35 thousand militants, along with 2,100 servicemen from Russian regular armed forces. The total number of the Russian armed forces along the Russian-Ukrainian border is over 87,000 troops”.⁴⁴

Extracts from President Poroshenko’s statement at the United Nations General Assembly on 20 February 2019

“There are no so-called “de-facto authorities” but the Russian occupation administration in the temporarily occupied territories of Donbas and Crimea, as well as Russian state bodies and agencies, which are in charge of administering these occupied territories.

There are no rebels but Russian regular armed forces under the Defence Ministry and formations of special and secret services. There are no insurgents but Russian advisors, instructors, irregular illegal armed groups created, equipped, funded and controlled by Russia”.⁴⁵

Russian presence in eastern Ukraine is also recorded by NATO structures. According to General Petr Pavel, the Chairman of the NATO Military Committee, the military structure and local administrations of “DPR” and “LPR” employ large contingents of “Russian specialists”.⁴⁶

³⁹ Commentary of the Ministry of Foreign Affairs of the Russian Federation in connection with referendums in the Donetsk and Luhansk regions of Ukraine – website of the Ministry of Foreign Affairs of the Russian Federation, 12 May 2014, http://www.mid.ru/brp_4.nsf/newsline/689302E9CA440EAA44257CD6005711A4.

⁴⁰ Statement of the Ministry of Foreign Affairs of the Russian Federation about elections on 2 November in the Donetsk and Luhansk regions – website of the Ministry of Foreign Affairs of the Russian Federation, 3 November 2014, http://www.mid.ru/brp_4.nsf/0/64C03E1336C1B4D3C3257D85002792D8.

⁴¹ Direct Line with Vladimir Putin, 17 April 2014, – President of Russia website, <http://en.kremlin.ru/events/president/news/20796>.

⁴² Meeting of the Valdai International Discussion Club, 24 October 2014 – President of Russia website, <http://en.kremlin.ru/events/president/news/46860>.

⁴³ Direct Line with Vladimir Putin, 17 April 2014 – President of Russia website, <http://en.kremlin.ru/events/president/news/20796>.

⁴⁴ Statement by the President of Ukraine at the United Nations General Assembly Debate on agenda item 67 “The situation in the temporarily occupied territories of Ukraine”, 20 February 2019 – website of the President of Ukraine, <https://www.president.gov.ua/en/news/vistup-prezidenta-ukrayini-na-debatah-generalnoyi-asambleyi-53282>.

⁴⁵ Ibid.

⁴⁶ NATO: 3 to 5 thousand Russian specialists work in “DPR” and “LPR” administrations – Radio Svoboda, 4 May 2018, <https://www.radiosvoboda.org/a/news/29208416.html>.

1.2.2. Russian occupation tactics in Donbas

In general, Russia's actions in the East of Ukraine are comparable with its tactics used in South Ossetia, Abkhazia, and Transnistria, and to a certain extent – in the annexed Crimea. It involves enforced creation of a pro-Russian enclave, completely dependent and controlled by the Kremlin, in the form of “unrecognized republic” with puppet “government” and mock attributes of pseudo-statehood. Being a recipient of Russian military, financial and economic assistance, this “formation” becomes integrated in the Russian Federation to one degree or another and is used by the latter as a tactical training ground and geopolitical bridgehead for further Russian expansion. On the other hand, it serves as a “ticking bomb» in the post-Soviet space and a zone of controlled conflict with its intensity and temperature regulated by the Kremlin's boss. This model has been field-tested elsewhere in the CIS and introduced in the Ukrainian Donbas with some new mechanisms and technologies. The specifics of Russian invaders' actions can be summarised as follows.

- **Large-scale militarisation** of the occupied region. With Moscow's helping hand, a powerful, well-armed military group was created in Donbas in the form of “operational and tactical command Donetsk” and “Second army corps of People's Militia of the Luhansk People's Republic” under the command of Russia's 8th Army of the Southern Military District.⁴⁷ Russia supplies military equipment and armaments and conducts rotation of the Russian occupation contingent through uncontrolled section of the state border. At the same time, a number of paramilitary units were formed, such as sizeable “Priazovsky Cossack Army of the DPR”. Newly created “DPR Army, Air Force and Navy Volunteer Society”⁴⁸ ensures functioning of patriotic clubs for military training of reservists. According to the Ukrainian intelligence, various methods of psychological pressure, provocations and blackmail are used to attract locals to the ranks of militants.

However, it is also evident that low quality of life, difficult socio-economic situation, critically low wages, widespread unemployment, especially in the coalmining industry, are the main drivers that force local residents to join the armed groups. The salary of an average militant (UAH 7,000-8,000) is several times higher than salaries of teachers, doctors and engineers in the occupied territories. For the occupation authorities, local militants are nothing else but cheap “cannon fodder”.

The ideology of “resistance to aggressive Kyiv regime” that has been encouraged and implanted in the public consciousness by occupants is one of important tools for mass militarisation of social and political life

in the “republics”. The ideological atmosphere in “DPR” and “LPR” echoes the all-Russian ideology of a “fortress under siege”.

- **Fake attributes of “independence and statehood” of pseudo-republics.** Over the five years of occupation, Russia helped to establish puppet militarised “government institutions”. “DPR” alone has at least 20 “ministries” and “departments” of all kinds, as well as “people's council”, “council of ministers”, “the prosecutor's office”, “central bank”, “supreme court” and many others. There exist trade unions, the union of journalists along with robust media network, and the like. Civil sector is represented by the movements “the Donetsk Republic” and “Peace to Luhansk Region”. This “government and political construction” is entirely guided by Presidential Administration and the Government of Russia and by Russian intelligence. For example, a change of power in Luhansk in November 2017 (removal of Igor Plotnitsky from the post of the “Head of LPR”) was completed under close Russian supervision. The “DPR and LPR elections” in November 2018 strictly followed scenarios suggested by Russians. Therefore, puppet authorities in “DPR” and “LPR” are nothing but the cover and technical tool for Russian occupation administrations.

The Russian side undertakes a coordinated action to legitimise the occupation regime in Donbas: (a) as already noted, Moscow continues to insist on direct talks between the leaders of “DPR” and “LPR” and official Kyiv; (b) pursues “partial” legalisation of the “republics” (in February 2017, President Putin signed the Decree on the recognition of documents issued by “DPR” and “LPR”); (c) tries to involve officials from the “republics” in discussions in influential international organizations; (d) arranges opening of “DPR and LPR delegations” in European countries (Czech Republic, France); (e) promotes “intergovernmental agreements on friendship and cooperation” between “DPR/LPR” and other “unrecognized republics” (in particular, “DPR” and “LPR” have already concluded “treaties” with South Ossetia); (f) invites foreign observers – members of odious European right-wing radical forces – to the “elections”.

The legislation of Ukraine determines that “armed formations of the Russian Federation and occupation administration of the Russian Federation have established and exercise general control”⁴⁹ in temporarily occupied territories of the Donetsk and Luhansk oblasts. Activities of these administrations are illegal; their decisions and acts are invalid; they do not create any legal consequences, and Ukraine shall bear no responsibility for these activities.

⁴⁷ The size, composition, structure and equipment of these military formations are analysed in Section 2, subsection “Military component of the Donbas occupation” of this Report.

⁴⁸ Militants in Donbas returned to the Soviet past – “Segodnya”, 15 November 2017, <https://www.segodnya.ua/regions/donetsk/boeviki-vernulis-v-sovetskoe-proshloe-na-donbasse-1090365.html>.

⁴⁹ The Law of Ukraine “On Peculiarities of the State Policy to Ensure the State Sovereignty of Ukraine over the Temporarily Occupied Territories in the Donetsk and Luhansk Oblasts” has entered into force on 18 January 2018.

- A targeted and coordinated **policy of absorption with alienation and exclusion of Donbas from Ukraine**, or, in fact, the latent annexation of the Ukrainian territory. One of the objectives of Russian expansion in the East of Ukraine is harsh political and ideological, social and economic, humanitarian “attachment” of the breakaway region to Russia with formal non-recognition of its “independence and sovereignty”. “DPR” and “LPR” are by no means self-sufficient, either in military or economic sense. According to Andrew Wilson, a well-known British expert, “the complete withdrawal [of Russian troops from Donbas] will mean only one thing – the “republics” will collapse. I do not see other logical scenarios”.⁵⁰ The same outcome waits for “DPR” and “LPR” in the event of cessation of Russian financial and economic assistance.

A system of military and economic support for the occupation regime has been established in the “republics”, including at the expense of federal reserve. All monetary payments were switched to Russian currency. Also, the Russian legislation is being introduced into the legal framework. The socio-economic sphere of the “republics” is supervised by the Russian “shadow group” headed by Deputy Prime Minister Dmitry Kozak.⁵¹

The permanent Russia-Donbas Integration Committee under the leadership of the Russian Duma deputies arranges “integration contacts” in various fields with a view to institutionalise the region’s orientation towards the Russian Federation. Under the auspices of this Committee, agreements are concluded on: (a) cooperation between educational establishments of “DPR-LPR” and the Crimea; (b) socio-cultural cooperation between “DPR-LPR” and local governments in Russian regions; (c) “twinning” between cities in the occupied territories and Russian cities. “Inter-parliamentary links” between “people’s councils” of pseudo-republics and legislative assemblies of Russian regions are being formed.

Sweeping Russification is underway with Ukrainian language being ousted from all spheres of life. Just like in Russia, the Unified State Exam has been introduced in the schools of occupied Donbas creating conditions for entry into Russian universities. Higher education in “DPR” and “LPR” is oriented towards the Russian system; universities in “republics” started issuing Russian diplomas.

- Alienation of Donbas from Ukraine as a tool and element of the occupation tactics of total **political, ideological and socio-cultural Russification**. In general, it refers to re-orientation of public

consciousness, a radical change of socio-cultural environment, which implies the establishment and spread of pro-Russian sentiment and the *Russian World* ideology on the one hand, and spiritual, cultural separation from Ukraine with formation of negative attitudes toward Kyiv authorities – on the other. This is the primary focus of “republican” media, which in essence function as relay stations for Russian media holdings.⁵² The information space of “DPR” and “LPR” is directly influenced by the Kremlin media. The public sphere is packed with Russian content, symbols, “senses” and memes of the *Russian World*, while the basic ideology is the “struggle against Ukrainian fascism for independence of Donbas and integration into Russia”.

The cultural sphere is also actively used to spread Russian influence. According to local media, Denis Pushilin’s “Russian Centre” has organised 23 concerts and performances of Russian pop singers in 2018; as many as 700 people of art and culture from Russia visited “DPR”.⁵³

The “republics” have introduced their own (Russified) system of “patriotic” education of youth based on Russian methods, praising the feats of militiamen. Students are taught about the impossibility of further co-existence with Ukraine, including through “intensification of Ukrainian terror” and heroization of Donbas defenders, such as “Givi”, “Motorola” and others.⁵⁴

The invaders have set up a network of “camps of patriotic education” of youth; more than 5,000 adolescents have attended them so far. According to Pavlo Lysianskyi, the representative of the Ukrainian Parliament Commissioner for Human Rights in the Donetsk and Luhansk oblasts, young people in these camps learn “to love *Russian World* and hate Ukrainians and Ukraine”.⁵⁵ Quite similar are the activities of another youth association called “Young Republic” – the branch of the “Donetsk Republic” movement, established by the occupying power. Young people living in “DPR” and “LPR” are being actively involved in multiple scientific, cultural and humanitarian exchanges with Russian regions and participate in different political and ideological events in Russia.⁵⁶ The occupation regime raises local youth in a spirit of estrangement and hostility towards Ukraine.

Therefore, the “hybrid” annexation of Donbas has produced “DPR” and “LPR” – a militarised zone hostile towards Ukraine, saturated with ideology of the *Russian World*, filled with weapons, covered by the network of agents and residents of Russian secret services, and controlled by the militant army under command of Russian officers.

⁵⁰ “Republics” will collapse: the British expert with grim prognosis for “DPR” and “LPR” – “Segodnya”, 6 November 2017, <https://www.segodnya.ua/ukraine/respubliki-razvalyatsya-britanskiy-ekspert-ozvuchil-mrachnyy-prognoz-dlya-dnr-i-lnr-1069237.html>.

⁵¹ For more detail about this structure See: Section 2 of this report.

⁵² For more detail about the information activities and propaganda by the occupation authorities see: Section 2.

⁵³ During the year, the Russian Centre has organized 23 concerts with participation of Russian pop singers – DAN, 2 January 2019, <https://dan-news.info/russia/russkij-centr-za-god-organizoval-v-dnr-dvadcat-tri-koncerta-s-uchastiem-populyarnyx-ispolnitelej-rf.html>.

⁵⁴ In Horlivka lyceum No.14, for example, they have a museum of heroic defence of “DPR”, the first section of which tells about “atrocities” committed by the Ukrainian army.

⁵⁵ Ombudsman’s representative: Militants in Donbas train children to fight Ukraine – “Segodnya”, 3 December 2018, <https://www.segodnya.ua/regions/donetsk/na-donbasse-boeviki-gotovyat-detey-k-voyne-s-ukrainoy-predstavitel-ombudsmena-1194525.html>.

⁵⁶ Such as Festival of Youth and Students in Sochi, “the Territory of Meanings on Klyazma” and many others.

1.2.3. Blocking of negotiation processes

It is this “Donbas mythologeme” that the Russian Federation builds its approach to negotiations in the Normandy format, in Trilateral Contact Group in Minsk and in the Surkov-Volker talks. While not acknowledging itself as a party to the conflict, Moscow continues to demand the recognition of “DPR” and “LPR” as the rightful subjects of negotiations, the autonomy of the “republics” through relevant amendments to the Constitution, as well as full amnesty and elections – in other words, the Kremlin seeks to implant “DPR” and “LPR” back into Ukraine in their present form, thus receiving an opportunity to influence Kyiv’s domestic and foreign policy course.

Such an interpretation of implementing the Minsk Agreements has been an official, invariable and uncompromising position of the Russian side during the entire negotiation process. Essentially, it is about creating the “DPR-LPR state within the Ukrainian state”. And this particular “Trojan horse” formula brings the years-long negotiation process to the deadlock.

Moscow has been deliberately and destructively blocking negotiations at various platforms for many years.⁵⁷ The idea of deploying the UN peacekeeping mission to Donbas in the form of international transitional administration with the military, police and civilian components is being actively discussed, but this formula is unacceptable for the Russian side. In July 2018, immediately after the Normandy Four meeting in Berlin, Sergey Lavrov, the Russian Foreign Minister, stated that “the idea... of this peacekeeping mission to be turned into a military-political commandant’s office that will take the entire territory of these proclaimed republics – DPR and LPR – under its control and will decide on its own who should be elected and how this should be done, are ruining the Minsk Agreements”.⁵⁸

Speaking about the causes of Russia’s intransigence, one can agree with opinions of some Western experts⁵⁹ – Russia is afraid that liberation of the occupied territories and arrival of a peacekeeping contingent will reveal a terrible picture of military and economic crimes of the Russian occupation regime and crimes against humanity, thus disclosing the real scale of Russia’s military presence in Donbas, and the like.

In the second half of 2018, the Russian side basically “froze” any talks on the Donbas conflict in view of the approaching elections in Ukraine. President Putin has repeatedly stated that it was pointless to negotiate with current Ukrainian government, and that they should wait for the elections and talk with the new Ukrainian

leadership. In particular, in October 2018 at the Valdai International Discussion Club, the Russian President said that “we should wait till the internal political cycle [in Ukraine] runs its course. And I hope very much that we will manage to build at least some relations... with the country’s new leadership”.⁶⁰

There are grounds to believe in Russia’s systemic, targeted meddling (participation) in the parliamentary election campaigns in Ukraine. Moreover, the presidential race was rather to serve as a “bridgehead” and preparation for pro-Russian revenge in the parliamentary elections (July-October 2019). Russia’s actions will likely focus on the following: (a) destabilising internal political situation; (b) supporting pro-Russian political forces in election campaigns; (c) implementing a massive public information campaign in the Ukrainian media space; and (d) discrediting Ukrainian elections at the international level. This poses a threat to Ukrainian statehood, given the low credibility of current government, difficult socio-economic situation and availability of effective tools of “hybrid” aggression at the Kremlin’s disposal.

Summarizing the above, it should be added that the Kremlin’s policy regarding Donbas may also include a potential compromise with Ukraine, however, on terms of continued *de-facto* influence of the Russian Federation on this territory. Consequently, some options acceptable for Russia after the conflict may include the following:

- bringing pro-Russian forces to power in Ukraine and keeping the country in Russia’s orbit (by meddling in parliamentary elections);
- achieving federalisation of Ukraine with the special status of “DPR” and “LPR” within Ukraine – with the right to determine their own foreign policy, which, according to the Kremlin, will prevent Ukraine from joining the EU and NATO;
- in the event of failure of “peaceful” ways – dismembering Ukraine with seizure of eastern and southern regions and overland unification of Transnistria and the Crimea with mainland Russia; setting up a bridgehead to spread its influence on the entire Black Sea region and the Balkans;
- “preserving” the conflict with creation of a hotspot and a bridgehead for renewed aggression on the territories of “DPR” and “LPR” (also establishment of Russian military bases in these territories upon *consent of pseudo-republics*).

⁵⁷ As a result, all attempts to develop a roadmap for the implementation of the Minsk Agreements, which the leaders of the Normandy Four agreed on in Berlin in October 2016 have eventually failed. Another Russia’s political and diplomatic attempt to preserve the occupation regime included submission of relevant resolution to UNSC in September 2017, which stipulated the deployment of peacekeeping forces to the contact line only to protect the members of OSCE’s Monitoring Mission. Later, the Kremlin rejected Kurt Volker’s plan.

⁵⁸ Russia’s Lavrov made a statement on Donbas after the Normandy talks – “Segodnya”, 12 June 2018, <https://www.segodnya.ua/politics/posle-normandskih-peregovorov-lavrov-sdelal-zayavlenie-po-donbassu--1145984.html>.

⁵⁹ Peter Dickinson. Why Putin Cannot Risk Peace in Ukraine. – Atlantic Council, 12 November 2017, <https://www.atlanticcouncil.org/blogs/ukrainealert/why-putin-cannot-risk-peace-in-ukraine>.

⁶⁰ Direct Line with Vladimir Putin, 7 July 2018, – President of Russia website, <http://en.kremlin.ru/events/president/news/57692>; Answers to Russian journalists’ questions, 15 November 2018 – *ibid.*, <http://en.kremlin.ru/events/president/news/59131>; Meeting of the Valdai International Discussion Club, 18 October 2018 – *ibid.*, <http://en.kremlin.ru/events/president/news/58848>.

Given the positions of parties involved, geopolitical dynamics and the situation in the conflict zone, it is clear that the last option is the most realistic one in the nearest future.

However, realisation of any of the above scenarios will require significant resources that Russia currently lacks. Discrepancy between the state of Russian economy and the Kremlin's foreign policy ambitions is becoming increasingly critical. Even in the event of certain progress on the "hybrid" fronts, it will be difficult for Russia to maintain it (let alone develop), if this burden is not shuffled off on Russia's victims, at least partially.

1.3. Role and impact of the West in settling the conflict in Donbas

The position and actions of the Western nations concerning Donbas should be viewed in the context of their general policy on Russian aggression against Ukraine. The global community has demonstrated solidarity with Ukraine along with active political and diplomatic support for its territorial integrity, independence and sovereignty. Countries of Europe, the United States, Canada, Japan, Australia, Turkey and other countries, as well as international organizations (UN, EU, OSCE, PACE, NATO): (a) did not recognise the annexation of the Crimea and condemned Russian intervention in Donbas; (b) provided political, financial, economic, material and technical assistance to Ukraine; (c) imposed a variety of restraining political and economic sanctions on Russia; and (d) initiated a multilateral negotiation process to stop the war in the East of Ukraine.

Unfortunately, due to various internal and external causes, these years-long efforts of the West failed to translate into the end of Russian intervention in Donbas, or the establishment of stable truce in the region.

1.3.1. Western support of Ukraine

Ukraine, being in different "weight categories" with Russia, has limited internal resources to counter the Kremlin's "hybrid" expansion. Therefore, external support is critical for Ukraine.

It is worth recalling that in early days of Russian aggression the West initiated, and the UN General Assembly approved a resolution on 27 March 2014, in which it "affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of

Ukraine within its internationally recognized borders".⁶¹ Meanwhile, similar decisions were adopted by the PACE (9 April 2014), the OSCE Parliamentary Assembly (1 July 2014), the NATO Parliamentary Assembly (25 November 2014) condemning Russian aggression against Ukraine.⁶²

The international institutions' unwavering support for territorial integrity of Ukraine was confirmed by subsequent resolutions in 2015-2018. G7 also stepped in to support Ukraine. At the Brussels Summit (4 June 2014), the leaders of G7 condemned the continuing violation of Ukraine's sovereignty and territorial integrity by Russia. The joint statement reads: "Russia's illegal annexation of the Crimea, and actions to de-stabilise eastern Ukraine are unacceptable and must stop".⁶³ At the G20 Summit in Australia (16 November 2014), the leaders of the United States, Japan, and Australia decided to join efforts to resolve the Russian-Ukrainian conflict.⁶⁴

The EU governing bodies – the Council of Europe, the European Parliament and the European Commission – have also supported Ukraine. For example, during 2014-2018 the European Parliament adopted a series of resolutions demanding to stop Russian aggression, to ensure territorial integrity of Ukraine, and to strengthen the sanctions policy against the aggressor. At the same time, the heads of state/government of the EU member states have appealed to the international community calling to support of Ukraine and ensure its sovereignty and territorial integrity. In particular, on 1 September 2014 the European Council adopted the conclusions on Ukraine, which "continued to strongly condemn the illegal annexation of the Crimea... the increasing flow of fighters and weapons from the territory of the Russian Federation into Eastern Ukraine as well as the aggression by Russian armed forces on Ukrainian soil".⁶⁵ On 10 June 2015, the European Parliament adopted a Resolution on the state of EU-Russia relations, which stressed that Russia could no longer be considered a strategic partner and called for critical re-assessment of relations with the Russian Federation.⁶⁶

In general, during the entire Russian-Ukrainian conflict, the EU pursued active and consistent political and diplomatic, financial and economic support of Ukraine. For the period from 2014 to 2018 the EU's total macro-financial assistance provided to Ukraine amounted to €3.3 billion – the largest amount of such assistance directed at any non-EU country.⁶⁷ In July 2018, the fourth MFA programme for Ukraine up to €1 billion was launched. At the same time, the EU is implementing

⁶¹ The UNGA Resolution was upheld by 100 countries, and 58 abstained. 11 countries voted against the Resolution (Russia, Belarus, Zimbabwe, Venezuela, Syria, Bolivia, Armenia, North Korea, Cuba, Nicaragua and Sudan).

⁶² Since 2014, reputable international institutions adopted a large array of documents on Russian aggression against Ukraine. This section will further review the statements and decisions of international organisations regarding the Russian intervention in Donbas in greater detail.

⁶³ G7 put forth four conditions before Russia – "Obozrevatel", 4 June 2014, <https://www.obozrevatel.com/abroad/34697-stranyi-g7-vyidvinuli-rossii-chetyire-usloviya.htm>.

⁶⁴ Extremely cool reception of Putin at the G20 Summit in Australia was a vivid example of joint rejection of Russian policy towards Ukraine.

⁶⁵ European Council conclusions on Ukraine dated 1 September 2014 – website of the Delegation of the European Union to Ukraine, http://eeas.europa.eu/archives/delegations/ukraine/press_corner/all_news/news/2014/2014_09_01_01_en.htm

⁶⁶ The European Parliament urges not to consider Russia as a strategic partner – "Telegraph", 10 June 2015, <https://telegraf.com.ua/mir/europa/1927657-evroparlament-prizyivaet-ne-rassmatrivat-ri-kak-strategicheskogo-partnera.html>.

⁶⁷ EU approves disbursement of €500 million in Macro-Financial Assistance to Ukraine, https://eeas.europa.eu/delegations/ukraine/54726/eu-approves-disbursement-%E2%82%AC500-million-macro-financial-assistance-ukraine_en.



a series of humanitarian, technical assistance and reform support projects in Ukraine in various areas, including reforms of regional policy, judicial system, prosecutor's office, police and the civil security sectors. It should also be reminded that on 11 June 2017 the visa free travel for Ukrainians has been launched; on 1 September 2017 the Association Agreement has officially entered into force.

Joint statement following the 20th EU-Ukraine Summit (July 2018) stressed support and commitment to Ukraine's territorial integrity and condemned the ongoing Russian aggression. In October 2018 the European Parliament adopted a resolution on the situation in the Sea of Azov.

A number of countries, including the United States, Canada, Japan, United Kingdom and others, provided Ukraine with financial guarantees, grants, loans, credit lines and non-lethal military supplies (protective equipment, uniforms, communication equipment, vehicles, engineering equipment, medicines, tents, food rations, etc.). Training programmes for the Ukrainian military are underway.

Washington, together with the EU, initiated and integrated the international campaign to protect Ukraine from Russian aggression. Back on 11 December 2014, the US Senate approved, and President Obama signed the Ukraine Freedom Support Act, which broadened the channels of US-Ukraine cooperation in various fields (politics, economics, energy, security) and opened up the possibility of supplying military aid to Ukraine. It is also important that theses on countering the Russian threat were included in the new US National Security Strategy (December 2017). Since 2014 the United States provided over \$2.8 billion in aid and \$3 billion in loan guarantees to Ukraine for security and reforms.

Support for Ukraine remains an integral element of Washington's official policy. At some point, the expectations of "big deal" between President Trump and President Putin did not materialise, including because of

Ukraine. Quite the contrary, 2018 became an "exemplary" indicator of America's political, military and financial support for Ukraine (Box "The United States' support of Ukraine in 2018").⁶⁸

The United States' support of Ukraine in 2018

- ✓ The United States acted as a major unifying force in the anti-Russian sanctions front, unveiling the so-called "Kremlin list" in January 2018 and introducing personal and sectoral restrictive measures against the Russian Federation during the year.
- ✓ Provision of lethal weapons to Ukraine was important military and political act of support. In the first half of 2018 the United States supplied Javelin anti-tank missile systems; in September Ukraine also received two Island-class patrol boats.
- ✓ In July 2018, the US Department of State came up with its famous Crimea Declaration. On 29 November the Senate unanimously passed a strong resolution condemning Russian aggression in the Sea of Azov. It is also important that following this incident President Trump cancelled a meeting with Vladimir Putin at the G20 Summit, for which the Russian side had very high expectations.
- ✓ On 16 November, the US Secretary of State Mike Pompeo and Ukrainian Foreign Minister Pavlo Klimkin co-chaired a plenary session of the Commission in Washington. In ensuing Joint Statement, the American side (a) reiterated non-recognition of the occupation of Crimea; (b) condemned Russia's aggressive actions in the Sea of Azov; (c) confirmed its commitment to maintain sanctions against Russia; (d) condemned the illegal "elections" in Russia-controlled Donbas.
- ✓ In December, the United States House of Representatives adopted a number of resolutions that (a) condemned Russia's actions in the Sea of Azov; (b) called for imposition of sanctions against Nord Stream 2; (c) recognised the Holodomor as an act of genocide against the Ukrainian people. It is also important that the US Department of State has officially supported the Ukrainian Orthodox Church's autocephaly.

Cooperation with NATO and its support are critical for Ukraine, in particular, within the framework of Annual National Programmes, roadmap for defence and technical cooperation, joint projects, military exercises, etc. In the context of Russia's "hybrid" aggression, NATO's military and technical, material, financial and expert assistance is vital.

The Alliance's leadership has consistently supported Ukraine's interests in countering Russian aggression, both in international platforms and within the NATO-Ukraine Commission.⁶⁹ According to NATO Secretary General Jens Stoltenberg, "...we provide practical support for Ukraine... with different trust funds, where we help Ukraine with command and control, logistics and many other areas... NATO allies provide training and help and support for [Armed Forces of] Ukraine".⁷⁰

The NATO Warsaw Summit (July 2016) was critical for strengthening Ukraine's defence capability, as the country received a Comprehensive Assistance Package – an effective tool aimed at consolidating the NATO-Ukraine

⁶⁸ Ukraine 2018-2019: Caution optimism before elections (Assessments) – The Razumkov Centre, 2019, p.8-16, http://razumkov.org.ua/uploads/article/2019_Pidsumky_2018.pdf.

⁶⁹ On the other hand, further development of institutional contacts between Ukraine and NATO was hampered by the destructive position of Hungary. Being unhappy with Ukraine's new education law, this country has consistently blocked the meetings of the NATO-Ukraine Commission. Such actions found no support among other Allies, and neither did the Hungary's official request to the NATO leadership to review the Alliance's relations with Ukraine.

⁷⁰ Stoltenberg: NATO continues to deliver strong support to Armed Forces of Ukraine – UNIAN, 9 February 2016, <http://www.unian.net/society/1259880-stoltenberg-nato-prodoljit-okazyivat-reshitelnyu-podderjku-voorujennyim-silam-ukrainyi.html>.

cooperation in the security sector (eight trust funds, 40 areas of cooperation). Solidarity with Ukraine has been clearly articulated in the NATO Brussels Summit Declaration (July 2018). Ukraine still has the status of an “aspirant country”. The NATO Parliamentary Assembly at its May and November sessions reiterated support for Ukraine’s membership perspective. In particular, the Special Report of the NATO Parliamentary Assembly (November 2018) stresses that “Georgia, Ukraine and Moldova, as well as the Western Balkan countries, should be given a clear membership perspective both in NATO and the EU”.⁷¹

Generally speaking, the nature, dynamics and specifics of the Western policy in support of Ukraine, including settlement of the conflict in Donbas, points to at least two important trends:⁷²

- **Western political elites and international organisations gradually come to understand the real nature and goals of the Kremlin’s actions around the world**, while annexation of Crimea and the war in eastern Ukraine is not an internal conflict, but rather an element of Russia’s aggressive foreign policy. Figuratively speaking, the “toxicity” of Russian political regime is growing.
- **This understanding results in strengthening of the coalition of countries that jointly resist Russian influence and support sovereignty and territorial integrity of Ukraine**. These trends become particularly visible in the West-Russia confrontation in the platforms of different international organisations.

Speaking about the significance of an external factor for Ukraine, one should take into account the following. **First**, the value of international assistance largely depends on the effectiveness of its use by Ukraine, i.e. on the efficiency and success of domestic reforms. Therefore, the fact that the process of Ukrainian reforms suffers from inconsistency, populism, corruption and red tape causes extremely dangerous “fatigue from Ukraine” in Europe and the world, as well as scepticism and distrust towards official Kyiv. **Second**, external assistance (including humanitarian) has certain limitations and tends to curtail. New hotspots and conflict zones continue to emerge around the world, and they also need attention and assistance from the global community. The Ukrainian issue will eventually “take a backseat” and become peripheral. Therefore, with all respect and appreciation of the West’s solidarity, Ukraine will have to re-focus and rely on its own potential and strengths.

1.3.2. Conflict in Donbas: positions and assessments of international organisations

Russian intervention in Donbas has been actively discussed at international platforms, which translated into relevant decisions and acts. The documents adopted in this regard confirmed support for territorial integrity of Ukraine within its internationally recognised borders, condemned Russia’s aggressive policy, emphasised the need for the implementation of the Minsk Agreements along with withdrawal of Russian troops and return of control over the state border (the table “*Some international documents concerning Russian military intervention in Donbas*”, p.15-17).

It should be noted that both Tbilisi Declaration by the OSCE Parliamentary Assembly (2016) and Joint Statement on US-Ukraine Strategic Partnership (2018) come up with an idea of deploying a peacekeeping mission in Donbas. In particular, the Tbilisi Declaration was first to call for an international peacekeeping operation under the auspices of the UN and the OSCE, which was later echoed by Kurt Volker, the US Special Representative for Ukraine, the Ukrainian government (the plan of the Ministry for Temporarily Occupied Territories and Internally Displaced Persons), and by Martin Sajdik, OSCE Special Representative.⁷³

While some international documents mention the Donbas issue in other contexts (Joint Declaration of the Eastern Partnership summit and the Ukraine-EU summit, the European Parliament resolution, statements of NATO summits), other documents focus entirely on the Donbas problem (PACE resolutions, separate Resolution of the OSCE PA 2017). PACE resolutions are particularly specific about the war in Donbas. Moreover, these resolutions address certain aspects of the conflict, including prisoners of war and hostages, human rights violations, and humanitarian consequences of the conflict. Most documents mention the Crimea and Donbas together. Also, some documents specifically emphasise Russia’s responsibility for the events in Ukraine.



⁷¹ Countering Russia’s Hybrid Threats: An Update. Revised Draft Special Report by Lord Jopling (United Kingdom) Special Rapporteur. – NATO Parliamentary Assembly, <https://www.nato-pa.int/document/2018-countering-russias-hybrid-threats-jopling-report-166-cds-18-e>

⁷² These trends are described in previous studies of the Razumkov Centre. See: Ukraine 2018-2019: Caution optimism before elections (Assessments) – The Razumkov Centre, 2019, p.8-16; Ukraine 2017-2018: New realities, old problems (Assessments) – The Razumkov Centre, 2018, p.6, http://razumkov.org.ua/uploads/article/2018_Pidsumky_ukr_eng.pdf.

⁷³ The idea of deploying the peacekeeping contingent was initially articulated by President Poroshenko back in 2015.

Some international documents concerning Russian military intervention in Donbas¹

Document	Extracts
United Nations Security Council Resolution 2202 (17 February 2015) ²	<i>The Security Council</i> 1. endorses the “ Package of measures for the Implementation of the Minsk Agreements ”, adopted and signed in Minsk on 12 February 2015 (Annex I); 3. calls on all parties to fully implement the “Package of measures” , including a comprehensive ceasefire as provided for therein.
Resolution of the EURONEST Parliamentary Assembly on the Russian military aggression against Ukraine and the urgent need for a peaceful resolution to the conflict (17 March 2015) ³	The EURONEST Parliamentary Assembly D. whereas Russian aggression and occupation of the Crimean Peninsula , together with acts of aggression in eastern Ukraine which led to material losses for Ukraine, its citizens and its legal entities, should be remedied by the Russian Federation via international judicial institutions; 2. ...expresses its full support for Ukraine's sovereignty and territorial integrity within its internationally recognised borders; 3. supports the agreement reached in Minsk on 12 February 2015... and signing of the “Package of measures for the implementation of the Minsk agreements”; welcomes the UN Security Council's endorsement of the agreement as a whole; 9. calls on Russia to withdraw its troops and armaments from occupied territories , to stop sending, supplying and financing mercenaries and supporting, training and arming irregular forces.
Joint Declaration of the Eastern Partnership Summit (21-22 May 2015) ⁴	4. ...They call on all parties to swiftly and fully implement the Minsk Agreements of September 2014 and the package of measures for their implementation of February 2015 , supported by the quadrilateral Declaration of Heads of State and Government, and endorsed by UNSC Resolution 2202 of 17 February 2015.
The European Parliament Resolution on the state of EU-Russia relations (10 June 2015) ⁵	<i>The European Parliament</i> 1. reiterates that Russia's direct and indirect involvement in the armed conflict in Ukraine and its illegal annexation of Crimea... constitute a deliberate violation of democratic principles and fundamental values and of international law; in this context, the EU cannot envisage a return to “business as usual” and has no choice but to conduct a critical re-assessment of its relations with Russia... plan to counter the aggressive and divisive policies conducted by Russia , and a comprehensive plan on its future relations with that country; 2. stresses that at this point Russia, because of its actions in Crimea and in Eastern Ukraine, can no longer be treated as, or considered, a “strategic partner”... ; 6. ...underlines that a resumption of cooperation would be envisaged on the condition that Russia respects the territorial integrity and sovereignty of Ukraine, including Crimea, fully implements the Minsk Agreements...
Parliamentary Assembly of the Council of Europe Resolution No. 2063 Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015)) (24 June 2015) ⁶	1. ...the Assembly resolutely condemned the grave violations of international law committed by the Russian Federation with regard to the conflict in eastern Ukraine and the illegal annexation of Crimea. ... the Assembly resolved to annul the credentials of the Russian delegation at its June 2015 part-session if no progress had been made with regard to the implementation of the Minsk Protocol and Memorandum , as well as the demands and recommendations of the Assembly... in particular with regard to the immediate withdrawal of Russian military troops from eastern Ukraine . 3. The Assembly reiterates its position and demands with regard to the Russian intervention resulting in a military conflict in eastern Ukraine , the illegal annexation of Crimea and the continuing deterioration of the human rights situation in that region... In addition, it expresses its serious concern about, <i>inter alia</i> : 3.5. the continuing presence of Russian troops in eastern Ukraine and the influx of advanced weaponry and “ volunteers ” from the Russian Federation . 8. ...the Assembly calls upon the Russian authorities to: 8.3. withdraw all its troops from Ukrainian territory .
Parliamentary Assembly of the Council of Europe Resolution No. 2112 The humanitarian concerns with regard to people captured during the war in Ukraine (21 April 2016) ⁷	1. Since the illegal annexation of Crimea by the Russian Federation and the beginning of military aggression in the Luhansk and Donetsk regions in eastern Ukraine, hundreds of Ukrainian servicemen and civilians have been reported captured or abducted. 9. ...the Assembly... urges Ukraine, the Russian Federation and the separatist groups controlling the occupied territories of the Donetsk and Luhansk regions to : 9.1. stop all military operations in the east of Ukraine , withdraw all weapons and restore peace in this region; 9.2. implement, without further delay, the Minsk Agreements , especially prioritising the paragraph on the release of all captured persons; their release should not be based upon the fulfilment of other Minsk Agreement points. 10. The Assembly further urges the authorities of the Russian Federation to: 10.3. use their influence over the separatist groups which control the occupied territories in the Donetsk and Luhansk regions to urge them to release all Ukrainian captives. 11. The Assembly urges the separatist groups which control the occupied territories in the Donetsk and Luhansk regions to: 11.1. release all captured prisoners and hostages .

¹ As of the end of 2018.

² Resolution 2202 (2015), adopted by the Security Council at its 7384th meeting, on 17 February 2015 – United Nations website, [https://undocs.org/en/S/RES/2202%20\(2015\)](https://undocs.org/en/S/RES/2202%20(2015)).

³ Resolution on the Russian military aggression against Ukraine and the urgent need for a peaceful resolution to the conflict. – EUR-Lex. Access to European Union Law, [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1550225413503&uri=CELEX:22015P0923\(06\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1550225413503&uri=CELEX:22015P0923(06)).

⁴ Joint Declaration of the Eastern partnership Summit (Riga, 21-22 May 2015) – The Ministry of Foreign Affairs of Ukraine, <https://mfa.gov.ua/en/press-center/news/36735-joint-declaration-of-the-eastern-partnership-summit-riga-21-22-may-2015>.

⁵ European Parliament resolution of 10 June 2015 on the state of EU-Russia relations (2015/2001 (INI)). – EUR-Lex. Access to European Union Law, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1550225413503&uri=CELEX:52015IP0225>.

⁶ Resolution 2063 (2015) “Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015)). – Council of Europe Parliamentary Assembly, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21956&lang=en>.

⁷ Resolution 2112 (2016) “The humanitarian concerns with regard to people captured during the war in Ukraine”. – Council of Europe Parliamentary Assembly, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22750&lang=en>.

Some international documents concerning Russian military intervention in Donbas

Document	Extracts
Tbilisi Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the 25 th Annual Session (1-5 July 2016) ⁸	Chapter 1. Political Affairs and Security The OSCE Parliamentary Assembly 33. urges all parties to fully implement the Package of Measures for the implementation of the Minsk Agreements... , which is an essential step towards a peaceful settlement of the crisis in and around Ukraine; 39. ...and calls for an international peacekeeping operation under the auspices of the UN and the OSCE in order to reinforce the Minsk Agreements; 41. expresses concern over the continuing presence of foreign regular troops as well as military equipment in certain areas of the Donetsk and Luhansk regions of Ukraine and urges their removal as provided for in the Minsk Agreements .
Warsaw Summit Communiqué (9 July 2016) ⁹	10. Russia's destabilising actions and policies include: the ongoing illegal and illegitimate annexation of Crimea, which we do not and will not recognise and which we call on Russia to reverse; the violation of sovereign borders by force; the deliberate destabilisation of eastern Ukraine... 16. We stand firm in our support for Ukraine's sovereignty and territorial integrity within its internationally recognised borders... We strongly condemn Russia's aggressive actions against Ukraine... 18. We are committed to a peaceful solution to the conflict in eastern Ukraine... and reintegration of the areas of the Donetsk and Luhansk... This will require full implementation of the Minsk Agreements... 19. ...Despite its declared commitment to the Minsk Agreements, Russia continues its deliberate destabilisation of eastern Ukraine...
Parliamentary Assembly of the Council of Europe Resolution No. 2133 Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities (12 October 2016) ¹⁰	2. It [the Parliamentary Assembly] reaffirms its position that the annexation of Crimea by the Russian Federation and the military intervention by Russian forces in eastern Ukraine violate international law and the principles upheld by the Council of Europe , as stated in Assembly Resolution 2112 (2016), Resolution 2063 (2015), Resolution 1990 (2014) and Resolution 1988 (2014).
Report on Preliminary Examination Activities , The Office of the Prosecutor of the International Criminal Court (14 November 2016) ¹¹	"The information available suggests that the situation within the territory of Crimea and Sevastopol amounts to an international armed conflict between Ukraine and the Russian Federation. This international armed conflict began at the latest on 26 February when the Russian Federation deployed members of its armed forces to gain control over parts of the Ukrainian territory without the consent of the Ukrainian Government..." "Additional information, such as reported shelling by both States of military positions of the other, and the detention of Russian military personnel by Ukraine, and vice-versa, points to direct military engagement between Russian armed forces and Ukrainian government forces that would suggest the existence of an international armed conflict in the context of armed hostilities in eastern Ukraine from 14 July 2014..."
G7 Taormina Leaders' Communiqué (26-27 May 2017) ¹²	13. A sustainable solution to the crisis in Ukraine can only be reached with the full implementation by all sides of their commitments under the Minsk Agreements... We stress the responsibility of the Russian Federation for the conflict and underline the role it needs to play to restore peace and stability. We reiterate our condemnation of the illegal annexation of the Crimean Peninsula, reaffirm our policy of non-recognition , and fully support Ukraine's independence, territorial integrity and sovereignty .
Minsk Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the 26 th Annual Session (5-9 July 2017) ¹³	Resolution on Restoration of the Sovereignty and Territorial Integrity of Ukraine The OSCE Parliamentary Assembly: 18. Reaffirms its full respect for the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognised borders, which include the Autonomous Republic of Crimea and the city of Sevastopol; 19. Reiterates its condemnation of the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and the ongoing Russian hybrid aggression against Ukraine in Donbas; 26. Urges the Russian Federation to stop sponsoring terrorist activities in Ukraine through the inflow of fighters, money, and weapons across the non-Government controlled segment of the Ukrainian-Russian state border, and to terminate all support for illegal armed formations in certain areas of the Donetsk and Luhansk regions of Ukraine that engage in acts of terrorism in Ukraine; 28. Calls on the Russian Federation to ensure the withdrawal of its armed formations, military equipment, and mercenaries from the territory of certain areas of the Donetsk and Luhansk regions of Ukraine under monitoring of the OSCE, as well as disarmament of all illegal armed formations.

⁸ Tbilisi Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the Twenty-Fifth Annual Session. Tbilisi, 1-5 July 2016 – PA OSCE, <http://www.parliament.ge/uploads/other/49/49125.pdf>.

⁹ Warsaw Summit Communiqué. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016. – NATO official web-site, https://www.nato.int/cps/en/natohq/official_texts_133169.htm.

¹⁰ Resolution 2133 (2016) "Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities". – Council of Europe Parliamentary Assembly, <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=23167&lang=EN&search=KjoqfHR5cGVfc3RyX2VuOUIJlc29sdXRpb24=>.

¹¹ Report on Preliminary Examination Activities (2016) – The Office of the Prosecutor of the International Criminal Court, https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-pe_eng.pdf.

¹² G7 Taormina Leaders' Communiqué. – Italian G7 Presidency 2017, <http://www.g7.utoronto.ca/summit/2017taormina/G7-Taormina-Leaders-Communique.pdf>.

¹³ Minsk Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the Twenty-Sixth Annual Session. Minsk, 5-9 July 2017 – PA OSCE, <https://www.oscepa.org/documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file>.

Some international documents concerning Russian military intervention in Donbas

Document	Extracts
Joint Statement of the NATO-Ukraine Commission marking the 20 th anniversary of the Charter on a Distinctive Partnership between NATO and Ukraine (10 July 2017) ¹⁴	3. ...We reaffirmed our support for the settlement of the conflict by diplomatic means in accordance with the Minsk Agreements , which need to be fully implemented by all parties; Russia as a signatory to the Minsk agreements bears significant responsibility in this regard. We stressed the need to ensure a safe and conducive environment for the OSCE Special Monitoring Mission (SMM), to fulfil its mandate; the OSCE monitors must have full, safe, and unhindered access throughout Ukraine, including to the Russia-Ukraine state border. Russia continues to provide weapons, equipment and personnel, as well as financial and other assistance to militant groups, and to intervene militarily in the conflict. These developments have serious implications for the stability and security of the entire Euro-Atlantic area. We call on Russia to desist from aggressive actions and to use its considerable influence over the militants to meet their commitments in full.
NATO Parliamentary Assembly Resolution No. 437 on Stability and Security in the Black Sea Region (6-9 October 2017) ¹⁵	The Assembly 12. urges member governments and parliaments of the North Atlantic Alliance: j. to reaffirm non-recognition of the illegal and illegitimate annexation of Crimea, and to continue emphasising the importance of full implementation of the Minsk Agreements , as well as the development of confidence-building measures aimed at restoring the territorial integrity of Ukraine in full...
Parliamentary Assembly of the Council of Europe Resolution No.2198 ¹⁶ Humanitarian consequences of the war in Ukraine (23 January 2018)	The Parliamentary Assembly 3. ...takes of the new Ukrainian law on the peculiarities of the State policy to ensure the State sovereignty of Ukraine over the temporarily occupied territories in Donetsk and Luhansk. This law defines the State policy of restoring Ukraine's sovereignty over the temporarily occupied territories , facilitates the protection of the rights and freedoms of the citizens of Ukraine... 4. The process of exchange of captured persons has been highly politicised and blocked by the representatives of the illegal armed groups of the Donetsk and Luhansk regions...
Berlin Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the 27 th Annual Session ¹⁷ (7-11 July 2018)	Chapter 1. Political Affairs and Security 38. Reaffirms its previous positions on the conflict in and around Ukraine and reiterates its support for a settlement based on the Minsk Agreements in their entirety and de-occupation of the Autonomous Republic of Crimea and the city of Sevastopol, including the full withdrawal of Russian military forces from Ukrainian territory.
Joint statement following the 20th EU-Ukraine Summit ¹⁸ (9 July 2018)	"1. ...The EU reiterates its unwavering support and commitment to Ukraine's independence, sovereignty and territorial integrity. 9. We deplored the continuation of violence in certain areas of the Donetsk and Luhansk regions and its heavy toll on the civilian population and its dire consequences for the human rights situation. We condemned in the strongest terms the continued indiscriminate shelling of residential areas and critical civilian infrastructure. We reaffirmed our full support to the endeavours in the Normandy format, the OSCE and Trilateral Contact Group aimed at sustainable and peaceful resolution of this conflict through the full implementation of the Minsk Agreements by all sides , underlining the responsibility of the Russian Federation in this regard... The EU recently again renewed its economic sanctions on Russia , the duration of which remains clearly linked to the complete implementation of the Minsk Agreements.
Brussels Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels, 11-12 July 2018 ¹⁹	7. ...We urge Russia to cease all political, financial, and military support to militant groups and stop intervening militarily in the Donetsk and Luhansk regions and to withdraw troops, equipment, and mercenaries from the territory of Ukraine, and return to the Joint Centre for Control and Coordination...
Joint Statement on U.S.-Ukraine Strategic Partnership ²⁰ (16 November 2018)	Security and Countering Russian Aggression "Both sides reaffirmed the importance of the Minsk agreements in ending Russia's aggression , and highlighted the need to restore Ukrainian control over the Ukrainian territories temporarily occupied or controlled by Russia – Crimea and the Donetsk and Luhansk regions. Both sides decided that a robust UN-mandated international security force... would create the necessary security conditions for the full implementation of the Minsk agreements. The United States confirmed its commitment to maintain sanctions against Russia related to its aggression against Ukraine... The United States welcomed Ukraine's NATO aspirations... "

¹⁴ Joint Statement of the NATO-Ukraine Commission marking the 20th anniversary of the Charter on a Distinctive Partnership between NATO and Ukraine – NATO website, https://www.nato.int/cps/uk/natohq/official_texts_146087.htm?selectedLocale=en.

¹⁵ Resolution 437 on Stability and Security in the Black Sea Region. – NATO Parliamentary Assembly, <https://www.nato-pa.int/download-file?filename=sites/default/files/2017-10/2017%20-%20RESOLUTION%20437%20-%20BLACK%20SEA%20-%20SCHMIDT%20-%20-%2020219%20CDS%2017%20E.pdf>.

¹⁶ Resolution 2198 (2018) "Humanitarian consequences of the war in Ukraine". – Council of Europe Parliamentary Assembly, <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnVveG1sL1hSZWYyWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yNDQzMjZsYW5nPUVO&xsl=aHR0cDovL3NlbWVudGlicGJfZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVCI1YTUwYUJERGlhbnZbA==&xslparams=ZmlsZWlkPTI0NDMy>.

¹⁷ Berlin Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the Twenty-Seventh Annual Session – The OSCE Parliamentary Assembly, <https://www.oscepa.org/documents/annual-sessions/2018-berlin/declaration-26/3742-berlin-declaration-eng/file>.

¹⁸ Joint statement following the 20th EU-Ukraine Summit. Brussels, 9 July 2018. – European Council; Council of the EU, <https://www.consilium.europa.eu/media/36086/joint-statement-eu-ua-summit-2018.pdf>.

¹⁹ Brussels Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels, 11-12 July 2018 – NATO website, https://www.nato.int/cps/su/natohq/official_texts_156624.htm?selectedLocale=en.

²⁰ Joint Statement on U.S.-Ukraine Strategic Partnership – The Embassy of Ukraine to the United States of America, <https://usa.mfa.gov.ua/ua/press-center/news/68610-spilyna-zajava-komisiji-strategichnogo-partnerstva-ukrajina--ssha>.

To describe Russia's actions, these documents use such terms as "aggression", "occupation", "destabilisation", "annexation", and "military intervention". Events in Donbas are described as "armed conflict", "conflict in the East of Ukraine/Donbas", "hybrid aggression in Donbas". The OSCE documents use the term "crisis in and around Ukraine", while PACE resolutions sometimes use the word "war in Donbas".

While summarising the bulk of international documents adopted in 2014-2018, it should be noted that Ukraine enjoys active and consistent support of the international community in terms of non-recognition of illegal annexation of the Crimea and condemnation of Russia's military invasion in Donbas. This means that the Ukrainian diplomacy was able to consolidate quite clear legal assessment of the Kremlin's actions in the East of Ukraine at the international level. The Russian side failed to "sell" this conflict as a civil war and internal confrontation between Kyiv and Donbas.

This consolidated pro-Ukrainian position of international institutions is essential for Ukraine for several reasons. **First**, such clear definitions as "Russian aggression in the East of Ukraine", "Russian intervention", "the presence of Russian armed groups in Donbas", "temporarily occupied territories" have been gradually introduced and became widely used in global political and legal discourse. Moreover, documents of international organisations call for withdrawal of Russian troops from the Ukrainian soil. **Second**, decisions of international organisations have a significant public response in different countries, affecting views and opinions of their political elites and the general public. **Third**, decisions of international institutions reinforce the position and arguments of the Ukrainian side in confronting Russian influence at high profile international platforms, conferences, forums, etc. **Fourth**, relevant decisions of reputable international organisations add weight and credibility to Ukraine's lawsuits against Russia in international courts. **Fifth**, these decisions contribute to prolongation of the regime of sanctions against Russia.

It should be admitted, however, that most documents were adopted by parliamentary assemblies of relevant international organisations, while international acts are mostly non-binding.⁷⁴

Quite effective is joint resistance to the Russian influence in various international organisations. Owing to this international solidarity, Russia suffered a number of high-profile diplomatic defeats in 2018 (Box "*Countering Russian influence in international organisations*").⁷⁵

Countering Russian influence in international organisations

- ✓ In response to Russia-orchestrated chemical attack in Salisbury in March 2018, almost 30 countries ordered massive expulsions of Russian diplomats. Ukraine joined this unprecedented demarche, having expelled 13 diplomats.
- ✓ At the PACE Session in October 2018, the Ukrainian delegation has been actively involved in preventing the attempts to change the PACE Regulation aimed at restoring Russia's participation in the work of the Assembly.
- ✓ At the 87th Interpol General Assembly in Dubai (November 2018), joint efforts led by the United States, the United Kingdom, Ukraine and Lithuania, helped to block the election of the Russian contender – Major General Aleksandr Prokopchuk – as the new Interpol President.
- ✓ Despite strong Russian resistance, the Conference of the Organisation for the Prevention of Chemical Weapons (OPCW) in Hague in November 2018 has passed a decision strengthening the OPCW's mandate, which enables establishing of special investigative commissions and conducting independent investigations of an alleged use of chemical weapons without UNSC sanctions.
- ✓ Despite active opposition of the Russian side, on 17 and 22 December 2018 the UN General Assembly has adopted two resolutions in support of Ukraine – on militarisation of Crimea and on violation of human rights on the peninsula, which strongly condemned Russia's temporary occupation of Crimea and its aggressive actions in the Black Sea and the Sea of Azov.

The presence of international organisations in the conflict zone is of paramount importance. Representatives of the United Nations, the EU, NATO, PACE, the European parliament and many others have visited Donbas. The OSCE Special Monitoring Mission to Ukraine (SMM) ensures the permanent international presence in the region. The SMM was deployed on 21 March 2014, following a request by Ukraine's government's and a consensus decision by all 57 OSCE participating states.

Currently the SMM employs 1,349 unarmed civilian monitors from 44 countries, including 810 international monitors, 119 managers, advisors and analysts, and 420 local staff.⁷⁶ Around 600 international monitors work directly in the conflict zone. Most international monitors come from the United States (62), United Kingdom (58), Poland (38), Russian Federation (37). Ambassador Ertugrul Apakan is the Chief Monitor of SMM.⁷⁷ The Mission's total budget amounts to EUR105.5 million.⁷⁸

The SMM prepares and issues spot reports based on its own observations, gathers information on security and humanitarian situation, facilitates the delivery of humanitarian aid, contributes to dialogue, etc. However, the SMM functions do not include investigations and ceasefire efforts. In fact, it is about monitoring and regular

⁷⁴ One of the few binding resolutions was adopted by the UNSC in February 2015 formalising the Minsk Agreements at the international level.

⁷⁵ See: Ukraine 2018-2019: Caution optimism before elections (Assessments) – The Razumkov Centre, 2019, p.13, http://razumkov.org.ua/uploads/article/2019_Pidsumky_2018.pdf.

⁷⁶ SMM Status Report as of 25 February 2019 – official website of SMM, <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/412868?download=true>.

⁷⁷ The Mission's head office is in Kyiv; monitors have been deployed to Dnipro, Donetsk, Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Odessa, Kharkiv, Kherson and Chernivtsi.

⁷⁸ Budget for the period from 1 April 2017 through 31 March 2018. See: OSCE Annual Report 2017, <https://www.osce.org/annual-report/2017>.

counting of the number of ceasefire violations by both sides of the conflict.⁷⁹

Beyond all doubt, the presence of international monitors in the conflict zone is an important deterrent and Ukraine welcomed the decision to extend the SMM's mandate for the next year until March 2020. **But it is also obvious that SMM is purely palliative, auxiliary instrument for conflict resolution.** Unbiased observations are mostly limited to calculations of the number of ceasefire violations (in 2017 the Mission counted 401,000 violations), which disregard reasons and motives, do not define victims and aggressors, and ignore initiators of violence. Moreover, SMM's work has been subject to manipulations and provocations by the Russian side, as it recorded "fake shelling" staged by the occupation forces. Also, the movement of SMM patrols around non-government-controlled areas is restricted by militants. The fact that Russia blocks the extension of the SMM's mandate to the entire section of the Russian-Ukrainian border further complicates the Mission's work.

1.3.3. The West's sanctions policy

Following annexation of the Crimea and the invasion of Russian troops in Donbas, the Western nations and some international organisations introduced sanctions against the Russian Federation. **First**, Russia's participation in international organisations was restricted/suspended. Specifically, PACE dispossessed Russian delegation of voting rights and removed Russians from all governing bodies. Russia was excluded from the G8, while its accession to the Organisation for Economic Cooperation and Development, International Energy Agency and others was blocked. NATO curtailed all joint projects with Russia and limited political dialogue with the Kremlin.⁸⁰ **Second**, the EU and other global leaders (the United States, Japan, Canada, Australia and others) imposed: (a) targeted sanctions against Russian government officials, parliamentarians, politicians, businessmen, and military (entry bans, account freeze); (b) various financial and economic restrictions for a large group of Russian banks, companies, enterprises, special services, business structures, etc.⁸¹; (c) sectoral sanctions against military-industrial complex, energy sector, etc.

Restrictive measures in investment sector, supply of new technologies and equipment for oil and gas industry, as well as termination of joint projects for carbohydrates production are particularly painful for the Russian economy. For example, the American *ExxonMobil* has stopped nine of its 10 projects in Russia, while the EU blocked financing of three leading Russian fuel and energy companies. A number of Western countries have imposed restrictions or suspended cooperation with Russia in high tech, financial, agricultural, space and military spheres.

For example, in September 2018 the EU has extended its sanction package against the Russian Federation for another six months. This package affecting **155 individuals and 44 organisations**⁸² was also supported by Albania, Norway, Montenegro and Ukraine.⁸³ The United States imposed sanctions against **more than 400 Russian companies and close to 200 citizens of the Russian Federation**.⁸⁴

The United States sanctions policy on Russia has further intensified after President Trump signed the "Countering America's Adversaries Through Sanctions Act" (*CAATSA*) into law in August 2017. The so-called "Kremlin List", which included 210 high-ranking Russian officials and businessmen, also evoked wide response. During 2018, the State Department, the Department of the Treasury and the Department of Commerce supplemented and expanded the sanctions lists. For example, on 20 September 2018, 27 individuals and five companies linked to Russian defence sector and secret services (PMC Wagner among others) were included in the American "black list". The greatest risks for the Russian economy hide in more aggressive enforcement of *CAATSA*, and in possible introduction of new *DETER* and *DASKAA* acts. They envisage more restrictive action against Russian banks and ban operations with Russian public debt.

On 4 March 2019, the U.S. President has extended sanctions against Russia, imposed in March 2014, by another year. In relevant Notice, President Trump stated that "actions and policies of [Russia]... that undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty and territorial integrity... actions of the Government of the Russian

⁷⁹ An example of the SMM report. Spot Report by OSCE Special Monitoring Mission to Ukraine, 18 February 2019. "At about 08:00 on the morning of 18 February in non-government-controlled Donetsk city, while standing in front of the Mission's residence on Pushkina Boulevard, two SMM staff members heard at least two explosions approximately 100-150 metres south-south-east. Other SMM personnel were in the residence. Nobody was injured. Later, the SMM saw two fresh craters (about 70cm in diameter) in the area, about 100m and 300m south of the SMM's residence". <https://www.osce.org/special-monitoring-mission-to-ukraine/411761>.

⁸⁰ "The Russia-Ukraine conflict: current situation, consequences, prospects". Analytical report by the Razumkov Centre – National Security and Defence, 2014. No.5-6, p.25-26, http://razumkov.org.ua/uploads/journal/eng/NSD148-149_2014_eng.pdf.

⁸¹ From time to time, countries expand the lists of Russian banks and companies under sanctions.

⁸² The EU sanctions list includes *Transneft*, *Gazpromneft*, *Rosneft*, *Uralvagonzavod*, *Oboronprom*, *Almaz-Antey*, *Tula Arms Plant*, *Kalashnikov Concern* and many others.

⁸³ The EU sanctions policy against the Russian Federation includes three areas: (a) visa restrictions; (b) economic sanctions against Russian oil, defence and financial sector companies; and (c) Crimea-related restrictions. Restrictive measures in these areas were approved during 2014, with subsequent additions and expansions. The first two sanctions blocks are prolonged every six months, and Crimea-related measures – every year.

⁸⁴ In Russia, they counted the number of companies under the US sanctions – "Segodnya", 15 May 2018, <https://www.segodnya.ua/economics/business/v-rossii-podschitali-skolko-kompaniy-popali-pod-sankcii-ssha-1138396.html>.

Federation, including its purported annexation of Crimea and its use of force in Ukraine... continue to pose an unusual and extraordinary threat to the national security of the United States".⁸⁵

As estimated, the Western sanctions cost Russia about 1-1.5% GDP annually (or about \$20 billion),⁸⁶ with negative effect of sanctions multiplied by synergistic impact of other internal and external factors, including the raw material nature of the national economy, ineffective system of public administration, capital outflows, discontinuation of major projects with foreign investors, market conditions for energy carriers etc. According to *Bloomberg Economics*, current Russian economy is more than 10% smaller compared with what might have been expected at the end of 2013. Analysts admit that some of the blame falls on the slump in oil prices, but sanctions may have knocked as much as 6% off Russia's economy over the past four years.⁸⁷

Western sanctions have a particularly strong impact on financial, economic and social situation in the Russian Federation. Initial results of sanctions were quite substantial for Russia with GDP and real wages falling by 3.7% and 9.5% respectively; inflation increased by 12.9%; the rouble fell dramatically against the US dollar; capital outflow reached the record-breaking \$151.5 billion.⁸⁸

According to Russian experts, people's income over the past five years has been decreasing against steady rise of poverty. If in 2013 there were 15.5 million Russians (or 10.8% of population) living below the poverty line, then in September 2018 their number increased to 19.6 million (13.3%). The share of the poor during this period grew by 26%.⁸⁹

Western sanctions (a) worsen Russia's investment climate and its credit rating; (b) trigger negative processes in business environment and banking sector; (c) add to political and psychological pressure on business elites and the immediate environment of the Russian President; (d) generally restrain the economic development and adversely affect the social situation in general. Induced process of imports phase-out is ineffective and rather burdensome for the budget – in particular, the programme of import substitution for agriculture has, in fact, intensified its stagnation.

Exports also suffers from sanctions. According to the Ministry of Economic Development monitoring, Russian exporters lost \$6.3 billion in 2018 as a result of 159 restrictive measures imposed by 62 countries. The most significant losses were caused by the EU (25 restrictive measures, more than \$2.4 billion in losses), the United States (nine measures, \$1.1 billion), Ukraine (22 measures, \$775 million), and Turkey (12 measures, \$713 million). The Russian metallurgy was the sector that suffered the most (\$4 billion).⁹⁰

Without a doubt, the West's economic sanctions against Russia have an important "deterrent" effect, which the Kremlin cannot help ignoring. However, in almost five years, Western sanctions failed to significantly change either the nature of the Kremlin's aggressive foreign policy or the situation in the East of Ukraine. While assessing the effectiveness of their impact on Russia, one should keep in mind at least several important circumstances.

First, sanctions have a cumulative effect, and most of them are medium to long-term. This fact is recognised by the leaders of countries that initiated these sanctions.

Second, one should remember that Russia has fairly large "safety margin", including capacities of its oil and gas industry and significant gold and foreign exchange reserves.

Third, the Russian leadership effectively uses foreign sanctions in ideological context – as a tool for strengthening the ruling regime and intensifying the anti-West sentiment of Russian citizens. On 4 December 2014, President Putin stated that "the so-called sanctions and foreign restrictions are an incentive for a more efficient and faster movement towards our goals".⁹¹

Fourth, sanctions against Russia have serious boomerang effect on Western economies that depend on supplies of Russian products and raw materials, primarily energy. Moreover, the Russian side has responded with its own sanctions package against several Western countries back in August 2014.⁹²

Fifth, the complex effect of sanctions is largely offset by the rise of isolationism and national egoism in Europe and in the world.

While assessing the West's general sanctions policy, one should note that despite its importance

⁸⁵ Trump extended sanctions on Russia for its aggression against Ukraine by another year – "Segodnya", 4 March 2019, <https://www.segodnya.ua/world/usa/trump-prodlil-na-god-sankcii-protiv-rossii-za-agressiyu-protiv-ukrainy-1230586.html>.

⁸⁶ US experts explained why Ukraine should never disengage from the "Minsk process" – "Segodnya", 23 October 2018, <https://www.segodnya.ua/politics/pochemu-ukraine-ni-v-koem-sluchae-nelzya-otkazivatsya-ot-minskogo-procesa-v-ssha-nazvali-prichiny-1182072.html>.

⁸⁷ Doff N. Here's One Measure That Shows Sanctions on Russia are Working. – Bloomberg, 16 November 2018, <https://www.bloomberg.com/news/articles/2018-11-16/here-s-one-measure-that-shows-sanctions-on-russia-are-working>.

⁸⁸ Economic situation in Russia after sanctions – "Kommersant", 28 April 2016, <https://www.kommersant.ru/doc/2975263>.

⁸⁹ A.Bashkatova. Striking Russian 5-year plan of impoverishment – "Nezavisimaya gazeta", 27 January 2019, http://www.ng.ru/economics/2019-01-27/1_7492_misery.html.

⁹⁰ Russian exporters have lost \$6.3 billion because of West's economic sanctions – Interfax, 18 February 2019, <https://www.interfax.ru/business/651038>.

⁹¹ In his Presidential Address to the Federal Assembly on 4 December 2014, Vladimir Putin stated the following: "Speaking of the sanctions, they are not just a knee-jerk reaction on behalf of the United States or its allies to our position regarding the events and the coup in Ukraine, or even the so-called *Crimean Spring*. I'm sure that if these events had never happened... they would have come up with some other excuse to try to contain Russia's growing capabilities, affect our country in some way, or even take advantage of it" – President of Russia website, <http://en.kremlin.ru/events/president/news/47173>.

⁹² On 6 August 2014, President Putin signed Executive Order "On special economic measures to protect the Russian Federation's security". Under this document, Russian state bodies, local self-government bodies, legal entities shall respect a ban or restriction on foreign economic operations involving the import to Russia of particular kinds of agricultural produce, raw materials and foodstuffs originating in countries that have decided to impose economic sanctions on Russia. See: the President of Russia website, <http://en.kremlin.ru/events/president/news/46404>.

and usefulness as a significant deterrent, it needs to be improved, strengthened and expanded in view of further Russian expansion in Ukraine, Europe and the world. The price of aggression for Russia should increase. In this regard, response of the global community – particularly that of the EU – to Russian aggression against the Ukrainian ships in the Black Sea near the Kerch Strait in November 2018 was overdue and inadequate.

1.3.4. Negotiation process. The West's initiatives to settle the conflict in Donbas

The multilateral negotiation process concerning the conflict in the East of Ukraine started on 17 April 2014 in Geneva at the meeting of heads of foreign services of Ukraine, the Russian Federation, the United States and the High Representative of the EU. On 6 June 2014 the first meeting of leaders of Ukraine, Germany, France and the Russian Federation took place in Benouville (Normandy), giving birth to so-called “Normandy format” – the main negotiations venue. At the same time, the Trilateral Contact Group (Ukraine-OSCE-Russia plus representatives of “DPR/LPR”) has been launched. During 2014-2015 the heads of foreign ministries of the Normandy Four had a series of meetings. However, the process initiated by the international diplomacy, including the TCG Protocol and Memorandum adopted in September 2014, failed to achieve steady ceasefire in the East of Ukraine, let alone permanent peace.

Amidst active hostilities around Mariupol and Debaltseve and the militants’ offensive, the heads of the Normandy Four have adopted the Package of Measures for the Implementation of Minsk Agreements⁹³ on 11-12 February 2015 in Minsk. This palliative and disadvantageous for Ukraine document did not stop the war in Donbas, but today it is officially viewed as the main and no-alternative way of peaceful settlement of the conflict.

The next and by now the last attempt to stop hostilities was the meeting of the leaders of Normandy Four in Berlin on 19 October 2016, where the negotiating parties decided to develop a roadmap for the implementation of the Minsk Agreements. However, already on 29 November, foreign ministers of the Normandy Four countries achieved no progress at all. All subsequent attempts to unlock the negotiation process failed. The Normandy format was essentially put on hold.

Therefore, multi-year efforts of the Western diplomacy did not succeed. This was due to Russia leading the negotiation process to a deadlock, the aggressor’s categorical and stubborn efforts to push pro-Russian terrorist formations of “DPR” and “LPR” back into Ukraine with consolidation of their “special” status in the Constitution, which is unacceptable for Ukraine. This position of Russia essentially blocks all negotiating formats, including Volker-Surkov talks and TCG in Minsk, which has conducted more than 100 meetings since the adoption of the Minsk Agreements.⁹⁴

Both within and beyond the negotiation process, the Western partners came up with various projects and plans to end war in Donbas. The most notable were the plans by Pierre Morel (the French diplomat, leader of a policy group within TCG) and by Frank-Walter Steinmeier (then head of the German Foreign Ministry, current President of Germany). The Morel Plan was articulated at the meeting of the ministers of foreign affairs of the Normandy Four in September 2015.

The Morel Plan suggested the following algorithm. Immediately after cessation of all hostilities and withdrawal of armed formations from the contact line, Ukraine adopts a special law on elections in the occupied territories, enacts the law on amnesty for militants and holds elections. Following recognition of these elections as legitimate by Ukraine and the international community, Russia withdraws its troops from Donbas and returns control of the border.⁹⁵ In other words, it offers the formula “first elections, then border control”. The Morel Plan particularly described the modalities of elections in Donbas.⁹⁶ All in all, the plan contained threats and challenges for Ukraine, *de facto* legitimised the separatist groups and placed a “ticking bomb” under Ukraine’s statehood.

During 2016, no significant progress was observed in achieving peaceful settlement of the conflict in Donbas. In view of this, it was necessary to develop new approaches to the implementation of the Minsk Agreements. Therefore, in September 2016, Frank-Walter Steinmeier at a press conference in Kyiv unveiled a new formula for parallel realisation of security and political provisions of the Minsk Agreements.⁹⁷ In essence, the so-called “Steinmeier formula” provided for the adoption of a special law on elections in Donbas and amendments to the Constitution on the region’s special status simultaneously with introduction of ceasefire, the withdrawal of all troops

⁹³ Package of measures for the Implementation of the Minsk Agreements – https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_MinskAgreement_en.pdf.

⁹⁴ There were 17 TCG meetings in 2018.

⁹⁵ Steinmeier’s Formula with three unknowns: elections, special status of Donbas, and border control – “Segodnya”, 26 October 2016, <https://www.segodnya.ua/politics/formula-shtaynmayera-s-tremya-neizvestnymi-vybory-osobyi-status-donbassa-i-kontrol-granicy-763758.html>.

⁹⁶ In particular, the plan provided for defining territories and electoral districts. Elections were to be held based on the majority system, possibly mixed and partly proportional system for Donetsk and Luhansk. The requirements for candidates included five years of permanent residence, not counting the last two years. Political parties that had local branches before 2014 could participate in elections. Temporary territorial election commissions should consist of representatives of the zones, and their meetings to be chaired by a member of the Central Election Commission. See: S.Rakhmanin, “The Morel theses” – Dzerkalo Tyzhnya, 18 September 2015, https://dt.ua/internal/morelski-tezi_.html.

⁹⁷ Steinmeier: Minsk Agreements provisions regarding security must be implemented in parallel with political steps – Interfax-Ukraine, 14 September 2016, <https://en.interfax.com.ua/news/general/370218.html>.



from the contact line and final withdrawal of foreign troops from the territory of Ukraine. The “Steinmeier formula” replaced the previous “Morel Plan”, but the idea of such parallel action together with “express elections” in uncontrolled territories hides risks for Ukraine on the one hand, and requires shared willingness of all parties to settle the conflict on the other. Subsequent events on the Donbas front demonstrated Russia’s reluctance to do anything like that. It is obvious that the stable and long-lasting truce and de-militarisation of the occupied territory are necessary preconditions for the political dialogue.

Therefore, the Franco-German plans failed to “oil the wheels” of the conflict settlement in Donbas. As a result, it was necessary to search for new compromises or return to the old ideas. In this context, the idea of the UN peacekeeping mission in Donbas, initiated and now actively promoted by the Ukrainian side, became particularly relevant. It was duly reflected in the plans suggested by Kurt Volker and Martin Sajdik.⁹⁸

1.3.5. Factors restricting the effectiveness of the West’s action

The problem of constructing relations with Putin’s Russia for the West has geopolitical and philosophical sides. In the most generalised form, current Western policy on Russia narrows down to formula “deterrence and readiness for dialogue”. Specifically, the NATO Secretary General’s Annual Report for 2017 states that “the Alliance maintains a firm position, based on a dual-track approach of strong deterrence and defence complemented by a periodic, focused and meaningful dialogue [with Russia]”.⁹⁹

In the Western political discourse, there is perfect awareness of the nature and goals of Russia’s aggressive policy, an understanding of the need for adequate response to the Kremlin’s encroachment on ideological and institutional foundations of Western civilization. On the other hand, there is reluctance to believe in

possible large-scale confrontation with Russia, fear of the Kremlin’s nuclear blackmail, inertia from past hopes for Russia’s liberalisation and democratisation, and belief in the permanence of comfort, prosperity and security on the continent. Opinions that “one should not drive Russia into a corner” are still popular, while the European businesses endorse a “pragmatic” approach that anti-Russian sanctions are inappropriate as they imply financial and economic losses.

When assessing the West’s policy towards Russia, a well-known researcher Marcel H. Van Herpen, points at “significant tactical mistakes of the United States and the EU”, “incorrect assessment of the Kremlin’s intentions and ill-advised policies towards Moscow”. He believes that Europe, being in a state of “postmodern complacency” has “demobilised and disarmed itself despite clear signs that Russia, the successor of the Soviet Union, is becoming increasingly more assertive, ultra-nationalist and revanchist”.¹⁰⁰

An attempt to formulate a strategy in relations with Russia was made at EU Foreign Affairs Council in March 2016. The Council agreed on five principles guiding the EU’s policy toward Russia: (1) implementation of the Minsk agreement as the key condition for any substantial change in the EU’s stance toward Russia; (2) the need for selective engagement with Russia on issues where there is a clear EU interest (crisis management in Syria, Middle East, fighting Islamic State, etc.); (3) strengthening the resilience of the EU; (4) strengthening relations with the EU’s Eastern partners and other neighbours, in particular, in Central Asia; and (5) the need to support Russian civil society.¹⁰¹

This plan is rather a tactical scheme – a generalised statement of current practices. However, in this *quid pro quo* game, Putin has a number of clear advantages over the Western leaders. **First**, Russian President is not burdened with international legal and contractual “conventionalities” such as borders and treaties. **Second**, according to western standards, he possesses unique personal efficiency in decision-making and unconditional support of his decisions by other state institutions. **Third**, he relies on the utilitarian tradition and uncontrolled use of human resources (for instance, classified data on human losses in security agencies). **Fourth**, his level of public support greatly exceeds that of western leaders. This is further backed by reliable and effective mechanisms of ensuring public support. Moreover, according to the Levada Centre studies in February 2019, Russian society is rather apathetical, as 75% of Russians are not likely to participate in any protests with political demands.¹⁰²

⁹⁸ The issue of the UN peacekeeping mission in Donbas is reviewed in detail in Section 3 of this report.

⁹⁹ The NATO Secretary General’s Annual Report 2017, p.25, https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_03/20180315_SG_AnnualReport_en.pdf

¹⁰⁰ Marcel H. Van Herpen, The Rise of Russia’s New Imperialism.

¹⁰¹ See: Russia’s “hybrid war” – Challenge and threat for Europe. Analytical report of the Razumkov Centre –National Security and Defence, 2016. No.9-10, p.2-7, http://razumkov.org.ua/uploads/journal/eng/NSD167-168_2016_eng.pdf.

¹⁰² Three quarters of Russians came to terms with what’s going on and will not protest – “Segodnya”, 6 March 2019, <https://www.segodnya.ua/world/russia/tri-chetverti-rossiyan-smirilis-s-proishodyashchim-i-ne-budut-protestovat-1231500.html>.



Therefore, we can outline the following weaknesses and “vulnerabilities” of the West in its dealing with Russia.

First, geopolitical turbulence and rising strife in international relations undermine the unity of the Western world and coordination of its actions. Disagreements and conflicts between the United States and the EU countries continue to deepen (e.g. the situation around the Nord Stream 2). The number of crisis areas in Europe and around the world increases (six “frozen” or “simmering” conflicts in the post-Soviet space, Syria, North Korea, Venezuela, the Iran situation and others). At the same time, the national isolationism (e.g. “America first”) gains momentum. The global (UN) and regional (OSCE) security structures are in deep crisis, as they are unable to respond adequately to the challenges and threats of Russian expansionist policies. Rather questionable is the effectiveness of international mechanisms for preventing proliferation of nuclear weapons. **Having yielded the world’s third-largest nuclear arsenal in exchange for international guarantees (Budapest Memorandum), Ukraine became the victim of aggression by the state that provided these guarantees.**

The factor of China – increasingly more powerful and influential player with expanding sphere of interests – becomes more and more pronounced in geopolitical scale.

Second, Ukraine’s key partner – the European Union – undergoes difficult transformation and is burdened with multiple internal problems (*Brexit* consequences, migration crisis, conflicts between the official Brussels and member states, rise of far-right radicalism, isolationism, pro-Russian sentiment and the like). The EU lacks unity and faces critical growth of disturbing centrifugal trends.

This further aggravates the issue of internal solidarity both in terms of appropriate conduct with Russia and with regard to imposed sanctions. It is obvious that Russia’s geopolitical expectations are closely linked to the May 2019 elections to the European Parliament and subsequent process of forming the governing bodies of the EU. There are enough reasons to expect active “targeted” intervention of the Kremlin in this election campaign, especially in

countries with traditionally strong pro-Russian forces and substantial information influence.

Third, the West lacks strategic approaches in its policy towards Russia, which imply the development of adequate and effective means, mechanisms and policies for countering Russian “hybrid” expansion. In turn, the Kremlin perceives it as impunity and encouragement for further action. Only recently, the European Union and the United States started developing institutional mechanisms to counter “hybrid” threats and setting up structures to identify and resist information influences, including Russian propaganda.

Fourth, the Russian side effectively uses the “human-centred” features of Western democracies, such as broad political pluralism, liberal freedom of speech and assembly, respect for the rights of an individual, law abidance, tolerance, and political correctness. All this determines the West’s vulnerability to hybrid “covert ops” beyond any norms, rules and moral. According to authors of research “The Kremlin’s Trojan Horses”, “Moscow views the West’s virtues – pluralism and openness – as vulnerabilities to be exploited. Its tactics are asymmetrical, subversive, and not easily confronted”.¹⁰³

In the face of Russian aggression, political and diplomatic solidarity, financial and economic support of the West and international organisations are vital for Ukraine, as is comprehensive assistance in implementing internal reforms. This increases Ukraine’s potential and capacity to resist “hybrid” expansion of the Kremlin in Donbas. However, these resources are not limitless, therefore the Ukrainian government should primarily rely on their own strengths.

Over the years of Russian-Ukrainian conflict, a committed coalition of countries that consistently support the sovereignty and territorial integrity of Ukraine, stand for liberation of the occupied territories in the East of Ukraine and actively promote the Ukrainian interests in international organisations has finally taken shape.

Global political elite gradually come to understand the real nature and goals of Russian geopolitical expansion. However, the turbulence and uncertainty of world trends and processes are increasing. Global and regional security mechanisms proved to be ineffective in the face of Russian challenges and threats. On the other hand, the Western community is burdened with internal problems, controversies and conflicts, while remaining quite vulnerable to growing Kremlin’s influences.

Although years-long efforts of the Western diplomacy in the Normandy format, within the Trilateral Contact Group and via Volker-Surkov talks have

¹⁰³ The Kremlin’s Trojan horses. – Atlantic Council, www.atlanticcouncil.org/publications/reports/kremlin-trojan-horses.

somewhat reduced the temperature of hostilities but could not settle the conflict in Donbas primarily due to counterproductive and tenacious position of the aggressor.

Western sanctions are important constraints for Russia's policy in Donbas. However, over the five years the sanctions policy did not produce the desired effect and therefore needs to be improved and reinforced. The price for Russia for its aggression against Ukraine and in the world has to be raised up adequately.

1.4. Ukraine's policy for Donbas

Ukraine's state policy on settling the conflict in Donbas has been shaped in grim crisis conditions. Immediately after annexation of the Crimea, Russian sabotage units ignited hostilities in the East of Ukraine in April 2014. Russian intervention in the region had begun. The situation in adjacent territories was truly explosive. The Russian Federation launched a large-scale political and diplomatic, economic, energy, and information aggression against Ukraine.

The threat to sovereignty and the national statehood of Ukraine intensified against the backdrop of difficult socio-economic situation, vacuum of power and crisis in defence and security agencies. The influence of pro-Russian "fifth column" was strong. Socio-cultural differences between regions and pro-Russian sentiment in the East and South of Ukraine made the situation even harder. Strongly affected by Russian propaganda that propelled the thesis about the civil war in Ukraine, the public opinion about the events in Donbas was rather controversial.

Public opinion

In early October 2014, 42% of Ukrainians believed that there was a war between Russia and Ukraine in Donbas; 23% described these events as Russia-backed separatist revolt; and 15% – as a civil war between pro-Ukrainian and pro-Russian citizens of Ukraine. Nearly 11% believed that there was a fight for independence of the "Donetsk and Luhansk People's Republics".

Moreover, the share of respondents who believed in the civil war or the fight for independence in the East of Ukraine was the highest among the residents of the Donetsk and Luhansk oblasts (33% and 34%).¹⁰⁴

1.4.1. Specifics and evolution of the state policy on settling the conflict in Donbas

In early stages of the conflict (spring and summer 2014), events in Donbas were officially regarded as local "separatism", although with recognition of involvement of some external forces. In this context one should

recall the first ever "preventive" document adopted by the Verkhovna Rada – the Resolution "On preventing separatist manifestations and other encroachments upon foundations of the national security of Ukraine", which mentioned the threat of "attempts by individual politicians, representatives of local self-governments, leaders of citizen associations... to create grounds for escalating civil conflict and spreading the separatist sentiment that can lead to threats to territorial integrity...".¹⁰⁵

The central government's general perception of the situation as a "separatist", "local" threat and its underplaying/disregarding the Russian factor are confirmed by the following. **First**, the government appointed people from large businesses who enjoyed prestige with local elites as the heads of oblast state administrations (OSA) in the conflict-affected regions, so they could calm the situation. Ihor Kolomoisky became the head of the Dnipropetrovsk OSA, and Serhiy Taruta chaired the Donetsk OSA. The latter recollects: "At that time – in March-April 2014 – even after the Crimea events we did not understand that the real military conflict was a possibility. We thought it would be enough to persuade those masses in Donetsk and everything would calm down... No one understood what was happening... Unfortunately, law-enforcement officials were unable to appropriately assess threats and actions".¹⁰⁶ **Second**, the format of "Anti-terrorist Operation", announced on 14 April 2014 by acting President of Ukraine Oleksandr Turchynov, was chosen as the legal basis for settling the situation in Donbas. The government started using security agencies that were largely unprepared to such activities. **Third**, the ideas of holding an all-Ukrainian referendum on the state system of Ukraine,¹⁰⁷ and a regional referendum in Donbas regarding additional powers for local authorities and the status of the Russian language¹⁰⁸ were articulated at the official level. **Fourth**, on 20 May 2014 the Verkhovna Rada adopted a "Memorandum of Understanding and Peace", which called for prevention of sectarian and interethnic conflicts and encouraged a nationwide dialogue. It also guaranteed the special status of the Russian language, vowed to improve the allocation of budget revenues between the centre and the regions, and ruled out criminal prosecution of citizens for their participation in mass actions, excluding those who committed serious crimes. The Verkhovna Rada also called for disarmament of all illegal formations.¹⁰⁹

In early stages of the conflict most government decisions were reactive, failing to adequately respond to the situation. The implemented measures of public dialogue could have been expedient and effective for a local internal conflict – which had nothing to do with real situation in Donbas. **At that time, the Ukrainian leadership failed**

¹⁰⁴ Challenges and perspectives of Ukraine-Russia relations: Public opinion. Results of sociological survey by the Razumkov Centre. National Security and Defence, 2014, No.5-6. p.73. – http://razumkov.org.ua/uploads/journal/eng/NSD148-149_2014_eng.pdf.

¹⁰⁵ Resolution of the Verkhovna Rada of Ukraine "On preventing separatist manifestations and other encroachments upon foundations of the national security of Ukraine", 22 February 2014, <https://zakon.rada.gov.ua/laws/show/756-18>.

¹⁰⁶ Serhiy Taruta: Poroshenko was the most ineffective Minister of Economy of all times – "Ukrayinska Pravda". 26 November 2015, – <http://www.pravda.com.ua/articles/2015/11/26/7090271>.

¹⁰⁷ Turchynov proposed the all-Ukrainian referendum – "Levyi Bereg", 14 April 2014, https://lb.ua/news/2014/04/14/263025_turchinov_predlozhit_vseukrainskiy.html.

¹⁰⁸ Taruta supported the referendum on the status of the Russian language – "Levyi Bereg", 23 April 2014, http://lb.ua/news/2014/04/23/264155_taruta_vistupil_referendum.html.

¹⁰⁹ Resolution of the Verkhovna Rada of Ukraine "On the Memorandum of Understanding and Peace", 20 May 2014, <https://zakon.rada.gov.ua/laws/show/1280-18>

to realistically assess the nature, scope and possible consequences of events in Donbass. The experience of the annexed Crimea was not taken into account. The escalation in the East of Ukraine followed scenario and unfolded under control of the Russian side.

In his inaugural speech, the newly elected President of Ukraine Petro Poroshenko outlined some points of the plan on the settlement of the situation in the East, and later, on 20 June 2014, came up with the so-called “Poroshenko’s Peaceful Plan”.

Peaceful plan of the President of Ukraine on the settlement of the situation in eastern regions of Ukraine¹¹⁰

1. Security guarantees for all the participants of negotiations.
2. Amnesty for those who laid down weapons and did not commit serious crimes.
3. Liberation of hostages.
4. Establishment of a 10-kilometre buffer zone on the Ukrainian-Russian border. Withdrawal of illegal armed formations.
5. Secure corridor for the escape of Russian and Ukrainian mercenaries.
6. Disarmament.
7. Establishment of units for joint patrolling within the structure of the MoIA.
8. Liberation of illegally seized administrative buildings in the Donetsk and Luhansk regions.
9. Restoration of functioning of local governments.
10. Restoration of central television and radio broadcasting in the Donetsk and Luhansk regions.
11. Decentralisation of power (through the election of executive committees, protection of Russian language; draft amendments to the Constitution).
12. Coordination of governors with Donbas representatives prior to elections (if a single candidate is approved; in case of discrepancies – the decision taken by the President).
13. Early local and parliamentary elections.
14. Programme for creating jobs in the region.
15. Restoration of industrial objects and objects of social infrastructure.

For the most part, it was a plan of peaceful compromise that primarily addressed the residents of Donbas, but also indirectly implied Russia’s willingness to resolve the situation and reconcile. However, the Kremlin had entirely different plans and objectives for Donbas in

particular and for Ukraine in general. Poroshenko’s peaceful plan and ensuing negotiations did not bring positive results. The conflict in the East of Ukraine was of external political origin, but local problems were used to conceal Russian invasion under the mask of “civil war in Ukraine”. Subsequent course of ATO proved Ukraine’s underestimation of Russia’s readiness for direct military intervention in Donbas.

The new military and political reality have been documented in the Minsk Protocol of 5 September 2014, and the Minsk Memorandum of 19 September 2014. The first document somewhat continued the Ukrainian government’s “peaceful path”.¹¹¹ The second concerned military issues and was, in fact, an agreement on temporary truce between belligerents with no stable peace in sight.¹¹² The actual loss of Ukrainian jurisdiction over certain areas of the Donetsk and Luhansk oblasts was recognised in the Law of Ukraine “On Temporary Measures for the Period of Anti-Terrorist Operation” (adopted on 2 September 2014), which regulated restricted enforcement of the national legislation in Donbas in the social and economic sphere.¹¹³

The adoption of the Law of Ukraine “On the Special Procedure of Local Self-Governance in Certain Areas of the Donetsk and Luhansk Oblasts” on 16 September 2014 can be viewed as a step towards a compromise for peaceful settlement of the conflict. This law (repeatedly prolonged by the Parliament) granted a special status to local self-government bodies in Donbas not stipulated by the Constitution, thus causing controversies and disputes in the Ukrainian politics and society.¹¹⁴

The hot war along the contact line continued in late 2014 and early 2015, while further development of political dialogue was blocked by illegal elections in “DPR/LPR” on 2 November 2014. The Kremlin tried to push the idea of direct negotiations between Kyiv and the leaders of the “republics” in order to form the international political agency for these Russia-controlled separatist entities.

In response, on 27 January 2015 the Verkhovna Rada appealed to the international community, recognising Donbas as an occupied territory, and Russia – as an aggressor state.¹¹⁵ **This was the first step of the Ukrainian**

¹¹⁰ In Donbas, Petro Poroshenko presented the peaceful plan on the settlement of the situation in the East of Ukraine, 20 June 2014, <https://www.president.gov.ua/en/news/petro-poroshenko-predstaviv-v-donbasi-mirnij-plan-z-vregulyu-33044>

¹¹¹ Even its title was formulated as “steps aimed at the implementation of the Peaceful Plan of the President of Ukraine P.Poroshenko”, although included “peaceful initiatives of the President of Russia V.Putin”. It still mentioned “inclusive national dialogue”, as well as unconditional amnesty and special status of local self-governance in the East of Ukraine. See: Protocol on the results of consultations of the Trilateral Contact Group – OSCE, 5 September 2014, <https://mfa.gov.ua/en/news-feeds/foreign-offices-news/27596-protocol-on-the-results-of-consultations-of-the-trilateral-contact-group-minsk-05092014>.

¹¹² Memorandum of 19 September 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014 (Protocol on the results of consultations of the Trilateral Contact Group) – OSCE, 19 September 2014, www.osce.org/ru/home/123807?download=true.

¹¹³ This law was more in tune with real situation and corresponded to another “Crimean law” – “On Ensuring the rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine”. See: the Law “On Temporary Measures for the Period of Anti-Terrorist Operation”, 2 September 2014, <https://zakon.rada.gov.ua/rada/show/1669-18/ed20140902>.

¹¹⁴ A detailed political and legal analysis of this document is provided in Viktor Musiyaka’s article “Some aspects of the state and legal decisions regarding the occupied areas of Donbas”, included in this publication.

¹¹⁵ An appeal of the Verkhovna Rada of Ukraine to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, NATO Parliamentary Assembly, OSCE Parliamentary Assembly, GUAM Parliamentary Assembly, the national parliaments of the countries of the world on the recognition of the Russian Federation as an aggressor state, 27 January 2015, <https://zakon.rada.gov.ua/laws/show/129-19>.

government towards official recognition of Russian aggression and occupation of Donbas. The official endorsement of conflict as Russian occupation sent a clear signal to society and facilitated social consolidation around the issue of confronting Russian aggression.

Therefore, in early 2015 the official Ukrainian policy finally established and formalised its position that recognised purely inter-state nature of the conflict in Donbas. It was indirectly reflected in the National Security and Defence Council's appeal to the UN and the EU to deploy an international peacekeeping and security operation in the occupied territories (approved by the President on 3 March 2015).¹¹⁶ Meanwhile, the parliament adopted the law that established temporary authorities in Donbas – civil-military administrations – to function within the Anti-Terrorist Centre under the Security Service of Ukraine.¹¹⁷ On 17 March, the parliament passed a resolution that recognised non-government-controlled areas of Donbas as occupied territories.¹¹⁸ Finally, in its Statement of 21 April 2015, the Verkhovna Rada clearly defined “military occupation [by Russia – ed.] of large parts of the state territory of Ukraine in the Donetsk and Luhansk oblasts”.¹¹⁹

This approach was then enshrined in the conceptual fundamental documents – the National Security Strategy (May 2015) and the Military Doctrine (September 2015). In particular, the Strategy stresses that “the Russian threat is long-term”, while the list of Russia's aggressive actions includes “establishment and all-round support, including military, of puppet quasi-governmental entities in the temporarily occupied territory of the Donetsk and Luhansk oblasts”.¹²⁰ The Military Doctrine states that “important military threats are... military aggression of the Russian Federation in certain areas of the Donetsk and Luhansk oblasts”, “the main objectives of military policy include repelling of armed aggression of the Russian Federation against Ukraine”, “today, Ukraine considers the Russian Federation as its military adversary”.¹²¹

Moreover, the Annual Address of the President of Ukraine in the Verkhovna Rada “On the Internal and External Situation of Ukraine in 2015” outlined directions and tools of Russian aggression and stressed the permanent threat of Russia's full-scale war against Ukraine.

Therefore, the Ukrainian leadership's official vision of the conflict in Donbas as Russian armed aggression has conceptualised in the first half of 2015.

However, the problem was that (a) for quite a long time, the official position regarding the Russian intervention in Donbas was largely declarative and indicative, not being reflected in legislation, e.g. in the form of a separate special law; (b) there was a lack of complex, systemic measures that together with negotiations would have provided for active counteraction and resistance to Russian aggression, including within the framework of relevant constitutional norms.

MINSK AGREEMENTS

The Package of Measures for the Implementation of Minsk Agreements dated 12 February 2015 (the Minsk Agreements) was a result of Russia's direct military intervention.¹²² For Ukraine, this document was largely a forced step, given the critical situation on the Russian-Ukrainian front and strong pressure from Western partners. On the other hand, one could see palliative and weak position of Ukraine. The Minsk Agreements enclosed dangerous threats to Ukraine's statehood, while suggested algorithm of measures was absolutely unacceptable.¹²³ This document produced mixed response in the Ukrainian politics, including strong criticism (See: “Minsk Agreements – A Path to Conflict Resolution or a Recipe for Disaster?”, p.97-99). Ukrainian society is also quite sceptical about the outcomes of the Minsk Agreements.

Public opinion

Only 11% of Ukrainians view current results of the Minsk Agreements as positive. One-third of respondents (33%) have negative, and a quarter of respondents (25%) – neutral attitudes towards these agreements. 13% are undecided. It should also be noted that 27% of citizens admit having virtually no reliable information about the situation in the conflict zone.

It should be added that Ukrainian policymakers and expert circles alike have clear understanding of possible challenges associated with the implementation of the Minsk Agreements and the corresponding “red lines” for Ukraine in the event of their realisation (See: “Minsk Agreements: red lines for Ukraine”, p.95-96). Today, all parties involved in resolving the conflict in Donbas emphasise the need for the Minsk Agreements to be implemented and point at the lack of other alternatives. But visions of their implementation are fundamentally different, which has led the years-long negotiation process in a deadlock. Currently the idea of deploying of the UN peacekeeping mission in Donbas as one of the ways out of the “Minsk deadlock” has come to the fore.¹²⁴

Afterwards, the conceptual definition of Russian aggression and the occupation of Donbas was consolidated in other documents, including “external” ones. In particular, relevant official position of the state has been regularly actualised through the Verkhovna Rada appeals

¹¹⁶ Decision of NSDC “On the appeal to the United Nations and the European Union on the deployment of international peacekeeping and security operation in the territory of Ukraine”, 3 March 2015, <https://zakon.rada.gov.ua/laws/show/n0003525-15>.

¹¹⁷ “On civil-military administrations”, 3 March 2015, <https://zakon.rada.gov.ua/laws/show/141-19/ed20150203>.

¹¹⁸ “On recognition of certain rayons, cities, townships and villages of the Donetsk and Luhansk oblasts as temporarily occupied territories”, 17 March 2015, <https://zakon.rada.gov.ua/laws/show/254-19>.

¹¹⁹ Statement of the Verkhovna Rada of Ukraine “On repulsing of armed aggression of the Russian Federation and overcoming its consequences”, 21 April 2015, <https://zakon.rada.gov.ua/laws/show/337-19>.

¹²⁰ The Strategy of the National Security of Ukraine, 26 May 2015, <https://zakon.rada.gov.ua/laws/show/287/2015>.

¹²¹ The Military Doctrine of Ukraine, 24 September 2015, <https://www.president.gov.ua/documents/5552015-19443>.

¹²² Package of measures for the Implementation of the Minsk Agreements, https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_Minsk_Agreement_en.pdf.

¹²³ A detailed political and legal analysis of the Minsk Agreements is provided in Viktor Musiyaka's article “Some aspects of the state and legal decisions regarding the occupied areas of Donbas”, included in this publication.

¹²⁴ More on that in Section 3 of this report.

to the global community and key foreign policy partners (in particular, in February and in October 2016).¹²⁵ Their goal was to draw the world's attention to the annexation of the Crimea and the occupation of Donbas and to keep the Ukrainian-Russian conflict on the international agenda.

With the change of government in 2016, Ukraine continued searching for new approaches to conflict resolution. In particular, the Programme of Volodymyr Groysman's Cabinet, approved on 14 April 2016, provided for the development of a "State strategy for the restoration of Ukraine's integrity and integration of the occupied territories".¹²⁶ However, this was not done in the past three years.

The new government has somewhat optimised the system of sectoral agencies by merging the State Agency of Ukraine for Restoration of Donbas¹²⁷ and the State Service for the issues of Crimea and Sevastopol in April 2016 and launching the Ministry for Temporarily Occupied Territories and Internally Displaced Persons (MTOT)¹²⁸ on the basis of said agencies.

The approval of the Concept¹²⁹ (August 2016) and the State Targeted Programme¹³⁰ (December 2017) for the restoration and building of peace in eastern regions of Ukraine can be added to the Cabinet's achievements. To implement this programme, relevant Council has been established, chaired by the Deputy Prime Minister of Ukraine – the Minister for Regional Development, Construction, Housing and Communal Services.¹³¹ Despite its broad title, the Programme focuses primarily on the socio-economic sphere and is limited to rebuilding of infrastructure in government-controlled areas of Donbas and adjacent oblasts (Dnipropetrovsk, Zaporizhzhya and Kharkiv). Low funding is the main obstacle, as in 2018 MTOT allocated only UAH 117 million on Programme implementation.

It is quite logical that recognition of certain areas of Donbas as territories occupied by Russia (and a source of constant threat of aggression) **produced changes in the fundamentals of social and economic policy for this region, primarily towards its isolation.** The first steps in this direction were made in late 2014. In particular, on 7 November the Cabinet of Ministers passed a decision to discontinue financing of budget-funded institutions

and social benefits in non-government-controlled areas.¹³² The government partially used approaches developed for legislative regulation of the situation that emerged after the Russian occupation of Crimea.

However, the commodity exchange and transport links between Ukraine and the occupied territories still existed in 2016. This was partly due to economic and technological necessities, and partly due to inertia of the pre-war times. The duality of official position revealed itself in the situation around the transport blockade of the occupied regions, initiated in late December 2016 by the "organisation of ATO veterans" with the support of some MPs (primarily from the "Self-Reliance" faction). The initial government's response was negative. Only Oleksandr Turchynov, the NSDC Secretary, spoke about the need for full blockade of ORDLO.¹³³

On 16 March 2017, the President of Ukraine has enacted the NSDC decision that temporarily banned all movement of goods across the contact line. However, even after signing this document, President Poroshenko admitted that the trade blockade "turned to be a special operation aimed at pushing the occupied areas of Donbas into Russia".¹³⁴ He was partially correct, as in response to the blockade, "DPR/LPR" announced the "nationalization" of large Ukrainian enterprises located in occupied territories.

Another step towards legislative and legal formalisation of Ukraine's state policy on Donbas was made in 2017, when the President submitted the draft law "On Peculiarities of State Policy on Ensuring State Sovereignty of Ukraine over the Temporarily Occupied Territories in the Donetsk and Luhansk Oblasts" to the Parliament. The law entered into force on 23 February 2018.

This document is a legal "image" of realities that have emerged in Donbas during the five years of Russian intervention. It defines the legal status of Ukraine with regard to the armed conflict, introducing a number of important norms into legislation: (a) it confirms Russia's "crime of aggression" after its occupation of parts of Ukrainian territory; (b) it defines non-controlled areas of the Donbas as "temporarily occupied territories" run by "occupation administrations of the Russian Federation"; (c) it reaffirms Ukraine's inherent right to self-defence under Article 51 of the UN Charter; (d) it replaces ATO with Joint Forces Operation for "repelling and deterring

¹²⁵ Resolution of the Verkhovna Rada of Ukraine "On the appeal of the Verkhovna Rada of Ukraine to the parliaments of foreign states, parliamentary assemblies of international organisations concerning condemnation of ongoing aggression of the Russian Federation against Ukraine", <https://zakon.rada.gov.ua/laws/show/1014-19>.

¹²⁶ The programme of activities of the Cabinet of Ministers of Ukraine, <https://www.kmu.gov.ua/ua/diyalnist/programa-diyalnosti-uryadu>.

¹²⁷ Established on 10 September 2014.

¹²⁸ In the first version of the Provisions of MTOT (June 2016), the occupied territories were defined as territories "where the state authorities temporarily do not exercise their powers". Only in May 2018, the Cabinet united both the Crimea and Donbas under the same status by adopting relevant amendments. See: the Cabinet of Ministers of Ukraine Resolution "Some Issues of the Ministry for Temporarily Occupied Territories and Internally Displaced Persons", 8 December 2018, <https://zakon.rada.gov.ua/laws/show/376-2016-%D0%BF/ed20181208>.

¹²⁹ The Concept of the State Targeted Programme for the Restoration and Building of Peace in Eastern Regions of Ukraine, 31 August 2016, <https://zakon.rada.gov.ua/laws/show/892-2016-%D1%80>.

¹³⁰ The State Targeted Programme for the Restoration and Building of Peace in Eastern Regions of Ukraine, 13 December 2017, <https://zakon.rada.gov.ua/laws/show/1071-2017-%D0%BF>.

¹³¹ The Cabinet of Ministers of Ukraine Resolution "On the establishment of the Council for Restoration and Building of Peace in Ukraine", <https://zakon.rada.gov.ua/laws/show/672-2016-%D0%BF>.

¹³² The Cabinet of Ministers of Ukraine Resolution "Some issues of financing of budget-funded institutions, making social payments to the population, and providing financial support to certain enterprises and organisations of the Donetsk and Luhansk oblasts", 7 November 2014, <https://zakon.rada.gov.ua/laws/show/595-2014-%D0%BF/ed20141107>.

¹³³ Killers of Ukrainian people won't be able to hide either in Donetsk or in Russia. Let them wait and shake – Liga.net, <http://project.liga.net/projects/pastor/>

¹³⁴ Poroshenko called the blockage of ORDLO a special ops to push "DPR" and "LPR" into Russia – UNIAN, 20 March 2017, <https://www.unian.ua/war/1831869-poroshenko-nazvav-blokadu-ordlo-spetsoperatsiyu-z-vishtovhuvannya-dnr-i-lnr-u-rosiyu.html>.

the Russian aggression”, transferring strategic command from the SBU to the General Staff of the Armed Forces of Ukraine (since 30 April 2018)¹³⁵; (e) it reiterates Ukraine’s commitment to political and diplomatic settlement of the conflict in Donbas.

It should be noted, however, that this document is a general, framework legislation that neither outlines specific principles, instruments and mechanisms for de-occupation of Donbas, nor offers a clear plan for further reintegration of these territories to Ukraine.

The government’s efforts in security and defence sector deserve special attention. Inadequate level of Ukraine’s defence capability and poor state of the Ukrainian military in 2014 is evidenced by the fact that the major role in countering early stages of Russian intervention in Donbas has been played by volunteer battalions and civilian volunteer movement. During the five years of war, Ukraine managed to substantially reinforce its defence potential. Activities in this area focused on accomplishment of the dual task: performing day-to-day security functions and ensuring reform of the sector. In recent years, the government adopted a number of laws, strategic documents and regulatory acts to regulate the structure and operation of Ukraine’s security system, including in the area of the armed conflict in Donbas. These included the State Programme for Development of the Armed Forces of Ukraine for the period until 2020, the State Targeted Programme for Reforming and Developing the Defence Industrial Complex until 2021, the Law “On National Security of Ukraine”, the Strategy for Development of the Defence Industrial Complex of Ukraine for the period until 2028, and the like.

Ukraine was able to radically increase the level of its defence capability and stabilise the situation in Donbas at the level of low-intensity conflict. Key areas of strengthening and reforming the defence sector can be outlined as follows:¹³⁶

- capacity building of the Armed Forces and other military formations: since the beginning of Russian aggression in 2014, Ukraine quickly put together 16 new brigades; most volunteer battalions entered the Armed Forces and the National Guard; the manning and provision of military units improved substantially; Special Operations Forces, Territorial Defence Forces and Operational Reserve of the Armed Forces were created;
- improved provision of Armed Forces with weapons and military equipment: enterprises of SC “Ukroboronprom” transferred over 4,900 new and upgraded weapon systems and pieces of equipment to Ukrainian uniformed agencies in 2018¹³⁷; according to the General Staff, troops in the conflict zone have been armed by 99%¹³⁸;

- reformation of the command and defence planning systems;
- increased intensity and quality of combat training: in 2018, there were over 30 brigade-level exercises, almost 300 – of battalion level, and 14 Air Force tactical exercises. Foreign instructors trained over 3,500 Ukrainian servicemen;
- increased expenditure on functioning and development of Ukraine’s security and defence sector to 5% GDP, including 3% – on Armed Forces; the State Budget for 2019 earmarked UAH 212 billion for security and defence;
- improved military and technical policy (including in imports phase-out), intensified development, production, modernisation and repairs of weapons and military equipment by the defence industry; involvement of private sector companies in the execution of state defence orders.

It should be admitted, however, that the process of reforming and improving the effectiveness of the Armed Forces and other security structures has somewhat slowed, and in some cases offset by faults in the personnel policy, corruption in the defence industry, gaps in manning and some other causes.¹³⁹

This is just a general outline of some areas and aspects of the state policy on Donbas. During the years of Russian intervention in the East of Ukraine, a large array of relevant legislative and legal acts – laws, presidential decrees, NSDC decisions, Cabinet of Ministers resolutions, decisions of local authorities and many others – has been produced (See Annex “*Some regulatory and legal acts of Ukraine concerning aggression of the Russian Federation in Donbas*”, p.89-94).

Government decisions related to the occupation of Donbas cover almost all areas of the nation’s life. They include a wide range of legal and regulatory acts and measures in the military, foreign, socio-economic, financial, energy, humanitarian, informational and other spheres. In particular, termination of the Big Treaty with Russia – “Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation” – in 2018 was an event of historic significance.

The Strategy of Information Reintegration of the Donetsk and Luhansk Oblasts approved by the Cabinet of Ministers on 26 July 2018 was Ukraine’s most recent strategic documents.¹⁴⁰ Developed by the Ministry of Information Policy, it is quite a substantial document, but it is clear that information reintegration should be a component of much broader reintegration policy, which is currently non-existent.

¹³⁵ It should be added that in January 2018, when amending the law on civil-military administrations, the Parliament formulated the new term for government-controlled parts of Donbas – “the areas of rebuffing the armed aggression of the Russian Federation”. The Law on civil-military administrations in the version dated 18 January 2018, <https://zakon.rada.gov.ua/laws/show/141-19/ed20150203>.

¹³⁶ For more detail on Ukraine’s defence sector reform See: Ukraine 2018-2019: Caution optimism before elections (Assessments) – The Razumkov Centre, 2019, p.4-8, http://razumkov.org.ua/uploads/article/2019_Pidsumky_2018.pdf.

¹³⁷ Ibid.

¹³⁸ General Staff reports on arms supply of units. – LB.ua, 11 March 2019, https://en.lb.ua/news/2019/03/11/7102_general_staff_reports_arms_supply.html.

¹³⁹ See: <http://argumentua.com/video/korupts-ya-v-oboronts-prodovzhennya-gladvkovskii-svinarchuk-ukroboronprom-ta-mna-perepiska>.

¹⁴⁰ On approval of the Strategy of Information Reintegration of the Donetsk and Luhansk Oblasts – the Cabinet of Ministers of Ukraine, 26 July 2018, <https://www.kmu.gov.ua/ua/npas/pro-shvalennya-strategiyi-informacijnoyi-reintegraciyi-doneckoyi-ta-luganskoyi-oblastej>.

1.4.2. Problems and vulnerabilities of the government policy regarding Donbas

The nature and specifics of Ukraine's policy on settling the conflict in Donbas are obviously affected by multiple factors. They include internal political dynamics (currently the elections), public sentiment and expectations, geopolitical situation, positions and influence of external participants in the negotiation process, and many others. Being aware of that, however, one should not disregard some on purely internal problems, which can be summarised as follows.

First, the lack of strategic approaches. Currently there is a need in clear programme of action both for liberation of Donbas and for reintegration of the de-occupied territories back in Ukraine. Neither our external partners nor the Ukrainian public have clear understanding of principles and plans that should guide the Ukrainian government's actions in the liberated territories and what local population should expect. Some kind of "declaration of intent" should at least form a part of more general programme for returning the occupied territories.

This lack of strategic vision, however, is a clear outcome of much wider problem. Ukraine's foreign policy was mainly implemented manually – there is no balanced strategy for Ukraine's foreign policy in general, nor the concept of the Ukrainian policy towards Russia. Fundamental law "On the Principles of Domestic and Foreign Policy" is obsolete, failing to meet both modern-day geopolitical realities and the tasks that Ukraine faces today (in particular, not a single work in this document ever mentions Russian aggression against Ukraine).

Second, Kyiv's policy regarding Donbas was largely implemented in the "delayed mode", lacking political will, consistency and coordination. In this context, the following should be emphasised: (a) no appropriate measures were taken at the initial phase of Russian intervention (e.g. the introduction of martial law), as stipulated by the Constitution. The President introduced the martial law only on 28 November 2018, only for one month, and only in selected regions; (b) the format of "Anti-terrorist Operation" in the East of Ukraine, which did not fit the nature and the scale of interstate military conflict, lasted for four years; only in May 2018 the government introduced the appropriate "Joint Forces Operation" format; (c) Legislative formalisation of the status and nature of events in the East along with introduction of relevant norms and regulations also occurred only in February 2018; (d) official policy regarding socio-economic isolation of the occupied territories was inconsistent and contradictory, contributing to the spread of various "grey" trading schemes.

Public opinion

The Ukrainians are quite critical about the government's policy on settling the conflict in Donbas. Nearly 61% of them believe that this policy lacks clear strategy; 72% do not consider it effective; 66% doubt that this policy is understandable for the general public. Moreover, 65% of respondents do not perceive it as transparent and open.¹⁴¹

Third, the effectiveness of the government's action in Donbas was routinely undermined by chronic internal problems – weakness and lack of coordination of public administration system, acute problems in law enforcement and defence sectors and court system, widespread corruption in government. In other words, Ukraine's policy regarding Donbas reflected problems of the national political culture and practices.

Fourth, the previous practice of commitments and promises by the government to end the war and liberate the eastern regions from Russian invaders in the nearest future (or as soon as possible) was hardly productive. For society, it was rather disorienting and demotivating.

On the other hand, the "Donbas issue" was and remains the subject of manipulation and speculation by political actors (including under external influence). Blatantly populist, narrow party interests dominate over the national ones, especially during the election campaigns. Political discourse is crowded with unsubstantiated, inviable "liberation" projects and programmes that do not take into account Ukraine's current state and capabilities or the positions of external players; otherwise they propose scenarios that run counter to national interests, threaten Ukraine's national security, sovereignty and territorial integrity. In this context, we should note active work of the "fifth column", agents of influence and others who are guided from abroad.

Fifth, Ukraine's foreign policy in general, and its Donbas policy in particular are affected by unpredictability and strife of the geopolitical situation, along with worsening of Ukraine's external position. The turbulent global processes limit the West's readiness to support Kyiv, weaken partners' unity in countering Russia and push the "Donbas issue" to geopolitical periphery. Moreover, Russia internationally has incomparably greater military and political potential, the opportunity to finance information activities and propaganda, and the ability to mobilise active pro-Russian lobby, especially in the EU.

At the same time, Ukraine faces the growing threat of losing its geopolitical entity, as mostly internal factors increase Ukraine's dependence on leading nations and international financial institutions, both domestically and internationally. "Ukraine fatigue" increases, just like distrust and doubts in declarations and promises of the Ukrainian leadership.

This cannot but weaken Ukraine's position in negotiations, particularly in realisation of its "strategy for peace (in Donbas – ed.)", which is to be reached "politically and diplomatically, because it is optimal for Ukraine and is in line with our national interests".¹⁴²

¹⁴¹ See: findings of the Razumkov Centre's sociological study, published in this journal.

¹⁴² Address of the President of Ukraine in the Verkhovna Rada of Ukraine "On the Internal and External Situation of Ukraine in 2018" – the President of Ukraine, 20 September 2018 – <https://www.president.gov.ua/en/news/prezident-rosiya-maye-povernuti-krim-vidshkoduvati-ukrayini-49790>.

1.4.3. The Donbas issue in election campaigns

It is no wonder that the issue of Donbas, and more generally – the issue of rebuffing Russian aggression was among top themes of the presidential race in Ukraine. In this “struggle for power”, the populism factor became increasingly evident, as the candidates announced effective solutions for Donbas or declared quick and decisive action. The candidates’ programmes generally reflected the national narrative, as most topics have already been tested in the Ukrainian information space and sounded familiar to voters.

The first round of presidential elections was important for at least two reasons. First, it gave people the idea of the set of options for settling the conflict in Donbas, which were relayed by the leaders of political forces across Ukrainian society, and second, the first round was essentially a meaningful “precondition” for the upcoming parliamentary elections, where the issue of Donbas will likely be a priority.

In particular, Petro Poroshenko’s programme contained the general formula that echoed Ukraine’s current policy in the East of Ukraine and the goals set forth in the President’s previous statements. It was about: (a) returning the occupied territories of the Donetsk and Lugansk oblasts and the Crimea by political and diplomatic means; (b) ensuring the unity of the pro-Ukrainian coalition in the world; (c) using the sanctions tool; (d) deploying the international UN mission across the entire territory of occupied Donbas (Box “*Extracts from the 2019 election programmes of individual presidential candidates concerning security and military conflict in Donbas*”).

Volodymyr Zelenskyi planned to raise the issue of supporting Ukraine in an effort to end the war, returning the occupied territories and forcing the aggressor to compensate damages before the guarantors of the Budapest Memorandum.

EXTRACTS FROM THE 2019 ELECTION PROGRAMMES OF INDIVIDUAL PRESIDENTIAL CANDIDATES CONCERNING SECURITY AND MILITARY CONFLICT IN DONBAS*



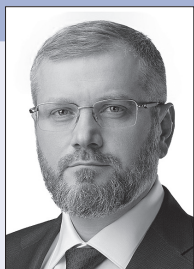
Yuriy BOYKO

THE PLAN OF PEACEFUL DEVELOPMENT FOR UKRAINE

We know how to stop hostilities in the East, restore the economy and social justice.

Bringing peace to Ukraine

- Ukraine will fulfil all international commitments to achieve peace in Donbas.
 - We will do everything to end the armed conflict solely by peaceful means.
 - The new government will go for direct talks with all parties to the conflict – for the sake of peace – to return territories and people under Ukraine’s jurisdiction.
 - Business built on blood and suffering will be stopped; tax on armed conflict will be cancelled. People will be able to return to their homes.
- Ukraine is a reliable international partner**
- We will ensure real neutrality and non-aligned status of Ukraine.
 - We will overcome disagreements with all neighbouring countries, including Russia.
 - We will establish partnerships and mutually beneficial relations with other states and international organizations.
 - Ukraine will embark on the path to peace and development.



Oleksandr VILKUL

PEACE AND DEVELOPMENT: FOUR STEPS TO SUCCESS

STEP 1 – PEACE

I will stop the war in 100 days. peaceful donbas in united Ukraine!

- We introduce a peacekeeping contingent from friendly countries and neutral states (Belarus, Kazakhstan, Azerbaijan, Finland, Sweden, Austria) in Donbas..
- We conduct elections in accordance with specially adopted Ukrainian laws with participation of Ukrainian parties. We regain control over the state border in parallel with the announcement of election results..
- We create legal and financial conditions for displaced people to return home.
- We rebuild the infrastructure with the involvement of international donors and resources of the revived Donbas.

* Materials for this section were prepared by Artem Kulesha (the Razumkov Centre’s intern) and Vyacheslav Holub (expert of Foreign Relations and International Security Programmes of the Razumkov Centre).

Extracts from the candidates’ programmes are presented in [Ukr.] alphabetical order.

If not indicated otherwise, texts derived by the website of the Central Election Commission, <http://www.cvk.gov.ua>.



Anatoliy GRYTSENKO

Honest president – Secure country!

There will be no return of Donbas on terms of capitulation – the occupied territories will return with no “special statuses” through diplomatic, military, economic and sanctioning means together with foreign partners. This can be done within a 5-year presidential term. Ukraine will not be giving up its rights to the Crimea in exchange for any economic concessions – our citizens live in the Crimea, this is our land, and it will be Ukrainian again! There will be no artificial division into the East and the West – there will be one Ukraine for us all! We will be united by common successful future! Security services will not be used to protect those in power from their own people – they will be used to protect the country from an external enemy... There will be no forced conscription – we will have a professional contract-based army, reinforced by the permanent reserve force and the system of territorial defence.

There will be no empty promises to foreign partners – Ukraine’s foreign policy will be responsible and predictable, and the president – ready to negotiate. The diplomacy will focus on strengthening Ukraine’s security, protecting and liberating our citizens, and promoting the economic component in international relations.



Volodymyr ZELENSKYI

Human Security. Country’s Security.

We must win peace for Ukraine. We will be raising the issue of supporting Ukraine in an effort to end the war, returning the occupied territories and forcing the aggressor to compensate damages before the guarantors of the Budapest Memorandum and EU partners. Selling out our national interests and territories cannot be the subject of any negotiations.

Ukraine’s movement towards NATO and other security associations is the pledge of our security that I believe in, and which should be confirmed at the all-Ukrainian referendum.



Ruslan KOSHULYNSKYI

FOR DECENT FUTURE WITHOUT OLIGARCHS

FOR PEACE IN OUR HEAVEN-SENT LAND

- Clear geopolitical strategy instead of spineless international policy.
- To define European Ukraine-centrism as a strategic course of the state, according to which Ukraine seeks to become Europe’s geopolitical centre.
- To form a new vector of Ukrainian geopolitics towards creation of new European entity – the Baltic-Black Sea Union.
- To recognize the Russian Federation as an aggressor state at all levels of global diplomacy. To sever diplomatic relations and terminate all international treaties with Russia, and not to restore them until full de-occupation..
- To initiate an international tribunal for investigating crimes against humanity committed by the Russian Federation during its aggression against Ukraine.і.
- Ініціювати створення міжнародного трибуналу з розслідування злочинів проти людства, здійснених РФ у ході агресії проти України.
- To initiate replacement of unproductive Minsk Agreements and the Normandy format (Moscow and its business partners against Ukraine) with the Budapest format with involvement of the United States and United Kingdom (Ukraine and its strategic allies against the aggressor). To liberate the Crimea and Donbas.
- To conclude bilateral agreements with the United States and United Kingdom – the guarantors of the 1994 Budapest Memorandum – on full-scale military technical assistance for Ukraine and provision of lethal weapons.
- •to achieve favourable conditions, clear guarantees, specific measures and timelines for Ukraine’s possible accession to the EU and NATO.

Peace on Ukrainian terms instead of generations-long war

- To preserve the unitary structure of the state. To prohibit granting of any autonomies, “special statuses” or “special procedures for local self-governance”.
- To introduce full economic, energy, resource and transport blockade of temporarily occupied territories.
- To stop Russian businesses in Ukraine; to introduce an embargo on Russian capital, goods and services. To nationalise assets owned by Russian citizens or an aggressor state.
- To prosecute and deprive of citizenship of all those who betrayed Ukraine, worked for the occupation administration, participated in hostilities against Ukraine and committed other crimes. To initiate immediate extrajudicial proceedings regarding detected collaborators and traitors, to put them on an international wanted lists.
- •To prosecute and deprive of citizenship of all those who betrayed Ukraine, worked for the occupation administration, participated in hostilities against Ukraine and committed other crimes. To initiate immediate extrajudicial proceedings regarding detected collaborators and traitors, to put them on an international wanted lists.
- To adopt the state programme for reintegration of territories under occupation.
- To ensure protection of national rights of the autochthonous Ukrainian population of the Crimea and Donbas after their liberation.



Oleh LYASHKO

LYASHKO PLAN

STRONG ARMY – STRONG COUNTRY

People are tired of the war in Donbas. It took and continues to take lives of our best people. I am ready to do everything for peace, but not at the cost of capitulation. Our goal is victory. We can only win this war if we have a strong economy... I will do best to defend our national interests in the international arena. Instead of crouching back before “partners”, I will demand implementation of the Budapest Memorandum. After signing this document, Ukraine yielded the third largest nuclear potential in the world in exchange for security guarantees. Otherwise we will have full right to declare re-establishment of our status as a nuclear state. On the other hand, we want a direct military agreement with the United States. We need a partnership in deed and not in name!

Our soldiers on the frontline should know that the state values them, provides social guarantees to their families, and supplies the best equipment, food and decent salaries.



Petro POROSHENKO

GREAT COUNTRY FOR FREE AND HAPPY PEOPLE

Our own path to greater goal

Ukraine has the only way to preserve its independence – we have to become a great European country of free and happy people.

Our mission is to join the European Union and NATO. Only full membership in the EU and NATO will definitively and irrevocably guarantee our Ukrainian independence, our national security.

The history of the 20th and early 21st centuries has shown that independent Ukrainian state is a cornerstone of democracy, freedom and peace in Europe, and an important component of security and defence of the entire Euro-Atlantic community.

We are the country that has already reinforced the Alliance’s eastern flank and defended not only itself, but also the entire European civilization against Russian aggression.

In 2023, we will apply for the EU membership, we will receive and start implementing the NATO Membership Action Plan. Through our membership in the EU and NATO, we will ensure:

- high quality of life;
- rule of law and level playing field for all;
- assistance in economic development of country and its regions;
- access to the largest market in the world;
- security and defence, because the NATO’ key principle is “one for all, and all for one”.

Strong foundation of the great country

We revived an army that stopped the Russian aggressor and continues to deter it. Strengthening, modernising and equipping our Armed Forces with the newest weapons systems and military equipment is our absolute priority. This, among other things, will stimulate our science and industry.

We will complete installation of a dense anti-missile and air defence systems. It is also time for deep modernisation of the Ukrainian Navy and Air Force.

Ukraine has established itself as an influential party to international relations, an important centre of the global diplomacy. We have created a powerful transatlantic coalition in support of Ukraine. International sanctions against the aggressor are firmly linked to complete de-occupation of the Ukrainian Donbas and the Ukrainian Crimea, and all our citizens and territories must return under Ukraine’s sovereignty.

We have defended our European and Euro-Atlantic choice and proved that European and Euro-Atlantic Ukraine is a guarantee of stability and security in Europe.

Peace means complete restoration of the territorial integrity, sovereignty and independence of Ukraine. Peace means undeniable recognition by Moscow of our right to go our own way.

We will continue our course towards restoring the territorial integrity of Ukraine, returning the occupied territories of Donetsk and Lugansk oblasts and the Crimea by political and diplomatic means, ensuring the unity of the pro-Ukrainian coalition in the world, using the sanctions instruments and mechanisms of the international UN mission throughout the occupied Donbas.

The occupying power will bear responsibility for all damage – for repressions and abuses against our citizens in the occupied territories – and will have to compensate them through international legal mechanisms.

We will do our best to bring home all our citizens who became hostages of the aggressor – both in Russia and in the Ukrainian territories, occupied by Russia.



Serhiy TARUTA

THE NATIONAL IDEA FOR UKRAINE: PEACE, WELL-BEING, RESPECT

I guarantee peace in Ukraine

My foreign policy priorities include restoring the territorial integrity of Ukraine; achieving stable security; protecting lives and rights of citizens; supporting and promoting interests of Ukrainian businesses abroad; restoring friendly relations with all neighbours. The territorial integrity of Ukraine will be restored through effective diplomacy.

I and my team of like-minded people have developed a comprehensive and realistic plan for achieving peace and restoring Ukraine's territorial integrity – the “Three Foundations Peace Plan: Legitimacy. Security. Trust”. This plan will be fully implemented under my leadership.

Our Peace Plan for 2017-2018 has been approved by the global diplomacy.

First and foremost, the plan envisages the deployment of the UN peacekeeping mission in the occupied areas of Donbas, the deployment of international temporary administration to ensure socio-economic development of the region and reintegration of the Donbas residents.

I will do everything to make sure that Russia is held fully liable for its aggression against Ukraine and reimburses all losses suffered by the economy and citizens of Ukraine.

I consider it unacceptable to return the Crimea by using military means –political, diplomatic and legal methods are the only possible solution.

I am convinced that the main prerequisite for Ukraine to ensure lasting peace and inviolability of its borders is its non-aligned status in accordance with the Declaration on the State Sovereignty of Ukraine.

I guarantee respect for all citizens of Ukraine

For soldiers who took part in liberation of Donbas – I guarantee implementation of the state socialisation programme, business start-up grants, privileged purchase of housing.

For internally displaced persons – I guarantee resolution of their housing issues, full restoration of their constitutional rights, compensations for property losses, implementation of the state support programme for business initiatives, acceleration of socialisation in host communities.



Yuliya TYMOSHENKO

NEW STRATEGY FOR PEACE AND SECURITY

STRONG DIPLOMACY. At present, the primary objective of the Ukrainian army is to deter the aggressor and build up strength. The objective of the Ukrainian diplomacy, led by the President, is to go on an offensive and seek collective measures to force the aggressor to peace and return the Crimea and Donbas. We will start genuine negotiation process and restore peace pursuant to the Budapest Memorandum. We will return the occupied territories of the Crimea and Donbas by military and diplomatic means.

STRONG ARMY. Diplomatic means will work only if we have sufficient military capacity to achieve relevant goals. This is why strengthening of the Ukrainian army is the foundation of our peace and security strategy. We will undertake a complete modernisation of the Armed Forces of Ukraine in accordance with NATO standards and increase our military capacity to a level that will guarantee security for the entire country and for every family..

REINTEGRATION AND REBUILDING OF LIBERATED TERRITORIES. De-occupation and reintegration of the temporarily occupied territories of Ukraine are not successive but parallel, interlinked processes that need to be addressed today. Our team has developed the Ukrainian Crimea and Donbas Reintegration Programme – an alternative to current “Minsk formula”. The main task of this programme is to destroy the wall of fear, misunderstanding and hatred that is being artificially erected between Ukraine and the occupied territories. The main task of this programme is to bring millions of people out of stress.

RECOVERY OF COMPENSATION FROM RUSSIA. We will undertake a thorough inventory of damage caused to Russia. We are ready to exhaust our efforts to bring the Russian Federation as an aggressor state to legal liability. The purpose of these efforts is to recover compensation for the damage done to Ukrainian citizens, Ukrainian businesses and the Ukrainian state. We will defend in courts the rights of the state and citizens that have been violated by the aggressor state.

Other presidential front-runners, in particular, Yuliya Tymoshenko and Oleh Lyashko, also appealed to the guarantors of the Budapest Memorandum. For example, Mr. Lyashko stressed that in the event of non-fulfilment of said Memorandum, “we will have full right to declare re-establishment of our status as a nuclear state”.

It should be added that in her public speeches Yuliya Tymoshenko came up with a new negotiation format called “Budapest+” involving representatives of the United States, United Kingdom, Russia, France, China, Germany and the EU High Representative for Foreign Affairs and Security Policy.¹⁴³ As noted above, Ms. Tymoshenko mentioned that her team developed the “Ukrainian Crimea and Donbas Reintegration Programme – an alternative to the “Minsk formula”. She also added that de-occupation and reintegration of the temporarily occupied territories of Ukraine were “not successive stages, but parallel, interlinked processes that need to be addressed today”.

The Anatoliy Grytsenko’s programme focused on what Ukraine would not do: “there will be no return of Donbas through capitulation”, “Ukraine will not be giving up its rights to the Crimea”, “there will be no artificial division into the East and the West”, “the president will not earn on the war”, and the like. As for the positives, Mr Grytsenko stated that “the occupied territories will return with no “special statuses” but through diplomatic, military, economic and sanctioning means implemented together with foreign partners”.

It is important that most presidential front-runners supported Ukraine’s movement towards the EU and NATO. For example, Mr Poroshenko’s programme declared that “in 2023, we will apply for the EU membership, and we will receive and start implementing the NATO Membership Action Plan”. Yuriy Boyko emphasised the importance of truly neutral and non-aligned status of Ukraine.

It is remarkable that orientation of the programmes of almost all leaders of the presidential race were the pro-European and Euro-Atlantic. Candidates who identified themselves as the opposition also paid great deal of attention to the Donbas issue. Specifically, Mr. Vilkul promised to stop the war by introducing a peacekeeping contingent from “friendly countries and neutral states” (Belarus, Kazakhstan, Azerbaijan, Finland, Sweden, Austria) in Donbas. Then he planned to hold elections and regain control over the state border with Russia in parallel with the announcement of election results. Yuriy Boyko, in his programme, promised to “fulfil all international commitments to achieve peace in Donbas” (i.e. the Minsk Agreements). At the same time, he mentioned “direct talks with all parties to the conflict”.

In this context, it is necessary to recall the “plan-concept for crisis settlement in the South-East”, articulated by Viktor Medvedchuk at the extraordinary congress of the “Opposition Platform – For Life”, when this political force nominated Yuriy Boyko. Said plan-concept implied unconditional fulfilment of 2015 Minsk Agreements and the negotiation process involving Kyiv, Donetsk, Luhansk and Moscow. It was also planned to establish the Autonomous Region of Donbas, with its own government, parliament and other governing bodies.¹⁴⁴ In other words, it was about creating a “state within state”.¹⁴⁵

With the presidential campaign unfolding, the issue of Donbas was somewhat pushed to the periphery with social and economic priorities coming to the fore. However, following the elections the issue of returning Donbas will definitely “make a sharp comeback” to the new President, since there is urgent need to update the state policies and develop new conceptual approaches, which in turn would require broad expert and public discussion.

Ukraine’s policy on settling the conflict in Donbas started to take shape in critical circumstances of annexation of the Crimea, military intervention in the East of Ukraine and against adverse internal factors that presented a real threat to national sovereignty and statehood of Ukraine.

It should be admitted, however, that the government did not fully utilise all available internal and external capabilities of the country, the legislative and legal levers to ensure urgent and complex resistance to Russian intervention.

The Ukrainian policy on Donbas suffered from inconsistency, poor coordination, lack of legislative and legal support for actions aimed at addressing the Donbas situation. It also lacked strategic approaches, specifically the conceptual and well-planned support for the processes of liberation and reintegration of the occupied territories.

Ukraine’s positions on the Donbas front are further weakened both by unfavourable internal factors and external processes in Europe and around the world.

However, despite multiple difficulties, Ukraine was able to stop Russian expansion, strengthen and reform its armed forces, and increase their combat capability.

It is obvious that the new Ukrainian government will face the challenge of developing new approaches, strategic measures and specific – at least in the medium-term – plans to curb Russia’s aggression and resolve the situation in the East.

¹⁴³ New Strategy for Peace and Security – website of Yuliya Tymoshenko, 23 January 2019, <https://www.tymoshenko.ua/program-2019/nova-strategiya-myruta-bezpeky>.

¹⁴⁴ The plan-concept for crisis settlement in South-East of Ukraine – “Opposition Platform – For Life”, 30 January 2019, <https://www.platform.org.ua/plan-kontseptsiya-vregulyuvannya-kryzy-na-pivdennomu-shodi-ukrayiny>.

¹⁴⁵ On 5 February 2019, upon the appeal of MP Andriy Teteruk (People’s Front faction), the Prosecutor General’s Office opened a criminal case under articles “Encroachment upon the territorial integrity and inviolability of Ukraine” and “Treason” against Viktor Medvedchuk. See: https://dt.ua/POLITICS/genprokuratura-pochala-rozsliduvannya-derzhzradi-medvedchuka-301769_.html.

2. OCCUPATION OF DONBAS: CURRENT SITUATION AND TRENDS

Over the five years, the territories not controlled by the Ukrainian government underwent fundamental changes. Under the curtain of pseudo-governments of DPR and LPR, which are recognised as occupation administrations under Ukrainian Law, Donbas is being alienated and separated from Ukraine. To determine further prospects and ways to resolve the conflict in Eastern Ukraine, it is important to describe the military, socio-cultural, economic and ideological reality in these occupied territories. Namely, what the Ukrainian government has to face at the moment and what challenges and problems await in the process of the region's liberation and reintegration. A full and comprehensive picture of the current situation, dynamics and trends are hard to obtain, as the region is isolated and closed off, and access to information is restricted.

This section of the report: a) describes the military situation (assessment of composition, armament, structure of occupation forces, activity of Russian secret services, etc.); b) studies socioeconomic processes in DPR-LPR, Russian presence in finance and economy; c) analyses main trends in coal mining, electricity and natural gas industries in the occupied territories; d) describes the general nature and specific aspects of political and ideological situation in DPR-LPR, provides a characteristic of the information management system in DPR-LPR; e) assesses the sensitive and dangerous environmental situation in the "republics".

Thus, the goal of this section is to provide a comprehensive assessment of the current situation in the occupied territories of Eastern Ukraine, to describe the dynamics and character of processes in different areas.

2.1. Military Component of Donbas Occupation

Military action in Donbas started on 12 April 2014 with the seizure of a number of administrative and social buildings, police departments and local self-government bodies in a number of Ukrainian citizens (Sloviansk, Kramatorsk, Druzhkivka) by guerrilla units led by Russian special operation officers. Following that, in the next couple of days, similar small assault teams of Russian commandos have seized Horlivka, Makiivka, Alchevsk and a number of other towns and villages in Donbas.

On 13 April 2014 in response to the invasion of insurgents, the acting President of Ukraine Oleksandr Turchynov announced the start of the Anti-Terrorist Operation (now Joint Forces Operation). Task forces of SBU (Ukraine's State Security Service) and Ukrainian army transferred to Sloviansk and Kramatorsk engaged for the first time early on April 13 near village Semenivka.

2.1.1. Characteristics of Russian Intervention¹

Since the beginning of fighting in Donbas, it became clear that the intervention of paramilitary units masked as "people's police", "rebels" and "revolutionaries", despite the comprehensive military technical and professional

support from Russia, was not yielding the desired results. Practical support from local population and the fighting capacity of insurgents were unable to provide the sufficient effectiveness of these units in combat and they failed to overpower Ukraine's regular army and task force units. In 2014 there was a real threat that these quasi-state "popular" formations of DPR and LPR might be liquidated by Ukraine's defence agencies.

Russian military and political leadership had to provide direct military support to the insurgents through the invasion of Donbas by regular Russian troops. The first massive wave of Russia's military intervention was in August 2014. Later units of "volunteer mercenaries" masked as insurgents, Russian regular army units and militants from a whole range of half-legal Russian private military groups flooded Donbas from the Russian territory.² To ensure its position, the occupation regime started step-by-step creation of a regular military force based on a number of invasion units, as well as mercenaries and collaborators.

Military action in Eastern Ukraine has been and is still going on with various degrees of intensity. They can be divided into two periods. The first, *active phase*

¹ A detailed analysis of the timeline and characteristics of Russian intervention is presented in the book by D.Tymchuk, Yu.Karin, K.Mashovets, V.Husarov "Invasion of Ukraine: the Chronicles of Russian Aggression". Information Resistance Group. Kyiv, Bright Star Publishing, 2016.

² As of November 2016, according to volunteer community Informnapalm investigations, there were soldiers representing 75 Russian military units in Donbas.

(spring of 2014 - spring of 2016) – high-intensity fighting. Second, *stabilisation phase* (summer 2016 – until now) – positional confrontation along the more or less stable line of contact.

Both parties (Ukrainian Armed Forces and Russia-controlled units) were actively using heavy weapons and conventional warfare in the conflict area. At the moment their use is limited by a number of Minsk Agreements provisions. Thus, after an active fighting phase, at the moment the situation has stabilised and is characterised by low-intensity fighting with a stable line of contact between the warring parties.

Overall, as a result of countering Russia's armed aggression, Ukrainian government has successfully liberated a part of Donbas previously occupied by the pro-Russian and Russian military units. At the moment, Ukraine is not in control of 18 thousand sq kilometres of Donbas.³

Intervention and further occupation of separate territories of Donetsk and Luhansk oblasts of Ukraine are characterised by the following factors:

- Current Russian leadership looks at military intervention in Eastern Ukraine as an important component of the overall pressure used to destabilise the situation in other parts of Ukraine. We can assume that in its Ukraine policy, Kremlin is using foreign policy principles and models from at least two or even three centuries ago. Russia is not about to give up the seized territories at any cost (at least on conditions that it considers unfavourable) and believes its actions to be justified. This creates the basis for different forms of either freezing the conflict or preserving it in its smouldering form, which perfectly fits Russia's intervention strategy.
- The combination of military, political, financial and economic, social, informational and ideological methods of warfare is rather flexible. Russia's intervention in Donbas is very diverse and open to significant change – from intensive military action with the use of heavy weapons to informational and psychological special operations directly in Donbas, as well as next to it, or financial and economic, diplomatic or political methods of pressuring Ukraine. This methodology was named "hybrid warfare".⁴
- The main goal for creating quasi-states like "people's republics" in the Russia-occupied and held Donbas territories, with leaders and other areas



fully controlled by the Kremlin (from industries to ideology and propaganda), as well as creation of a powerful military force (two "army corps") under the command of Russian Armed Forces General Staff, – is to ensure the basic level of survival and stability of the occupation regime.⁵

2.1.2. Occupation Forces. Composition, Armaments, Locations⁶

Currently, Russian occupation army in Donbas is under the operative command of the 8th general army headquarters of Southern Military District of the Russian Armed Forces. The headquarters manages occupation army through the 11th Territorial Forces Administration.

Occupation army consists of two main parts – **operative and tactical command group "Donetsk"** and **2nd Army Corps**. If necessary, coordination of these two groups is assumed directly by the command bodies of Russian Armed Forces General Staff.

The Operational-Tactical Command "Donetsk" (former "1st Army Corps of People's Militia") includes several brigade-battalion units, as well as separate battalions. Its area of responsibility is the centre (including the city of Donetsk) of Donetsk oblast and a part of the south and eastern parts. Total size is irregular and is not a stable number. Information Resistance group estimates it at **15.5 - 16 thousand soldiers**.

This group is similar to a typical full-sized Soviet army corps by its organisational and staff structure, size and armaments, with some quantitative and qualitative local specifics.

It includes 4 motor rifle brigades (one of them being the internal army named "Republican Guard"), a separate artillery brigade, 2 motor rifle battalions, a separate tank battalion, 2 special operations battalions, separate motor rifle and reconnaissance battalions (insert "Structure of Operational-Tactical Command "Donetsk").

³ Also, 26.8 thousand sq kilometres of the annexed Crimean peninsula. Compare – the total area of Donbas is 53 thousand sq kilometres and the seized territory – only a third of it. The total area of the country is 603.7 thousand sq kilometres.

⁴ Yevhen Mahda "Hybrid Warfare: Survive and Win". Kyiv 2015.

⁵ Former advisor to the Russian President explained why Kremlin needs LPR and DPR – UNIAN, 16 November 2018. – www.unian.net/war/10340154-byvshiy-sovetnik-putina-obyasnil-zachem-kremlyu-nuzhny-lnr-i-dnr.html.

⁶ As of March 2019.

STRUCTURE OF OPERATIONAL-TACTICAL COMMAND "DONETSK"⁷

- **Tactical Group "Komsomolskoe"** – consists of 1st separate motor rifle brigade (3 motor rifle battalions, a tank battalion, artillery division, self-propelled artillery division, rocket division, anti-aircraft division, reconnaissance company, anti-tank battery);
- **Tactical Group "Gorlivka"** – consists of 3rd separate motor rifle brigade (3 motor rifle battalions, tank battalion, artillery division, self-propelled artillery division, rocket division, anti-aircraft division, reconnaissance company, sniper company, anti-tank battery);
- **Tactical Group "Oplot"** – consists of 5th separate motor rifle brigade (3 motor rifle battalions, tank battalion, artillery division, self-propelled artillery division, rocket division, anti-aircraft division, reconnaissance company, anti-tank battery);
- **Tactical Group "Kupol"** – consists of 100th separate motor rifle brigade of "Republican Guards" (3 motor rifle battalions, tank battalion, howitzer division, rocket division, anti-tank battery, 2 anti-aircraft batteries, reconnaissance company);
- **Tactical Group "Kolchuga"** – consists of separate artillery brigade "Kalmius" (2 self-propelled artillery divisions, 1 howitzer division, 1 rocket artillery division, anti-aircraft division, motor rifle battalion + tank company).

Also "Donetsk" command includes a number of separate units subordinate directly to the command headquarters, namely:

- **11th separate motor rifle regiment "Vostok"** (2 separate motor rifle battalions, self-propelled artillery division, anti-aircraft division, tank company, reconnaissance company, rocket battery, anti-tank battery, separate sniper squad);
- **9th separate motor rifle regiment.** Sometimes known as **tactical group "Novoazovsk"**. Consists of 2 separate motor rifle battalions, tank battalion, self-propelled artillery division, anti-aircraft division, howitzer battery, reconnaissance company. Anti-tank and a rocket battery are being created as part of separate artillery division within the regiment.

Besides, the corps also includes separate battalions:

- **2nd separate tank battalion "Disel"** 4 tank companies, 1 motor rifle company, separate reconnaissance company, self-propelled howitzer battery);
- **Separate reconnaissance battalion "Sparta"** (2 reconnaissance companies, special operations/assault company);
- **Separate motor rifle battalion "Somali"** (3 motor rifle companies, tank company, artillery battalion group + mortar battery);
- **3rd separate special operations battalion** (2 special operations/assault companies, sniper company, fire group);
- **Separate special operations battalion "Khan"** (2 special operations companies, separate sniper squad).

In the near future operational-tactical command "Donetsk" is expected to deploy several new separate units, namely, a repair/maintenance battalion and separate tank brigade/regiment.

The abovementioned structural military units of "Donetsk" command have a significant amount of weapons at their disposal. The main types of weapons and military equipment include:⁸

- **210-214 tanks** (mainly different modifications of T-64 and T-72, out of which not less than 145-150 are assumed ready for combat).
- **580-585 armoured combat vehicles** (mainly BMP-1/2, BTR-60/70/80, MT-LB, BRDM, with a little over 400 assumed ready for combat).⁹
- **68-70 multiple rocket launcher systems** (mainly 122-mm BM-21 "Grad", however, there is information about another up to 12 units of 220-mm "Uragan" and not less than 6-8 300-mm "Smerch" systems. "Uragans" are mostly very worn down).

- **230 units of operational artillery systems over 100-mm** (many varieties – from 100-mm MT-12 "Rapira" systems, to 152-mm systems).¹⁰

Also, operational-tactical command "Donetsk" units have not less than **36 anti-aircraft missile systems** Strila-10/10M and not less than **8-10 OSA-AKM systems**, as well as up to **30-32 man-portable air-defence systems**. There are also separate tactical/operational-tactical UAV (mainly Russian-made) units (company-size). Total number – up to 30 different purpose vehicles, mostly intelligence.

To understand how powerful is the military force deployed by the aggressor on the occupied Ukrainian territory, compare the combat force of just one operational-tactical group "Donetsk" with the size and composition of armies in some Eastern and Central European countries. For example, the Czech army (land and air

⁷ Source: Research of Information Resistance Group.

⁸ Ibid.

⁹ There are also new Russian models "Tiger" or BTR-80A/82A.

¹⁰ Most popular is 122-mm 2S1 system "Gvozdika".

forces combined) has the manpower of 23,200 soldiers equipped with only 154 tanks (half – in long-term storage) and 105 units of artillery systems over 100-mm. Hungarian army – 22 thousand soldiers with only 30 combat-ready T-72 tanks.

Essentially, with the exception of such countries as Poland or Romania, most armies of Eastern and Central European countries, by their size and equipment, are not just *comparable to a single* typical motor rifle brigade of Russia's occupation force in Eastern Ukraine, but in many aspects would also be less capable than the latter.

Another part of Russia's occupation force in Donbas is represented by the **2nd Army Corps of People's Militia of Lugansk People's Republic**. Their zone of responsibility is Luhansk city and suburbs, western and southern parts of the oblast. This is a slightly smaller group by the number of soldiers (**up to 12.5 thousand of active militants**), weapons, ammunition, logistics and maintenance resources at its disposal, compared to "Donetsk" command. Yet, this corps has been created based on the same principles as "Donetsk" command and is being used by its Russian supervisors for the same purposes. Lugansk corps consists of 3 motor rifle brigades, 1 motor rifle regiment, 1 tank battalion, 1 reconnaissance battalion (insert "*Structure of the People's Militia Army Corps (Lugansk)*").

Lugansk corps has the following weapons:¹¹

- up to **125-130 tanks** (different modifications of T-64 and T-72), out of which at least 95-100 operational.

- up to **360-365 units of other armoured combat vehicles**. Out of them, at least two-thirds are fully operational. These are mainly BMP-1 or MT-LB.
- up to **110-120 units of over 100-mm cannon artillery**.
- not less than **55-60 multiple rocket launcher systems**.¹³

On a separate note, Lugansk corps, as well as Donetsk command also have long-range weapons, albeit in a small amount. They include six (there is information about 8-10) **152-mm "Giatsint-B" artillery systems and 6 units of 300-mm multiple rocket launcher systems BM-30 "Smerch"**. The main anti-aircraft weapons in Lugansk corps are surface-to-air missile system 9K35 "Strela-10/10M", however, experts also talk about at least one battery of the more powerful surface-to-air missile system 9K33 "OSA-AKM".

2.1.3. Russia's Military Presence in Donbas

According to Joint Forces Command, as of December 2018, the total size of occupation force deployed in Donbas and led by officers and generals of Russian Armed Forces was approximately 32 thousand people. Out of them, 11 thousand are Russian military force (including "volunteers", mercenaries from private military companies and soldiers from Russian regular army).¹⁴ About 2,000 professional Russian soldiers, representatives of Russian special forces directly in charge of

STRUCTURE OF THE PEOPLE'S MILITIA ARMY CORPS (LUGANSK)¹²

- **2nd separate motor rifle brigade** (consists of 3 motor rifle battalions, tank battalion, special territorial defence battalion, self-propelled howitzer division, artillery division, rocket division, anti-aircraft division, reconnaissance company, anti-tank battery, separate sniper squad is being formed);
- **4th separate motor rifle brigade** (3 motor rifle battalions, 3 separate territorial defence battalions, tank battalion, self-propelled howitzer artillery division, rocket division, anti-aircraft division, anti-tank battery, reconnaissance company);
- **6th separate motor rifle regiment** (up to 6 separate "Cossack" territorial defence battalions, self-propelled howitzer artillery division, tank company, rocket battery);
- **7th separate motor rifle brigade** (consists of 3 motor rifle battalions, 1 separate territorial defence battalion, tank battalion, self-propelled howitzer division, artillery division, anti-aircraft division, rocket and anti-tank battery, reconnaissance company);
- **Separate artillery brigade** (consists of 2 self-propelled howitzer divisions, 2 anti-aircraft divisions, rocket and anti-tank divisions, as well as 2 motor rifle companies).

In addition, this corps also includes a number of separate battalions and companies:

- **Special mechanised battalion "Pantsir"** (former **4th separate tank battalion "Sviatogo Avgusta"**, also serves as a training centre for crews of tank units from other 2nd Army Corps brigades). Includes: 4 tanks companies, motor rifle company, reconnaissance company, self-propelled battery;
- **Separate reconnaissance battalion "Greka"**, consisting of 3 reconnaissance companies and a mechanised fire support group.

¹¹ Source: Research of Information Resistance Group.

¹² Ibid.

¹³ Main types of artillery and rocket systems are 122-mm D-30/30A gun, 122-mm SAU 2S1 Gvozdika, 152-mm D-20 systems, 120-mm mortars, including their self-propelled NONA version, 122-mm multiple rocket launcher systems BM-21 Grad.

¹⁴ JFO Commander shared the size of Russian force in Donbas. – Segodnya, 27 December 2018, <https://ukr.segodnya.ua/ukraine/komanduyushchiy-oos-nazval-kolichestvo-rossiyskih-voennyh-na-donbasse-1201600.html>.

occupation groups command are the backbone of this force.¹⁵ This includes units of Russian Special Operation Forces,¹⁶ instructors, representatives of military command, units for servicing, guarding and field testing of new models of Russia's military equipment and weapons. Russia has also deployed separate units of its special forces in Donbas (table "Russia's Use of Modern and Innovative Weapons and Military Equipment in Donbas"¹⁷).

However, we need to take into account that the number of weapons and the level of provision of occupation units with arms and military equipment is not constant. Depending on the situation, specifically in the region or in the context of individual/overall plans of Russia's military-political command, they [the number of weapons and level of provision] may significantly change – increase as well as decrease. For instance, Ukrainian President Petro Poroshenko on 20 February 2019 said in his UN GA speech "Situation in the Temporarily Occupied Territories of Ukraine"¹⁸ that the total number of occupation force manpower slightly exceeds the number given in December 2018 (up to 35 thousand active militants and Russian soldiers (instead of 30-32 thousand cited in 2018)). The same goes for the number of tanks and artillery systems – up to 496 and 776 units, respectively, in January 2019, compared with 344 and 450 in December 2018. These differences in the assessment of occupation force in different periods of time are due to its intensive operational activities (measures for providing additional equipment/soldiers and reformatting of certain "units", repair/restoration of previously decommissioned models of weapons/military equipment, delivery of new batches, etc).

At the moment, Russian military in Donbas mostly use light and heavy infantry weapons, move around in specialised vehicles or vehicles masked as "civilian" (except for specialists who use specialised weapons or serve in military "units and divisions"). Russian forces mostly use light armoured machines like armoured cars (made only in Russia), or specially equipped all-terrain vehicles with extra protection (Russian- and foreign-produced).

It should be noted that in order to "ideologically and historically justify" Russian intervention, as well as to emphasise the "international nature of the fight

Russia's Use of Modern and Innovative Weapons and Military Equipment in Donbas¹⁸

Weapon	Type, model	Recorded location
T-72BA	Tank, 1999 model, not supplied to Ukraine	Starobeshevo (Donetsk oblast), 21st separate motor rifle brigade
T-72B3	Tank, 2011 model, not supplied to Ukraine	Luhansk, Ilovaisk, Debaltsevo, 6th separate tank brigade
T-90A	Tank, 2006 model, not supplied to Ukraine	Luhansk oblast, 136th separate motor rifle brigade
T-72S1	Tank, 2011-2012 model (export version supplied to Iran and Venezuela)	Village Bile, Luhansk oblast, tanks supplied from the armoured vehicles storage facility
GAZ-233014 "Tiger"	Armoured vehicle	Luhansk oblast, 136th separate motor rifle brigade
GAZ-39371 "Vodnik"	Armoured vehicle	Sorokine (former Krasnodon), Luhansk oblast, ownership not identified
KAMAZ-43269 "Vystrel"	Armoured vehicle	Luhansk, 4th military base of Russian Armed Forces
BTR-82A	Armoured personnel carrier	Luhansk oblast, 18th separate motor rifle brigade
2B26	Multiple rocket launcher system, 2011 model, BM-21 "Grad" version, not supplied to Ukraine	Chistiakove (former Torez, Donetsk oblast), ownership not identified
9K330/331 "TOR"	Short-range surface-to-air missile system (ZRK), 1986 model, at the start of war was decommissioned by the Armed Forces of Ukraine	Donetsk, ownership not identified
96K6 "Pantsir-S1"	Short-range anti-aircraft missile and gun system (ZRGK), 2012 model, not supplied to Ukraine	Luhansk, Shakhtarsk
RB-341V "Leer-3"	Electronic warfare station (REB), 2015 model	Donetsk, Debaltsevo region, arms depot of an airborne force unit of the Russian AF
Orlan-10	Unmanned combat aerial vehicle (UCAV), 2010 model, not supplied to Ukraine	Zelenopillia, Donetsk oblast
R-330ZH "Zhitel"	Automated jamming communication station	60 km to the west of Luhansk, Pivdenna Lomuvatka region
"Tirada-2"	Automated REB complex	Pivdenna Lomuvatka
Kamaz-6350 "Mustang" and Kamaz-5350 "Mustang"	6X6 and 8X8 high mobility army truck, not supplied to Ukraine	Khrustalnyi, Makiivka, Luhansk

¹⁵ Russia's testing of its new UAVs in Donbas vgolos.com.ua/zhyttya/rosiya-vyprovovuye-novi-bezpilotnyky-na-donbasi_899506.html; Presentation of the Chief Directorate of Intelligence of the Ukrainian Ministry of Defence "Russia's Armed Aggression Against Ukraine. Ukraine – a ground for testing Russia's modern weapons and the use of forbidden ones" – <http://gur.mil.gov.ua/content/ukraina-polihon-dlia-vyprovuvannia-suchasnoho-ta-zastosuvannia-zaboroneno-rosiiskoho-ozbroiennia.html>.

¹⁶ A special type of troops within Russia's armed forces created for subversive activities and guerrilla warfare on the territories of other states.

¹⁷ Statement by the President of Ukraine at the United Nations General Assembly Debate on the "Situation in the temporarily occupied territories of Ukraine", 20 February 2019. – Official Website of the President of Ukraine, <https://www.president.gov.ua/en/news/vistup-prezidenta-ukrayini-na-debatah-generalnoyi-asambleyi-53282>.

¹⁸ Source: open data of international information agency InformNapalm and Chief Directorate of Intelligence of the Ukrainian Ministry of Defence.

against Ukrainian fascism”, Russian special forces have introduced into a number of peculiar armed formations with special political connotations into occupation formations. For instance, the so-called “Cossack troops” and “international brigades and battalions”. As of today, most of them have been disbanded due to unification of the military component of occupation forces, but some elements of “ideological-political” troops still remain in the occupation forces.

Thus, at least nine battalions and one “regiment” (both real and existing only on paper) of the Lugansk corps are named “Cossack”. E.g. 6th motor rifle regiment of this corps is “honourably named” after “ataman Platov”¹⁹ and is staffed primarily with local population who consider themselves the “offsprings of Don Cossacks”. To emphasise their “historical ties” with Don Cossack army, regiment’s soldiers use elements of Don Cossacks’ military uniforms in their clothing. The total number of “Cossacks” in both Russian occupation forces units may be up to 2000 people.

Also, in one of the motor rifle brigades of the “Donetsk” command, there is a “15th international battalion”, most of whose soldiers are foreign citizens (Russia, France, Serbia, Germany, USA, Belarus, etc.), who support and align themselves with the ideology of the current Russian regime. The total size is from 120 to 240 militants in different periods of its operation.

The required military capacity and readiness for battle of aggressor troops in Donbas are largely ensured by concentrating and deploying Russian regular army units from the Southern and Western Military Districts near Ukraine’s border. This group of troops ensures regular delivery of all equipment and supplies necessary for operational-tactical group “Donetsk” and the Luhansk corps, and serves as the second echelon of invasion troops that Russian military command can use in the armed aggression at any time.

At the moment, General Staff of Russian Armed Forces has deployed an almost 100-thousand force in the south-western strategic area, next to Ukraine’s border, and continues reinforcing it. In particular, it includes units and divisions of the 8th general troops army (part of Southern Military District) and a part of the 20th army (Western Military District). Overall, this means at least three divisions, including the newly formed 150th “experimental” reinforced division. Besides, this group also includes up to seven separate motor rifle and tank brigades, up to five separate regiments. Considering the

24-thousand Russian army force deployed on the Crimean peninsula, including almost all of the Black Sea fleet, this entire force may be rightfully viewed as the main (second) invasion echelon.

2.1.4. Russia’s special services in the Donbas war

Russia’s active use of special services is determined by the nature and special aspects of tasks set by the aggressor in the course of the war, as well as its hybrid warfare strategy. Special services and relevant structural divisions of Russian security agencies possess the required methods, as well as staff, equipment, weapons, experience and knowledge.

The work of regular staff of these Russian agencies, as well as their subversive networks, and in some cases even special militarised divisions is regularly documented in the conflict zone (in Donbas), as well as in Ukraine in general. Essentially, the aggressor has turned Donbas into a sort of a testing ground for its special services, where they are testing new methods of subversive and reconnaissance activities, while creating a powerful base for further expansion into Ukrainian territory.

In particular, in its acts of aggression against Ukraine, the aggressor has been actively using the Federal Security Service (FSB),²⁰ Main Intelligence Directorate of the General Staff of Russian Armed Forces (GRU),²¹ Foreign Intelligence Service (SZR), as well as experts from the Ministry of Internal Affairs of the Russian Federation.

According to experts of the non-government information and analytics Information Resistance Group, there are about 250-300 Russian special services agents in the occupied Donbas territory (on a permanent or rotation basis).

They work “autonomously” (independently) or through their puppet special services units within occupation administrations – the so-called “SSM DPR” and “SSM LPR” (state security ministries), or through intelligence agencies within occupation troops in the occupied Donbas, masking and covering up their work as the legitimate work of these puppet units within the occupation administration and occupation troops.

The main tasks of Russia’s special services in Donbas include:

- Ensuring the maximum possible use of different forms and methods of destabilising the situation and taking control over the region in addition to military action in the course of intervention in Donbas. E.g. attempting to undermine Ukrainian economy, exerting external political pressure on Ukraine, provoking socio-political tensions among the population through organising mass disturbances.

¹⁹ A prominent Don Cossack force ataman (chief) in the early 19th century.

²⁰ Official web-site of the Security Service of Ukraine (SBU), film “SBU vs FSB”, ssu.gov.ua/ua/videos/1/category/73/view/74.

²¹ Official web-site of Ukrainian Security Service, “SBU uncovered an agent network of Russian special services working in the south of Ukraine and in the ATO area”, 22 March 2018, ssu.gov.ua/ua/news/1/category/216/view/2994#.ptujo8mT.dpbs.

- Practical implementation of the “rebel war” strategy with intense intelligence and sabotage activities aimed at achieving military as well as socio-political tasks (headline acts of terrorism with a large number of victims), as well as extensive and diversified intelligence work. Thus, just in 2018, the SBU was able to prevent 8 major terrorist attacks and subversive acts planned by Russian special forces.²² To conduct the “rebel war” Russia is using a number of rather specific instruments: from involving private military companies (in particular, involvement of the Russian private military company “Wagner”, whose fighters were previously identified by the SBU in Donbas, in active military action) to infiltration of subversive terrorist groups consisting of regular army and special services staff into Ukrainian territory to organise and execute acts of subversion (e.g. destroy ammunition depots and military property in Ukraine or scare local population by demonstrative explosions in public places).
- Supervision of occupation administrations in both quasi-state formations on the territory of Donbas. Essentially, it is through its special services that Russian military and political leadership is directly managing the occupied territories. Proof of this includes the use of Russian special services, as well as their subordinate “SSM DPR” and “SSM LPR” to change or remove republic heads. For example, in LPR, where as a result of the “coup” organised by Russian special services in 2017 amidst the conflict between the former LPR head Plotnitskii and the head of the Internal Ministry Kornet, the head of the SSM Pasechnik (an FSB agent) came to power.²³
- Thorough masking and concealing of Russia’s direct involvement in the intervention in Ukraine. Flexible and measured application of military force along with instruction and methodological assistance for occupation groups by regular Russian army.
- Systematic and comprehensive provision of the occupation force with weapons, military equipment, financial and administrative support, including ammunition, fuel, spare parts, etc. Extensive professional military training of collaborators.²⁴

- Use of psychological and informational warfare to ensure intervention success on the strategic, tactical and operational levels. Aggressive confrontation in the information sector from cyber attacks to large-scale distribution of false information and fakes.²⁵ Latest examples include Russian media and pro-Russian activists in Ukraine manipulating US Intelligence Senate report on the threat of Russia interfering with Ukraine’s internal political process.²⁶

Special services use the traditionally high criminalisation rate in this region, as well as corruption among local officials and SBU, MIA staff on various levels. Essentially, a lot of these officials had been recruited by the aggressor and changed sides, which ensured occupants’ success first in destabilising the region, and later in launching a large-scale armed conflict followed by the occupation of a number of areas in the region. Today these factors help the aggressor maintain a rather strong hold on the occupation administrations, as well as staffing in local “state administrations” and “security agencies”. In fact, it was corruption and crime that opened the door to the aggressor.

In terms of military policy, Kremlin treats Donbas as a testing ground for further hybrid expansion. Over the years of occupation, Russia has formed a large (about 32 thousand) force in Donbas that has high combat capacity and readiness, including being equipped with the main types of weapons and military equipment, possessing significant financial and technical reserves, staffing and other factors. This military force is largely comparable to armies of a number of European countries.

The 11-thousand Russian contingent deployed in Donbas is, on the one hand, the backbone and the control board over the two military formations – “Donetsk” command and Lugansk corps. On the other, it is the “security support” for the work of semi-state “people’s republic” formations that are fully controlled by Russian military-political leadership. The puppet “governments”, “ministries” and “people’s councils” that have been created are occupation administrations.

Russian leaders have already created the “second intervention echelon”. At the eastern border and in

²² SBU information release, 1 January 2019. – <https://www.facebook.com/SecurSerUkraine/photos/a.1539443172952349/2299602376936421/?type=3&theater>; “Everyone with decorations: mercenaries from private military company “Wagner” on SBU list found in Russia” – Fakty, Kyiv, 7 November 2018. – fakty.ua/285995-vse-imeyut-nagrody-v-rossii-nashli-naemnikov-chvk-wagner-iz-spiska-sbu.

²³ “LPR Kornet coup – a brawl between Russian gangs. Video” – information release by Information Resistance Group – 27 November 2017. – <http://sprotyv.info/ru/news/kyiv/putch-korneta-v-lnr-razborka-rossiyskih-gruppirovok-v-orlo-video>.

²⁴ “Arms arrive to Donbas from Russia escorted by FSB officers, – Main Directorate of Intelligence” – information release of Information Resistance Group” – 25 January 2019. – <http://sprotyv.info/ru/news/kyiv/vooruzhenie-pribyvaet-na-donbass-iz-rf-v-soprovozhdenii-sotrudnikov-fsb-gur>.

²⁵ War and propaganda. The work of Russian information troops. – Radio Svoboda. Ukraine, 6 March 2017. – www.radiosvoboda.org/a/28351969.html.

²⁶ “A mediocre fake or Russian heralds’ reaction to US Intelligence report” – Information release on the Information Resistance Group web-site, 31 January 2019. – <http://sprotyv.info/ru/news/kyiv/bezdarnyy-feyk-ili-kak-prorossiyskie-veshchuny-otreagirovali-na-doklad-razvedki-ssha>.

the annexed Crimea, Russia has already deployed an almost 100-thousand regular army force, which exceeds occupation groups by its combat capacity. This heightens the risk of conflict escalation. Thus, large-scale invasion of Ukraine by Russia or a “selective strike” for “peacekeeping purposes” cannot be ruled out.

2.2. SOCIO-ECONOMIC SITUATION IN THE OCCUPIED TERRITORIES

As a result of Russia’s intervention, Ukraine has lost control over the economy of a part of Donbas, production facilities and the infrastructure in the region. Industrial enterprises, lands, state property, social facilities in the East of Ukraine have been seized illegally. While during the first years of occupation the low standards of living and economic collapse in the temporarily occupied territories of Donetsk and Luhansk oblasts could be written off as the consequence of military action and destruction, with time, expectations of local population for a better life were shattered.

To objectively assess the socio-economic aspects of the conflict, it is crucial to gauge the real socio-economic state and assess the standard of living in the occupied territories. It is also important to evaluate the level of economic “self-sustainability” of the “republics”, their financial dependence on Russia. Further developments in eastern Ukraine will largely depend on the policy (including socio-economic policy) Russia decides to put forth in the occupied Donetsk and Luhansk territories.

2.2.1. Losses Ukraine Incurred Due to Donbas Occupation: General Estimates

Occupation of a part of Donbas has had a major influence on Ukraine’s economy and its financial system, has caused significant material losses due to destruction of houses, infrastructure, social and industrial facilities. At the beginning of the armed conflict, economic losses were assessed as rather small. In September 2014 Vice Prime Minister Volodymyr Hroisman published preliminary estimates of Ukraine’s overall economic losses at UAH 11 billion (\$0.9 billion).²⁷

After the end of the most active stage of combat operations, estimates of economic losses have increased significantly. In March 2015, losses from Donbas infrastructure destruction alone (in occupied and liberated territories) were assessed by international experts at \$10 billion.²⁸ Later, as the occupation continued, Ukraine’s economic losses kept growing. Thus, in the third year of occupation, First Deputy Minister of Defence Ivan Rusnak estimated losses from infrastructure destruction in the course of the military conflict, and Donetsk and Luhansk territories occupation at \$50 billion.²⁹ According to experts, Ukraine’s overall economic losses differ depending on time, period and method of assessment. Thus, Yulia Kasperovych believes that Ukraine’s 2014-2018 GDP losses as a result of the “hybrid” war with Russia are from \$60.9 to \$203.3 billion,³⁰ Anders Aslund assessed overall economic losses from the occupation of Donetsk and Luhansk territories at \$71.8 billion,³¹ and Oleksandr Savchenko – at \$300 billion.³²

A number of methods can be used to assess the economic losses of occupation. Direct methods are used if complete data about the cost of the lost (destroyed) assets is available. Using indirect methods, potential losses of income and assets in the occupied territories can be assessed only through calculations. Given the lack of information on assets lost and destroyed as a result of Russia’s aggression, it is best to use indirect methods to estimate Ukraine’s economic losses. Using these methods allows to determine the overall scope of economic losses Ukraine suffered and show society and the global community the price that Ukraine paid and it still paying for Russia’s aggression. However, estimates are neither exact nor precise and they cannot be used in international courts to recover compensations from the aggressor.

The indirect assessment of GDP losses as a result of occupation was made on the basis of difference between Donetsk and Luhansk oblast shares in Ukrainian GDP in the pre-war period and in 2015 (table “*Donetsk and Luhansk oblasts share in Ukrainian GDP*”). Temporary occupation of Donetsk and Luhansk oblast territories caused a 9.3% GDP drop in Ukraine. Ukraine’s annual GDP losses estimated at UAH 275 billion (as of 2017 prices), or \$10.4 billion,³³ and over the four years of

²⁷ Volodymyr Hroisman published preliminary assessment of the cost of restoring Donbas and providing for the needs of internally displaced persons. – Government web-site, 12 September 2014, <https://www.kmu.gov.ua/ua/news/247600303>.

²⁸ How to Stabilise the Economy of Ukraine. – Vienna Institute for International Economic Studies, April 2015, <https://wiiw.ac.at/how-to-stabilise-the-economy-of-ukraine-dlp-3562.pdf>.

²⁹ Losses from the Donbas conflict reached 50 billion dollars – Ministry of Defence. – Radio Svoboda, 4 July 2017, www.radiosvoboda.org/a/news/28595287.html.

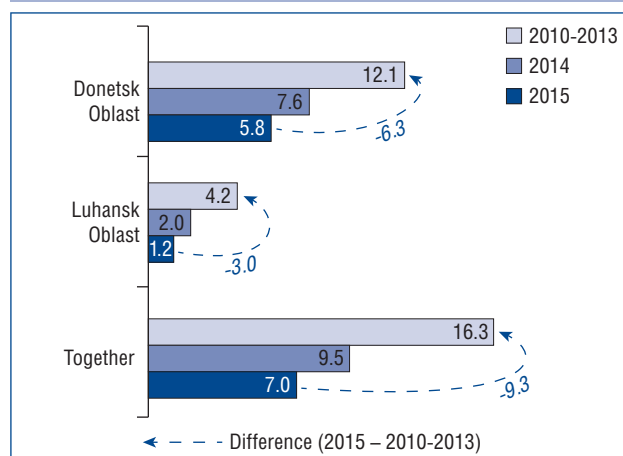
³⁰ Y.Kasperovych. *Methodological Approaches to Assessing Ukraine’s Fiscal Losses Due to the Hybrid War with Russia*. – Economy and State, 2018, No.12, http://www.economy.in.ua/pdf/12_2018/4.pdf.

³¹ Åslund A. Kremlin Aggression in Ukraine: the Price Tag. – Atlantic Council, 19 March 2018, <https://www.atlanticcouncil.org/publications/reports/kremlin-aggression-in-ukraine-the-price-tag>.

³² Russia’s Aggression Against Ukraine: Volume of Losses and Possibility of Reparations. – Espresso.TV, 30 March 2018, espresso.tv/article/2018/03/30/agresiya_rosiyi_protiv_ukrayiny_obsyagy_vtrat_i_mozhlyvosti_reparacij.

³³ Based on the weighted average exchange rate at Ukraine’s interbank foreign exchange market. – NBU web-site, https://bank.gov.ua/files/Kurs_average_month.xls.

Donetsk and Luhansk oblast share in Ukrainian GDP,³⁴
%



occupation, Ukraine's overall GDP losses have already exceeded \$40 billion. Due to occupation, annual product exports from Donetsk and Luhansk oblasts have dropped 4 times (\$13.9 billion). This caused a drop in budgets of all levels (in 2014, Donetsk and Luhansk oblast budget revenues dropped 71%³⁵).

Indirect calculation method can also be used to assess the scale of economic losses (the cost of lost assets) in the occupied Donetsk and Luhansk oblast territories. Nominal GDP for the occupied territories in 2013 is multiplied by GDP to assets ratio (Piketty coefficient), which is a rather stable index for each country (the average value for Ukraine in 2010-2013 is 1.84). This method allows to assess the overall losses, but is not sufficient to gauge the real value of lost assets. According to this method, the cost of assets lost in the occupied territories is \$32 billion (without the value of land and natural resources).

388 state enterprises,³⁶ 4,500 state property facilities (real estate units) and over 100 large non-state enterprises remained in the occupied territories. Overall, approximately 50% of the industrial capacity of Donbas was lost. Equipment from a number of enterprises was

moved to Russia³⁷ or dismantled for scrap metal. Based on open source information, including financial reports of the enterprises, the realistic amount lost in dismantled and moved equipment is UAH 1 billion (in prices as of the beginning of 2014) (table "Biggest business asset losses in the occupied territories").

Biggest business asset losses in the occupied territories,³⁸
UAH billion

Enterprise	Amount	Control over assets lost in, year
Metinvest Holding ³⁹	14.4	2017
PJSC Alchevsk Iron & Steel Works	4.7	2017
DTEK	4.4	2017
Dismantling, equipment moved to Russia (29 enterprises)	1.0	2014-2015
JSC Ukrainian Railways ⁴⁰	8.8	2016
JSC Energorynok ⁴¹	3.9	2017
PJSC Donbasenergo ⁴²	1.1	2017
PJSC Myronivsky Hliboproduct ⁴³	0.6	2014
Together	38.9	

Occupation of Donbas undermined Ukraine's financial system. In 2014 clients in the occupied territories *en masse* closed their bank accounts and withdrew their deposits, which caused the shrinking of the country's banking system resource base by UAH 80.5 billion. At the same time, banks lost control over their assets in the occupied territories. Before the occupation, at the end of March 2014, the book value of loan debt of Luhansk and Donetsk oblast clients was UAH 70 billion. Occupation allowed them not to repay their loans. At the moment, over 70% of loans given to clients in the temporarily occupied parts of Donetsk and Luhansk oblasts, are not serviced.⁴⁴ Although legally banks had an opportunity to get court rulings on debt collection from these clients, in reality there were no mechanisms for executing these rulings in cases when the debtor and mortgaged assets were in the occupied territory. This caused Ukrainian banks' losses of UAH 50 billion.⁴⁵ Overall, occupation led to a major liquidity shortage

³⁴ Source: Gross regional product. – State Statistics Service, http://ukrstat.gov.ua/operativ/operativ2008/vvp/vrp/vrp2017_u.xls.

³⁵ Donbas factories. Bombed, working, moved to Russia? – Gordon web-site, 6 April 2015, <https://gordonua.com/news/society/promyshlennost-donbassa-svobodnyy-polet-ili-svobodnoe-padenie-74032.html>.

³⁶ List of state properties, whose facilities are located in the anti-terrorist operation area, which renders their operation impossible <http://www.me.gov.ua/Files/GetFile?lang=uk-UA&fileId=6886f281-e282-4859-b58e-26df95525542>.

³⁷ On the losses from Russia's occupation of Donbas. – UA Info, 26 March 2018, <https://uainfo.org/blognews/1522047525-deshcho-pro-zbitki-vid-okupatsiyi-donbasu-rosieyu.html>.

³⁸ Source: based on published financial reports of enterprises.

³⁹ Annual report 2017. – Metinvest, <https://metinvestholding.com/Content/Entities/Report/20/en/2017.pdf>.

⁴⁰ Consolidate financial report of JSC Ukrainian Railways for 2017. – JSC Ukrainian Railways web-site, http://www.uz.gov.ua/about/investors/financial_statements/kfz_msfz.

⁴¹ Ministry of Energy wants to settle ORDLO electricity debts with state budget money. – Economichna Pravda (Economic Truth), 16 March 2018, <https://www.epravda.com.ua/news/2018/03/16/635036>.

⁴² PJSC Donbasenergo 2017 financial report notes, <https://smida.gov.ua/db/participant/23343582>.

⁴³ PJSC Myronivsky Hliboproduct 2014 financial report notes, <https://smida.gov.ua/db/participant/25412361>.

⁴⁴ The Unmanageable Burden: How Banks Are Trying to Achieve Loan Repayment in Crimea and ATO. – Finance.ua, 29 September 2016, <https://news.finance.ua/ua/news/-/383257/nepidjomnyj-tyagar-yak-banky-domagayutsya-pogashennya-za-kredytamy-v-krymu-ta-zoni-ato>.

⁴⁵ An example of difficulties in debt settling in the occupied territories are the non-performing loans issued to PJSC Alchevsk Iron & Steel Works. On October 19, commercial court of Luhansk oblast opened a case on the amount that exceeds UAH 110 billion. About 60% of debt, according to media, is IED. Foreign loans given to Alchevsk Iron & Steel Works by Raiffeisen, Societe Generale, IFC amount to over UAH 10 billion.

in Ukraine's banking system in the amount of UAH 130 billion, which provoked a massive banking crisis in 2014-2015.

It is necessary to perform a comprehensive methodological evidence-based assessment of the total losses, suffered by Ukraine as a result of Russia's intervention in Donbas. Among other things, it can be used to prepare consolidated claims for international courts. In December 2018, CMU created a special interagency commission⁴⁶ to prepare a consolidated claim against Russia on its international legal accountability for the armed aggression against Ukraine. At the moment we lack a validated procedure for assessment of economic losses. The issue of developing such methodology has been raised by experts and officials many times. In March 2018, Verkhovna Rada charged Government with this task,⁴⁷ which delegated it to MTOT (Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine),⁴⁸ which does not possess sufficient resources or expert potential to develop this methodology. All MTOT has done until this point is conduct consultations with the Ministry of Justice, State Property Fund, Ministry of Finance and MEDT (Ministry of Economic Development and Trade) on the content and format of this methodology. In order to develop a valid methodology for assessing Ukraine's economic losses, we need to involve academics, experts, representatives of civil society, etc.

2.2.2. Economic Situation in the Occupied Donbas

It is hard to make an analysis of the socio-economic situation due to the lack of verified economic data. Namely, "republics' statistical agencies" are only publishing data on the number of registered enterprises and inflation rate.

In 2014-2016 economic potential of the occupied territories was undermined by the destruction of buildings, damage to industrial facilities and infrastructure, equipment being dismantled and moved to Russia.

Many businesses ceased to exist. This is confirmed by LPR statistics. In early 2018 LPR had 6,000 registered "enterprises",⁴⁹ which is 75% of the number before the occupation.

Occupied territories lack financial and human resources to restore production. This is due to the fact that qualified workers left the occupied areas of Donbas. Severe shortage of qualified workers is named one of the key problems by DPR "researchers".⁵⁰ There is also the issue of the absence of prospects for creating a full banking system.

The unrecognised status of the "republics" and the illegal seizure and "nationalisation" of Ukrainian business assets make any financial relations with foreign agents impossible and complicate any foreign economic activity. There are no mechanisms that would allow to resolve the issue of legalising the unlawful seizure of state and private property in the occupied territories. From the legal point of view, "DPR and LPR businesses" do not exist. This causes full economic isolation of the "republics".

To resolve the abovementioned issues in 2017-2018 Russian supervisors developed and introduced *the external management model* for large industrial enterprises in the occupied territories.⁵¹ This model involves providing enterprise management powers and selling products to the specially created private company *Vneshtorgservis (External Trade Service)* (Tskhinvali town, the Republic of South Ossetia). The monopoly for raw material and equipment supply to the temporarily occupied territories was given to LLC Gas Alliance (Nizhny Novgorod, Russia). Both structures are controlled by S.Kurchenko. Using this model allowed to start quasi-legal export and import through Russia, in particular, organise the logistics for exporting coal from these territories to third countries through sea ports.⁵² Bank transfers are now done through banks of the "state of the Republic of South Ossetia", with which "the republics" established "diplomatic relations".⁵³

⁴⁶ CMU Resolution "On Creating an Interagency Commission for Consolidating Ukraine's Legal Position Regarding Countering and Deterring Russia's Armed Aggression, and Preparing a Consolidated Claim of Ukraine Against the Russian Federation Regarding Holding Russia Accountable for the Armed Aggression Against Ukraine at International Courts" No.1059 as of 12 December 2018.

⁴⁷ Verkhovna Rada Resolution "On the Complex of Immediate Measures for Practical Realisation of Russia's International Legal Responsibility for the Armed Aggression Against Ukraine" No.2356 as of 20 March 2018.

⁴⁸ Protocol Decision of the CMU "Plan for Preparation of Draft Acts Required to Ensure Implementation of the Law of Ukraine "On the Peculiarities of State Policy on the Restoration of Ukraine's State Sovereignty Over the Temporarily Occupied Territories of Donetsk and Luhansk oblasts" No.10 as of 21 March 2018.

⁴⁹ The number of entities on the Statistics Registry of Enterprises and Organisations by Organisational Form of Economic Entity as of 1 December 2018. – "LPR State Statistics Service", http://www.gkslnr.su/stat_info/statisticheskiy-reestr-predpriyatiy-i-organizatsiy.

⁵⁰ The Economy of Donetsk People's Republic: State, Problems, Solutions. – Scientific Report, Donetsk, 2017, 84 p., <http://econri.org/download/monographs/2017/Ekonomika-DNR.pdf>.

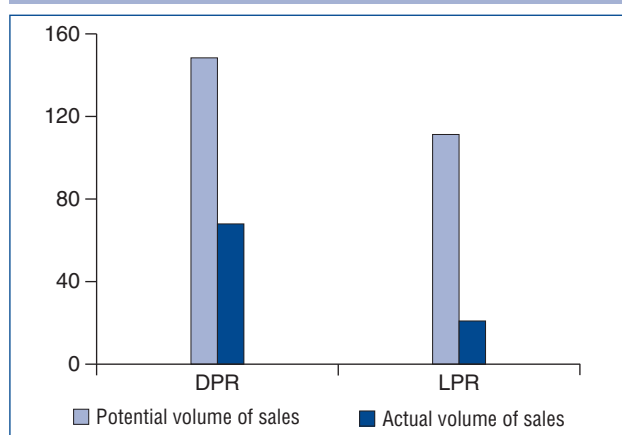
⁵¹ Enakievo Metallurgical Plant, PJSC Khartsyzsk Pipe Plant, PrJSC Yenakieve Coke and Chemicals Plant (Koksokhimprom), Dokuchayevsk Flux and Dolomite Plant, PJSC Donetskoks, PrJSC Komsomolsk Rudoupravlenie, PrJSC Makeevkoks; PJSC DTEK Mine Komsomolets Donbassa, LLC Mospinskoe ZPS, Zuev TPP, DPEK High-Voltage Networks, DTEK PEM-Energovugillia, DTEK Donetskoblenergo, PJSC Krasnodon Coal, LLC DTEK Rovenky Anthracite, LLC DTEK Sverdlovanthracite, PJSC Alchevsk Iron & Steel Works, etc.

⁵² Russian Ministry of Economic Development admitted to coal trade with occupied Donbas. – ZAXID.NET, 29 September 2017, https://zaxid.net/u_minekonomiki_rosiyi_viznali_torgivlyu_vugillyam_z_okupovanogo_donbasu_n1437649.

⁵³ The Economy of Donetsk People's Republic: State, Problems, Solutions. – Scientific Report, Donetsk, 2017, 84 p., <http://econri.org/download/monographs/2017/Ekonomika-DNR.pdf>.

Introduction of “external management” and quasi-legal schemes of foreign trade enabled some improvement of the “republics” economic situation. Namely, DPR’s volume of industrial products sales in 2017 grew by 66% compared to 2015 and was at RUB 146.4 billion (UAH 67.3 billion).⁵⁴ The volume of industrial products sales in LPR for 2017 was approximately at RUB 43.7 billion (UAH 20 billion). Yet the volume of industrial production in the occupied territories in 2017 was *only a third* of their potential (diagram “*Sales of Industrial Products by the “Republics” in 2017*”).

Sales of Industrial Products by the “Republics” in 2017, UAH bln.⁵⁵



The foundation of the “republics” industrial potential are coal and metal processing enterprises (two TPPs and anthracite coal mines) that belong to Metinvest and DTEK, and are under “external management” since 2017. At the moment, these businesses are in partial load operating mode, namely, Yenakiievo Metallurgical Plant is only using 20-30% of its capacity. “PJSC Concern Stirol” and “PrSC Donetsksteel” metallurgical plant are essentially at standstill.

Industrial production in the LPR is at an even worse state. The only industrial enterprise that managed to resume its operation is Alchevsk Iron & Steel Works (AISW) that belongs to “Donbas Industrial Union” corporation.

Overall, there is a tendency for a partial restart of industry in the occupied territories, which could bring certain positive results (foremost, budget revenues) in 2019. This will allow to partially stabilise the “republics” financial situation. However, steady development is hardly possible in the situation of economic isolation.

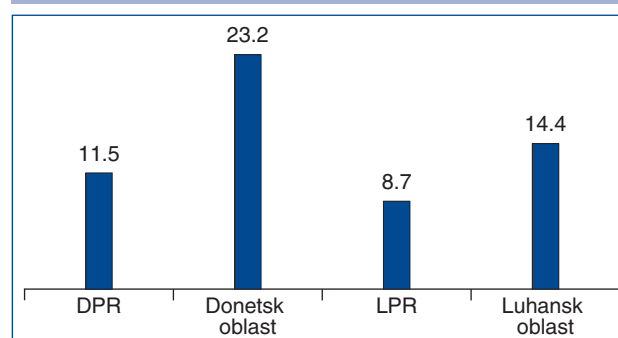
Agricultural potential of the occupied territories is rather weak, “republics” are dependent on food import: with estimated annual demand for 3.2 million ton of grain, their maximum production capacity is 300 thousand ton. Another problem is machine engineering in the occupied territories. Given the severed economic ties of local machine engineering enterprises with Ukraine’s mining-smelting enterprises and the complexity of exports to third countries, the prospects are rather depressing.

Thus, the “republics” have no chance of becoming self-sustaining entities in foreign trade. Their foreign trade deficit in 2016 was almost at \$1 billion and was partially covered with Russia’s “financial assistance”.⁵⁶ According to experts,⁵⁷ potential future exports will not go over \$1.5 billion, which is only 8% of the pre-war volume.

2.2.3. Social Sector and Living Standard

Average salary in occupied territories is below 50% of salaries in Donetsk and Luhansk oblast areas controlled by Ukraine (diagram “*Average Salary in the “Republics” in 2018*”).⁵⁸ Average salary in DPR as of early 2019 was about RUB 11.5 thousand,⁵⁹ which is twice as low as in Rostov oblast (approximately RUB 22 thousand) and the part of Donetsk oblast controlled by Ukraine (RUB 23.2 thousand). According to job search web-sites, the actual average salary in DPR is lower than what is being published “officially” and is at RUB 8,000. Namely, a DPR doctor’s and school teacher’s salary in 2018 was RUB 6,000, in the services sector – up to RUB 7,500.

Average Salary in the “Republics” in 2018, RUB, thousand



Average salary in LPR is even lower – RUB 8,700.⁶⁰

The average level of salaries achieved in DPR-LPR is much smaller than in the unrecognised Trans-Dniester Moldovan Republic (RUB 19.5 thousand in 2018⁶¹) and

⁵⁴ Volume of Sales. 2017 Results. – Ministry of Economic Development of Donetsk People’s Republic, 30 January 2018, http://mer.govdnr.ru/index.php?option=com_content&view=article&id=4415:ob-emy-realizatsii-itogi-2017-goda&catid=8&Itemid=141.

⁵⁵ Source: State Statistics Service of DPR and LPR.

⁵⁶ Economy of the Occupied Donbas: Players, Schemes, Volumes. – LIGA.Net, 11 September 2017, http://project.liga.net/projects/ekonomika_donbass.

⁵⁷ Occupied Donbas: Economy, Demography, Influence Groups. – Business Capital, October 2017, <http://www.dsnews.ua/spec/okupovaniy-donbas-ekonomika-demografiya-grupi-vplivu--24102017120000>.

⁵⁸ Source: State Statistics Service of DPR and LPR.

⁵⁹ Average salary in the DPR grew 15%. – NEWS-DNR.RU, 21 January 2019, <http://news-dnr.ru/srednyaya-zarplata-v-dnr-uvelichilas.html>.

⁶⁰ Average salary in Lugansk grew 11%. – Novorossia, 9 February 2018, <https://novorosinform.org/706183>.

⁶¹ Salary in the Trans-Dniester Moldovan Republic. – Pridnestrovie, 4 February 2019, <http://newsmpm.com/novosti-pmr/ekonomika/16614>.

is just about reaching the level of other unrecognised “republics” on the former USSR territory. In particular, average salary in the unrecognised “Republic of Abkhazia” in 2017 was RUB 10.3 thousand,⁶² in the “Republic of South Ossetia” – RUB 12.3 thousand in 2016.⁶³ Thus, DPR-LPR salaries are the smallest among other occupation regimes.⁶⁴

The low level of DPR-LPR salaries is partly compensated by artificially lowered utility and fuel costs. According to occupation government, the average cost of utility services per person in DPR is only \$14 per month (8.2% of salary), while in Ukraine it is almost 6 times higher (\$80/month).⁶⁵ Petrol prices are also lower. In particular, A-95 in DPR is RUB 45.5/litre, which is significantly lower than in Ukraine (RUB 77/litre).

Nevertheless, a significant part of people in the occupied territories are in a dire financial situation. According to United Nations Office for the Coordination of Humanitarian Affairs, in 2016-2017 percentage of people that have insufficient amount of food in the occupied territories grew from 7 to 15%. As of August 2017 there were 800 thousand of them.⁶⁶ In 2018 problems in the occupied territories aggravated due to a rise in food and essential goods prices, which led to stronger administrative regulation of prices. In particular, according to the “Minister of Agricultural Policy and Food of DPR” A.Kramarenko, they are taking measures to “secure the situation and prevent it from getting worse”. Taking into account the current food deficit and “republics” inability to resolve the problem with their own production, food prices will keep growing.

The standard of living of retirees in the occupied territories is low. According to official information of DPR “pension fund”, in December 2018, average pension was RUB 4,900 (UAH 2,100),⁶⁷ in LPR, average pension in 2018 was approximately RUB 5,000 (UAH 2,200). In Ukraine in 2018, this number was UAH 2,500. According to local sources, most retirees get a minimal pension of RUB 2,900 (UAH 1,200). At the moment, raising pensions is a very topical issue on the “republics” agenda,

yet they have no economic capacity for this. In particular, in late 2018, the head of DPR D.Pushylin said that there was no economic capacity to raise pensions.

Small pensions paid by the occupation government make DPR-LPR retirees try to get a “second” pension in Ukraine. To achieve this, pensioners living in the occupied territories get the status of internally displaced persons (IDPs). Experts estimate⁶⁸ that at least 350 thousand retirees from the occupied territories (or each third) have the IDP status and get two pensions.

So, during occupation, the overall standard of living in DPR-LPD has gone significantly down. Because of the drop in production, a lot of people were left without work. Republics’ unemployment statistics is not published officially. Russian media are spreading information about the unemployment level going down. Thus, according to *Regnum*, from January 2015 to June 2016, unemployment in DPR has gone down from 39% to 28%. A comparison of the actual number of salaried employees in DPR, which according to media was 351.5 thousand in 2017,⁶⁹ with the “republic’s” human resources potential (590 thousand) shows that about 40% of capable adults in DPR are unemployed. According to UN estimates, about 50% of capable adults in the occupied Donbas are unable to find jobs.

2.2.4. Financial System

At the moment, there is no full monetary and credit system in the DPR-LPR. In 2015-2018, Russian managers introduced in the occupied territories local payment systems in Russian rubles. These systems are used for pension payments, government funding and “business” payments. The created “central republican banks” do not emit money. Rather, they function as correspondents of the Bank of South Ossetia and are unable to execute their own monetary policy. The main functions of these “banks”: (a) receipt of Russia’s “financial assistance” and using it to issue pensions, salaries, benefits, as well as finance the occupation forces; (b) control over export and import payments.

⁶² Average monthly salary for employees in different sectors. – State Statistics Administration of the Republic of Abkhazia, http://ugsra.org/ofitsialnaya-statistika.php?ELEMENT_ID=285.

⁶³ Subsistence minimum in South Ossetia is RUB 10,412. – EAdaily, 14 January 2016, <https://eadaily.com/ru/news/2016/01/14/prozhitochnyy-minimum-v-yuzhnoy-osetii-sostavil-10-412-rublej>.

⁶⁴ These estimates are an illustration. At the same time, we have to keep in mind, that unlike the other unrecognised republics, there is an ongoing war in the east of Ukraine.

⁶⁵ DPR in numbers. – Official web-site of DPR Head, <https://denis-pushilin.ru>.

⁶⁶ About 25% of residents of the occupied territories in Eastern Ukraine are in need of food – UN. – UNIAN, 16 August 2017, <https://www.unian.ua/health/country/2084931-blizko-25-jiteliv-okupovanih-teritoriy-shodu-ukrajini-potrebuyut-produktiv-harchuvannya-on.html>.

⁶⁷ What is the average pension in DPR? – Internet newspaper “Life”, 14 January 2019, <http://lifedon.com.ua/economy/finance/43456-kakaya-srednyaya-pensiya-v-dnr.html>.

⁶⁸ Pietsukh M. Return the lost: how ORDLO retirees “fool” the Ukrainian government. – Ukrayinska Pravda, 4 April 2017, <http://www.pravda.com.ua/articles/2017/04/4/7140225>.

⁶⁹ The number of salaried employees is growing in the DPR, but salaries and pensions are miniscule. – *Regnum*, 11 August 2017, <https://regnum.ru/news/2309296.html>.

“Central bank of the DPR” was created in October 2014. In the spring of 2015 it started opening accounts for private and legal entities. In December 2014 “LPR payment processing centre” was created to “form the revenue part of the budget”, “create accounts for government-funded enterprises, institutions, organisations”. In March 2015 it was renamed “State Bank of the LPR”. LPR pronounced the Russian rouble its official currency in September 2015, DPR – in October 2015. At the beginning of 2017 state “banks” of the “republics” were connected to international settlements with Russia through a correspondent bank – “Bank for International Settlements” (Tskhinvali, South Ossetia), which allowed to introduce a semi-legal mechanism of settlements between the “republics” and Russia via South Ossetia (the only jurisdiction that recognised LPR and DPR and is recognised by Russia), while avoiding Russia’s western sanctions, as officially Russia does not recognise the “republics” on Ukraine’s territory.⁷⁰

Up until now “State Bank of LPR” and “Central Bank of DPR” did not publish any financial information, besides the number of clients. In particular, State Bank of LPR provided information about creating 600 thousand private accounts and 13 thousand accounts for legal entities, without disclosing any data on the total amount of funds in their accounts.⁷¹ Because the “banks” are not emission centres, it is impossible to calculate the volume of money circulating in the “republics”. They carry out only payment processing services, without providing commercial loans. The most likely reason for this is the lack of credit resources in the so-called “banks”, whose solvency and liquidity are unknown. Surrogate crediting in the “republics” is provided by pawn shops. Some media reported that in 2017 “enterprises” in the occupied territories started getting loans via South Ossetian banks.⁷² Given the limited amount of loan resources allocated by Russia, LPR and DPR “banks” were not entrusted with this task, instead – it is executed through the “Bank for International Settlements” (Tskhinvali) under direct supervision of the Russian FSB.

DPR and LPR budgets are still not published. According to experts, most of expenses (50% of budgets) are social payments. Tax system in the “republics” does not include VAT. DPR’s tax system is based on a 6% turnover tax, or 20% revenue tax plus 1.5% turnover tax. Small businesses

use a simplified system (patent acquisition).⁷³ The level of DPR’s and LPR’s fiscal independence is extremely low. Given the lack of open information on the “budgets” revenues, it is impossible to determine the percentage of expenditure covered by taxes collected on the occupied territories. Information published by the SBU in 2017 on the “republics” budgets being 75% subsidised⁷⁴ is somewhat outdated. Yet it is unlikely that DPR-LPR’s fiscal sufficiency will exceed 50% in the medium term. “Republics” will remain unable to exist without external financial support.

2.2.5. Russia’s Role in DPR-LPR Economy

Russia executes external management of the occupied territories through the overall leadership of Vladislav Surkov, Russian President’s Aide. Decisions on DPR-LPR funding are made by the Deputy PM of the Russian Federation Dmitry Kozak. In December 2014 Russia created the Interdepartmental commission to provide humanitarian support to the affected areas of the south-eastern districts of Donetsk and Lugansk regions of Ukraine (MVK), headed by Deputy Minister for Economic Development Sergei Nazarov, in order to coordinate management of the occupied territories.⁷⁵

DPR-LPR economy cannot function without Russia’s support. Although the actual amount of this assistance is withheld and is not open to public, experts assess its size at \$1-2 billion per year.⁷⁶ Russia has established a mechanism for financing the “republics” and covering their budget deficit through the “Fund for Support of International Humanitarian Projects” founded by the Bank for International Settlements (Tskhinvali, South Ossetia). Using accounts of the Russian non-profit “Centre for International Settlements”, the Fund funnels money directly to the State Bank of LPR.⁷⁷ Besides financial assistance, Russia regularly sends illegal “humanitarian convoys” to DPR-LPR, which, among other things, transport military products. In November 2018 DPR-LPR received 83rd regular Russian convoy. On the way back, these convoys transport to Russia illegal shipments of coal and other products from the occupied territories.

Russia is trying to reduce its spending on the assistance for the occupied territories and transfer the “republics” to partial self-financing. In 2018 “DPR Council of Ministers” established a Targeted Fund for Socio-Economic

⁷⁰ To avoid sanctions, Kremlin goes off the grid. – The Washington Post, 21 November 2018, https://www.washingtonpost.com/news/world/wp/2018/11/21/feature/how-russia-avoids-sanctions-and-supports-rebels-in-eastern-ukraine-using-a-financial-system/?noredirect=on&utm_term=.55bf98dbaacc.

⁷¹ State Bank of Lugansk People’s Republic, <https://gosbank.su/glavnaya>.

⁷² Economy of ORDLO Enterprises. – Business Capital, <http://www.dsnews.ua/static/longread/donbas-ukr/economika-pidpryemstv.html>.

⁷³ Donbas’ Sources of Subsistence. – RBC, 15 June 2015, <https://www.rbc.ru/newspaper/2015/06/15/56bcca89a7947299f72bf0a>.

⁷⁴ Budgets of the self-proclaimed terrorist republics in the occupied Donbas territories are 75% subsidised. – Espresso, 22 July 2017, https://espresso.tv/news/2017/07/22/byudzhet-quotlndnquot_dotaciyny_na_75_sbu.

⁷⁵ Aslund A. Kremlin Aggression in Ukraine: the Price Tag. – Atlantic Council, 19 March 2018, <https://www.atlanticcouncil.org/publications/reports/kremlin-aggression-in-ukraine-the-price-tag>.

⁷⁶ See, for example: Moscow spent \$2 billion on Donbas terrorists in 2016. – Liga.Net, 11 May 2017, http://news.liga.net/news/politics/14748204-moskva_potratila_2_mld_na_terroristov_v_donbasse_v_2016_m_godu.htm; Russia and the Separatists in Eastern Ukraine. – Crisis Group, 5 February 2016, https://www.crisisgroup.org/file/194/download?token=No_5C5T

⁷⁷ SBU uncovered the mechanism of the Russian government financing the so-called LPR. – SBU, 25 February 2017, <https://www.ssu.gov.ua/ua/news/1/category/2/view/2818#.YnxhWhbU.dpbs>.

Partnership in order to create “investment climate and implement socio-economic measures in the republic”.⁷⁸ It is planned to generate funds through agreements on socio-economic partnership between the “DPR Council of Ministers” and legal entities. So far, the only agreement was made with the abovementioned private company *Vneshtorgservis* regarding annual support of DPR in the amount of RUB 150 million (approximately \$2.3 million).

The non-transparent economic model of DPR and LPR does not provide any government accountability to the public. There is no open information that would provide at least a general idea about the volume and structure of the use of budget funds and Russian “financial assistance”. Total secrecy of information and non-transparency of DPR-LPR government work is the perfect environment for embezzlement and corruption.

As Russia started providing large volumes of “financial assistance” (since the end of 2015), the scale of corruption and embezzlement of budget funds has grown immensely. The unregulated status of DPR-LPR, non-transparent mechanisms of budget generation and use, turned the “republics” into the all-Russian “laundry”.⁷⁹ Plundering “budgets” and “hijacking” profitable businesses have become a widespread practice. Among many others, telling examples of corruption by the “republics” authorities include: property embezzlement charges for the amount of RUB 850 million against “former DPR Minister of Revenues and Receipts” O. Timofeev, monopolisation and seizure of medicines market in the LPR by I. Plotnitskii,⁸⁰ embezzlement by A. Zakharchenko’s associates of “taxes” collected from markets,⁸¹ and many others.

Further scenarios of Russia’s management of the occupied territories’ economy will depend on the overall political strategy of Kremlin:

- ***preserving the uncertain status of the “republics” with prospects of conflict resolution in the medium term.*** Russia continues providing “financial assistance” to balance the “budgets” and ensure relative social stability in the “republics”;

- ***preserving the uncertain status of DPR-LPR with prospects of freezing the conflict for a long period of time.*** In this situation Russia will be interested in realising the “economic miracle” model in the occupied territories. Besides financial assistance to balance current “budgets”, implementing this model will require additional funds for developing economy and restoring the infrastructure. For a long time, Russia was unsuccessfully trying to implement separate elements of this strategy in the unrecognised “republics” of South Ossetia, Abkhazia and Trans-Dniester. “Republics” remain fully dependent on Russia’s funding. Namely, Russian financing makes up 85% of revenues of “the Republic of South Ossetia”,⁸² 52% of Abkhazian budget,⁸³ 75% – in Trans-Dniester Moldovan Republic.⁸⁴

Given the much larger size of DPR-LPR compared to the other unrecognised republics, Russia is most likely to choose strategy number one, which includes funding of “investment programmes” aimed at development of the occupied territories. Thus, in the near future the goal of Russia’s economic policy in the occupied territories will be financial support of occupation regime and support of the minimum required level of social standards.

2.2.6. Nature and Frequency of Socio-Economic Contacts Between Ukraine and the Occupied Territories

Throughout the occupation, Ukraine’s economic and financial contacts with the occupied territories have been weakening. In November 2014 the decision was made to cease budget financing of benefit payments in the occupied territories.⁸⁵ At the end of 2014 based on the Order of the President,⁸⁶ banking operations and pension payments were ceased in the occupied territories. Pensioners from the occupied Donetsk and Luhansk oblasts kept the possibility to receive pensions if they change their registration to the territories controlled by Ukraine. The issue of renewal of pensions paid by Ukrainian government to citizens from the occupied territories was raised during Minsk

⁷⁸ Council of Ministers formed a Targeted Fund for Socio-Economic Partnership. – DPR Council of Ministers, 14 November 2018, <http://smdnr.ru/sovetom-ministrov-sformirovan-celevoj-fond-socialno-ekonomicheskogo-partnerstva>.

⁷⁹ Donbas Ruble Pool. – Gazeta.ru, 13 May 2015, <https://www.gazeta.ru/business/2015/05/13/6682905.shtml>.

⁸⁰ Russian Media on the Total Corruption among LPR Leadership. – Donetsk News, 20 November 2016, <https://dnews.dn.ua/news/536412>.

⁸¹ Zakharchenko Approves: Former Head of Terrorists Talked about Impunity and Corruption in DPR. – Obozrevatel, 9 December 2016, <https://www.obozrevatel.com/crime/45637-pooschryaet-zaharchenko-purgin-rasskazal-o-beznakazannosti-i-korrupsii-v-dnr.htm>.

⁸² South Ossetia government adopted 2019 budget. – Alaniainform, 17 December 2018, <http://osinform.org/69928-pravitelstvo-yuzhnoy-osetii-prinyalo-byudzhet-na-2019-god.html>.

⁸³ State Budget 2017. – State Statistics Administration of the Republic of Abkhazia, http://ugsra.org/ofitsialnaya-statistika.php?ELEMENT_ID=294.

⁸⁴ Spartak A., Yevchenko N. Socio-Economic Situation in Trans-Dniester. – Institute of Economic Forecasting of the Russian Academy of Sciences, <https://ecfor.ru/wp-content/uploads/2017/01/11-sotsialno-ekonomicheskaya-situatsiya-pridnestrove.pdf>.

⁸⁵ CMU Resolution “Some Issues of Financing for Public Institutions, Social Payments to Population and Provision of Financial Assistance to Certain Enterprises and Organisations in Donetsk and Luhansk Oblasts, as Well as Other Payments from Accounts Opened in Treasury Agencies” No.595 as of 7 November 2014.

⁸⁶ Decree of the President of Ukraine “On the Decision of the Ukrainian National Security and Defence Council of 4 November 2014 “On Urgent Measures to Stabilise the Socio-Economic Situation in Donetsk and Luhansk oblasts” No.875 as of 14 November 2014.

negotiations in February 2015. Russia insisted on renewal of these payments, while Ukraine guaranteed them after Russian troops' withdrawal from the territory of Donbas. Until this moment, Ukraine has not changed its position on this issue.

Throughout 2015-2016 the occupied territories drifted **even further away from Ukraine from the economic standpoint**. In May 2015 settlements for electricity produced in the occupied territories were terminated.⁸⁷ Starting from 2015, most of the companies issuing securities located in the occupied territories stopped publishing reports at the National Securities and Stock Market Commission web-site. In 2015-2016 double registration (in the "republics" and in Ukraine) was a widespread practice, which meant paying taxes to both – Ukraine's budget and DPR/LPR budgets.⁸⁸ In the mining and metal industries, large companies continued conducting business in the occupied territories until February 2017, being able to move products produced in the occupied territories (metal, coal) over the contact line and sell them in the domestic and foreign markets. Large companies ultimately terminated their activities in the occupied territories only at the beginning of 2017 with the introduction by the "republics" the external management of the seized enterprises. In March 2017 President of Ukraine approved NSDC decision on the final suspension of cargo movement across the contact line.⁸⁹

According to some experts, coal supply from the temporarily occupied territories in Donetsk and Luhansk oblasts to Ukraine has been partially restored under the Russian brand, which is indirectly confirmed by the increased volume of coal import from Russia.⁹⁰ It is also possible that Ukrainian companies have restored contacts with "businesses" in the temporarily occupied territories in other areas through semi-legal schemes involving Russian companies as intermediaries, as well as offshore companies. Also, Ukrainian businesses show interest in half-legal exports of food products to DPR-LPR. Namely, in 2017 experts assessed that Ukraine's share in imports to DPR was 5% and 5.5% – in export.⁹¹

Loss of control over assets in the occupied territories does not mean loss of ownership. Up until now the "republics" have not clearly defined their position on the ownership rights. "Nationalisation" that has been made and introduction of "external management" do not allow legitimisation of illegal property acquisition.



Ukrainian government and citizens, as previously, hold the legal ownership to all lost enterprises and assets. Namely, Metinvest Holding does not see the seized assets as permanently lost. This is confirmed by Metinvest's purchase of 5% of Khartsyzsk Pipe Plant shares and over 4.5% of Yenakiievo Metallurgical Plant in 2018.

Thus, Ukraine's socio-economic contacts with the occupied territories have weakened during occupation, but are not severed completely. Direct financial and economic relations with the occupied territories on the government level (budget funding, pension payments) were suspended in 2014-2015. Although in 2016-2017 Ukrainian companies lost control over their key assets, they remain interested in restoring contacts with "enterprises" in the occupied territories, in particular, for coal supply.

Ukraine's losses as a result of occupation of a part of Donbas were significant, but not catastrophic for the economy. Ukraine needs to assess the scale of economic losses from Russia's occupation of Donetsk and Luhansk oblasts territories to substantiate its compensation claims in international courts against the aggressor.

Occupation caused a drop of the GDP and a 10% drop of budget revenues, which significantly affected the stability of Ukraine's financial system. Withdrawal of deposits and closing of bank accounts by clients from the occupied territories were one of the main reasons for the 2015-2016 banking crisis in Ukraine.

DPR-LPR economy at the beginning of 2019 is demonstrating signs of decline by all indicators as compared to the pre-war period. There are no signs of an economic miracle in the occupied territories

⁸⁷ CMU Resolution "On the Special Aspects of Regulation of Relations in Electric Power Industry on the Territory Temporarily not Controlled by Government Authorities or where Such Authorities do not Execute their Full Powers" No.263 as of 7 May 2015.

⁸⁸ A Year after DPR/LPR Referendums: Economic Losses. – BBC Ukraine, 12 May 2015, https://www.bbc.com/ukrainian/ukraine_in_russian/2015/05/150512_ru_s_donbas_anniversary_referendums_loss_economics.

⁸⁹ Order of the President of Ukraine "On the Decision of the Ukrainian National Security and Defence Council of 15 March 2017 "On Urgent Additional Measures to Counter Hybrid Threats to Ukraine's National Security" No.62 as of 15 March 2017.

⁹⁰ Economy of ORDLO Enterprises. – Business Capital, <http://www.dsnews.ua/static/longread/donbas-ukr/ekonomika-pidpryemstv.html>.

⁹¹ A Step Forward from the Brink of the Abyss: DPR Economy under Aleksandr Zakharchenko – EADaily, 4 September 2018, <https://eadaily.com/ru/news/2018/09/04/shag-vpered-ot-grani-propasti-ekonomika-dnr-epohi-aleksandra-zaharchenko>.

in Donetsk and Luhansk oblasts. The unrecognised status of the “republics” is the reason for the unstable socio-economic situation, as it renders full-fledged foreign economic relations impossible. Compared to the pre-war period, DPR-LPR economy has shrunk significantly with less than a third of the industrial capacity of Donbas being used at the moment. Salaries are twice as low compared to the neighbouring Ukrainian and Russian territories.

All of this creates economic preconditions for increasing social tensions and people’s discontent. At the moment, “republics” own income is insufficient even to resolve their social issues and guarantee minimal social standards. They will remain fully dependent on Russia’s financial and technical assistance⁹² that is being provided to support the occupation regime, maintain minimal necessary social standards in the “republics” and tie this region to Russia. Russia is the only country in the world that recognised DPR-LPR. It is the only source of possible assistance for the “republics”, which causes them to be fully dependent on Moscow, and thus subject to being governed by and accountable to it.

2.3. Energy Aspect of the Conflict in Eastern Ukraine⁹³

Russia’s invasion to the Ukrainian Donbas has caused major but not vital losses of assets in the energy sector and damaged Ukraine’s energy infrastructure in the conflict area. This goes for three energy industry sectors – coal, natural gas and electric power generation. This also includes oil processing and transporting – Lysychanskyy ORP and Ukrtransnafta pipelines located right next to conflict area as of 2014.

2.3.1. Ukraine’s Losses in the Energy Sector Due to Donbas Occupation

Donbas is foremost a coal region. Ukraine has always been independent in its coal supply thanks to coal deposits in Donetsk and Lviv-Volyn basins, mining enough for its own use and partially for export. The only imported coal was a certain volume of coking coal for metal industry. DPR and LPR separatist unites formed and controlled by Russia, as well as Russian military and tactical groups did not succeed in seizing the entire territory of Donbas (Donetsk and Luhansk oblasts). However, they took and kept control over 10 out of 36 regions of two oblasts that were the centres of anthracite mining. This region

supplied 14 of the country’s TPP that have an important role for the manoeuvre capacities of Ukrainian UPS, given that nuclear power generation, which requires these capacities, is the foundation of Ukraine’s electric power balance.

In 2001-2013 in average Ukraine produced approximately 80 million ton of coal per year, most of which (~2/3) was used for electric power generation. As a result of Russian aggression, Ukraine’s coal production reduced from 83.5 million ton in 2013 to 34.9 million ton in 2017, i.e. 58.2%. Occupied territories hold almost half of the total Ukrainian coal production and 100% of anthracite. Overall, according to Ministry of Energy and Coal Industry, occupied territories hold 85 mines of different forms of ownership, which make 57% of their total number in Ukraine. Among them, 60 mines extracted energy-grade coal, including almost all of the anthracite.⁹⁴ Seven mines were destroyed in the military action and are beyond repair.

Reference.⁹⁵ Since the start of Russian intervention in Donbas, 69 out of 150 Ukrainian mines stopped coal extraction. Out of 90 state mines subordinate to Ministry of Energy and Coal Industry, only 35 are in Ukraine-controlled territory. Ukraine-controlled part of Donbas holds most state-owned mines and half of private associations that extract mostly gas-grade coal (Dzerzhynskvuhillia, Dobropilliauvuhillia, Krasnoarmiiskvuhillia, Lysychanskvuhillia, Pavlohraduvuhillia, Selidovuhillia; “South-Donbas No.1” and “Krasnolymanska” mines). Territories temporarily uncontrolled by Ukraine hold state-owned and private mines mostly extracting anthracite coal (Makiivvuhillia, Ordzhonikidzevuhillia, Shakhtarskanratsit, Torezanratsit, Snizhne-anratsit, Donbasanratsit, Luhanskvuhillia). Rinat Akhmetov’s DTEK and Metinvest mines are also located there (Rovenkyanratsit, Sverdlovskanratsit, Donbas Komsomolets, Krasnodonvuhillia).

Precise and credible statistics regarding current volume of coal production in the occupied Donbas is unavailable. State Statistics Service of Ukraine only keeps a full record of coal production by private enterprises registered in the central government-controlled territories. State Statistics Service does not track extraction of coal from mines on Donbas territories fully controlled by the self-proclaimed DPR-LPR government, including the so-called “bootleg pits”. Current aggregate coal extraction in DPR-LPR is calculated at millions of tons.

⁹² Covering “republics” budget and balance of payments deficit will cost Russia \$1 billion per year (including money for the “armed forces”), which is only 0.6% of Russia’s GDP.

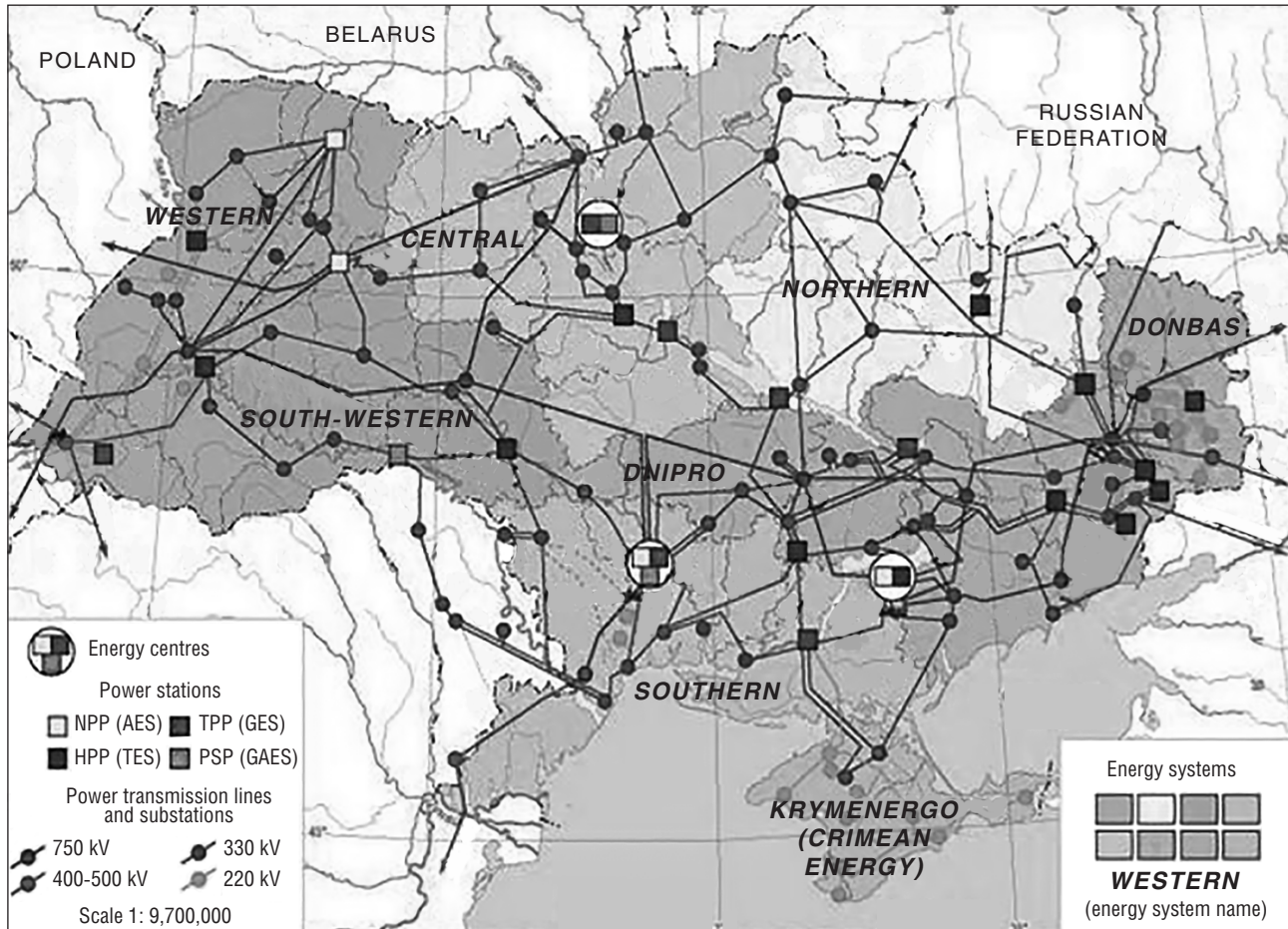
⁹³ Abbreviations used in text: **NPP** – nuclear power plant; **AT** – autotransformer; **SY** – switchyard; **IS-SCS** – isolating-short circuiting switches; **EPS** – electric power system; **UES** – (Russian) Unified Energy System; **PTL** – power transmission line; **ORP** – oil refinery plant; **UPS** – (Ukrainian) United Power System; **UGS** – underground gas storage; **OPL** – overhead power line; **SS** – substation; **SH** – switch-house, **TPP** – thermal power station, **CHP** – combined heat and power station. Units: **kV** – kilovolt (10³ volt (voltage)); **GW** – gigawatt (10⁹ watt (capacity)); **MW** – megawatt (10⁶ watt (capacity)).

⁹⁴ Ukraine’s Coal Industry in the Context of Hybrid War. Analytical Notes. – National Institute for Strategic Studies, <http://www.niss.gov.ua/articles/1890>.

⁹⁵ Based on NISS data. “Donbas and Crimea: Cost of Reclaiming”. – NISS, 2015, http://www.niss.gov.ua/content/articles/files/Razom_kRym_donbas-4ab2b.pdf.

Traditionally, due to its coal production capacities, Donbas is the largest Ukrainian region of thermal power generation. Note that Donbas was also the largest consumer of the produced electric power due to the presence of energy-intensive industries – ferrous metal

industry, heavy engineering industry, mines. Luhansk TPP (1.4 GW capacity), Vuhlehirsk TPP (3.6 GW), Myronivka TPP (0.2 GW) are right next to the combat zone. In 2014–2015 they were under fire, which resulted in damage of their equipment, substations and PTL.



Source: <http://energetika.in.ua/ua/books/book-4/section-2/section-3>.

Energy supply for the part of Donbas regional energy system controlled by Ukraine throughout the period of war has been provided by generating capacities of Luhansk, Kurakhiv, Vuhlehirsk and Sloviansk TPP, as well as diversion of capacities from Dnipro regional energy system.

Large generating capacities in the occupied territories include: Starobesheve TPP (1.9 GW) and Zuivska TPP (1.2 GW). Due to damaged networks, these TPPs worked in parallel with the main part of Ukraine's UPS using only 110 kV network until 18 July 2015, later this line was cut off and Starobesheve and Zuivska TPP worked separately from Ukrainian UPS providing electricity to DPR-LPR. Energy supply for Krasnodon and Antratsyt energy centres, as well as a part of Alchevsk and Luhansk load was provided from Russian UES via 500 kV PTL "Pobeda-Shakhty".

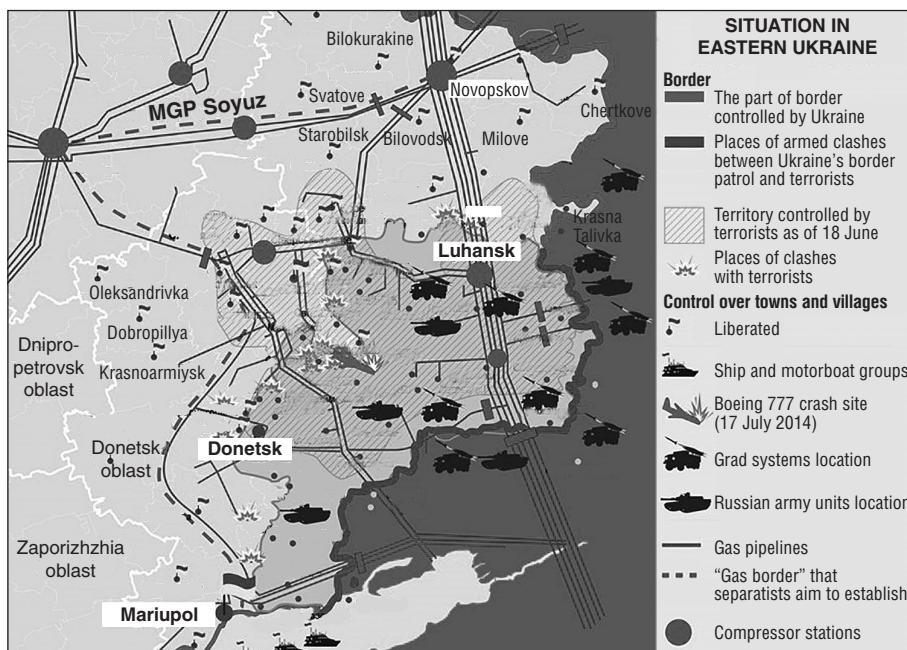
As a result of the war, 20 main high-voltage PTL within Donbas regional energy system were damaged.⁹⁶ NEC Ukrenergo was able to localise this damage and prevent its negative impact on the overall operation of the Ukrainian UPS.

In the natural gas segment, Ukraine lost control over a number of small reserves that have no strategic value for Ukraine's natural gas sector. According to *Newfolk* consulting company, mining capacities located in the occupied parts of Donbas, are approximately at 50 million m³ per year.⁹⁷

Donbas does not have any major transit pipelines. Russian-Russian transit line that goes from the north to the south through Eastern Ukraine went around it as *Gazprom* built gas pipeline CS *Sokhranovka* – CS *Oktiabrskaya* back in late 2006.

⁹⁶ 220 kV – 12 PTL; 330 kV – 6 PTL; 500 kV – 2 PTL.

⁹⁷ Production of oil and natural gas in 2014. – *Economichna Pravda*, 3 February 2015, <https://www.epravda.com.ua/columns/2015/02/3/525569>.



Source: https://dt.ua/ECONOMICS/boyoviki-donbasu-mozhut-pidirvati-robotu-gts-ukrayini-153488_.html.

Besides this, the occupied territory holds Verhunske UGS (working capacity 400 million cu m of active gas), which does not hold strategic value for Ukraine's GTS and was used at seasonal peaks to maintain pressure in "Donbastransgas" gas transportation hub and provide for the regional needs of Donetsk and Luhansk oblasts. Not operational since 2014.

Ukraine's losses also include currency spending on coal import to cover its deficit for thermal generation. In 2017 currency spending on imported hard coal was at \$2.744 billion in 2016 – \$1.467 billion). Most of the imported coal came from Russia – \$1.552 billion (56.6%), USA – \$0.682 billion (24.9%), Canada – \$0.182 billion (6.6%).⁹⁸ In 2018 according to available State Fiscal Service (SFS) data for 11 months, there was a 10.8% increase of coal import, compared to the same period in 2017. Overall, the cost of imported coal was \$2.693 billion, including: coal imported from Russia – \$1.667 billion (61.91% of the total import), USA – \$0.806 billion (29.94%), Canada – \$0.129 billion (4.78%), other countries – \$0.091 billion (3.37%).⁹⁹

2.3.2. Ukraine's Contacts with the Occupied Territories in the Energy Sector

Most contacts are in the coal sector of energy industry. It has always been non-transparent and corrupt, which only exacerbated after Russia's invasion of Donbas and formation of quasi-state DPR and LPR formations. New political reality and war have reformatted the existing corruption schemes. The part of Donbas, where bootleg

pits became a widespread practice during Viktor Yanukovich's presidency, ended up under DPR and LPR control. However, coal flow, as previously, is mostly directed at Ukrainian territories under central government control. Financial flow is going in reverse direction.

According to conclusion made by Eastern-Ukrainian Centre for Civic Initiatives, there are no formal reasons to ban transportation of coal from the occupied territories, as both parts are in fact Ukrainian territory. Thus, it is hard to determine the line between regular commercial activity and financing of separatist groups, which survive with the help of coal business.

Ukrainian government has no means to check, which mines are the source of origin of the coal brought from DPR-LPR, or who controls these companies.¹⁰⁰

"Dependence of Ukrainian TPP on anthracite coal produced exclusively on the occupied territory, as well as craving Ukrainian public officials and businessmen have for easy money, have created a situation, where business relations between the Ukrainian side and illegal armed groups – are a sad reality... The quite logical question is to what extent operation of these illegal regimes depends on the money received as a result of supplying coal to Ukraine-controlled territory and to what extent cutting this supply could make leaders of the unrecognised republics become more amenable in peace talks to end the war in Donbas... At the moment, there are no exact calculations that would allow to gauge the volume of coal purchased from the militant groups of separatists, and the amounts of money transferred to them in return. Making this information public is not in any of these parties' interest... We can safely assume that throughout the conflict, billions of hryvnias have been transferred from Ukraine to *ORDLO*, which allowed the self-proclaimed republics to sustain their economy, avoid hunger-propelled strikes in the temporarily occupied territories."

"The Real Price of Coal Amidst the War in Donbas: a Look through the Human Rights Lens"

Ukrainian Railways data for 2016 shows that almost 18 million ton of coal were brought across the contact line in both directions. Out of them – 11.8 million ton of anthracite from the occupied territories for Ukrainian TPP, and 3.14 million ton of gas-grade coal in reverse direction.¹⁰¹

⁹⁸ Over the past year, Ukraine has doubled its currency spending on coal import. – UNIAN, 9 January 2018, <https://economics.unian.ua/energetics/2336057-ukrajina-minulogo-roku-podvojila-valyutni-vitrati-na-import-vugillya.html>.

⁹⁹ In 11 months Ukraine has increased its coal import 10%. – Interfax-Ukraine, 7 December 2018, <https://ua.interfax.com.ua/news/economic/551591.html>.

¹⁰⁰ Kazanskiy D., Nekrasova A., Savitskiy O., Pavlov Yu., Smirnov P., Tarabanova S., Yanova H. The Real Price of Coal Amidst the War in Donbas: a Look through the Human Rights Lens (gen.ed. by A.Nekrasova and V.Shcherbachenko). – NGO "Eastern-Ukrainian Center for Civic Initiatives", published by "ART book", 2017, https://ua.boell.org/sites/default/files/real_price_of_coal_in_war_time_donbas.pdf.

¹⁰¹ Money Hail: Economy of the Occupied Donbas: Players, Schemes, Volumes. – Liga-net web-site, http://project.liga.net/projects/ekonomika_donbas/.

Talking about electricity, the Ukrainian Government has excluded electricity purchase and sale operations in the temporarily occupied Donbas territories from Ukraine's general energy market with Resolution No.263 as of 7 May 2015.¹⁰² This Resolution has become effective immediately and will remain effective until Ukrainian constitutional order is fully restored in the uncontrolled territory. According to the document, the Government has decided that from 1 May 2015, purchase and sale of electricity transported from the territory temporarily not controlled or not fully controlled by government bodies to other territories of Ukraine and/or from controlled to uncontrolled territories, is done on the controlled territory by a wholesale electricity supplier, and on the uncontrolled territory – by business entities that produce electricity with power systems located in the uncontrolled territory and determined by the Ministry of Energy and Coal Industry, and/or DTEK Donetskoblenenergo in Donetsk oblast and LLC Luhansk Energy Union in Luhansk oblast.¹⁰³

The document provides that dispatching control over production, transmission, distribution, supply and transmission of electricity through main and interstate power networks to the uncontrolled territories is executed by the separate division of SE NEK Ukrenergo – Donbas Electricity System.

Settlements for sales of difference of electricity inflow between the wholesale supplier and DTEK Donetskoblenenergo and LLC Luhansk Energy Union in the uncontrolled territory is done via bank transfers through separate operating accounts of the mentioned business entities opened in an authorised bank, and the wholesale operator's operating account with a special regime of using.

There are no relations in the natural gas sector. Naftogaz of Ukraine and Ukrtransgaz have taken steps in the second half of 2014- early 2015 to terminate natural gas supplies to the occupied parts of Donbas.

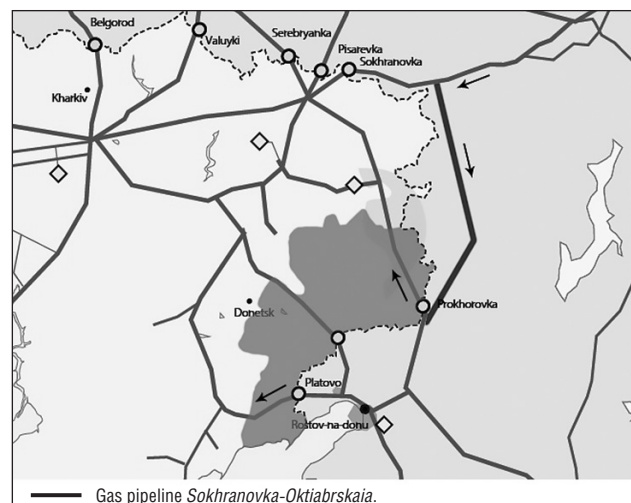
2.3.3. Current Situation and Trends in DPR-LPR's Energy Sector

Their energy sector is not and cannot be independent. Coal surplus and profits received from its legal and illegal sales do not cover the needs of DPR and LPR quasi-states. With the exception of coal, their need for other types of energy is covered by Russia, which being under sanctions and suffering losses is trying to minimise the cost of supporting occupation regimes it formed with the help of local kleptocrats.

Russia is not just maintaining its financial assistance to DPR-LRP quasi-formations the same, – it keeps cutting it. Back on 17 November 2016, during an internet conference

with Donetsk residents, one of DPR “politicians” O.Khodakovskiy shared the following: “There is a number of difficulties with Russian assistance. Thus, as you can see, we are experiencing delays of salaries in government-funded organisations”. Supply of energy resources – natural gas, electricity and petroleum products – is controlled by Moscow.

Natural gas supply is controlled by *Gazprom*. From 19 February 2015 *Gazprom* has been delivering gas without coordination with Naftogaz through two points in the south-east section of the interstate border – GMS Platovo and GMS Prokhorivka.



Source: http://tbu.com.ua/digest/besplatnyi_gaz_pochemu_ukraina_ne_resh_ili_perekryt_gaz_dnrlnr.html.

The volume of supplies in 2017 was 2.427 billion cu m, according to *Gazprom*.¹⁰⁴ In 2016 the volume was almost the same – 2.4 billion m³. In 2015 supplies were at 1.7 billion m³. In 2018 the volume increased, but is unlikely to go over 2.5 billion m³. The above numbers cannot be adequately verified. According to the December 2017 ruling of Stockholm Arbitration Court in the case filed by Naftogaz of Ukraine against *Gazprom* regarding the Sales and Purchase Agreement as of 19 January 2009, Naftogaz does not have to pay *Gazprom* for these deliveries. “After this ruling, *Gazprom* stopped billing Naftogaz. Thus, Russia lost the possibility to pressure Ukraine through debt, which it created artificially based on Trans-Dniester model used in Moldova and which it planned to use by pumping natural gas to DPR-LPR. In the occupied territories gas is distributed by two “state” monopolies – Donbasgaz and Luganskgaz. Both “state enterprises” are controlled by the heads of separatist formations.

The “republics” electricity demand is not critical compared to natural gas or petroleum products. Because DPR possesses the generating capacities of two TPP, there is no shortage of electricity.

¹⁰² CMU Resolution “On the Special Aspects of Regulation of Relations in Electric Power Industry on the Territory Temporarily Not Controlled or Not Fully Controlled by Government Authorities”.

¹⁰³ RBC-Ukraine, – <https://www.rbc.ua/ukr/news/dnr-zayavili-priostanovke-avtobusnogo-soobshcheniya-1431099434.html>

¹⁰⁴ *Gazprom* quarterly report for the 4th quarter of 2017, <http://www.gazprom.ru/t/posts/57/287721/gazprom-emitent-report-4q-2017.pdf>.

In LPR the situation is very different. It is experiencing shortage of power, as pro-Russian separatists were unable to take over Luhansk TPP. Thus, occupied Luhansk territories are supplied through three high-voltage PTL “Pobeda-Shakhty” (500 kV), “Yuzhnaia – Rostovskaia” (330 kV), “Amvrosievka – T-15” (220 kV).

Supply of fuel and oil from Russia to separatist formations has been and remains important. At first, it was done by companies affiliated with Yanukovych-family businessman S.Kurchenko in cooperation with high-ranking Russian officials. Locally, benefits from sales were reaped by DPR-LPR leaders. Later, this scheme was substituted for a Moscow-controlled one. Russian foreign economic association “*Promsyrimport*” of the Russian Ministry of Energy became the monopoly supplier of motor fuel to the temporarily occupied territories of Luhansk and Donetsk oblasts.

“*Promsyrimport*” is the so-called special foreign trade organisation that conducts operations based on special decisions of the Russian Government, in particular, using federal currency reserves. The company supplies DPR-LPR with petroleum products according to special export schemes, i.e. without customs fees. The company procures all petroleum products for the separatist republics from *Bashneft*, which is a part of the corporate empire of the Russian state company *Rosneft*. In the occupied territories *Promsyrimport*-supplied fuel is distributed by local companies controlled by DPR and LPR. Petroleum products market is dominated by *Republican Fuel Company* (RTK), founded by DPR leaders. *South-Eastern Fuel Company* (YuVTK) founded by LPR authorities, as well as *Rovenky Oil Depot*, controlled by the local “Ministry of Energy”, also have leading roles in the market.

2.3.4. Russia's Role in Management and Control of Energy in the Occupied Territory

At the end of 2014 Russian government created an inter-agency commission for “provision of humanitarian assistance to affected territories of south-eastern parts of Donetsk and Luhansk oblasts of Ukraine”. The commission included deputy minister level representatives from key agencies. The commission is responsible not only for organising the notorious humanitarian convoys, but also all for all issues related to DPR and LPR economy. German *Bild* named this commission the “shadow government” of Donbas and emphasised the fact that its work is supervised by Russian FSB. Vertically, the commission is accountable to Deputy Prime Minister Dmitry Kozak, former representative of the Russian President in Southern Federal District. In the new Russian Government, as a person who enjoys Vladimir Putin's special trust, he became the supervisor of FEC and industry,

which is important for maintaining energy sustainability of Russia's quasi-state formations in Donbas.

Commission is headed by Deputy Minister for Economic Development S.Nazarov.¹⁰⁵ In the ministry he supervises the Department for Implementation of Regional Investment Programmes and Coordination of Social and Economic Development of Regions, which also works with quasi-state formations.¹⁰⁶ (The Kozak-Nazarov tandem also supervises the issues of “new Russian subjects” – occupied Ukrainian territories of Crimea and Sevastopol.)

In the spring of 2017 following Moscow's directions and in response to Kyiv's blockade, DPR and LPR introduced “external management” at all large enterprises of the occupied Donbas. “External management” is executed by private company *Vneshtorgservis* based in South Ossetia, which has recognised DPR and LPR. This allows Russia to use South Ossetia as unofficial offshore zone to move out resources from the occupied Donbas. *Vneshtorgservis* is an intermediate company that allows to circumnavigate sanctions against companies purchasing products from the occupied territories of Ukrainian Donbas.

Largest coal companies in the occupied Donbas – Krasnodonvuhillia and Rovenkyantratsit (formerly, a part of Rinat Akhmetov's coal business) were long eyed by local government and its Moscow supervisors.

Electricity is supplied to LPR as “humanitarian assistance” by Russian *Federal Network Company* (FSK). This “humanitarian assistance” was started in 2017 with an annual prolongation mechanism. FSK's compensation mechanism is a special coefficient called “Luhansk coefficient” by the Russian Ministry of Energy, which is used to collect additional funds from Russian industrial consumers. It is believed that it increases their electricity price only 0.1%.¹⁰⁷

2.3.5. Ways and Prospects of Replacing the Lost Donbas Power Capacities

There seems to be no need for discussing the replacement of the lost capacities. As a result of losing a number of industrial companies in Donbas due to the war, their dismantling and withdrawal to Russia, the region's volume of energy consumption reduced. Thus, there seems to be no need in creating new generating capacities, especially coal-based.

Restoring central government control over the occupied territories will allow Ukrainian UPS to restore the generating capacities of Starobesheve TPP (1.9 GW) and Zuivska TPP (1.2 GW). Donbas regional power system has traditionally had insufficient capacities. The deficit was covered with electricity inflow from

¹⁰⁵ In 1998-2010, he was Deputy Governor of Russian Rostov oblast that has the common border with Ukrainian Donbas, responsible for the region's industrial sector and FEC.

¹⁰⁶ New old supervisors: why Moscow will not leave Donbas without assistance. – RBC, 15 June 2018, <https://www.rbc.ru/politics/15/06/2018/5b2281fa9a794763f30234f>.

¹⁰⁷ Russia will continue supplying electricity to LPR until 30 September 2019. – CXID.info, 13 June 2018, <http://cxid.info/rf-prodolit-postavki-elektroenergii-v-lnr-do-30-nbsp-sentyabrya-2019-goda-n141370>.

Ukraine's most powerful neighbouring Dnipro regional ES (Zaporizhzhia NPP in Enerhodar).

Local power deficit problem caused by the temporary loss of Starobesheve and Zuivska TPP located on the occupied territory is solved by compensating inflow from Zaporizhzhia NPP. Energy is transferred to Donbas via two 750 kV PTL of NEK Ukrenergo through Mariupol and Zaporizhzhia. The resulting additional load on substations requires more autotransformer connections for 750 kV substations Dnipro and Zaporizhzhia. Besides, it is planned to renovate two substations of Northern electric power system – Kharkiv and Zaliutyno, which form the system for capacity transmission in the corresponding direction. Approximate cost of projects is €150 million with credit funding from German Government and German state-owned development bank *KfW*. Execution period is 2018-2019.

Luhansk TPP located in the town of Shchastia on the frontline suffered major destruction. During 2014 hostilities four power generating units were completely destroyed and are beyond repair. At the moment, there are three operating power units that provide electricity to consumers in Luhansk oblast. TPP is working in the power island mode. To connect Luhansk TPP to Ukraine's energy system and fully use its remaining capacities, it is planned to build a new substation – “Kreminska” (500/220 kV), as well as several PTL, which will also ensure better use of Vuhlehirsk TPP capacities (Svitlodarsk, Donetsk oblast). Scheduled deadline for construction completion: 1st half of 2019. Project cost – UAH 1.273 billion.

At the same time, measures concerning Donbas regional energy system facilities located in the occupied territories can only be implemented after Ukrainian government restores its control in occupied territories.

Regarding coal extraction, even after liberation of the occupied Donbas territories, the industry will not be restored, as 36 out of 85 mines are completely flooded. These mines will not be operational in the future. This includes mines in Yenakiievo, Horlivka, Pervomaisk, partially – Donetsk, Makiivka, Shaktarsk, Torets. It is hardly reasonable to restore coal production to the pre-war level given the global decarbonisation trends in the context of Paris climate agreement and the fact that Europe is closing down its coal mines and generating capacities that use coal. Even more so, as DTEK – the key energy actor in Donbas is implementing large-scale projects aimed at creating solar and wind power generating capacities to substitute coal.

It is expected that until 2025 Ukraine's coal-based thermal generation load will remain at a rather stable level, close to 2016-2017 volume. Given the loss of anthracite assets, the task of reducing the use of A-grade coal (anthracite) and increasing G-grade (gas coal) remains topical for Ukraine. The goal is reached by switching anthracite units to G-grade coal.

Thus, in 2017, the following capacities switched to gas coal:

- Zmiivska TPP (Centrenergo) – two units 150 MW each;
- Prydniprovsk TPP (DTEK Dniproenergo) – two units 150 MW each.

In 2018, works were done on the following anthracite power units:

- Zmiivska TPP (Centrenergo) – one 200 MW unit;
- Trypil'ska TPP (Centrenergo) – one 300 MW unit;
- Prydniprovsk TPP (DTEK Dniproenergo) – two units 150 MW each¹⁰⁸.

DTEK Dniproenergo did not complete its works on the 150 MW power unit No.10 by the end of December 2018 as previously planned. They were also unable to complete the works by the end of February 2019 according to the adjusted plan, but are already close to finishing the process.¹⁰⁹ Centrenergo was unable to complete the planned transition of a Trypillia TPP 300 MW power unit to gas-grade coal by the end of 2018, but finished the work in January 2019.

By the end of 2019, it is planned to switch the following units to gas-grade coal:

- Zmiivska TPP (Centrenergo): one 150 MW unit;
- Prydniprovsk TPP (DTEK Dniproenergo) – one 150 MW unit;
- Kryvorizka TPP (DTEK Dniproenergo) – one 282 MW unit.¹¹⁰

Overall, in 2016-2018, due to switching TPP power units to gas-grade coal, consumption of anthracite was reduced 2.7 times – from 10.5 million ton in 2016 to 3.9 million ton in 2018. According to Minister of Energy of Ukraine, in 2016, Centrenergo used 2.2 million ton of anthracite, in 2017 – 0.8 million ton, and in 2018 – only 0.4 million ton. According to data from the Ministry of Energy and Coal Industry, Centrenergo has no plans to use anthracite in 2019. DTEK has switched the 7th, 8th and 9th units of Prydniprovsk TPP to gas-grade coal in 2017-2018, and in 2019 it plans to do the transition for the 1st unit of Kryvorizka and 10th unit of Prydniprovsk TPP.

Restoration of gas supply in the Donbas can be carried out in rather short terms after the necessary completion of repair and layout works.

As a result of combat action in Eastern Donbas and destruction of energy facilities, reliability and

¹⁰⁸ For more information, see: New Year's Gift from Centrenergo. – Centrenergo, 28 December 2018, http://www.centrenergo.com/newsroom/news/item_598; Trypil'ska TPP. – Ibid., <http://www.centrenergo.com/divisions/trip>; DTEK Energy re-equipped a third power unit of Prydniprovsk TPP to use gas-grade coal. – DTEK, 8 November 2018; <https://energo.dtek.com/ua/media-center/press/dtek-energo-perevel-tretyi-po-schetu-energoblok-pridneprovskoy-tes-na-gazovyy-ugol>.

¹⁰⁹ See: DTEK Energy re-equipped a third power unit of Prydniprovsk TPP to gas-grade coal; also: DTEK Prydniprovsk TPP will switch one more power unit to gas-grade coal. – IA Minprom, 24 January 2019, <https://www.minprom.ua/news/250685.html>.

¹¹⁰ For more information, see: Transition from anthracite to gas-grade coal: DTEK conducts re-equipment. – Mind, 4 December 2018, <https://mind.ua/publications/20191262-perehid-z-antracitu-na-gazove-vugillya-yak-dtek-provodit-pereobladnannya>.

quality of energy supply in this industrial region was undermined. Deterioration was also caused by the fact that a part of thermal power stations remained on the occupied territory, and the half-destroyed Luhansk TPP is currently cut off from Ukraine's UPS.

As a result of hostilities, over 50 overhead PTL and equipment of 11 220-750 kV substations in Donetsk and Luhansk oblasts were destroyed. Emergency repairs helped to restore 29 PTL and partially – equipment at 8 substations. 22 overhead 200-500 kV PTL remain damaged, three substations are turned off completely.¹¹¹

During intensive combat action, Russian troops and separatist groups in Eastern Ukraine have caused damage in 31 spots of the GTS located in the area of fighting. In 10 cases operation of damaged facilities was not restored. In 21 cases operation was restored after repairs.

It is impossible to confirm or calculate the cost of repairs and restoration in the uncontrolled territories of Donetsk and Luhansk oblasts. It should be taken into account that restoring energy infrastructure can come only after the demining of the “grey area” packed with unexploded ordnance and mines.

After de-occupation, it is necessary to determine and calculate the amount of damage inflicted on Donbas energy infrastructure to be used for drafting and filing a claim for reparations against the aggressor. To do so, it is also important to identify the military units and divisions of Russian Armed Forces that took part in combat in Eastern Ukraine on rotation basis.

It should be kept in mind that completion of restoration of energy infrastructure will largely depend on the demining of the frontline territories and clearance of unexploded ordnance in the warfare areas.

2.4. Ideology and Information Policy in “DPR-LPR”

Ideological foundation of Russia's aggression in Donbas was laid in the context of the “Russian World” doctrine. It was developed in the early 1990s as a political technology, was conceptualised and incorporated by Russia in 2005-2007 in order to consolidate its society around Putin's regime, as well as to justify foreign policy aimed

at “gathering lands”.¹¹² It was characterised by ideological eclecticism as a mix of imperial and soviet rhetoric. Over the past five years, Ukrainian Donbas was turned into a testing field for the Russian occupation forces, special services, political technology specialists and intelligence to try out different ways to program ideologies into people's minds, with local population being their test subjects.

2.4.1. Ideological Foundation of Russian Intervention.

At the start of Russian aggression (February-April 2014) pro-Russian forces were using “internal Ukrainian” ideological structures like “Southern East”. In March 2014 in Kharkiv, “Party of Regions” MP O.Tsariov created the “South-East” movement, Luhansk announced the formation of the “South-East Army”, corresponding groups were created in social networks (for instance, “South-East/Anti-Maidan”). Separatists in Donetsk were trying to conduct ideological mobilisation based on regional, “Donbas” identity. E.g., illegal military units were named “People's volunteer army of Donbas”. At rallies people chanted “Donbas is Russia!”

Since April 2014 pro-Russian propaganda changed its ideology and brought the imperial component to the front. This process was started as Vladimir Putin launched the idea of “Novorossia” (New Russia) during his televised Q&A on 17 April 2014.¹¹³ The idea was embraced by pro-Russian forces in eastern Ukraine and Russian media. In particular, the term “Novorossia” was used as the name for the “supranational” union of the “republics” that was announced in late May 2014. Illegal military units in Donetsk oblast were renamed accordingly – “Novorossia Army”. This term was used by “DPR Minister of Defence” I.Girkin (Strelkov) in his “orders”.

“Novorossia” project reflected the imperial perception of Ukraine's south and east, and thus could find no support in local people's self-perception, as they had no memory of any “Novorossia”. So in August 2014, in order to become “closer to people”, Russian mercenaries changed their ideology to “post-Soviet-proletarian”. This coincided with evacuation of Russian political technology specialists that headed the “republics”.

New chiefs A.Zakharchenko and I.Plotnitskii were a better fit for the role of “mine workers and tractor drivers” fighting against Kyiv “fascist junta”. Thus, DPR and LPR became the main ideological concepts. This was more comprehensible for local residents.

¹¹¹ Prudka N. Energy Sector in the “Grey Area” of Donbas. Price of Resuscitation. – Glavcom, 19 September 2017, <https://glavcom.ua/publications/energetika-siroji-zoni-donbasu-cina-reanimaciji-438032.html>.

¹¹² On formation of “Russian World” as a political technology in the 1990s-early 2000s see more: Yakubova L., Holovko V., Pryymachenko Ya. Russian World in Donbas and Crimea: Historical Origins, Political Technology, Aggression Instrument (Analytical Report). – Kyiv, 2018. – p.67-84.

¹¹³ Putin said: “...we need to ensure the full protection for the the rights and interests of Russian citizens and Russian-speaking citizens of Ukraine's south-east – and let me remind you that using Russian empire terminology, this is Novorossia: Kharkiv, Luhansk, Donetsk, Kherson, Mykolayiv, Odesa were not a part of Ukraine during Tsarist era, all of these – are territories that were given to Ukraine in the 20s by the Soviet government... All of this was happening after the corresponding victories of Potemkin and Catherine II in the famous wars with the centre in Novorossiysk. Thus the name Novorossia. Later, the territories were gone for different reasons, but the people – remained there”. Cit. from Live Q&A with Vladimir Putin, 17 April 2014. Official web-site of the Russian President. – <http://www.kremlin.ru/transcripts/20796>.

From the fall of 2014 until the fall of 2018 communications with people in the occupied territories were using Soviet traditions and symbols, and imperial “Novorossia” was gradually forgotten. Militant leaders appealed to the working class (mine workers) and the military (“rebels”). They exploited the topic of World War II, guerrilla movements, “young guardsmen”, extrapolated past ideas to modern events (e.g. the need to defend Motherland from fascists). Typical social events of those times were commemorative rallies on Victory Day or liberation of cities from German fascist troops, laying flowers to the Tomb of the Unknown Soldier, military-patriotic competitions among young people, patriotic classes in schools, etc. All of these things were familiar for Luhansk and Donetsk oblast residents. The military component was emphasised by the images of guerrilla-leaders: Zakharchenko and Plotnitskii were reminding people of their past as guerrilla leaders, wore military uniforms, used simple language in communications.

After the change of LPR leadership and the death of A.Zakharchenko, new ideological elements appeared. DPR head D.Pushylin and LPR head L.Pasechnik are more like typical government officials, heads of administrations, their workplace is an office, not a combat site, so the image they use in public is civilian. The “leaders” rhetoric has also changed: more and more often people hear ideas about the need to develop the “republics” economy, to fight corruption, to ensure social standards, etc. What is noticeable is the increasingly more tight alignment with the Russian agenda and copying of typical Russian formats of communicating with the population. For instance, the Live Q&A of D.Pushylin with Donetsk oblast residents at the end of 2018 and the opening of the restored road in Luhansk oblast, during which L.Pasechnik drove on it at the wheel of a KAMAZ (imitating Vladimir Putin at the opening of Kerch Bridge). These new elements are not replacing, but complementing Soviet ideology. It remains an important component of ensuring people’s loyalty.

In general, occupation ideology consists of three components. **First, an appeal to regional identity** of Donbas as a special region not only in Ukraine, but in the entire post-Soviet space. However, there is a particular emphasis on its inseparable connection with Russia. **Second, “proletarian-mineworker” context** that exploits “social justice” idea and myths about “good Soviet life in the united family of nations”. USSR disintegration and creation of the independent Ukraine are treated as “historical misunderstanding”, and local separatism is

presented as “historical consistency and justice”. **Third, militarist Soviet rhetoric**, which is also actively used to influence people’s minds in Russia itself, – mostly, the victory in the “Great Patriotic War” (World War II). Besides, the “republics” also add elements of the “new proud history” – “the fight of DPR and LPR for independence”.

2.4.2. Russian Influence.

Moscow holds the defining vote on the ideology, work of “administrations” and information policy implemented in the occupied territories. DPR-LPR is supervised by Russian President’s aide Vladislav Surkov.¹¹⁴ This process also involves Russian Presidential Directorate for Cross-Border Cooperation accountable to him. Among other things, the Directorate was responsible for preparing and organising illegal elections in the occupied territories. Media is disclosing information about people involved in Kremlin-created propaganda.¹¹⁵

Administrative structures created on the occupied territories are using as guidance Russian government experience and tradition. Thus, “DPR Ministry of Information Policy” and “LPR Ministry of Communications and Mass Media” are replicas of their Russian counterparts (Ministry of Digital Development, Communications and Mass Media of the Russian Federation, Federal Agency on Press and Mass Communications). Even “ministry provisions” published on their web-sites are essentially somewhat changed provisions of the Russian ministries. “Republican” media are also centralised, based on the system of administering the work of Russian media. For instance, LPR state television and radio company “STRC LPR” is modelled on the Russian “VGTRK” company as the central agency that supervises a number of channels, radio stations and newspapers. The main channel of “STRC LPR” – “Luhansk 24” is even named in the same style as the federal channel “Russia 24”.

Other facts also prove Russia’s involvement in managing the information sector and the overall humanitarian processes in the occupied territory. Since 2017 Russia-Donbas Integration Committee headed by Russian State Duma MP A.Kozenko has been working to strengthen ties between Russia and the occupied territories in the economic, socio-political, education sectors. Committee supports visits of Russian regional authorities, university representatives, members of pro-government NGOs to the occupied territories, and occupation administration officials’ visits to Russia. Corresponding “integration events” are organised in Donetsk and Luhansk.¹¹⁶ Results of Committee’s work include

¹¹⁴ Surkov promised Pushylin to raise salaries in DPR. Information Agency TASS, 10 October 2018. – <https://tass.ru/politika/5657257>

¹¹⁵ E.g., on the eve of elections in DPR and LPR, it was published that DPR chief’s electoral campaign was conducted by political technology specialists with code names “Chaika” and “Patriot” (according to Russian media, person with code name “Chaika” is Dmitrii Konov). O.Chesnakov, a politologist close to V.Surkov, said that both have been working in Donetsk (sanctioned by Kremlin) back in 2014-2016: “Chaika” supervised media, and “Patriot” – domestic policy. See: Cooperation with CIS is being outstaffed. RBC, 10 January 2018, – <https://www.rbc.ru/newspaper/2018/10/10/5bbcc1f39a794763841d39ef>.

¹¹⁶ For instance, the outcome of one of the meetings dedicated to economic cooperation between the occupied territories and Russian regions, was an economic forum in Luhansk with participants including representatives of “Russia, Abkhazia, South Ossetia chambers of commerce, business representatives from Russia, Italy, Finland, Spain, Germany, France”. Participants of the meeting of the Committee on Youth Policy and Patriotic Education included not just militants’ leaders, but also representative of Russian academic sector, in particular, Vice Rector of Russian State Economic University M.Kuznietsov.

cooperation and assistance agreements between Russian and occupied Ukrainian cities. Since the Committee's establishment, 13 such agreements have been made.¹¹⁷ Most of them are between towns and regions of Donbas and the annexed Crimea, which is called a Russian region in these documents. Russian towns and regions that established "sister" relations with LPR and DPR include Suzdal, Murom, Kovrov and Kovrov region of Vladimir oblast, Ardon region of North Ossetia.

Concluding socio-cultural cooperation agreements is a practice used by the so-called "Russian Centre". It was created in Donetsk with Russia's support to enhance integration between Donbas and Russia. For example, the centre helped in concluding cooperation agreements with the Public Chamber of Khanty-Mansiysk Autonomous District¹¹⁸ and Ryazan oblast, between DPR Trade Union Federation and Vladimir Oblast Trade Union, Donetsk National University and Astrakhan State University,¹¹⁹ etc.

Russia-funded organisations like "Russian World" are actively working in the occupied territories. They organise lectures, seminars, scientific conferences at "Russian World" spaces created at Ukrainian universities and libraries prior to the war.¹²⁰ Usually, these events are dedicated to Russian literature, language and history.

At the moment, there are three such spaces – in Donetsk (oblast science library), Horlivka (Institute of Foreign Languages) and Luhansk (oblast library).¹²¹ Their work is focused on humanities, creating a positive attitude to Russia through promotion of its cultural heritage. Particular efforts are invested in promoting the idea of a common history and culture in Donbas and Russia (celebrating the Slavic Culture and Written Language Day with Cyril and Methodius being its heroes; project "Russian Literature in Donbas: On Reviving the Spiritual and Cultural Heritage of the Russian World";¹²² lectures like "Russian Day of Unity: History and the Present"). Historical events, in particular, World War II, are presented only through the lens of Russian perception. Other typical efforts include events aimed at promoting the idea of Donbas independence, statehood tradition of the region, "separate nation" (celebrating the 100th anniversary of Donetsk-Kryvyi Rih Soviet Republic,¹²³ organising Donbas literary festivals, publication of a collection of works "Literary Gorlovka", etc.)

Russia's influence is also present in public culture. People in the occupied territories are celebrating "Russia Day", "National Unity Day", 9th of May, etc. There are regular concerts of Russian pop stars (the late Yosif Kobzon, Yulia Chicherina, Sogdiana, Chelsi band, etc.), shows by Russian theatres and dancing and singing companies.

2.4.3. Special Aspects of DPR-LPR Media Space

Indoctrination of population is based on the central system of information space management. Russia played the main role in creating this system in order to legitimise its government's occupation policy, to create an illusion of independently acting and thinking militants.

In 2014 the "council of ministers" created the so-called "DPR Ministry of Information Policy" and "LPR Ministry of Communications and Mass Media" to control the information space. These structures are responsible for: (a) supervising the work of subordinate media; (b) information policy agenda inside the "republics"; (c) generating necessary news topics; (d) determining the focus for coverage of different topics by media; (e) content management of official information sources; (f) media presence of militants' leaders; (g) public relations functions (accredit foreign and Ukrainian media, transfer information, attempt to control news coverage by independent media). The "ministries" also coordinate the work of local administrations in the information sector, which allows to quickly disseminate the necessary information and control execution of specific tasks in the entire occupied territory.

These "ministries" control most of the media working in the "republics". Most of them are television channels, radio stations and newspapers with their corresponding web-sites that worked in Donetsk and Luhansk oblasts before the war. Before 2014 almost all of them received funding from oblast and local budgets. Together with a number of private media outlets, they have been seized and subordinated to administrations controlled by the militants.¹²⁴ In addition to this, new separatist internet outlets have been created with the purpose of spreading the "official information". Their operation is structured as that of state information agencies. Thus, **the militants have essentially created media holdings controlled by the quasi-state structures, where the "ministries" are performing the role of management companies.**

¹¹⁷ Donbas Sister Cities. Russia-Donbas Integration Committee, – <http://russia-donbass.ru/pobratimy-donbassa>.

¹¹⁸ Russian Centre and Public Chamber of KMAD signed an agreement on socio-cultural cooperation. Donetsk News Agency, 26 December 2017. – <https://dan-news.info/politics/russkij-centr-i-obshchestvennaya-palata-xmao-podpisali-soglasenie-o-socialno-kulturnom-sotrudnichestve.html>.

¹¹⁹ Largest Donetsk and Astrakhan universities have signed cooperation agreements. Russian Centre web-site, – <http://russian-center.ru/krupnejshie-vuzy-donetska-i-astrakhani-zaklyuchili-soglasenie-o-sotrudnichestve>.

¹²⁰ What is a Space? Russian World Foundation, – <https://ruskiymir.ru/rucenter/cabinet.php>.

¹²¹ Russian Centre Catalogue. Russian World Foundation, – <https://ruskiymir.ru/rucenter/catalogue.php>.

¹²² Ongoing Discussions on Literature Instruction in Horlovka. Russian World Foundation, 3 October 2018. – <https://ruskiymir.ru/news/246888/>.

¹²³ 100th anniversary from the day of founding of Donetsk-Kryvyi Rih Soviet Republic was celebrated at the Russian Centre. Russian World Foundation, 13 February 2018. – <https://ruskiymir.ru/news/237680>.

¹²⁴ Television broadcasting restored in the occupied territory: current situation and challenges. Donetsk Institute of Information, 25 March 2016, – <http://dii.dn.ua/analytics/82-vidnovlennya-telemovlennya-na-okupovaniy-terytorii-nagalnyy-stan-ta-vyklyky>.

Although DPR-LPR has its hand on all types of media (television, radio, press, web-sites), the main media channel in these territories is still television (as in Ukraine overall). There have been few real studies in the occupied territories after the start of the conflict, but according to the Institute of Public Information, 87% of Donetsk and 92% of Luhansk oblast population (including the uncontrolled territories) receive their information from television channels.¹²⁵ There are no broadcast interruptions in DPR-LPR, as they use the relay towers, transmitters and frequencies previously used by Ukrainian media. Russian and separatist channels are broadcasting in the occupied territories. Ukrainian channels are blocked. Although Ukrainian government is making an effort to restore national broadcasting, Ukrainian signal is mostly picked up only in regions near the contact line.

2.4.4. Composition, Structure and Ideological Goals of Occupation Media

Given that television dominates the structure of information consumption among residents of the occupied territories, separatists' main media assets are television channels. Thus, DPR Ministry of Information Policy manages 7 TV channels:

- **First Republican** – created using the seized Donetsk Oblast State Television and Radio Company (Donetsk branch of the National Television and Radio Company of Ukraine, currently rebranded as UA: Suspilne (Public). The channel uses former OSTRC frequencies that cover almost all of the occupied territory and a number of settlements beyond the contact line.
- **Union** – in early stages of occupation was called the Second Republican, but later started using the better known brand (until 2014 Donetsk had a channel under the same name). Broadcasts to Donetsk, Horlivka, Yenakiievo and their suburbs.
- **6TV (Horlivka TV)** – broadcasts in Horlivka using the seized infrastructure.
- **TV Sfera** – broadcasts in Khartsyzsk, Zuhres, Ilovaïsk.
- **Mine Workers' Television Studio MKT** – broadcasts in Shakhtarsk.
- **TTV (Torez television)** – broadcasts in Torez.
- **Avesta** – television channel in the town of Kalmiuske (previously – Komsomolske), also broadcasts in Starobeshiv region.¹²⁶

Ministry of Information also got to supervise the conditionally private channel "Oplot TV" created for their own needs by the late A.Zakharchenko and "former minister of revenues and receipts" O.Timofeiev. The channel is available in Donetsk and its suburbs, as well as in the towns near it. Another "private" channel "Novorossia" owned by Pavel Gubariev was essentially disbanded after becoming "state-owned". The same happened to other Gubariev's media (several web-sites, a newspaper, radio).

DPR Ministry of Information also manages radio stations "Radio Cometa", "Radio TB" and "Radio Republic" available almost on the entire DPR territory. DPR media holding also includes a number of newspapers: central – "Voice of the Republic", "Motherland", "Donetsk Time", "Evening Donetsk"; and a number of local publications.¹²⁷

In the internet DPR works through the following occupation government sources: DPR web-site, Council of Ministers web-site and web-pages of individual ministers, Public Council web-site, Head of Republic web-page. Also, militants' administration controls Donetsk News Agency (DNA) that works as an information agency, press centre and a source of "official information". However, in the internet most people in the DPR-controlled territory get their information from social networks, in particular, VKontakte pages (e.g. "Typical Donetsk" – 435 thousand people, "Donetsk LIVE" – 78 thousand).

Media system in the occupied part of Luhansk oblast is much less diverse. Almost all media accessible to local population are controlled by LPR occupation administration. There are no examples of any large conditionally private media. LPR Ministry of Communications and Mass Media controls the so-called "State Television and Radio Company of LPR" (STRC LPR). The company holds all the main media in the "republic".¹²⁸ Including the only local television channel "Luhansk 24", which works using the infrastructure of the seized LOT channel and uses its frequencies to broadcast. The holding also includes three local radio stations: "Own Radio" (instead of oblast state "Pulse FM"), "Radio Republic" (broadcasts using "Europe Plus" frequencies) and "Radio Victory" (Kiss FM frequencies).

Luhansk militants have also united a number of local public newspapers under "STRC LPR" framework, largest of them – "Republic" and "21st Century" – were recognised "official print media of LPR". "Republic" was created using assets of Luhansk Oblast Council newspaper "Luhansk Oblast Herald".¹²⁹ Another local

¹²⁵ Studies of media situation in southern and eastern oblasts of Ukraine in 2017. – Institute of Public Information, – <https://imi.org.ua/monitorings/doslidzhennya-media-sytuatsiji-v-pivdennyh-i-shidnyh-oblastyah-ukrajiny-2017>.

¹²⁶ DPR Media. DPR web-site, – <https://dnr-online.ru/sredstva-massovoi-informatsii-dnr>.

¹²⁷ Local newspapers: "Torez Mountain Worker", "Yenakiievo Worker", "Snizhne News", "New Horizons", "Our Time", "Battle Flag of Donbas", "Yasynuvata DPR Herald", "New Field", "DPR Boiler House", "Native Pryazovia", "New Life", "New Beam", "Debaltsevo Herald", "Flag of Victory", "Makiivka Worker" (almost all local newspapers used to be government-owned until 2014).

¹²⁸ STRC LPR web-site, – <https://gtrklnr.com/company>.

¹²⁹ Local journalists say that almost all copies are given away for free.

newspaper – “Luhansk Life” (previously, Luhansk City Council publication) is now issued as a tabloid.

There is a total of 35 newspapers printed in the occupied territory of Luhansk oblast, 14 of them are controlled by the “ministry”. These publications are financed in the framework of the “Programme to Support State Print Media” approved by the “LPR council of ministers”. “Ministry” signs agreements with newspaper management for them to cover the work of “government authorities in LPR”. According to “Information Resistance Group”, LPR-managed media funding in 2016 cost not less than RUB 16 million per year (approximately, UAH 6 million).¹³⁰

In the internet information is spread through the following occupation government sources: web-sites of “LPR chief” L.Pasechnik, “council of ministers” and “ministries”, “public council”. LPR also controls “Luhansk Information Centre” (LIC), “Youth Information Agency “Istok” (Source), “LPR Today”. In the internet social media are a popular channel for the local people to receive information. Popular pages in Vkontakte are: “Luhansk – The City I Live In!”, “This Is Luhansk, Baby!”, “Luhansk-News LPR-DPR – Novorossia”.

The content of DPR-LPR-controlled media mostly comes from Russian state information agencies and media. Locally produced content is rather typical: praise for the occupation government,¹³¹ achievements and actions that supposedly improve the life of local population. News topics are usually quite provincial: opening of a new children’s playground, a repaired bus stop, prices, curfew, “government agencies” reports, local celebrations, etc.¹³² At the same time Russia-controlled militants are portrayed in separatist media as independent figures and DPR-LPR as independent states that expect full-fledged participation in global politics. Namely, media portray militants’ participation in the Trilateral Contact Group (TCG) meetings in Minsk as a party in the negotiations. Separatist channels comment on TCG meeting results talking about “DPR/LPR representatives in the TCG”.

Ukraine in the occupation media is portrayed in the negative light only. The popular ideas used include: “Kyiv regime” established as a result of a coup and

leading an aggressive military campaign against Donbas residents who disagree with the current government’s policy; Armed Forces of Ukraine violate conditions of Minsk Agreements, regular shooting at separatists and residential areas; radical nationalism flourishing in Ukraine, as well as the country’s economic decline and overall degrading.

Separatist media often use fake news to support these ideas. Among recent examples is the supposed preparation of a chemical attack against the occupied Donbas by the Ukrainian army.¹³³ Most of these ideas match the official line of Russian propaganda. It comes as no surprise that separatist media present Russia as the “republics” partner and the only state defending their interests.

2.4.5. Work with Social Group

Occupation government has a different tactic for working with various social groups: young people, older people, seniors, etc.

Education policy is used for children and youth. After seizing Donbas territories, militants adjusted academic programmes to suit their ideological needs.¹³⁴

First. Ukrainian history was substituted with “Motherland history”, where Donbas history is tied to Russian history:¹³⁵ particular attention is paid to the period of industrial development of Donbas in the 19th century, myth on creating the “Donetsk-Kryvyi Rih Republic”, military action and guerrilla movement in World War II.

Second. “Hard-working Donbas” heroes are being glorified: Artiom, the “famous coalminer” Nikita Izotov, “record-holding mine worker” Aleksei Stakhanov, “first female tractor driver” Pasha Angelina, “steel human” Makar Mazai, “overachieving railroad worker” Piotr Krivonos. As well as symbols of Donbas: Mertsalov’s palm tree, “Glory to Mine Workers’ Labour” monument in Donetsk, Artiom monuments, memorial complex “To Your Liberators, Donbas”, Saur-grave, etc.

Third. Ukrainian language and literature classes were cut to 1 hour per week. Instead, Russian language and literature are now taught 5 hours per week. Teachers had to switch to using Russian during instruction of all other subjects.

¹³⁰ Schemes and Technologies of LPR Information “Attacks”. Ukrinform, 6 June 2016, – https://www.ukrinform.ru/rubric-other_news/2045466-shemy-i-tehnologii-informacionnyh-atak-lnr.html.

¹³¹ Institute of Public Information study: On the web-sites of the so-called LPR and DPR: only good things about the self-proclaimed government, only bad – about Ukrainian government. Institute of Public Information, 23 February 2017. – <https://imi.org.ua/news/doslidjennya-imi-na-saytah-tzv-lnr-ta-dnr-pro-samoprogoloshenu-vladu-lishe-horoshe-pro-ukrajinsku-vladu-lishe-pogane>.

¹³² LPR Press: What Do Luhansk Media Write About (Video). Real Newspaper, 30 July 2017. – <https://realgazeta.com.ua/gazety-lnr-30-07>.

¹³³ Urgent appeal of the participants of NGO “Mariupol Salvation Forum” to the fellow countrymen. DPR web-site, 24 December 2018. – <https://dnr-online.ru/srochnoe-obrashhenie-uchastnikov-oo-forum-spaseniya-mariupolya-k-zemlyakam-video>.

¹³⁴ Programmes for general education institutions. Donetsk Republican Institute of Advanced Pedagogical Training – http://vizo.at.ua/index/osnovnoe_obshhee_obrazovanie/0-101.

¹³⁵ In particular, this “history course” talks about ancient Rus state and the history of Rus people, joint campaigns of Don and Zaporizhzhia Cossacks against Tatars and Turks, founding of the “first settlements on these lands by Rus people”, inclusion of territories into the Russian empire (reunification of Rus lands), etc.

Fourth. Curriculum now includes a new “educational” subject – “Donbas citizenship classes”.¹³⁶ Course content is based on Russian propaganda stereotypes and aims to implant these views. Typical class topics: “Donetsk People’s Republic – My Motherland”, “State Symbols of DPR”, “Donbas as a Part of Russian World”, “Historical Memory of Generations”, “Donbas History as a Part of Russian World History”, etc.

Fifth. Integration with Russian education system. High school students can take SSE (single state exam, similar to Ukraine’s independent external testing), which allows to enter Russian universities. University students studying in the occupied territories can also get a Russian-type diploma. Some Russian universities allow students from Luhansk and Donetsk defend their graduate thesis at their departments. A number of universities controlled by the militants were certified by the Russian Federal Service for the Supervision of Education and Science.¹³⁷

Sixth. Integration Committee and “Russian Centre” act as intermediaries for school and university students from the occupied territories to participate in academic competitions, scientific conferences and festivals in Russian education establishments (young people from Donbas attended World Youth & Students Festival in Russia). Teachers participate in seminars and advanced training courses in Russia and by Skype.

Work with older people sticks to benefits and social payments tradition typical for Ukraine. Is has been adjusted to fit propaganda goals in the occupied territories. Thus, DPR and LPR now have a provision on the one-time financial assistance as compensation “for the damage inflicted on citizens’ health and life as a result of aggression of the Ukrainian army and armed formations”.¹³⁸ One-time financial assistance is also provided to “special categories of citizens in commemoration of victory in the Great Patriotic War of 1941-1945”.¹³⁹ There are also compensation payments for purchase of coal for heating houses, assistance to families, people with disabilities, etc.

For several years now the so-called “Humanitarian Programme for Reunification of Donbas People” has been implementing measures to support people living in the “Donbas territories temporarily controlled by the Ukrainian government”. It is declared that these measures

include medical services, social support, education in DPR-LPR-controlled universities.¹⁴⁰ There is also one-time financial assistance. E.g. according to DPR data, 1,371 residents of Donbas oblast received this assistance in 2018, the overall amount of payments was RUB 8.4 million (approximately UAH 3.3 million).¹⁴¹

Russia fully controls the ideology and informational content in the occupied territories. People are indoctrinated through a multi-divisional system of media, educational and pseudo-nongovernmental organisations, including Russian ones. These structures aim to imitate “local state formation”, creating the illusion of militants’ independent decision- and policy-making for local population and the external world. The ultimate goal is to legitimise Russia’s occupation of the Ukrainian territory and create a Russia-controlled enclave used to influence Ukraine’s domestic and foreign policy.

Russia has tested several ideologies in the occupied territories, including “South-East of Ukraine” and “Novorossia”. None of them worked, so Russian ideology framework was taken as the basis for propaganda on locals.

Local media system has been created using mostly former Ukrainian state-owned and private media (seized by the militants). It is rather effective in keeping locals within the ideological boundaries and intellectual and information isolation necessary for Russia and its appointees. It is becoming more modern, using new media – social networks and telegram channels. Most of the intellectual feeds are coming from Russia – Russian media content is the main source of information both for the population and local media. When the efficiency of the latter goes down, which is reflected in decreasing ratings of DPR and LPR leaders, the situation is fixed by Russian political technology and media specialists.

The longer the occupied territories remain outside of Ukrainian information space, the more different the local people’s collective consciousness gets. At the moment, the main focus of propaganda moved to young people in the occupied territories. New information technologies are directed at young people and are actively used to create an image of stabilisation in DPR-LPR, as well as a promise of good prospects.

¹³⁶ Donbas Citizenship Classes. Educational Course Syllabus. “DPR Ministry of Education” web-site – <https://drive.google.com/file/d/0B7rKeEaOb4KoR3dMOHh3X2twMWs/view>.

¹³⁷ Mikhail Kushakov told about the role of Russia in the development of education and science in DPR. Russian Centre – <http://russian-center.ru/mikhail-kushakov-rasskazal-o-rol-i-rossii-v-razviti-i-obrazovaniya-i-nauki-v-dnr>.

¹³⁸ On the system of payments of one-time compensation for the harm inflicted on the life and healthy of citizens as a result of aggression of the Armed Forces and armed formations of Ukraine against civilians in Luhansk People’s Republic. LPR “Ministry of Labour” web-site, 23 February 2017 – <https://mintrudlpr.su/news/682-ob-utverzhdenii-poryadka-vyplaty-edinovremennoy-kompensacii-za-vred-zhizni-i-zdorovyu-grazhdan-prichinnenny-v-rezultate-agressii-vooruzhennyh-sil-i-vooruzhennyh-formirovaniy-ukrainy-protiv-m.html>.

¹³⁹ On one-time financial assistance payments to separate categories of citizens living on the territory of Luhansk People’s Republic, in commemoration of Victory Day in the Great Patriotic War of 1941–1945 in 2018. LPR “Ministry of Labour” web-site, 30 March 2018 – <https://mintrudlpr.su/docs/691-o-vyplate-razovoy-denezhnoy-pomoschi-otdelnym-kategoriyam-grazhdan-prozhivayuschim-na-territorii-luganskoy-narodnoy-respubliki-ko-dnyu-pobedy-v-velikoy-otechestvennoy-voyn-1941-1945-godov-v.html>.

¹⁴⁰ Humanitarian Programme for Reunification of Donbas People – <http://gum-centr.su>.

¹⁴¹ Larisa Tolstykina on the results of work of the DPR Labour Ministry in 2018. “DPR Ministry of Labour and Social Policy” – <http://mtspdnr.ru/index.php/8-frontpage/7371-larisa-tolstykina-ob-itogakh-raboty-mintruda-dnr-v-2018-godu>.

However, these are isolated measures, which are not very different from those tried tested by the Soviet militarist ideology.

All of this demands from Ukraine to change its information policy priorities, in particular, makes it more creative, innovative and targeted to reach this particular age group. An effective strategy in this sector will help bring the time of returning this region to Ukraine closer, and will also decrease the cost of its reintegration.

2.5. Environmental Situation in the Occupied Territories

Environmental situation in *ORDLO* is characterised by the high level of man-induced impact and numerous risks resulting from combat operations, termination of production at most industrial enterprises, reduced attention to waste management, pollutant emissions, shutdown and large-scale flooding of numerous mines.

Donbas is one of the oldest mining regions. Coal deposits were discovered here in the early 18th century.¹⁴²

Before the start of the military conflict Donbas had 4240 potentially hazardous facilities (PHF), including 227 mines, 174 hydroengineering facilities, 784 petrol stations, 15 open-pit mines, 13 railroad stations, 128 bridges and crossovers, 18 main pipelines, 4 oil fields. 2160 facilities had the status of explosion hazard, 24 – radiation, 1320 – fire, 176 – flood, 34 – bio and 334 – chemical hazard. At the moment, there are 176 PHF, 99 of which are located on the uncontrolled territory.¹⁴³

The most dangerous and relevant man-made threats for Donbas are:

- mine flooding resulting from electricity shutdown and termination of dewatering;
- risk of dysfunction of the region's main water supply channel;
- pollution of surface and subterranean waters;
- emission of toxic chlorine substances;
- chemical and radioactive contamination of the environment;
- changes in physical and chemical properties and ground subsidence under residential areas and critical infrastructure facilities.

Over 35 mines are already flooded or are being flooded and are beyond repair. In addition, uncontrolled air pollution, the use of powerful ammunition, damage to landscape and soil cover, chemical contamination of soils with heavy metals, petroleum products, and other toxic substances that lead to the destruction of entire natural ecosystems are a serious danger.

Hazardous pollution of surface and subterranean waters and soils is associated with 1574 filtration cartridges that collect toxic and contaminated wastewater with a total area of 102 sq km, due to an annual inflow of 760 million m³ of contaminated mineralised mining waters. The annual inflow of almost 2.5 million ton of salts has a negative impact on the ecological state of the trans-boundary run-off of Siverskyi Donets River and the Azov Sea coast, surface and subterranean water intakes. Water supply is a serious problem for the population.

Facilities with highest level of man-made hazards in Donbas include:

- Donetsk State Chemical Plant – dumping of radioactive waste since 1963;
- Horlivka State Chemical Plant, with a stock of mononitrochlorobenzene (MNCB);
- “Yunkom” mine, where an underground nuclear test was conducted under the name of “Klivazh” experiment (near the town of Yenakiievo);
- Avdiivka Coke Plant;
- Filtering plants with chlorine stocks;
- TPP dams (Shchastia town).

At the moment, the main environmental problems in Donbas are:

- Chemical pollution, which is now irreversible. Soil and bed silt of the river network will retain pollutants for a long time.
- Development of destructive depressions, displacement and rock fracturing over mine openings and on the adjoining territories.
- Constant pollution of the flow of local rivers due to overflow of water from the flooded coal mines and minor/major flooding areas.
- Increasing contamination of groundwater bedrock as a result of mine water intrusion, infiltration of various technical pollutants from industrial and domestic waste landfills.
- Increased contamination of the near-surface atmosphere with methane, partially radon and chemical compounds.
- Constant risk of man-triggered medium intensity earthquakes as a result of hydrogeomechanical shocks developing because of the flooded coal mines.¹⁴⁴

Hazardous environmental situation in the occupied territories is becoming critical, which may eventually lead to a real disaster, the consequences of which will affect not only the entire territory of Ukraine, but also many of our neighbours, including Russia, Poland, Belarus, Georgia, Turkey and other countries.

¹⁴² Industrial development of the region started with the arrival of European technologies and investment, foremost from Belgium. This is when dozens of today's mines were opened. In 1880s, there were 17 iron and steel plans, whose products were imported through a network of railroads and the Mariupol seaport to Europe. The second period of Donbas development was connected with Russian industrialisation in the 1930s. The third – construction of chemical and engineering plants to diversify the region's production in the 1980s. In its 150 years of industrial history, Donbas extracted up to 12 billion cu m of coal and solids, the volume of opened mines exceeded 8 billion cu m, and the area of territory damaged as a result of man-made activities is at 15 thousand sq km.

¹⁴³ According to State Emergency Service of Ukraine, cit.: <http://www.dsns.gov.ua/ua/Ostanni-novini/82389.html>.

¹⁴⁴ Results of round table discussion on 17 December 2018 at the Ukrainian Future Institute “Is Donbas the Second Chernobyl? Environmental Challenges and Possible Response” (summary provided from the presentation of report by Ye.O.Yakovliev, Doctor of Engineering).

Before the start of war in 2014, Ukraine monitored man-made threats and their consequences for the environment. An important aspect that helped prevent comprehensive deterioration of environmental situation in Donbas was financing of efforts aimed at rectifying the consequences of man-made emergencies. Namely, in 2013 Ukraine allocated UAH 4 million 965 thousand just for Donetsk oblast.

Due to military operations, there appeared a new factor of man-made hazards – destruction of industrial enterprises and uncontrolled dumping of waste. At the same time, given the lack of systematic environmental monitoring, means and capacities to mitigate consequences of man-made emergencies, there is a negative dynamic and comprehensive deterioration of environment. Man-made and environmental crises are non-military threats that by the amount of economic losses and time and resources that will need to be spent on recultivation of Donbas territory, may exceed war losses.

As a result of Donbas conflict 530 thousand hectares of ecosystems have been destroyed, including 18 wildlife reserves with the total area of 80 thousand hectares. In addition, numerous fires on the territory next to the war zone destroyed 150 thousand hectares of forest.¹⁴⁵

The overall picture of environmental pollution has several components – pollution of surface water sources and underground waters; air pollution by emissions of stationary and mobile sources; soil contamination; electromagnetic and radioactive contamination. There is almost no open data on the levels of pollution. The situation is characterised by the lack of control over emissions and discharge of pollutants, impact of hostilities on the state of environment, lack of environmental activities (the continuous deterioration of the state of conservation areas has been mentioned by environmental NGOs many times, e.g. All-Ukrainian Ecological League¹⁴⁶).

Information sources of self-proclaimed republics express concern exclusively about the environmental situation on territories under Ukraine's jurisdiction. To resolve environmental issues in the occupied territories, separatists created nature protection divisions (e.g. DPR created the so-called "Committee of the public council on the

use of nature, ecology, mineral and natural resources¹⁴⁷"), implement joint measures with official Russian agencies, namely, Russian State Duma, which mostly acknowledge their concern about the environmental situation and transfer responsibility to Ukrainian authorities. To resolve their own issues, DPR-LPR authorities propose local or limited measures, e.g. growing topinambour.¹⁴⁸

As the Head of the Ministry for Temporarily Occupied Territories V.Chernysh noted: "... for almost two years Russia intentionally blocked mine dewatering in the occupied territory. Several times German experts tried to examine the flooded mines, but their efforts were blocked by occupation authorities".¹⁴⁹

Head of Ukrainian MIA Arsen Avakov emphasised that entire Donbas today should be treated as a dangerous source of man-made hazard.¹⁵⁰ Ground subsidence is especially dangerous. According to satellite monitoring, flooding of Donbas mines caused the territory of Donetsk to subside 25 cm on the average, and in some parts of the city – from 53 to 92 cm. The land is "moving" not only in the vicinity of the goner mines, but also in the inhabited localities. The threat of a man-made disaster is real for almost the entire territory that has ever been involved in coal mining.¹⁵¹

Donetsk coalbasin is a giant industrial-geological system, where most mines have waterway connections. Thus, closing down any mine leads to mine waters filling underground cavities, and thus, ground subsidence, which in turn causes damage to town buildings, structures and utility connections. According to Deputy Minister for Temporarily Occupied Territories and Internally Displaced Persons Yu.Hrymchak, the average ground subsidence for all Donbas is 10-15 cm.¹⁵² There are 6 mines connected by waterways in Luhansk oblast: 3 on the territory controlled by Ukraine, 3 – on the occupied.¹⁵³

At the moment there are 36 mines that were shut down, their equipment plundered and shaft cavities are being flooded by toxic waters. Another 70 mines are being liquidated and will be inevitably flooded.

Most mines in critical condition are located in the uncontrolled territories and on the contact line. According to experts, a mine is like subway, if it is flooded, these waters can cause perturbations in the ground, e.g. under

¹⁴⁵ According to UNEP expert study – <https://news.un.org/ru/story/2018/11/1342192>.

¹⁴⁶ See: <http://www.ecoleague.net/pro-vel/tematychni-napriamy-diialnosti/vplyv-voiennykh-dii-na-dovkillia>.

¹⁴⁷ DPR Public Council web-site. – <https://dnrsovet.su/v-profilnom-komitete-rassmotreli-predlozheniya-napravlennye-na-uluchshenie-ekologicheskoi-situatsii-v-dnr-i-zashhitu-pochv-ot-degradatsii>.

¹⁴⁸ Ibid.

¹⁴⁹ Environmental hazards in the occupied Donbas are a problem for the entire Ukraine. – Vadym Chernysh. Web-site of the Ministry for Temporarily Occupied Territories and Internally Displaced Persons, 4 June 2018. – <https://mtot.gov.ua/ekologichni-zagrozy-okupovanogo-donbasu-sogodni-ye-problemyu-vsiyeyi-ukrayiny-vadym-chernysh>.

¹⁵⁰ Arsen Avakov. Mayday! Donbas: the Threat of Environmental Disaster in the Heart of Europe. Dzerkalo Tyzhnia (Mirror Weekly), No.1207, 1-7 September. – https://dt.ua/article/print/internal/mayday-donbas-zagroza-ekologichnoyi-katastrofi-u-centri-yevropi-287127_.html.

¹⁵¹ Ibid.

¹⁵² Landslides and Chemical Pollution of Mines: How Occupants' Indifference Threatens Donbas Ecology. Web-site of Channel 5, 11 August 2018. – <https://www.5.ua/regiony/zsuvy-gruntiv-ta-khimichne-zabrudnennia-shakht-ia-baiduzhist-okupantiv-zahrozhuaie-ekolohii-donbasu-175421.html>.

¹⁵³ Environmental hazards in the occupied Donbas are a problem for the entire Ukraine. – Vadym Chernysh. Web-site of the Ministry for Temporarily Occupied Territories and Internally Displaced Persons, 4 June 2018. – <https://mtot.gov.ua/ekologichni-zagrozy-okupovanogo-donbasu-sogodni-ye-problemyu-vsiyeyi-ukrayiny-vadym-chernysh>.

a chemical plant. There is no official data about the number and condition of inoperable mines in the uncontrolled territory. Donetsk and Makiivka are at highest risk. There are specific streets, where occurrence of emergency situations is highly likely.

This means that if nothing is done to take care of the environment, occurrence of numerous disaster situations is only a matter of time.

A separate issue is determining the cost of measures aimed at mitigating the environmental situation, reducing the risk of environmental disasters, assessing potential damage caused by the deteriorating environment. There are methodologies to calculate the damage inflicted in connection with natural and man-made disasters.¹⁵⁴

Given the fact that at the moment we have no data on the condition of facilities in the uncontrolled territories, we can only predict the amount of damage inflicted on population, infrastructure, economic objects, natural reserves, agriculture, etc.

For instance, destruction of water purification and supply system, lack of proper sanitary water treatment increases the danger of infectious disease. In the absence of adequate healthcare statistics, we can assess these damages only indirectly, i.e. through incapacitation. That said, given the temporary or “unofficial” employment or self-employment of population, it is almost impossible to determine the economic indicators of damage caused.

Losses from mine planting are another critical issue according to Ukrainian Ministry of Defence,¹⁵⁵ since the start of Russian aggression, 1,032 servicemen were harmed by mine explosions in Donbas, 228 of them died. At the same time, at least 269 civilians died in Donbas territories controlled by Ukraine from mine and ERW (explosive remnants of war) explosions, 564 – were wounded.¹⁵⁶ According to British-American charitable organisation *The Halo Trust*, which conducts demining in Ukraine, about 40 people are blown up in Donbas each month.

7 thousand sq km are considered potentially dangerous on the Ukrainian side of the contact line. Beyond the contact line, in the uncontrolled territories, and in the so-called “grey zone” – another 10 thousand sq km.¹⁵⁷ But there is no access to this area. At the moment, only 25 hectares of agricultural land (0.25 sq km), 1,152 km motorways, as well as 712 km of railroad have been demined in the controlled territory.¹⁵⁸

Assistant UN Secretary-General for Humanitarian Affairs Ursula Mueller said: “Eastern Ukraine... is quickly becoming one of the most mine-infested regions in the world, and if we do not solve this problem, it will stop its development for many years to come”.¹⁵⁹

Now it makes sense to consider these mined areas excluded from commercial use and such, where human activities should be limited as much as possible. This essentially means a moratorium on any use of 7 thousand sq km of territory.¹⁶⁰ Damages from excluding these territories from use are comparable to budget of several Ukrainian oblasts.

Donbas is the largest mine-infested territory in the world with highest mine density. After the Balkan wars (1991-1995), Croatia spent over \$800 million on demining its territory. The cost of demining 1 hectare is several thousand Euro, which brings the cost of demining Donbas at approximately \$1 billion. Clearly, at the moment, Ukraine is unable to provide funding of this size.

Destruction of industrial mining complex and infrastructure in Donbas is causing cumulative negative environmental effects, which is getting disastrous. Negative industrial effects are building up and the area of the “exclusion zone” in Donbas is growing larger.

This threatens to become a disaster similar to Chernobyl, when population had to be displaced and any economic activity suspended for many years. This disaster will have consequences not just for all of Ukraine, but also for many neighbouring states. It is necessary to immediately stop the influence of negative man-made factors.

Restoring the socio-economic system build in the 19th-20th century in Donbas as a mining industrial region with mono-cities around large plants is hardly advisable at the moment.

Today the only way is creating a new economy, new system of sustainable settlement based on new principles of territorial planning and new ways of using natural resources.

Thus, we need to develop a new concept of sustainable development of Donbas territories based on the principles of new economy (including the “greening of economy” trends).

¹⁵⁴ On Approving the Methodology for Assessment of Damages Caused by Consequences of Natural and Man-Made Disasters. Resolution of the Cabinet of Ministers of Ukraine “On Approving the Methodology for Assessment of Damages Caused by Consequences of Natural and Man-Made Disasters”, CM Resolution version No.862 (862-2003-p) as of 4 June 2003.

¹⁵⁵ Ministry of Defence told how many civilians blew up on mines in Donbas. *Segodnya*, 3 April 2019. – <https://www.segodnya.ua/regions/donetsk/v-minoborone-rasskazali-skolko-mirnyh-zhiteley-podorvalos-na-minah-na-donbasse-1247194.html>.

¹⁵⁶ Ibid.

¹⁵⁷ Kyiv wants to clear its Donbas territory from ammunition. *Nezavisimaia Gazeta* (Independent Newspaper), 10 September 2018. – http://www.ng.ru/cis/2018-09-10/1_7307_kiev.html.

¹⁵⁸ Mine-infested Donbas. Number of Victims Keeps Growing. DW web-site, 8 November 2017. – <http://www.dw.com/uk/змінований-донбас-кількість-жертв-продовжує-зростати/a-41279788>.

¹⁵⁹ UN said that Eastern Ukraine is becoming “one of the most mine-infested regions in the world”. *Komsomolskaia Pravda in Ukraine*, 25 October 2017. – <https://kp.ua/incidents/590271-v-on-zaiavly-cto-vostochnaia-ukrayna-stanovytsia-odnym-iz-samykh-zamynirovannykh-rehyonov-v-myre>.

¹⁶⁰ This is more than a half of Belgium or 7 territories of Luxembourg.

3. DONBAS: SCENARIOS OF DEVELOPMENTS AND PROSPECTS OF A PEACEKEEPING MISSION

The situation in the East of Ukraine currently presents a “simmering conflict” – low-intensity hostilities go on, regrouping of forces takes place on both sides of the line of contact, the negotiation process has actually stalled. Meanwhile, it would be too early to term the conflict as “frozen”. Despite signs of durable stabilisation in the area of hostilities, the situation is generally characterised by a high degree of uncertainty, caused by many external and internal factors, one of them being the lengthy election cycle in Ukraine.

Outlining and identification of the probable scenarios, substantiated and realistic prediction of trends, prospects and dynamics of the conflict will facilitate identification of the possible ways and means of its settlement. Currently, the attention and diplomatic efforts of the negotiating parties mainly focus on the idea of deployment of an international peace-keeping mission in Donbas.

This section briefly describes some of the most likely scenarios of further developments in the area of conflict and also reviews the prospects, specific features and challenges for Ukraine, associated with the possible deployment of a UN peacekeeping contingent in the East of Ukraine.

3.1. Scenarios of developments in Donbas

The main inputs for writing scenarios of the progress and settlement of the Russian-Ukrainian armed conflict in general and the situation in Donbas in particular include the interests and goals of the key actors, assessments of the factors that influence complex and controversial processes at the global, regional and national levels. Despite the high degree of conventionality and uncertainty of forecasts caused by a wide variety of known drivers and unpredictable factors, regular and comprehensive assessment of the situation, elaboration of predictive scenarios are needed in order to work out a genuine strategy of action vis-à-vis Russia and for settlement of the conflict in the East of Ukraine.

Very briefly, the **goals of the key actors** involved in solution of the “Donbas problem” may be described as follows:

Ukraine: restoration of sovereignty and territorial integrity; reintegration of the occupied territories on the basis of the Ukrainian law; reimbursement of damage caused by the occupation.

The West: restoration of the shattered international order; avoidance of large-scale confrontation with Russia; settlement of the conflict in Donbas on the principles of the international law; prevention of the conflict spread and escalation.

Russia: institutionalisation of the efficient tool of the Russian influence on Ukraine’s home and foreign policy through implementation of the Russian scenario of the

conflict settlement (the political portion of the Minsk agreements); coercion of official Kyiv and the West to agree with such a scenario by means of permanent military tension and a threat of escalation of hostilities, and internal destabilisation of Ukraine.

Despite the reasonable assumption of invariability of the goals of the key actors in the nearest future, a composition of following significant events, processes and factors might affect considerably their stand and abilities to influence the dynamics of the conflict and the processes of its settlement:

- **Russia:** fluctuation of oil prices; tightening of the Western sanctions; problems with foreign investments, crediting, and access to technologies; stagnation of domestic economy; growing pace of capital drain from the country; problems with import replacement; prospects of implementation of North Stream 2 and other large-scale projects.
- **Ukraine:** presidential and parliamentary elections in 2019; pending payments of big amounts of foreign debts; difficult processes in the economy; and negative socio-political and demographic trends.
- **EU:** Brexit; European Parliament elections, rotation of the European Commission and the European Council, elections of different levels in the member countries, standoff between Eurooptimists and Eurosceptics; migration processes; revitalisation of radical rightist forces in some of the EU member states (Italy, France, Hungary, the Netherlands); and relations with the USA.

- **USA:** unpredictable and impulsive policy of Donald Trump, his confrontation with the Congress, and political consequences of investigation of the “Russian trace”; the “trade war” with China; abstention of the USA from a role in global and regional security processes; coming presidential elections, and resumption of attempts to make a “big deal” with Russia.

In the mid-term, one may expect: growth of global turbulence and conflicts, emergence of new zones of instability, shifts in the stand of global and regional actors, which will affect, among other things, the unity of the Western front countering the Kremlin’s aggressive policy.

The world experience offers some examples of resolution of conflicts, more or less similar to the Russian-Ukrainian armed conflict in Donbas by their conditions and dynamic, but at the same time, the situation in the East of Ukraine has a striking difference: this conflict was inspired and is maintained by a powerful nuclear state that holds a veto power in the UN Security Council and denies its true role in those events.

In view of the above, there are the following basic scenarios of developments and settlement of the conflict, the implementation of which may be expected with certain variations.¹

1. Optimistic scenario. Coercion of Russia to drop support for separatist formations and to withdraw Russian military equipment and weapons, personnel of the armed forces and special services and mercenaries from the occupied territories; restoration of Ukraine’s control of the border and jurisdiction over the liberated territory; demining action, amnesty in accordance with the legislation of Ukraine; return of internally displaced persons and refugees, restoration of their property rights; establishment of territorial communities and conduct of elections to local self-government bodies, local councils and the Verkhovna Rada of Ukraine; restoration of normal economic activity; lifting of some sanctions related with the implementation of the Minsk agreements from Russia.

The probability of successful implementation of this scenario is very low, for a number of reasons. *Firstly*, Russia’s voluntary abandonment of the “DPR-LPR” project in the near future bears serious internal reputational risks for Putin’s regime, while the durability of Russia may be weakened by sanctions but is not exhausted yet. More than that, in 2019-2020, the West will face accumulated internal problems and will hardly be able to come to a consensus on toughening sanctions against Russia. *Secondly*, due to its economic and institutional weakness and limited internal resources, the task of effective reintegration of liberated territories may be an undertaking beyond Ukraine’s capacities in present-day conditions (as witnessed by the state of affairs on the government-controlled territories).

Apparently, the option of deployment of a complex UN peacekeeping mission (Provisional International Administration) on the whole occupied territory of Donbas should be reviewed under the optimistic scenario.

At the same time, it should be noted that Russia’s consent presents one of the main preconditions for successful implementation of a peacekeeping mission. Despite sufficient direct and indirect arguments in favour of application of Item 3, Article 27 of the UN Charter (“...a party to a dispute shall abstain from voting”) to Russia following recognition of the Russian aggression against Ukraine in Resolutions of the UN General Assembly, provisional rulings of the International Court of Justice, PACE, EU and OSCE documents, Russia maintains its veto power in the UN Security Council in issues dealing with the settlement of the Russo-Ukrainian armed conflict. Even in presence of such a decision of the UN Security Council, the Russian leadership does not seem to give up its attempts of destabilisation of Ukraine and has enough capabilities to create insurmountable obstacles for the activity of a peacekeeping mission.

2. Pessimistic scenario may be implemented in one of the two versions.

(a) Russia manages to attain its goal of Ukraine’s distancing from the West and keeping it in its sphere of influence by non-military means: interference in its home affairs, destabilisation of the situation, influence on the election processes, support for pro-Russian political forces, etc. (with resultant weakening of the central authorities, hindrance of its course of European and Euro-Atlantic integration); strong connection of Ukraine (using political, economic, energy, humanitarian tools of influence) with the Russian political course; resumption of initiatives aimed at revision of Ukraine strategic course (Ukraine’s nonaligned status; its re-orientation to Eurasian integration projects); lifting of the Western sanctions.

Implementation of such a scenario in post-Maidan Ukraine is extremely problematic and dangerous. Public opinion polls strongly indicate the dominant pro-European spirits in the Ukrainian society, which, combined with other factors, makes it possible to confidently predict active resistance to any steps at rapprochement with Russia to the detriment of the European choice.

(b) inability to attain the set goal by “hybrid” methods prompts the Kremlin to openly use its military power on a large scale with the aim of creation of a Russian-controlled arch, connecting Transdnistria and the Crimea with the Russian territory. A *Blitzkrieg* presumes a deployment of not only paramilitary formations, raiding groups and anti-governmental forces on the territory Ukraine, but also of the air force, missile weapons, combined arms, tank, airborne units, as well as the nuclear bullying to break Ukraine’s will for active resistance to the aggression.

The probability of such scenario does not seem too high. Meanwhile, it would be extremely dangerous to

¹ This paper reviews the most common scenarios. The Ukrainian political community also considers other hypothetical options, in particular, the option of military operation. There is also a scenario of Ukraine’s repudiation from the Eastern territories and their annexation to the Russian Federation. Some versions have the right of existence, but their probability is elusive, at least now.

ignore this way of developments, given Russia's actions in the past five years, Putin's obsession with a desire to move "red lines" and his confidence in acceptability of risks and impunity.

3. Preservation of the status quo (the situational dynamic of the conflict). Neither party (Russia or Ukraine) can achieve a clear victory/advantage; the status quo in Ukraine's relations with the unrecognised separatist entities persists; sporadic armed clashes continue; Russia supports "DPR-LPR" as a bridgehead for destabilisation of Ukraine and a bargaining chip for the diplomatic trade-off with the Western partners; and the West continues its sanctions policy against Russia, introduces additional restrictive measures, expecting their cumulative effect on the Kremlin's foreign policy.

Such a scenario seems the most likely in view of the current situation and forecasts of its linear development in the short run. A relatively "stable" scenario bears a serious potential of sudden aggravation, but at the same time can serve as the basis for the following stage of the conflict settlement.

Under the third scenario one should also consider some **other options of developments** that may arise as a result of unpredictable circumstances and spontaneous decisions of the Kremlin:

- commencement of a limited peacekeeping operation (establishment of safe zones along the line of contact);
- Russia's recognition of the "independence" of "DPR-LPR" and conclusion of treaties of friendship, cooperation and mutual assistance with them, legalising indefinite presence of a the Russian military contingent on those territories ("Abkhaz-Ossetian" scenario);
- convincing imitation of implementation of the Minsk agreements by Russia (lasting armistice, establishment of safe zones, exchange of POWs, and withdrawal of heavy weapons) for lifting sanctions and conduct of local elections, with simultaneous strengthening of covert tools of the Russian control of those territories;
- staging of provocations at any stage of settlement as a pretext for "legitimate" armed interference in the format of a humanitarian or peacekeeping mission with subsequent long-term presence of a Russian military contingent on the occupied territories (after the pattern of Transdnistria, Abkhazia and South Ossetia).

Taking into account the scenarios described above, there is a clear need to step up efforts for commencement of a full-fledged peacekeeping operation, the mandate of which would encompass the whole occupied territory of

Donbas² and the Ukraine-Russian border. Meanwhile, even in the event of the Russian consent to the deployment of a peacekeeping mission, one should always bear in mind the threat of resumption of the hostilities, should Ukraine and the West fail to convince Moscow in the futility and danger of continuation of its aggressive policy for Russia proper. The Kremlin's consent can be secured on the condition of qualitative growth of the political and economic cost of its aggression, in particular, emergence of a situation within Russia, seen by the regime as a real threat to its existence.

The most likely way of developments in 2019 is an option under the scenario of "preservation of the status quo". In view of the present-day geopolitical realities, the established tactics, the strategic goals of the Russian side and the long election campaign in Ukraine, to which the Kremlin pins some hopes, one may predict that the Kremlin will maintain the situation in the East of Ukraine in the state of a protracted low-intensity armed conflict, reserving a probable threat of sharp escalation of hostilities, in the near future (at least, in 2019).

That said, speaking about the preservation of the status quo in the conflict, it is hard to agree with the opinion of some political figures and experts that "time is on Ukraine's side". Time is against Ukraine, first of all, because the occupational regime and the "Russian world" for many years in a row take root in Donbas ever deeper and stronger, while contradictions within the Euro-Atlantic community build up and produce results, "habituation to the conflict" and "fatigue from Ukraine" grow.

3.2. Prospects of the UN peacekeeping mission in the East of Ukraine

Actually all available non-military means of international influence for settlement of the Russo-Ukrainian conflict have already been exercised: discussions, consultations and decisions in and of international and regional organisations, negotiations, mediation, sanctions, recourse to international courts etc. The absence of progress in the conflict settlement for years gives grounds for the suggestion of exhaustion of the potential of the political and diplomatic tools available and achievement of the limits of their efficiency.³

Employment of political and diplomatic tools of the UN, OSCE, PACE, NATO and EU efforts, the Geneva and Normandy formats, the Trilateral Contact Group, Volker-Surkov dialogue, etc. play an important deterring role but can hardly make the Kremlin to fully give up its aggressive intentions towards Ukraine. The tool of the Budapest Memorandum has never been used, first of all, due to the categorical refusal of Russia to admit the fact of violation of its commitments as a guarantor of Ukraine's sovereignty.

² The goals, objectives, stages, conditions of commencement/termination of an operation are determined during the development of its concept and mandate, the time of their preparation may be influenced by the UN Security Council Secretariat reform measures, in particular, establishment of the Department of Political and Peacebuilding Affairs, the Department of Peace Operations and the Department of Management Strategy, Policy and Compliance within it.

³ As of March, 2019.

Thanks to the active involvement of international organisations and leaders of the key world powers, the degree of violence was reduced, the conflict was localised in its present geographical limits, and the humanitarian effects were minimised. Meanwhile, achievement of the main goal – restoration of peace – remains a question of the distant future.

Given the impossibility of the conflict resolution using the employed international tools and irrelevance of forcible de-occupation of Donbas, the idea of an international peacekeeping operation under the UN auspices is now seen as one of the most promising and prioritised options of restoration of peace.

Proposals of settlement of the conflict in the East of Ukraine by efforts of the international community should seemingly be prised and welcomed at least by the victim of aggression. In reality, even at the early stage of discussion of the available proposals, there arise quite a few thorny questions and doubts not only about the feasibility of their implementation but also about their expected and unexpected consequences for Ukraine.

Unlike other conflicts, the so-called “Ukrainian crisis” is unique, because the Russian Federation – *de facto* a party to an interstate conflict – strongly insists that the conflict has an internal nature. Respectively, solution of the complex and risky task of the conflict settlement is effectively deemed to failure in absence of real constructive interest of the parties at all stages of the international peacekeeping operation.

To find reasonable answers to those questions about feasibility and expedience, one should in more detail dwell upon some historic and modern aspects of peacekeeping operations, specific features of the conflict in Donbas, try to project the obtained conclusions on the realities of the Russo-Ukrainian conflict and assess the possible options, their pros and contras, and identify the main preconditions for success and risks of the probable operation.

3.2.1. Global experience of UN peacekeeping.

The year of 2018 saw the 70th anniversary of the beginning of the first UN peacekeeping operation – UN Truce Supervision Organization, UNTSO.⁴ Since then, 71 operations have been commenced and 14 operations remain active now. Noteworthy, the first and the second peacekeeping operations started in late 1940s are not over even now, another six last fore more than 10 years.⁵

The history of peacekeeping is not a complete “success story”. The UN image is continuously compromised by the natural inability to fulfil the mission mandate and from human factors – infamous cases of mistreatment of the local population by peacekeepers, involvement of personnel in corruption and smuggling. The prestige of the UN was most of all undermined by the tragic incidents, where peacekeepers could not prevent civilian massacres (Rwanda – 1994, Srebrenica – 1995, Somali – 1995)⁶.

The peak of activity of peacekeeping operations fell on the first half of 1990s, when the confrontation between the two ideological blocs yielded to almost a decade-long phase of cooperation, which had a good effect on decision-making in the UN Security Council. Meanwhile, the expansion of the international peacekeeping activity reaffirmed substantial limitations of the international community’s ability to prevent and settle conflicts.

For decades, the UN peacekeeping activity has evolved towards perfection of the mechanisms of decision-making, planning and implementation, broadening of functions and powers required to accomplish the noble UN mission of maintenance and restoration of peace in “hotspots”. Numerous failures, changing nature of the conflicts and the “black pages” in the peacekeeping history mentioned above prompted the UN leadership to perform a regular review of peacekeeping operations, some conclusions and recommendations of which do not lose their topicality with time and therefore deserve special attention. In particular, in 2000, a milestone document was released – the Brahimi Report,⁷ prepared on the initiative of Kofi Annan, then UN Secretary-General. The authors of that report (Panel on United Nations Peace Operations) admitted that in the past decade, the UN had more then once demonstrated its inability to accomplish the main task of the UN – “to save succeeding generations from the scourge of war”, and its capabilities are no better today.

Two key reports were released in 2015: “Uniting Our Strengths for Peace – Politics, Partnership and People” (by the High-Level Independent Panel on United Nations Peace Operations) and “The future of United Nations peace operations: implementation of the recommendations of the High-Level Independent Panel on Peace Operations” (by the UN Secretary-General),⁸ whose authors, while noting some improvements after the Brahimi Report, made emphasis on “significant chronic challenges.”⁹ Therefore, the conclusions and recommendations of the Brahimi Report, remaining relevant 15 years after its publication, deserve attention even today.

⁴ The mandate of the first peacekeepers and many subsequent UN missions was mainly confined to monitoring of armistice. The OSCE Special Monitoring Mission in Ukraine (SMM) is in fact similar to those UN missions.

⁵ See: Where we operate. – UN peacekeeping, <https://peacekeeping.un.org/en/where-we-operate>.

⁶ Barney Henderson, “What have been the successes and failures of UN peacekeeping missions?”, The Telegraph, 28 September 2015 – www.telegraph.co.uk/news/worldnews/europe/bosnia/11729436/Srebrenica-20-years-on-What-have-been-the-successes-and-failures-of-UN-peacekeeping-missions.html.

⁷ Report of the Panel on United Nations Peace Operations, 21 August 2000 – <http://undocs.org/A/55/305>.

⁸ United Nations, Uniting Our Strengths for Peace – Politics, Partnership and People, Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95-S/2015/446, 16 June 2015.

⁹ For more detail see: A year of reviews, SIPRI Yearbook 2016, p.294-304 – www.sipriyearbook.org/view/9780198787280/sipri-9780198787280.xml.

The main “chronic challenges” include the lack of the member states’ readiness for substantial organisational changes or a desire to properly fund the tasks set for the UN peacekeepers. More than that, according to the authors of those reports, **some tasks should not have been set for the peacekeeping forces, and they should not have been sent to some places.** This primarily refers to the practice of deployment of peacekeeping contingents during an active phase of a conflict, since it usually leads to a situation where **the presence of peacekeepers becomes part of the problem rather than a tool of its solution.** The 2015 Independent Panel Report especially stresses that **any operation should be based on a policy,** clearly set goals, and a long-term strategy of conflict settlement.¹⁰

Proper study of the lengthy experience and present trends in peacekeeping operations, advanced analysis of probable scenarios, assessment of potential challenges and threats through the lens of the specific features of the conflict in Donbas will make it possible at least to minimise the risks of typical problems and conflict situations, if not to avoid them, at the stages of planning, deployment, the active phase and completion of the mission.

3.2.2. Evolution of the idea of the peacekeeping mission in Donbas, tentative format of the UN mission. Assessment of the situation

The first proposals to employ international peacekeepers were made by various politicians and experts, as soon as the scope and nature of the conflict became evident. Different options and models of a peacekeeping force deployment in Donbas were proposed – such as deployment of an EU police mission in the East of Ukraine, armament of the OSCE SMM personnel with light small arms, – but they found no support and later were dropped.

The idea of a UN peacekeeping mission was officially introduced for the first time by Ukraine’s President Petro Poroshenko in March 2015.¹¹ Since then, the issue of peacekeepers in Donbas has become a subject of more active and interested discussion at different levels: officials made a number of statements concerning the desired format of the UN mission, proposals were drafted by the concerned agencies (Ministry of Temporarily Occupied Territories, Ministry of Internal Affairs), and numerous papers by domestic and international politicians and experts were published, containing assessments of

the situation and proposing options of settlement of the conflict in Donbas using an international peacekeeping experience.¹²

After the long and flat rejection of the very idea of a UN mission, the Russian side “unexpectedly” put forward an initiative of its own in September 2017.¹³ Meanwhile, the essence of the Russian initiative of a “limited contingent” (only on the contact line, to protect OSCE SMM) proved the Kremlin’s desire to “freeze”, rather than settle the conflict.

In this connection one should mention the so-called “Dubai Package”, or “Kurt Volker’s Plan” consisting of 10 steps, supposed to replace the “Steinmeier Formula”, that presumed a strict sequence of implementation of the Minsk Agreements’ items. According to the proposed plan, first, hostilities must be stopped and lasting armistice keep for at least 3 months. After that, the UN Security Council passes a resolution of the UN peacekeeping mission in Donbas, and “blue helmets” are deployed along the line of contact. Next, peacekeepers get access to the whole territory occupied by Russia and monitor pullout of military equipment and withdrawal of Russian troops and proxies. In approximately 6 months, Russia transfers control of Donbas to the transitional international administration that also controls the border. Ukraine, in its turn, implements the law on amnesty and adopts a law on elections in Donbas. Six months after the deployment of the peacekeepers, local elections take place, and are recognised as legitimate by Ukraine and the international community. After the elections, Ukraine implements the law on a special status for Donbas and adopts relevant amendments to the Constitution.¹⁴

Hence, the “Volker’s Plan” generally meets the Ukrainian vision of the sequence of implementation of the Minsk Agreements. However, such an interpretation will hardly suit Russia, which is ready to withdraw its troops and to cede control of the border only after local elections and introduction of amendments to the Ukrainian Constitution.

The release of the “Volker’s Plan” was followed by heated discussions of the peacekeeping mission’s parameters and readiness of countries of the world to take part. On February 12, 2018, on the eve of the Munich Security Conference, a report of the former NATO Secretary General and adviser to Ukraine’s President

¹⁰ Brahimi Report, Item 1.

¹¹ On Ukraine’s National Security and Defence Council Decision dated 18 February 2015 “On the Appeal to the United Nations Organisation and the European Union to deploy an international operation for maintenance of peace and security on the territory of Ukraine”, President of Ukraine Decree No.116 dated 2 March 2015 – <https://zakon.rada.gov.ua/laws/show/n0003525-15/sp:wide:max25> (in Ukrainian).

¹² See, e.g.: Novak A., “What’s peace in the Donbas worth to us?”, 4 December 2014 – <https://grueneosteuropaplattform.wordpress.com/2014/12/04/whats-peace-in-the-donbas-worth-to-us-by-andrej-novak/>; Melnyk O., Umland A., “Beyond the Minsk Agreements”, ECFR, 30 March 2016 – www.ecfr.eu/article/commentary_beyond_the_minsk_agreements; “Can Peacekeepers Break the Deadlock in Ukraine?” International Crisis Group, Brussels, December 2017 – www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/246-can-peacekeepers-break-deadlock-ukraine; Alexander Vershbow, “How to Bring Peace to the Donbas (Yes, It’s Possible)”, The Atlantic Council, 5 January 2018 – www.atlanticcouncil.org/blogs/ukrainealert/how-to-bring-peace-to-the-donbas-yes-it-s-possible; Gowan R., “Can the United Nations Unite Ukraine?” Hudson Institute, February 2018 – www.hudson.org/research/14128-can-the-united-nations-unite-ukraine.

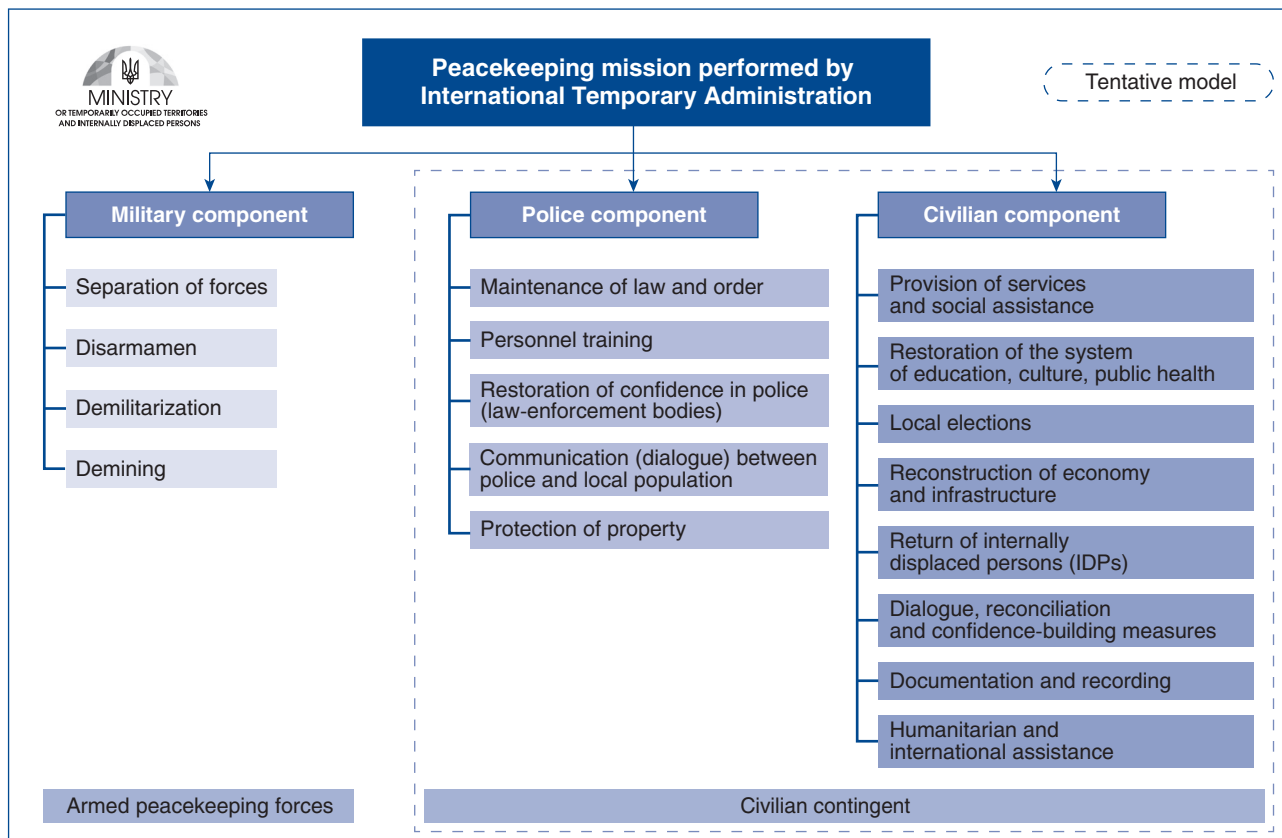
¹³ Vladimir Putin approved the idea of deployment of peacekeepers in Donbas. – Interfax, 5 September 2017, <https://www.interfax.ru/russia/577766> (in Russian).

¹⁴ “Volker’s Plan” for Donbas: It became clear what the USA offers to Russia. – *Segodnya*, 6 March 2018, www.segodnya.ua/politics/plan-volkera-po-donbasu-stalo-izvestno-chto-ssha-predlagayut-rossii-1120024.html (in Russian).

Petro Poroshenko A.F.Rasmussen was released. According to the report, a UN peacekeeping mission in Donbas will require 20 thousand military troops from non-NATO countries and four thousand police officers. The report said: “For the operation you want to attract a number of European countries such as Sweden, countries that have experienced peacekeeping operations, such as Brazil, and countries that are trusted by Russia, such as Belarus. If you can quickly enough deploy a presence on the ground, one would go to the local elections for 12 months and then leave the peacekeepers in the cooling period, for

example, two years”.¹⁵ According to Ukraine’s President Poroshenko, more than 40 countries agreed to take part in a peacekeeping operation. He mentioned among them Canada and other G7 states, Austria, Sweden, Finland and others.¹⁶

On June 12, 2018, the Russian Foreign Minister Sergey Lavrov rejected the “Volker’s Plan” and suggested returning to the initial Russian proposal. In his opinion, a peacekeeping mission, as seen in Washington and Kyiv, would turn some political-military *Kommandatura* that will take control of the whole territory of self-proclaimed



Source: https://twitter.com/mtot_gov_ua/status/1046809728326799360.

Donetsk and Luhansk republics. It entirely undermines the Minsk agreements, while the Russian proposal meets the essence of Minsk and OSCE role.¹⁷

The proposal of the Ministry of Temporarily Occupied Territories and IDPs is generally in line with the “Volker’s Plan”.

The model proposed by the Ministry of Temporarily Occupied Territories and IDPs contains standard components of a peacekeeping mission, meeting the following objectives of restoration of peace in Donbas:

- Minimisation of internal and external military threats to security in the area of responsibility (region);
- Guarantee of civil security, law and order, coping with non-military threats;
- Administrative governance during the transitional period and organisation of elections with subsequent transfer of powers to local and central authorities.

A detailed Concept of the International Temporary Administration was drawn up in 2018 by a group of Ukrainian experts.¹⁸

¹⁵ Donbas needs 20 thousand peacekeepers – Report for the Munich Conference. – *Ukrayinska Pravda*, 12 February 2018, www.pravda.com.ua/news/2018/02/12/7171389/ (in Ukrainian). It refers to R.Gowan’s survey, “Can the United Nations Unite Ukraine?” Hudson Institute, February 2018.

¹⁶ Poroshenko: “More than 40 countries agreed to take part in a peacekeeping operation”. – KP in Ukraine, 13 April 2018, <https://kp.ua/politics/605868-poroshenko-bolee-40-stran-sohlyasylys-pryniat-uchastye-v-myrotyvorcheskoi-operatsyy> (in Russian).

¹⁷ After “Normandy talks” Sergey Lavrov made a statement on Donbas. – *Segodnia*, 12 June 2018, www.segodnya.ua/politics/posle-normandskih-peregovorov-lavrov-sdelal-zayavlenie-po-donbassu-1145984.html.

¹⁸ See Annex “Concept of Establishment of the International Temporary Administration (ITA) on the territories of Donetsk and Luhansk regions of Ukraine occupied by the Russian Federation”.

On January 28, 2019, the Special Representative of the OSCE Chairperson-in-Office to the Trilateral Contact Group in Minsk, Martin Sajdik put forward a new plan of peaceful settlement of the conflict in Donbas. It was presented during the meeting of the Council of OSCE Foreign Ministers in Milan in December 2018. The “Sajdik’s Plan” envisages a joint peacekeeping mission of the UN and OSCE led by the Special Representative: military and police functions would rest with the UN, while OSCE would continue its monitoring mission. The European Union is to set up a Reconstruction Agency, to operate throughout Donbas in cooperation with the leadership of the UN mission and OSCE, similar to the EU agency in the Balkans. According to Ambassador Sajdik, the new peace plan was to be signed by the member states of the Normandy format and ratified by Parliaments to have a binding effect. The UN transitional administration on the occupied territories would monitor implementation of that plan and encourage reintegration. According to the OSCE Special Representative, representatives of those territories should also take part in the political process, as provided in the Minsk Agreements.¹⁹

Despite significant political and diplomatic efforts and thorough analytical assessments and proposals, “unfortunately, there is no realistic platform to start work in the Security Council on the mandate of such mission”²⁰. Hence, **the key problem for implementation of the idea of commencement of a UN peacekeeping mission lies in the absence of a political solution resting on the desire of both parties to the conflict to settle it.** In the Russo-Ukrainian conflict, an additional obstacle is presented by the veto power of one of the parties and the inability of the international security system to force a permanent member of the UN Security Council into constructive cooperation (imposition of sanctions by the UN or stripping of the veto power).

The Kremlin’s denial of the status of a party to the conflict – despite substantial progress in proof and documentation of Russia’s true role in the conflict at the national and international level – is the cornerstone that became a stumbling block for all previous attempts not only for settlement, but also for creation of mechanisms of de-escalation and maintenance of lasting armistice. As of the end of 2018, the dynamic of important processes of exchange of POWs,²¹ separation of forces along the contact line,²² work of the Joint Control and Coordination Centre after a unilateral withdrawal of Russian officers has actually been lost.²³

Russia more than once made its intentions clear and demonstrated practical readiness to block any proposals

in the UN Security Council inconsistent with its interests, or, rather, the Russian scenario of the conflict settlement. In other words, in the present-day conditions, Russia is resolved to uphold and ultimately impose well-known solutions of the conflict “*in the South-East of Ukraine*”, implementation of which will result in its “cementing” in the best case, or transition to a new, more dangerous phase of destruction of Ukraine’s sovereignty and independence, should reintegration of Donbas go under the Russian scenario.

Hence, the chances of adoption of the UN Security Council decision to deploy a fully-fledged UN peacekeeping mission in Donbas look highly questionable, for the time being. As of 2019, the relations between the key global actors, being permanent members of the UN Security Council, are in the state of growing confrontation, while the UN platform is increasingly used to pursue ends very distant from the statutory UN mission – “to save succeeding generations from the scourge of war”.

Meanwhile, being aware of the low probability of a positive decision, one should not entirely rule out emergence in the near future – given the dynamism and unpredictability of developments in the world and in Russia – of preconditions, whereby Moscow may agree to an acceptable trade-off. However, another thing is evident: to force Russia into a political and diplomatic compromise, the sanction pressure on the Russian Federation should be maintained and strengthened, using all possible means and tools.

To be sure, achievement of a compromise will require certain concessions from both sides. Official Kyiv should clearly define and convincingly reason the limits of the possible compromise for its consent to a peacekeeping operation – the red lines, violation of which will cause more damage to the national interests than preservation of the status quo.

Ukraine, as a victim of aggression and the host nation for the UN mission, should also have the fullest possible and realistic understanding of the process and its place in it, opportunities, challenges and risks that may arise at all stages of the peacekeeping operation, as well as of the “end product”, to be obtained by Ukraine as a result of even an exceptionally successful peacekeeping operation (avoiding excessive expectations).

Conduct of elections and *de jure* restoration of Ukraine’s control of those territories will be the reason to end the peacekeeping mission. Meanwhile, the following

¹⁹ They in OSCE told about a new plan for Donbas to replace Minsk Agreements. – Ukrayinska Pravda, 28 January 2019, <https://www.pravda.com.ua/news/2019/01/28/7205089/> (in Ukrainian).

²⁰ Kh. Butko, “Ukraine Permanent Representative to UN Volodymyr Yelchenko: Deployment of a UN peacekeeping mission in Donbas this year looks unlikely”, Ukrayinski Novyny, 10 April 2018, – <https://ukranews.com/interview/1940-vladymyr-elchenko-vvedenye-myrotvorcheskoy-myssyy-on-na-donbass-v-ehom-godu-maloveroyatno> (in Ukrainian).

²¹ The latest exchange took place on 27 December 2017. “There is no progress in negotiations with the Russian Federation about POW exchange — Herashchenko”, Hromadske TV, 19 December 2018, <https://hromadske.ua/posts/progresu-v-peregovorah-z-rf-shodo-obminu-polonenih-nemaye-gerashenko> (in Ukrainian).

²² Framework Decision of Trilateral Contact Group on Separation of Forces, 20 September 2016. www.osce.org/ru/cio/266271 (in Russian).

²³ Thematic report “Facilitation and monitoring of infrastructure repair in eastern Ukraine – January 2017 – August 2018”. OSCE Special Monitoring Mission in Ukraine, December 2018, p.3, <https://www.osce.org/uk/special-monitoring-mission-to-ukraine/405500?download=true> (in Ukrainian).

transitional period will be crucial in terms of maintenance of the lengthy settlement process. A fully successful operation will result in so-called “negative peace” – absence of physical violence or, rather, its acceptable level for societies free of an active armed conflict. The main objective for the period of transition to the state of “positive peace” will be to remove the reasons that led to the conflict and its negative consequences. Ideally, the transitional period lasts decades, while there is an enhanced probability of recurrence of the conflict. On top of generic problems (returnees, ownership rights, tough socio-economic situation, winners and losers), this conflict has a very specific external factor.

3.2.3. General preconditions and threats for the success of the UN mission.

The main function of peacekeepers is to fill the vacuum of confidence between the hostile – but ready to reconcile – parties. The UN forces also play the role of the “security buffer” that can neutralise relatively minor incidents, or prevent their further escalation. Interference of peacekeepers can be efficient only provided that the parties to the conflict remain interested in peaceful solution of the conflict. **Russia, if desired, can quite easily provoke turmoil and derail all results of the peacekeeping mission, up to setting the stage for invasion under the pretext of “prevention of Srebrenica.”**²⁴

Analysis of the many years of peacekeeping history makes it possible to identify the key factors of success. Authors of numerous studies being not always unanimous in their assessments, tend to agree that there is no uniform and ideal recipe for restoration of peace. The success or failure of a peacekeeping mission depend on a set of factors that need to be taken into account, and principles that should be followed at all stages, from planning to the end of the operation. It should be noted that their proper account and observance substantially enhance the chances for success, but cannot guarantee it.²⁵

Most reputable studies, including the above-mentioned Brahimi Report, make emphasis on three key principles leading to success: **consent of local actors** (warring parties), **impartiality** of the mission, and **use of force by peacekeepers only for self-defence**. That is why it makes sense to assess in advance the feasibility of observance of those key principles in the Donbas case.

1) Consent of local actors. One of the key criteria of the expediency of a decision to start a peacekeeping operation is presented by the consent of the parties to a conflict (both, all, or most of the key actors) to peaceful settlement, formalised in an official agreement. Presence of a neutral mediator acceptable for the parties strongly facilitates achievement of a deal and implementation

of formal arrangements, reduces the settlement period, mitigates risks of emergence and escalation of unplanned incidents, including those provoked by so-called spoilers (destructive internal or external forces).

Different circumstances prompt the parties to sit down at the negotiating table: a clear military advantage of either party, exhaustion of both parties to the level making them unable to continue the war, strong external pressure, etc. In any case, the parties to a conflict are to come to the conclusion that peace suits each of them better than war.

In the given case, the problem is much more complex. Before proceeding to the stage of winning the parties’ consent, Russia must admit its role of a party to the conflict. Recognition of representatives of “DPR-LPR” (being nothing but Russian proxies) as a party to the conflict and, respectively, a legitimate participant of the process of peaceful settlement puts the mission under the risk of a failure at any stage. That said, Russia, retaining tools of covert interference, effectively spares itself of formal obligations and responsibilities.

The question of Ukraine’s consent seems rhetorical today. However, one should not rule out emergence of problems between official Kyiv and the UN after the beginning of the planning stage and during implementation. One should also not forget about the Ukrainian political tradition of abrasive criticism of decisions of predecessors and repudiation of commitments assumed by them that may be seen by the succeeding government as disadvantageous for Ukraine, moreover that there are serious differences in the people’s perceptions of different aspects of the proposed peacekeeping mission, although the majority supports the idea of deployment of peacekeepers as such.

Vox populi

The majority of the Ukrainian citizens (58%) supports the idea of deployment of UN peacekeepers and 41% of those polled sees it unnecessary to coordinate the deployment of peacekeepers with “DPR-LPR”, 35% sticks to the opposite opinion. The greatest part (41%) of respondents is sure that the UN forces are to take under their control all the occupied territory, including the segment of the Ukraine-Russian border, 16% believes that peacekeepers should be deployed on the line of contact and guard the OSCE mission, while according to 17%, the UN mission should protect OSCE observers on the whole occupied territory.

Currently, the probability of Russia’s admission of its role as a party to the conflict is non-evident and rather elusive. The chances that continuation of the conflict becomes less beneficial for President Putin than its end in the near future are rather low. This time should certainly be drawn closer through joint efforts of Ukraine and the West aiming to change the balance between the options of war and peace in the strategic calculations of the Kremlin (growth of the cost of Donbas for the budget

²⁴ V. Putin: “As long as political issues remain unresolved, these territories (DPR and LPR - ed.) do not enjoy a special status and amnesty legislation does not exist, a decision to close the border between Russia and the unrecognized republics will bring about a situation similar to the one that emerged in Srebrenica. A bloodbath will be staged there. We cannot let this happen and we will never let it happen” – <https://ria.ru/20171019/1507158201.html> (in Russian).

²⁵ For review of studies of peacekeeping operations see: Jaïr van der Lijn, “If only There Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations”. – www.clingendael.org/sites/default/files/pdfs/20090218_joup_lijn3.pdf.

and the image of the Russian Federation, the policy of sanctions, international courts etc.). One should also not rule out a package of “lucrative offers” for Russia from the Western partners, for which, Ukraine will have to pay with difficult compromises, like the political portion of the Minsk agreements.

Minsk agreements still remain the document referenced as the political basis for the conflict settlement. Unfortunately, not only the Kremlin but also some Western politicians and reputable experts continue to maintain the opinion of invariance of the Minsk process and, respectively, the algorithm of “settlement” ultimately imposed on Ukraine.²⁶ The experience of OSCE SMM deserves particular attention, since it offers ocular demonstration of the problems that will inevitably be faced by another international mission, if its mandate rests on political agreements similar to those of Minsk.

2) Impartiality of the mission.²⁷ It would have been logical to expect that with implementation of the mission’s tasks and, respectively, progress towards peace, the level of support and cooperation between the parties for achievement of the stated high goal of restoration of peace would grow. In reality, as soon as the international mission begins to assume real security and administrative powers, i.e., **real power** in its area of responsibility, there will appear grounds for dissatisfaction of parties to the conflict in general and some influential actors in particular. Its main reasons include loss of their powers, suspicion of peacekeepers’ bias, doubts about correspondence of the results to expectations from the viewpoint of their political, security and commercial interests.

In such conditions, at least one party may opt to continue war. Resumption of violence can be prevented only by force (its demonstration, threat, or actual use) by the mission, or deterring influence of external actors. Such a turn would be too risky for Donbas, given the high probability of disastrous consequences for the mission’s mandate and security in the event of interference of the Russian Federation.

3) Use of force by peacekeepers. The issue of use of force by peacekeepers is the most controversial from the viewpoint of elaboration of their mandate, and in the context of practical implementation. Presence of a military component *a priori* means the probability and possibility of its use. On the one hand, use of force by peacekeepers compromises their neutral status. On the other hand, passivity of peacekeepers dealing with offenders of armistice jeopardises implementation of their mandate, while their failure to use force for necessary self-defence and protection of civilians endangers the lives of peacekeepers themselves and of unprotected civilians.

In many instances, the problem is conditioned by the mission’s mandate, where the granted powers fall short of its tasks or are described in too general terms. A strong mandate for peacekeepers in Donbas, backed with real military capabilities, is undoubtedly required as a factor of deterrence but will hardly be of practical importance to oppose potential interference of the Russian Federation.

3.2.4. Mission mandate, timeframe, strength

The mission mandate should be clear, adequate (credible), and realistic.²⁸ The mandate of the would-be mission will be far from ideal – the most acceptable one – after all stages of negotiations, planning, coordination, and approval. Since the tasks of the peacekeeping mission are not only to stop violence but also to neutralise the drivers of the conflict, its mandate should rest on a precise “diagnosis” of its reasons. If the mandate in Donbas rests of an erroneous “diagnosis”, the results of the “course of treatment” will be absolutely predictable. The experience of the Minsk agreements readily proves this, since they are modelled for settlement of a domestic inter-ethnic conflict, not an interstate one.

The mission mandate should also have clear time limits, to escape the catch of endless extension.

First of all one should realise, what and how realistic tasks may be set for the **military component of the mission**. Elaboration of the overarching goal “to provide security and fight armed violence” is a difficult task even at the stage of mandate drafting. Overly vague formulation leaves room for interpretation. The desire of detailed elaboration and specification limits possibilities for a compromise between the key actors and will lead to an unacceptable delay in approval.

Since the mission cannot and should not be viewed as a force countering the Russian aggression (peace enforcement), the task of assuming control of the border mainly presumes the functions of monitoring and prevention of illegal border crossing by individuals or small groups. Peacekeepers cannot stop covert aggression of “holiday-makers” and “volunteers” or, moreover, invasion of the Russian regular troops. The presence of peacekeepers on the border only gives an additional guarantee of raising the political cost of an organised provocation.

Given the area size, an efficient mission will require serious aerial capabilities not only for airlift, medevac and demonstration of force but also for prompt response to provocations.

Given the stocks of weapons stockpiled on the occupied territories, the planned term of demilitarisation should be as short as possible but realistic. Apparently, it will include several phases, comprising withdrawal

²⁶ “Fortunately, the basis for such a strategy already exists in the Minsk agreements, which sets out a detailed if as yet undeliverable roadmap for reintegrating the Donetsk and Luhansk People’s Republics under Ukrainian control.”, Gowan R., “Can the United Nations Unite Ukraine?” Hudson Institute, February 2018, p.12, – www.hudson.org/research/14128-can-the-united-nations-unite-ukraine

²⁷ Unless this is a peace-enforcement mission.

²⁸ Brahimi Report, Item 56.

of heavy weapons beyond Ukraine's borders or their placement under the control of international forces, disbandment of illegal armed groups with voluntary or forced surrender of their small arms and light weapons. The risk of uncontrolled resistance at the second stage is the highest. The capabilities of the Russian supervisors are not strong enough to ensure seamless disarmament of separate groups of insurgents, especially after the UN takes control of the territory.

After the completion of the first stage of demilitarisation (heavy weapons and combat units), the task of security maintenance passes from the military component to the police force and the UN civilian administration.

The tasks vested in the *UN police force* will be not less but sometimes even more important than in the military. Removal of most security threats in the area of conflict falls within the police area of responsibility (AOR). Police must be ready to deal not only with traditional crime but also with planned provocations with massive participation of the local population. In 2016, exercises were held on the occupied territories to resist "foreign armed missions that can invade the territory of DPR and threaten safety of peaceful population."²⁹ OSCE SMM staff regularly faces restrictions and intimidations. By contrast to SMM observers, whose regulations prohibit any active actions, the UN police will have to respond, including by force in their AOR.

At the early stage of the operation, the UN police will have to discharge its functions alongside or jointly with local law-enforcement structures, gradually taking over their powers, for rather a long time. The "people's militia" will hardly be willing to fully and peacefully submit to external control. Performance of another traditional task – creation (recruitment, training, probation) of the new police, controlled by the international administration – will be further complicated by the local situation, since the infamous Minsk agreements provide freedom "to create people's militia units by decision of local councils".

The basic data for estimates of the *mission strength* include, first of all, the mission tasks and risk assessments. Standard military planning procedures employ methods of estimation of the required capabilities, logically shaping the force posture, i.e., qualitative and quantitative parameters of personnel and equipment.

Most estimates concerning the peacekeeping forces in Donbas range from 20 to 50 thousand troops and rest on the general assumptions of the equipment type (light and heavy infantry weapons, and air power). One may agree or disagree with specific estimates, since their authors build on rather varied basic data, first of all, the

area of the planned and similar missions. Proceeding from hypothetical assumptions of the mandate (border control and coping with minor provocations), the minimum strength of the military component must be not below 20 thousand.³⁰

Manning more than 20-thousand-strong military component is a task of paramount complexity. The total strength of the military personnel deployed in UN peacekeeping operations in the recent years was close to 70 thousand (police – some 10 thousand). The main contributors are: Ethiopia, India, Bangladesh, Rwanda, Pakistan, Nepal (5-7 thousand troops each).³¹ Another dozen of states, mainly non-European, contribute to the UN slightly more than 1000 military personnel each. Apparently, the contingent in Donbas will be extremely mixed, which poses additional difficulties for organisation of command, control and interaction. It is already clear that strong objections will be made against participation of the countries not considered impartial by the parties, which further complicates the task. This can finally lead to a delay of the contingent manning, while the race for numbers will substantially affect the contingent quality.

The task of support for the deployment of a large military component simultaneously with a police force and civilian personnel within a short period of time presents a highly serious and complex challenge. Continuous support for the mission's activity in course of several years, its regular rotation will require additional human, material resources and steadfast funding, depending on the good will of the contributing countries.

3.2.5. Peacekeepers in Donbas: challenges, threats, and effects for Ukraine

Despite signs of some stabilisation of the intensity of hostilities in Donbas since 2017, the Russo-Ukrainian conflict is in a permanent state of flux. By the time of the possible decision of the UN Security Council, the situation in the area of conflict and the external conditions will certainly differ from what we have now. Given the natural inertia in the work of the UN system, we may only hope that by the time of beginning of the mission deployment, its mandate and parameters will be relevant, and the conditions will be not less favourable. The main thing is that the parties should not only respect their agreements of ceasefire but also remain resolved and keep their promises to restore peace.

The greatest challenge for the peacekeeping mission in Donbas is presented by the uncertain position of the Russian Federation. Despite a theoretical possibility of overruling the Russian veto when taking a decision on the peacekeeping mission in Donbas, this option does not seem

²⁹ Two minutes of hate, Orwell-style. "DPR-LPR" train to repulse a "foreign mission", 21 July 2016 – http://texty.org.ua/pg/news/textynewseditor/read/69310/Dvohvlynka_nenavysti_poorujelivsky_DNRLNR_trenujutsa_davaty_vidsich?a_offset= (in Ukrainian).

³⁰ According to Gowan, the minimum strength required to provide security on the territory covered by the mission is 15 to 18 thousand troops, plus 5-6 thousand personnel for effective control of the 400 km long segment of the border. The required manpower may be reduced at the expense of high mobility and sophisticated equipment (technical surveillance and border control means). The author's estimates rest on assumed absence of a threat of the use of force or active opposition to the mission on the part of the Russian Federation. See: Gowan R., "Can the United Nations Unite Ukraine?" Hudson Institute, February 2018, p.24. – www.hudson.org/research/14128-can-the-united-nations-unite-ukraine.

³¹ Troop and police contributors. – <https://peacekeeping.un.org/en/troop-and-police-contributors>.

feasible. So, the prospects of adoption of a decision in the UN Security Council depend on the Russian stand.

The success of the operation depends not only on Russia's good will, but it is Russia that has actually unlimited possibilities of destructive influence on the situation in the area of conflict to reduce to zero or seriously affect the results of the mission at any stage.

The time gap between the political decision and the beginning of the mission deployment will ideally take a couple of months. It is a crucial stage, during which, the Kremlin will be able to pull out significant amount of military equipment, heavy weapons and subordinated "volunteers" to its territory and to grant a "green corridor" for withdrawal of foreign mercenaries. Apparently, the Russian special services will use this gap to rearrange their influence infrastructure on those territories.

Irrespective of the strength and equipment of the military component, the scenario of a failure of the operation is certain in the event of overt or covert interference of the Russian Federation. It is not only a matter of technical limitations of reserve support – rapid reaction forces or external support under the worst case scenario. Security guarantees to UN missions in former Yugoslavia, for instance, were provided by NATO forces. The problem of security guarantees for the mission in Donbas is that neither the UN leadership, nor NATO or leaders of the contributing states will consider a possibility of a power standoff with the Russian Federation even in theory.

Meanwhile, there is a real threat of application of the Georgian scenario of 2008, whereby Russia can first provoke a humanitarian disaster, and then, use its own "peacekeepers" to start a "humanitarian operation" and a "peace-enforcement operation". In 2014, Russian Armed Forces units with "MC" insignia (the Russian abbreviation for *mirnitvorcheskie sily* – peacekeeping forces) were seen near the Ukrainian border.³² There were also reports of such "MC" units taking part in combat operation in Donbas.³³

As noted above, there is a strong probability of transfer of the key provisions and the algorithm of the Minsk agreements to the text of the possible peace accord and the mandate of the peacekeeping mission. The uncertainty of estimates relating to the Minsk agreements is caused, in particular, by setting the goal of conduct of local elections as the final stage and, respectively, the criterion of the operation's success. Election should certainly be preceded by restoration of security on the occupied territories, but the subjectivity of fitness of the security situation for elections and the limits of a compromise on the area of responsibility of the UN forces, first of all, control of the border with the Russian Federation, will be decisive.

Elections simultaneously present the key stage of transition to the post-conflict peaceful settlement and a

strong destabilising factor. Hence, the mission's task will include not only creation of safe conditions for elections but also neutralisation of destructive actions of internal and external actors, for which, the election results may mean a threat of loss of real powers and/or sources of income.

A complex international peacekeeping operation under the UN auspices is now seen as one of the most promising and prioritised options of restoration of peace in the East of Ukraine. The idea of restoration of peace through the efforts of the international community even at the stage of discussion of proposals raises quite a few thorny questions and doubts not only about the feasibility of their implementation but also about the expected results.

The uniqueness of the so-called "Ukrainian crisis" lies in the absolute denial by the Russian Federation of its role as a party to the interstate conflict, effectively rendering the difficult task of restoration of peace impossible. The key problem for implementation of the idea of commencement of a UN peacekeeping mission lies in the absence of a political solution resting on the desire of both de-facto parties to the conflict to settle it. An additional obstacle is presented by the absence of efficient international mechanisms to force a permanent member of the UN Security Council into constructive cooperation.

Existence of political agreements is the main precondition for a decision to deploy a peacekeeping mission. Policy should lie at the heart of the entire process of conflict settlement and restoration of peace.

The chances of adoption of a UN Security Council decision to deploy a UN peacekeeping mission to Donbas looks doubtful now, but the task of Ukraine is to create, together with the partner states, conditions that will force Moscow to constructive compromise.

One should keep in mind however that Russia's ability to ultimately impose its solutions of the conflict settlement enhances the risks of unacceptable compromises and questions the rationale of proposals, implementation of which will result in "freezing" of the conflict or its transition to a new, even more dangerous phase under the Russian scenario.

Ukraine should have the fullest possible and realistic understanding of the process and its place in it, opportunities, challenges and risks that may arise at all stages of the peacekeeping operation. It should also avoid excessive expectations. A peacekeeping mission can create conditions for conduct of elections and de jure restoration of Ukraine's control of those territories, but the following transitional period will be crucial in terms of maintenance of the long settlement process through elimination of the reasons and removal of consequences of the conflict.

³² Russia redeployed "peacekeeping forces" to the border with Ukraine, *Obozrevatel*, 9 July 2014 – www.obozrevatel.com/ukr/politics/39268-rosiya-perekinula-do-kordonu-z-ukrainoyu-mirotvorchy-sili (in Ukrainian).

³³ How Russian peacekeeping contingent disguises as "rebels" – *News.bigmir.net*, 19 September 2014, <http://news.bigmir.net/ukraine/846477-Kak-rossijskie-soldaty-mirotvorcy-maskirujutsja-pod-terroristov-foto> (in Russian).

4. SUMMARY AND PROPOSALS

The ongoing five-year war in Donbass, induced by Russian aggression, resulted in tremendous human, territorial, financial and economic losses for Ukraine. It is neither “crisis in Ukraine” nor “civil standoff”. Russian armed intervention in the East of Ukraine as one of the reasons for renewed sharp West-Russia confrontation has demonstrated the true nature and purpose of the Kremlin’s imperial global policy, and also revealed vulnerability and weakness of the Western world.

With episodic fighting in the conflict zone, current situation can be described as “no war, no peace”, while the dynamics of geopolitical processes, trends in the occupied territories and the results of negotiations in various formats determine the complexity of finding ways and mechanisms for settling the conflict.

This section, first, summarises observations and conclusions made in the report – in particular, with regard to external situation surrounding the Donbas conflict, the specifics and nature of processes in the occupied territories, possible scenarios of events and prospects of the peacekeeping mission in the East of Ukraine. Second, it offers some conceptual approaches and specific proposals for settling the conflict in the East of Ukraine.

4.1. Geopolitical component of the armed conflict in the East of Ukraine

Goals, interests and specific actions of key players – Russia, Ukraine and the West – in the context of the Donbas situation can be outlined as follows.

Russia. Just like its aggression against Georgia in 2008, the occupation and annexation of the Crimean Peninsula and intervention in the East of Ukraine in 2014 are the elements of Russia’s policy in the post-Soviet space, which Moscow viewed and continues to view as a zone of its “privileged interests”. On the other hand, the occupation of Donbas should be considered in the context of the Kremlin’s neo-imperial geopolitics, which challenges and threatens not only Ukraine, but also the entire global configuration, including Europe. In general terms, Russia’s global goals are to weaken its opponents and restore the status of the global power, which advances its interests outside the international law system from the standpoint of force and seeks to “reshape” the world order, established by the Helsinki Final Act and the Charter of Paris for a New Europe.

The Kremlin’s polity in Donbas aims at “implanting” “DPR” and “LPR” back in Ukraine in their present form to undermine the Ukrainian statehood, to block the country’s course towards the EU and NATO and to establish Ukraine’s dependence and subordination to Russia. While not acknowledging itself as a party to the conflict in eastern Ukraine, the aggressor blocks peaceful initiatives and tries to legitimize puppet “republics” as the rightful subjects of negotiations.

Since the onset of its aggression in the East of Ukraine, the Kremlin has formulated and actively promoted “Donbas mythologeme”, which essentially comes to the following: (a) there was an anti-constitutional coup in Ukraine with right-wing nationalist “Banderites” seizing the power;

(b) there is “civil standoff” in Donbas between punitive forces and rebels – “coalminers and tractor drivers” – who fight for freedom of Donbas; (c) historically, Donbas has never been the Ukrainian territory but belonged to so-called “Novorossiia”; (d) Russia has nothing to do with armed conflict in Donbas.

The Russian occupation policy in Donbas includes the following elements. **First**, large-scale militarisation of the region. A powerful, well-armed military grouping was created in Donbas under the command of Russia’s 8th Army of the Southern Military District. **Second**, fake attributes of “independence and statehood” of “DPR-LPR”. Over the five years of occupation, Russia helped to establish puppet militarised “government institutions”. **Third**, a targeted and coordinated policy of absorption of Donbas with its alienation and exclusion from Ukraine, which, in fact, is the latent annexation of the Ukrainian territory. It includes harsh political and ideological, social and economic, humanitarian “attachment” of the region to Russia. **Fourth**, total political, ideological and socio-cultural “Russification” of the region. It refers to re-orientation of public consciousness with introduction and spread of pro-Russian sentiment and the *Russian World* ideology on the one hand, and spiritual, humanitarian separation from Ukraine with formation of negative attitudes to Kyiv – on the other. And **fifth**, while not recognising itself as a party to the conflict, Moscow continues to demand the recognition of “DPR” and “LPR” as the rightful subjects of negotiations, the autonomy of the “republics” through relevant amendments to the Constitution of Ukraine, as well as full amnesty and elections.

The stubborn and counterproductive position of the Russian side that tries to push pseudo-republics back into Ukraine essentially leads the years-long negotiation process into deadlock.

The West. The global community has demonstrated solidarity with Ukraine. Western countries and leading international organisations condemned Russian intervention in Donbas; provided political and economic assistance to Ukraine; imposed sanctions against Russia; initiated multilateral negotiation process to stop the war in the East of Ukraine and prevent large-scale armed international conflict.

External support has been vital for Ukraine, given limited national resources to counter the hybrid expansion of the Kremlin. Solidarity and assistance to Ukraine in confronting Russia remains in the policy agenda of the EU, the United States and other world powers. For the period 2015-2018, the EU's total macro-financial support amounted to €3.4 billion. Since 2014, the United States provided over \$2.8 billion in aid and \$3 billion in loan guarantees to Ukraine for security and reforms. The delivery of lethal weapons – including *Javelin* anti-tank missile systems – was a significant military and political act of support.

Cooperation with NATO and its support are also critical for Ukraine, in particular, within the framework of annual national programmes, roadmap for defence and technical cooperation, joint projects, military exercises, etc.

Solidarity of leading international organisations, including the EU, UN, OSCE, PACE and NATO, is another important factor. The documents adopted by these structures confirmed support for territorial integrity of Ukraine within its internationally recognised borders and condemned Russia's aggressive policy.

Since the onset of Russian aggression, the western nations have initiated different negotiation formats. Although years-long efforts of the Western diplomacy helped to somewhat reduce the intensity of hostilities but could not settle the conflict in Donbas because of antagonistic and tenacious position of the aggressor.

Western sanctions are another element of deterring Russian aggression in Donbas. The EU's sanction package against Russia currently includes 155 individuals and 44 organisations. The United States imposed sanctions against more than 400 Russian companies and 200 Russian nationals. Canada's sanctions include 118 individuals and 68 companies. Ultimately, all G7 countries have introduced anti-Russian sanctions.

The West's sanctions policy has an important "deterrent" effect, which the Kremlin cannot help ignoring. However, in almost five years, Western sanctions failed to significantly change either the nature of the Kremlin's aggressive foreign policy or the situation in the East of Ukraine. Therefore, this policy needs to be improved, strengthened and expanded in view of growing Russian expansion in Ukraine, Europe and the world. The price of aggression for Russia should increase.

While assessing the overall Western policy, one should bear in mind two important trends. **First**, global political elites gradually come to understand the real nature and

goals of Russian geopolitical expansion. **Second**, over the years of Russian-Ukrainian conflict, a committed coalition of countries – that consistently support the sovereignty and territorial integrity of Ukraine, stand for liberation of the occupied territories and actively promote the Ukrainian interests in international organisations – has finally taken shape.

However, the turbulence and uncertainty of world trends and processes is increasing, thus affecting the unity of the Western world. On the other hand, the Western community is burdened with internal problems, controversies and conflicts, while remaining quite vulnerable to growing Kremlin's influences.

Ukraine. The country's policy on Donbas has been shaped in grim crisis conditions of Crimean annexation, unfolding Russian intervention in the East and deteriorating situation in the adjacent regions. The threat to Ukraine's sovereignty intensified against the backdrop of difficult socio-economic situation, vacuum of power and crisis in defence and security agencies.

In early stages of the conflict most government decisions were reactive. At that time, the Ukrainian leadership failed to realistically assess the nature, scope and possible consequences of events in Donbas. The experience of the annexed Crimea was not taken into account. The escalation in the East of Ukraine followed scenario and unfolded under control of the Russian side. Ukraine lacked complex, systemic measures that together with negotiations would have provided for active counteraction and resistance to Russian aggression, including within the framework of relevant constitutional norms.

In early 2015 Ukraine has finally established and formalised its position, identifying purely inter-state nature of the conflict in Donbas. The first step was made on January 27, 2015, when the Verkhovna Rada appealed to the international community, recognising Donbas as an occupied territory, and Russia – as an aggressor state. This approach was then enshrined in the conceptual fundamental documents – the National Security Strategy (May 2015) and the Military Doctrine (September 2015).

The country started mobilising its military capabilities and organising resistance to Russian intervention in the East; formulated – albeit very slowly and inconsistently – its principles of social and economic policy for the occupied territories; improved the system of relevant government agencies (e.g. establishment of the Ministry for Temporary Occupied Territories and Internally Displaced Persons).

During the five years of war, Ukraine managed to substantially reinforce its defence potential, revive its army and organise effective resistance to Russian aggression. Activities in the defence sector focused on the dual task: performing day-to-day security functions and ensuring reform of Armed Forces. In recent years, the government adopted a number of documents to regulate the structure and operation of Ukraine's security system,

including in the area of the armed conflict in Donbas: (a) capacity building of the Armed Forces and other military formations; (b) improved provision of Armed Forces with weapons and military equipment; (c) reformation of the management and defence planning systems; (d) introduction of territorial defence forces and Operational Reserve; and (e) increased intensity and quality of combat training.

Government decisions related to the occupation of Donbas cover almost all areas of the nation's life. They include a wide range of legal and regulatory acts and measures in the military, foreign, socio-economic, financial, energy, humanitarian, informational and other spheres.

The nature and specifics of Ukraine's policy on settling the conflict in Donbas have been affected by multiple factors that created relevant problems and vulnerabilities: (a) the lack of strategic vision, which is the outcome of much wider problem – the absence of general strategy for Ukraine's foreign policy and the concept of the Ukrainian policy towards Russia; (b) implementation of the Donbas policy in the “delayed mode”, lacking political will, consistency and coordination. The Donbas-specific law has been adopted only in early 2018; only in May 2018 the government introduced the appropriate Joint Forces Operation format replacing the ATO; (c) influence of chronic internal problems on the effectiveness of the government's action in Donbas – weakness and lack of coordination of public administration system, acute problems in law enforcement and defence sectors and court system, widespread corruption in government (which reduced and limited the effectiveness of the international economic support). Meanwhile, the “Donbas issue” was and remains the subject of manipulation and speculation by political actors (including under external influence); (d) unpredictability and strife of the geopolitical situation, which limits the West's readiness to support Kyiv, weakens partners' unity in countering Russia and pushes the “Donbas issue” to geopolitical periphery. One should also remember that external assistance has certain limitations and tends to curtail, so Ukraine will have to re-focus and mostly rely on its own strengths.

The new Ukrainian government will face the challenge of developing new approaches, strategic measures and specific – at least in the medium-term – plans of action to address the situation in the East. There is a need in clear and balanced programme for de-occupation and reintegration of liberated territories.

4.2. Current realities and processes on the occupied territories

To identify the prospects and ways of settling the conflict in the East of Ukraine, it is necessary to determine what kind of military, socio-cultural, economic, ideological reality has emerged on the occupied territories, that is, specific challenges and problems that Ukraine will face in the process of liberation and reintegration of this region.

Military component of the occupation. There is an ongoing militarisation of the region, which is viewed by the Kremlin as a testing ground and a bridgehead for further expansion. During the years of occupation, the aggressor has formed a rather powerful (currently about 32 thousand troops) combat-ready military formation with all main types of weapons and equipment, sufficient material and technical resources and high level of manning. The 11-thousand Russian contingent forms the core and coordinates this system of occupation forces. Made of the “Operational and tactical command Donetsk” and “Second Army Corps” under the command of Russia's 8th Army of the Southern Military District, this Kremlin's military force in Donbas is comparable with the armies of some European countries.

The overall “security and defence support” for the so-called “people's republics” is carried out and controlled by the military and political leadership of the Russian Federation. The puppet “governments”, “ministries” and “people's councils” are in essence the occupation administrations.

The Russian leadership formed the “second echelon” of intervention. Along the eastern border of Ukraine and the annexed Crimea, Russia has already deployed nearly 100,000 troops, which are superior to the occupation force by their combat capability. This significantly increases the risk of escalation. Therefore, one should not rule out the possibility of Russia's large-scale military invasion in Ukraine.

Socio-economic sphere and energy sector. During the years of Russian occupation, no “economic miracle” occurred in the occupied territories. Unstable socio-economic situation is primarily explained by unrecognised status of the “republics”, which prevents them from developing external economic relations and creating a full-fledged monetary and credit system. Compared with the pre-war times, the economy of “DPR” and “LPR” has shrunk by several times. The industries are used by less than 30% of their capacity, while the salaries on the occupied territories are twice lower compared with the neighbouring areas of Donbas and the adjacent regions of Ukraine and Russia. In early 2019, the economy of “republics” showed all signs of decline.

This creates economic conditions for the growth of social tension and dissatisfaction among locals. Current revenues of the “republics” are not enough even to address social needs and ensure minimum social standards, let alone the sustainable development.

“DPR-LPR” are completely dependent on financial, material and technical assistance from the Russian Federation, which is being provided to support the occupation regime, to maintain the minimum necessary level of social life and to “attach” this breakaway region

to Russia. Not recognised by any country in the world, the “republics” can only count on Russian support, which predetermines their full dependence, subordination and governance by Moscow.

The energy sector of “DPR-LPR” is not and cannot be self-sufficient. A surplus of coal and multiple attempts to sell it – both legally and illegally – do not allow these quasi-states to cover their needs. Also critical is their dependence on Russian supply of gas (controlled by Gazprom), fuel and lubricants. With the exception of coal, their needs in other types of energy are covered by Russia, which, being under international sanctions and sustaining losses, tries to minimise the costs of maintenance of occupation regimes in Donbas.

The energy and economic spheres in “DPR” and “LPR” are controlled by the Russian interagency commission for “providing humanitarian support to the affected areas of south-eastern regions of the Donetsk and Luhansk oblasts of Ukraine”, which reports to Dmitry Kozak, Russian Deputy Prime Minister. Largely criminalised and non-transparent, the energy sector runs multiple “grey” schemes. Russia uses its another “puppet” – South Ossetia (*Vneshtorgservis* company) as a shadow offshore to suck resources from occupied Donbas. The coal flows from the occupied territories are directed elsewhere, including the government-controlled parts of Ukraine, with financial flows heading the opposite direction.

Therefore, “DPR-LPR” are by no means self-sufficient in economic terms and in the energy sector. It seems that with no military and economic (energy) support from Russia, the “republics” are doomed to collapse and disappear.

Political and ideological situation. Over the years of Russian intervention, an extensive system of political and ideological support for the occupation regime has been put in place. The Kremlin fully controls the ideological and informational space of the “DPR-LPR”. A media network, educational and pseudo-public organisations were created for ideological brainwashing of local population.

The media network largely builds on former Ukrainian communal and private (captured by militants) media outlets. It is quite effective in keeping the population within ideological bounds, and in ensuring intellectual and informational isolation, necessary for Russia and its proxies. This system further develops by using new media – social networks and Telegram channels. Intellectual “feeding” arrives from Russia, as the content of Russian media is the main source of information for both the population and local media.

The aggressor’s propaganda machine works towards the imitation of “local state-building”, the illusions about “independent” decision- and policy-making by militants, and, in general, the legitimisation of Russia’s occupation of the Ukrainian territory.



In order to brainwash the population in the occupied territories, they actively use both Soviet ideology and symbols, senses and concepts of the *Russian World*. Meanwhile, local media, pro-Russian system of education and Russian “cultural intervention” help to instil the negative image of the Ukrainian government in public consciousness and cultivate socio-cultural and psychological alienation from Ukraine.

At present, the focus of Russian propaganda “zombification” has shifted towards young adults and youths living in the occupied region. The aggressor actively uses new information technologies to popularise the idea that life in “DPR-LPR” has not only stabilised but has quite promising outlook.

The longer is the period of the occupied territories remaining outside the Ukrainian information space, the deeper is the transformation of local people’s consciousness. Particularly dangerous is the formation of anti-Ukrainian sentiment among local youth.

Environmental situation. The situation in the occupied territories bears increasingly evident sign of an environmental disaster. It is preconditioned by high level of man-made burden and numerous risks caused by fighting, discontinued functioning of most industrial enterprises and reduced attention towards waste management and emissions. The most dangerous man-made threats for Donbas include (a) flooding of mines as a result of stopped water pumping; (b) potential damaging of the region’s main water supply channel; (c) contamination of surface and groundwater; (d) emissions of toxic substances; (e) chemical and radioactive contamination of the environment; and (f) changes in properties and subsidence of soils.

The technological destruction of mining and industrial facilities and infrastructure in the occupied territories leads to a cumulative, extremely dangerous environmental effect. Adverse man-made processes intensify, thus increasing the “exclusion zone”. Potential disaster will be similar to the Chernobyl Accident, requiring resettlement of the population and suspension of all economic activities for many years. Moreover, its consequences will affect not only Ukraine, but also its neighbours, including Russia, Poland, Belarus and other countries.

Vast mined areas represent another critical problem of Donbas. On the Ukrainian side of the contact line, the danger area exceeds 7 thousand sq.km., plus 10 thousand sq.km. in non-government-controlled areas and in the “grey zone”. According to the UN, Eastern Ukraine is one of the most heavily mined regions in the world. It is obvious that Ukraine will not be able to address the issue of such scale on its own.

Therefore, the occupation of Donbas has created a hostile militarised zone, saturated with ideology of the *Russian World*, filled with weapons, covered by the network of agents and residents of Russian special services, and controlled by the militant army under command of Russian officers. On this territory, the Russian propaganda and Russia-controlled local media spread the ideas of the *Russian World* and cultivate aggressive alienation from Ukraine.

It must be admitted that time is running against Ukraine in view of continued strengthening of the occupation regime and further deepening of anti-Ukrainian ideology in Donbas. The situation is further aggravated by increasing disagreements within the Euro-Atlantic community, the “habituation effect” from the conflict and “Ukraine’s fatigue”. The topic of Donbas is pushed back to the geopolitical periphery.

4.3. Possible scenarios of events and prospects of deploying the peacekeeping mission

The conflict in Donbas hides many threats and challenges, depending on how the events will unfold. It is obvious that predicting probable scenarios, assessing prospects and determining the dynamics of conflict will help to identify ways and means of resolving it.

Given current geopolitical situation at the global and regional level, and considering internal processes, interests and goals of key players, the following courses of events in the conflict zone can be outlined. **First:** according to the *optimistic scenario*, Russia is forced to stop its support for separatist entities and withdraws its regular troops and mercenaries from the occupied territories. Ukraine restores its jurisdiction over the liberated territories and then holds elections. Sanctions against Russia are partially lifted. Under current circumstances, this scenario is unlikely. **Second:** the *pessimistic scenario* may take two paths: (a) Russia is able to keep Ukraine in its orbit by forcing it to join Russia-led EAEU and CSTO, including due to the rise of pro-Russian forces to power in Ukraine; or (b) Russia uses military force and delivers a massive strike on Ukraine from several directions using regular troops to create a Russian-controlled corridor connecting Transnistria and the Crimea with mainland Russia. This probable option remains on the agenda. **Third:** the *situational dynamics scenario* (“preserving the status quo”). Within this scenario, different options

are possible: (1) “simmering” conflict continues, but the parties agree on interim solution with the deployment of a limited peacekeeping mission; (2) the “Abkhaz-Ossetian”; (3) Russia agrees to implement the Minsk Agreements.

One of any options under the “status quo” scenario would be the likely course of events in 2019. There are reasons to believe that in the nearest future (at least during 2019) Russia will keep the situation in the East of Ukraine in the mode of “simmering” armed conflict of low intensity, but the threat of a large-scale escalation cannot be ruled out.

Today, the international complex peacekeeping operation under the auspices of the UN is one of the most promising and prioritised options for the restoration of peace in eastern Ukraine. However, already at the discussion stage, there are many questions and doubts regarding both feasibility of its realisation and the expected results.

The situation is significantly complicated by: (a) Russia’s categorical non-recognition of its role as a party to an interstate conflict; and (b) the absence of a political decision based on the parties’ willingness to settle the conflict. The lack of effective international mechanisms to compel a permanent UNSC member to positive cooperation is yet another obstacle.

Therefore, the likelihood of the UN Security Council’s positive decision on deploying a full-scale UN peacekeeping mission in Donbas is highly questionable, given the current circumstances. As of 2019, there is ever-growing confrontation between key global players that are also permanent members of the UNSC, and the UN platform is increasingly being used to achieve goals that have nothing to do with the UN’s statutory mission of building peace.

Additional factors include Russia’s intransigence and “ultimatums” – consistent attempts to impose its own vision of the Donbas conflict resolution, which increase the risks and may lead to conflict “freezing” or to new, even more dangerous phases under the Russian scenario.

For Ukraine, it is critical to have full and realistic understanding of the process and its place in it, as well as opportunities, challenges and risks that may arise at all stages of the peacekeeping operation. It is also important to avoid excessive expectations. A peacekeeping mission can facilitate elections and restore *de jure* control of Ukraine over the territories, but the next stage is critical for ensuring consistency of a long settlement process by eliminating causes and consequences of the conflict.

The prospect of a UNSC decision to deploy a UN peacekeeping mission in Donbas is still uncertain, but the task for Ukraine and its partners is to create prerequisites that will encourage Moscow to compromise.

4.4. Proposals

Being shaped and implemented in difficult conditions, the effectiveness of Ukraine's policy on settling the conflict in Donbas has been objectively limited by a number of internal and external factors. It should be noted, however, that government's actions were often reactive and ad hoc; many problems were overlooked or put in a back burner. The process of improving and ensuring political, legal and institutional support for the official Kyiv's policy regarding Donbas is still underway.

The situation in the East of Ukraine remains uncertain with the permanent threat of escalation. **Given geopolitical circumstances and internal processes, in particular on the occupied territories, it should be admitted that time plays against Ukraine.**

Therefore, there is urgent need to update, improve and strengthen the state policy for countering Russian aggression in general and for settling the conflict in the East in particular. Some of the suggestions below specifically focus on these tasks.

4.4.1. Conceptual, regulatory and legal framework

Vulnerability of Ukraine's state policy regarding Russian aggression and the conflict in Donbas along with poor coordination and the lack of strategic approaches stem from much wider problem – the absence of the Ukraine's foreign policy strategy in general, the concept of the Ukrainian policy towards Russia, and strategic documents on de-occupation and reintegration of Donbas. Moreover, current fundamental law “On the Principles of Domestic and Foreign Policy” is obsolete, failing to meet both modern-day geopolitical realities and the tasks that Ukraine faces today (in particular, not a single word in this document ever mentions Russian aggression against Ukraine). To improve the legislative and legal base, it is suggested to undertake the following.

The Verkhovna Rada: to develop and adopt a standalone law “**On the Principles of Foreign Policy of Ukraine**” to outline basic principles and norms of the state policy regarding the aggressor, as well as conditions and prospects for normalising relations with the Russian Federation. Specifically, it should capture the following: (a) the conflict with Russia (undeclared war) has a long-term nature. Interstate relations with the aggressor shall be carried out in the form of limited contacts, with rigorous protection of national interests and with international mediation. Ukraine should be ready for military, economic, humanitarian, informational and cyber escalation of Russian aggression; (b) the conflict can be settled in the future on conditions of Russia's withdrawal from all occupied territories, payment of damages to Ukraine, non-interference in its internal affairs, and respect for its foreign policy and geopolitical choice.

To elaborate an integrated **Strategy of Ukraine's foreign policy**, focused on key areas and mindful of modern-day geopolitical realities; to approve it by relevant Presidential Decree. Prior to its development, to consult

sectoral bodies and agencies of executive and legislative power, state and non-governmental think tanks, foreign experts, etc. It should be a comprehensive document outlining goals, objectives, priorities and mechanisms of the state policy at the global level, taking into account geopolitical dynamics, internal situation and available resources. In particular, the document should clearly state that Ukraine is in a state of “hybrid” undeclared war with Russia. Under given circumstances, Ukraine's foreign policy should be shaped and carried out in accord with the national security policy – internal, regional and global.

To formulate the **Concept of state policy towards Russia** involving relevant departments of the NSDC Apparatus, the Ministry of Foreign Affairs, representatives of the President, sectoral ministries, parliamentary committees, special services, governmental and independent research institutions, etc. The concept should present a comprehensive vision of goals, objectives, directions and measures for countering Russian aggression with identification of mechanisms, tools and resources. The concept should cover all areas, including security, political and diplomatic, trade and economic, energy, information, and humanitarian sectors. The document should serve as a guide and a programme of action for Ukrainian actors regarding Russia.

To develop the **Strategy for de-occupation and reintegration of certain areas of the Donetsk and Luhansk oblasts**. The document should take into account various options for liberation of the occupied territories, including by deployment of the international peacekeeping contingent under the UN aegis. In general, the *stage of de-occupation* should include withdrawal of Russian military formations and equipment, de-militarisation of the region, elimination of the “DPR-LPR” structures and paramilitary entities, gradual transition of the region under the Ukrainian jurisdiction, introduction of amnesty, etc. **Reintegration** should stipulate a long and comprehensive process of restoring Ukraine's defence, political, legal, financial, economic, informational and socio-cultural systems on these territories.

In the process of elaborating the Strategy, it would be expedient to develop and publish the White Paper “Reintegration of Donbas: Goals, Objectives and Methods of the State Policy” describing the global experience of returning and reintegrating occupied territories, also in the Ukrainian context; describing crimes of the Russian occupation regime; setting forth principles and guidelines for reintegration; outlining tasks and key areas of restoration and socio-economic, cultural and humanitarian development of liberated territories, etc.

4.4.2. Short- and medium-term measures in different spheres

Foreign policy

Efforts of the Ukrainian diplomacy, government contacts at different levels, activities of Ukrainian delegations on influential international platforms, activities of embassies, as well as efforts of Ukrainian offices and

missions in international organisations should focus on the following priorities.

➤ To defend and actively promote the idea of joint resistance to the threat of Russia's aggressive foreign policy at the political and diplomatic level, including through popular, cultural and business diplomacy. To facilitate better understanding of real goals and true nature of the Kremlin's imperial geopolitics in the global community and political elites of the leading nations. By using various capacities, including those of the Ukrainian diaspora, to ensure broad and professional reporting of real information about crimes and consequences of Russian aggression, also to mitigate the influence of the pro-Russian lobby in the Euro-Atlantic community (primarily in Western Europe);

➤ Given unfavourable geopolitical dynamics, in particular the centrifugal tendencies within the EU, as well as internal processes in Ukraine, the key foreign policy objectives of the official Kyiv are:

- to preserve (maintain) the current level of political and diplomatic solidarity, as well as military, financial and economic support from the leading countries of the world and international institutions;
- to initiate strengthening and broadening of the Western sanction policy against Russia, coordinate Ukraine's sanctions policy with that of the EU and the US (including within the framework of relevant NSDCU decision of March 19, 2019 on the application of restrictive measures against the Russian Federation);
- to ensure coordination of actions with partner states within the framework of international organisations to effectively repel Russia's attempts to impose its own agenda aimed at cancelling sanctions (in particular in the PACE) and returning the Kremlin's relations with the West in a *"business as usual"* format;
- to prevent disappearance of the topics of the annexed Crimea and occupied Donbas from relevant global agenda by all possible means – promoting the Donbas issue in the UN, PACE, OSCE, EU, NATO platforms and various international forums.

➤ To use all possible political, diplomatic, informational and other measures for recognising Russia as an aggressor state and a party to inter-state Russian-Ukrainian conflict by the global community, international tribunals and leading international organisations, primarily the UN General Assembly.

Together with partners, to actively support and promote the idea of reforming the UN Security Council, including an enforcement of the UN Charter provision that "a party to a dispute shall abstain from voting" (para 3, Article 27) in order to deprive Russia from abusing its veto power.

To facilitate strengthening and broadening of the coalition of countries that support the sovereignty and independence of Ukraine and counteract Russia's aggressive foreign policy. To use contacts with countries that are global and regional leaders for expanding the geographical boundaries of support for Ukraine in confronting Russian aggression in the most problematic regions – Central and South-East Asia, Africa, Latin America, post-Soviet space, etc. By doing so, to enlarge Ukraine's support group among the UN member states for further promotion of Ukrainian interests, primarily within the UNGA.

To finally settle with primary partners (the United States, France, Germany and others) and to actively promote internationally the plan for introduction of the UN military-civilian peacekeeping mission across the entire occupied territory of the Donetsk and Luhansk oblasts (international temporary administration). Together with the partners, to create conditions that will force Russia to compromise.

To provide necessary funding and professional legal support for lawsuits against the Russian Federation regarding the occupation of Donbas and the annexation of the Crimea, which are being considered by international courts – the International Court of Justice (violation of the Convention for the Suppression of the Financing of Terrorism and the Convention on the Elimination of All Forms of Racial Discrimination by Russia), the European Court of Human Rights, the Office of the Prosecutor of the International Criminal Court, and the UN Court of Arbitration. At the same time, to facilitate the international judicial investigation of downing of Flight MH-17 by the Russian "Buk" missile system.

In the future, relevant judicial decisions will create very important political and legal precedents for Ukraine, including for recovery of compensations for Russian aggression.

Military sphere

To enhance the country's defence capability, also strengthening and reforming the defence sector in the following areas: (a) improving fighting capacity of the Armed Forces, system of manning and personnel management, provision of armament and equipment (especially in the conflict zone); (b) intensifying reforms in the command and defence planning; (c) increasing the quality of combat training; (d) allocating necessary budget funds to ensure proper functioning and development of the security and defence sector (no less than 5% of GDP); (e) raising motivation for the military service and the competence of law enforcement agencies, ensuring social security system for military personnel (especially those directly involved in fighting), and veterans; (f) developing the military and technical policy (in particular, regarding imports phase-out) and refining the quality of the

defence industry in the development, production, modernisation and repair of weapons and military equipment; (g) strengthening democratic control over the security and defence sector.

➤ To improve strategies and tactics, to review the basic techniques and methods for the use and support of units of the Joint Forces, other branches and military formations (with emphasis on mobile defence, non-contact forms of warfare, anti-sabotage activities) within the framework of a single strategic plan for more intensive depletion of enemy forces within positional “trench” war. To use Special Operations Forces more accordingly and actively, to make Joint Forces’ units more effective within the positional warfare.

➤ To ensure further improvement of combat capacity and combat readiness of the Armed Forces’ reserves. Since the threat of a full-scale Russian invasion cannot be ignored, it is advisable to reconsider possible alternatives for changing the defence posture, in particular, concerning the asymmetric warfare in the event of invasion of the enemy’s conventional forces and its quantitative and qualitative advantage in troops and means. To plan and conduct a number of preparatory measures in the most dangerous operational directions and in vulnerable regions of the country; to involve special services in these activities. To ensure availability of forces and means for air defence, anti-airborne defence and coastal defence.

➤ At the international level, to create favourable conditions for the development of modern and effective defence capacity of the country through:

- deepening cooperation with NATO within the framework of Annual National Programmes, the Comprehensive Assistance Package and in the future – under the Enhanced Opportunities Partnership programme;
- intensifying bilateral military and technical cooperation, primarily with the United States and other individual NATO members;
- joining the Permanent Structured Cooperation (PESCO) activities;
- entering the newly established European systems for countering hybrid threats (Strategic Communications Centre (StratCom) in Riga, the NATO Centre of Excellence in Poland, the Centre for Countering Hybrid Threats in Finland, and others.
- arranging effective cooperation between the Ukrainian cyber security agencies and relevant NATO and EU agencies (the NATO Communications and Information Agency (Belgium), the NATO Cooperative Cyber Defence Centre (Estonia), the European Cybercrime Centre (The Netherlands)). To participate in NATO “Smart Defence” projects as a partner country. To expand the “cyber component” in the Annual National Programmes.

One should bear in mind, however, that external support (political, military, financial etc.) has limits and tends to reduce with a time, and Ukraine will have to focus mainly on its own forces by ensuring a steady growth and strengthening of its defence potential.

Economy

➤ Realisation of effective social and economic reforms that will improve welfare, quality of life and social protection of citizens in Ukraine and particularly in areas adjacent to the conflict zone is the most obvious and most effective formula for success in the Donbas direction. Without a doubt, the difference in living standards of people in government-controlled areas and in the occupied territories (along with other measures) is a powerful incentive and leverage for re-orienting public consciousness of those who remained in “DPR-LPR”.

On the other hand, it is a powerful argument against Russian propaganda in the occupied territories. In this context, it is very important to undertake comprehensive rebuilding of housing, infrastructure and production facilities in the adjacent regions damaged by war, to support the development of industries in government-controlled areas of Donbas, and to improve the transport links with other regions of Ukraine.

➤ To revise the policy of economic isolation of the occupied territories, specifically focusing on measures that would complicate financing of the occupation regimes of the “DPR-LPR” and increase the cost of their maintenance for the Kremlin. Therefore, necessary steps should include:

- introducing mechanisms for identification and rendering impossible any imports of coal produced in the occupied territories to Ukraine;
- undertaking measures for inclusion of Russian companies and financial institutions involved in illegal foreign economic operations with “DPR-LPR”, as well as Ukrainian citizens, involved in the “nationalisation” of property in the occupied territories and the “external management” of captured enterprises in the sanctions lists.



➤ At the legislative level, to task the Cabinet of Ministers with elaboration of a consolidated claim of Ukraine to the Russian Federation regarding its international legal and financial responsibility for armed aggression against Ukraine (at present, responsibility for the development of such a claim is assigned to Inter-agency Commission, which holds a temporary advisory body status). Measures within this task are:

- ensuring coordination of the executive authorities in developing a sound methodology for assessing the damage and losses sustained by Ukraine as a result of Russia's armed aggression (currently the primary responsibility for that is placed on Ministry of Temporary Occupied Territories, which lacks sufficient financial and technical resources). Providing necessary material and financial support and staffing, including through involvement of the best scientists and experts;
- ensuring systematisation of data about economic losses of the state, economic entities and individuals, including property on the occupied territories, which also includes compilation of documented registers of lost public and private property and lost income.

Energy sector

Key priorities in the energy sector include:

- Restoration and stable operation of the energy system in the government-controlled areas;
- Mitigation of consequences of hostilities;
- Minimisation of "vulnerability" of national energy sector from occupation of certain regions of Donbas.

In view of strategic objective of Ukraine's integration into the EU energy space, *Ukrenergo*, the national operator of trunk power grids, focuses on provisions of the Agreement on the conditions for future interconnections with Ukraine's Integrated Power System (IPS) to the power system of Continental Europe, signed with the ENTSO-E in 2017. According to this Agreement, Ukraine has to complete necessary works, perform tests and join the European network by 2025. Ensuring stable and uninterrupted operation of Ukraine's IPS in isolation from Russia is an important condition for integration. This is why the issue of proper functioning of Donbas's regional power system following its re-connection to Ukraine's IPS after de-occupation is particularly important in view of said strategic objective.

The main task is to restore energy links of the Donbas regional electric power system (EPS) with Ukraine's Integrated Power System. To ensure reliable electricity supply to the users of the Donbas EPS and pursuant to the "Plan for the development of Integrated Power System of Ukraine for 2016-2025", *Ukrenergo* has to undertake the following:

➤ Transferring parts of load of the "Mykhailivka" electric substation (330 kW) to "Novodonbaska" substation (500 kW), and improving reliability of energy supply to the users in eastern Donbas (reinforcement of the crossing Donbas – Eastern Donbas):

- construction of approach lines in "Novodonbaska" substation (500 kW) from the existing ETL "Donbaska – Peremoha";
- installation of the second automatic transformer in the "Novodonbaska" substation and linking it to the 220 kW grid by installing new overhead lines;
- construction of two overhead lines (220 kW) "Novodonbaska – Almazna" No.1 and No.2 with transits "Novodonbaska – Almazna – Mykhailivka" 330 and "Novodonbaska – Mykhailivka".

➤ Constructing approach lines (330 kW) "Lozova – Tsentralna" to substation "Chervonoarmiyska" with its parallel reconstruction to improve reliability of energy supply to the users of Kurakhovo – Chervonoarmiysk load centre in case of repairs and accidents in trunk grids.

➤ Reconstructing of open switchgear at the substation "Azovska".

➤ Modernising short circuit throwing switches at substations "Smolyanka", "Amvrosiyivka", "Komunarska", "Almazna", "Antracit", "Kirova" and "Velykotska" to bring them in line with relevant electric plant regulations and improve reliability of energy supply.

➤ Constructing substation "Kreminska" with approach overhead lines "Donbaska – Donska" and "Kreminska – Yuvileyna" in ensure reliability of energy supply in northern parts of the Luhansk oblast and re-connect the system to Ukraine's IPS. Relevant project was approved by the Cabinet of Ministers Resolution dated September 26, 2018.

Completion of works to restore the energy infrastructure will largely depend on demining of the front-line territories and explosive ordnance disposal in war zones.

Political and information sphere

This is one of key areas of the government policy for settling the conflict in Donbas. One should bear in mind several important conditions. *First*, the media potential and capacities of Ukraine and Russia are by no means comparable, which affects the specifics and nature of the information confrontation. *Second*, key players and subjects of the Ukrainian information space have been currently focused on the elections, and this situation will likely to continue until the end of 2019.

➤ To gradually develop a comprehensive national system for countering hostile information influences by the Russian Federation, which must effectively resist its massive information expansion, primarily by producing

and disseminating its **own quality and competitive information and cultural products**. On the one hand, these products should provide an all-round coverage of heroics of Ukrainian servicemen, armed and civilian volunteers, and citizens who resist Russian aggression in Donbas. On the other hand, these products need to introduce new symbols, rituals, social myths and new senses opposed to Russian propaganda. To this end, efforts should include the following:

- ensuring priority state support (legislative, diplomatic, tax, budget etc.) for Ukrainian art and culture, including television, cinema, book publishing, translations, exhibitions, touring activities, etc.;
- ongoing skill building and professional development of carriers of Ukrainian culture (especially in eastern regions of Ukraine), such as lecturers, teachers, artists and journalists who will contribute to the formation of the Ukrainian-centric public consciousness. In order to enhance their qualifications, it is important to make the most of international academic exchange programmes;
- providing the state order for high quality training of specialists for the state news agencies, TV and radio companies, scientific and research institutions and institutions involved in the development and implementation of cultural policy.

➤ To intensify public information efforts in the Donbas direction. To introduce effective mechanisms for Ukrainian citizens living in the conflict area to be able to access the all-Ukrainian information space. To this end, it is necessary to ensure priority implementation of the Strategy of information reintegration of Donbas, elaborated by the Ministry of Information Policy of Ukraine.

To facilitate its realization, necessary steps include:

- developing the relevant targeted programme with proper financing;
- arranging effective coordination in the information sphere between relevant bodies of executive power, authorities in the Donetsk and Luhansk oblasts and security and defence agencies;
- involving civil society institutions in the development and practical implementation of the Strategy. This also implies active collaboration with the private sector – PR agencies and media companies – in implementing targeted public awareness events and counter-propaganda efforts;

➤ To scale up the broadcasting zone of the Ukrainian TV and radio to the temporarily occupied territories and adjacent areas using both available facilities (TV towers on the Karachun Mountain, in Bakhmutivka, and local multiplexes) and installing new broadcasting capacities. To increase volumes of printed products about

Donbas, involving academic institutions, state and non-governmental researchers. To shift from the policy of refuting and exposing the Kremlin fakes towards more proactive, offensive and aggressive forms of information influence, primarily using them in the territories near the Russian border. Apart from the Ministry of Information Policy, Ukraine may also use capacities of other state institutions and organisations, including in security and defence sector, and involve non-state media to support these efforts.

➤ To increase the presence of Ukrainian content about Donbas in the Internet and in social media by:

- involving popular bloggers and online including the InformNapalm Group, the Bastion Information Consortium, the Ukrainian Cyber Alliance and others in the realization of the state information policy;
- spreading the practice of online and TV discussions (such as Blog-Post) across Ukrainian media;
- airing audio- and video-dialogues with the residents of the Donetsk and Luhansk regions.

➤ With the support and under the auspices of the Ministry of Foreign Affairs of Ukraine, to launch an ongoing international information and analytical platform “Ukrainian Donbas”. It can be used for holding annual international conferences involving foreign and domestic experts, opinion leaders and decision-makers to develop recommendations and promote the Ukrainian approach to addressing the Donbas issue.

Environment

➤ To develop a *targeted programme* for determining the environmental status of the occupied territories by remote sensing methods and establishing water monitoring posts in government-controlled areas.

➤ To identify areas that may be subject to massive landslides and land subsidence due to flooding of mines and karst processes, and to develop measures for the relocation of local population and infrastructural facilities.



➤ To set up a permanent monitoring system in the “grey” zone and in “key” territories (locations of correct observation) to track the state of vulnerable to manmade disasters and environmentally hazardous objects in non-government-controlled territories of Ukraine.

➤ To conduct additional study of real and potential impact of flooded mines on the state of soil in regions adjacent to “DPR-LPR”, and to determine its potential impact on local infrastructure.

➤ To arrange the environmental monitoring, including through remote sensing methods with an emphasis on risk assessment:

- flooding of mines and local settlements; associated pollution of surface and groundwater, subsidence of soil and dangerous deformations of residential and industrial buildings, and roads;
- migration of pollutants beyond the boundaries of the region;
- contamination of the Siverskyi Donets river through drains and destruction of dams and other hydraulic structures; destruction of critical infrastructure of water supply, sewage and disposal of toxic waste.

➤ To perform ranking of potential and actual ecological hazards and environmentally hazardous objects (territories); to identify measures for minimising losses and reducing environmental risks.

➤ To develop economic incentives for introduction of environmentally sound technologies, projects and productions, as well as methods for special administrative regulation of economic activities in the territories adjacent to the *ORDLO* aiming to replicate this experience in non-government-controlled areas after their return under Ukrainian jurisdiction.

➤ To elaborate a concept for revival and development of non-government-controlled areas on the basis of green economy. Even amidst hostilities, it is already expedient to proceed to the first stage – to analyse consequences of manmade disasters and perform the assessment of environmental damage using the remote sensing methods and indirect assessment of environmental degradation factors.

At the first stage, it is advisable to make an inventory of technologically hazardous objects, to estimate damages and risks for the population, and to develop a plan of action for:

- ensuring safety of the population;
- cleaning up consequences of technological accidents;
- preventing systemic degradation of Donbas environment;
- performing remediation activities;
- creating conditions for the development of new socio-economic system, taking into account man-made risks.

4.5. Reintegration of Donbas: some conceptual approaches and practical steps

The reintegration component is one of two key elements of the general Strategy for de-occupation and reintegration of certain areas of the Donetsk and Luhansk oblasts. It is clear that this Reintegration Strategy (possibly in the form of a standalone public document) is designed for the future, and today it is difficult to specify the timeline for its implementation. It is obvious, however, that we should start developing it today.

The political significance of this document, designed for all Ukrainians (primarily those living in the occupied territories) and foreign partners, is that it will publicly reveal a set of principles and methods that the Ukrainian government will use in the liberated part of the Donbas.

The document should clearly state that the process of reintegration will build on unconditional respect for human rights and freedoms, with ongoing updating of the population about specific measures. It should clearly define guidelines, principles and progressive coordinated steps of reintegration of the liberated territories. At the same time, it should determine specific types and forms of damage inflicted by Russia as a result of occupation of Donbas – in particular, destruction of objects of socio-economic infrastructure of the region and environmental consequences.

Below are some of key principles of the state policy for Donbas reintegration:

First. Reintegration of Donbas is a gradual and step-by-step process that will last at least 5-10 years.

Second. Ukraine’s primary concern is security and protection of rights and freedoms of its citizens in the liberated territories.

Third. The state recognises its responsibility to citizens for allowing occupation of these territories by Russia. At the same time, citizens should support actions of the Ukrainian authorities in order to establish peaceful life in the liberated territories.

Fourth. The presumption of innocence is the basis for interaction between the Ukrainian state and the resident of the liberated territories.

Fifth. Ukraine is ready to take into account regional, cultural, linguistic, historical peculiarities of this region within the framework of current legislation.

Sixth. The reintegration process will appropriately use local human resources, including internally displaced persons, who will be provided with the opportunity to return.

Seventh. Socio-economic development of the region and its new economy will be key priorities.

Eighth. In terms of administrative-territorial structure, the reintegration implies the return of the occupied territories to the Donetsk and Luhansk oblasts within their administrative boundaries as of January 1, 2014.

Ninth. Elections to local self-government bodies will be only possible on the following terms: (a) security; (b) restoration of full functioning of local authorities, political parties, etc.; (c) implementation of a complex of relevant political and informational events; and (d) return of IDPs and refugees.

The strategy must be publicly communicated to the citizens of Ukraine and finalized with due consideration of their proposals. This document should become an instrument for consolidation of the Ukrainian policy makers and society regarding the ways and mechanisms for returning de-occupied territories of Donbas to Ukraine.

The process of reintegration must be preceded by **a preparatory phase** that involves the following steps:

- Forming the reserves of the National Police, the Security Service of Ukraine, the National Guard, the State Border Guard Service forces to be deployed in de-occupied territories;
- Forming the personnel reserve for civil-military administrations, judicial bodies, other government agencies;
- Preparing technical means for the renewal of television and radio broadcasting, online communications, publication of press in the de-occupied territories;
- Preparing pedagogical staff and appropriately adapted teaching materials for educational facilities;
- Elaborating the state programme for the revival of Donbas taking into account the global decarbonised economy trends and the principles of “green economy”.
- Developing a special programme to promote and support small business;
- Forming databases for the lustration procedures.

To ensure adequate legislative support for the reintegration process, a package of laws needs to be developed, including the following:

- On the specifics of the application of laws of Ukraine “On Local Elections” and “On Elections of the President of Ukraine” during the elections in certain areas of the Donetsk and Luhansk oblasts;
- On amendments to the Law of Ukraine “On the Legal Status of a State of Emergency”;
- On the procedure for compensation of damages to individuals and legal entities inflicted by the Russian military aggression in certain areas of the Donetsk and Luhansk oblasts;
- On the International fund for reintegration of certain areas of the Donetsk and Luhansk oblasts;

- New version of the Law “On prevention of the prosecution and punishment of individuals participating in the events in the Donetsk and Luhansk oblasts”.

In the most generalised form, the **priority comprehensive reintegration measures** may look as follows:

- Deployment of fully staffed civil-military administrations across the entire liberated territory; organisation of the military commandant’s service.
- Demilitarisation of the region. Surrender of weapons by local population; massive inspection of the combat zone for ordnance and explosives, as well as demining with involvement of foreign specialists and technologies. It is a long, costly and complicated process.
- Restoration of justice, law enforcement agencies, banking system, social security bodies, etc. Re-opening of educational, science and cultural institutions, facilities for children;
- Re-registration of local population; revision of acts of civil status; re-registration of legal entities. Comprehensive inspection and personnel lustration, including for the purposes of detecting spy networks of Russian intelligence.
- Implementation of measures to restore functioning of critical industries and infrastructure. Urgent repairs and rehabilitation, including power and water supply networks.
- Provision of the state support for socio-economic development of the liberated territories; establishment of special economic zones. Launch of the International Fund for restoration and development of de-occupied areas of Donbas;
- Organisation of measures related to amnesty for persons involved in hostilities and members of illegal armed groups in the occupied territories.
- Full restoration of the media (television, radio, Internet, newspapers, etc.), science and cultural institutions, political parties and NGOs. Suspension of Russian media and local press prior to their re-registration pursuant to current legislation of Ukraine.
- Dissolution of public associations and movements created and used by the occupation regime.

In the **political and ideological sphere**, a set of measures has to be implemented to clear collective consciousness of the local population from the mythologemes of the *Russian World* and supposed “independence of Donbas”. Activities in this area should be gradual and tailored to socio-cultural specifics of this region, also taking into account the consequences of lengthy informational and

psychological impact of the occupation. Citizens should have broad access to information about the crimes of the Russian occupation regime.

Priority should be given to work with young people, who were raised in anti-Ukrainian spirit during the occupation. This activity area should actively utilise modern and innovative technologies and tools. This can include various social media activities, broad distribution of Ukrainian online content, thematic cultural and entertainment events, flash mobs, interregional youth forums, delegation exchanges with other regions of Ukraine, and many other activities.

The **economic section** of the general reintegration strategy should include the following components: *First*, determining the size of the state's economic losses based on inventory of state property, documenting the facts of its physical destruction and abduction. *Second*, implementing the programmes for restoration of the state's social and industrial infrastructure of Donbas with clearly defined potential sources of financing (the State Budget of Ukraine, international organisations, donor countries, funds raised through issuance of long-term bonds for restoration of the Donbas). *Third*, implementing the Donbas industrial modernisation programme at the expense of budget funds and donor countries. To do so, a list of investment projects is needed for introducing innovations and imports phase-out in industrial enterprises. *Fourth*, restoring functioning of the banking system and the financial market infrastructure. To this end, the National Bank of Ukraine (NBU) in collaboration with the National Securities and Stock Market Commission (NSSMC) shall develop the programme for Donbas reintegration in Ukraine's financial system, which will include procedures for opening branches of the state banks and linking them to the NBU's electronic payments system. *Fifth*, establishing social guarantees for the population of de-occupied territories in legislation. The government should formulate clear prospects for receiving pensions, identify potential sources of funding, develop and adopt a special procedure for calculating the pension insurance record for those who stayed in the occupation. *Sixth*, restoring property rights based on the law. To do so, Ukraine has to have duly documented information about illegal seizure of property in the occupied territories and corresponding court decisions on its return to legal owners. *Seventh*, introducing mechanisms for compensation of economic losses for individuals in temporarily occupied territories. The state should assume responsibility for repaying the owners of private property lost as a result of the occupation with clearly defined sources of funding (initially these may be state budget funds that will be later repaid through recovery of compensation from the aggressor).

Of particular importance is the **security component** of the Donbas reintegration. In order to perform security-related tasks during this process, Ukraine will need

special units and services formed by relevant government agencies and organisations. This would be a contingent consisting of personnel of the Armed Forces of Ukraine, the National Guard and the National Police, the State Border Guard Service, the fiscal authorities, the Ministry of Emergencies, the SBU and others. Key tasks of these forces include:

- ensuring impossibility of external military intervention (invasion), including through asymmetric use of military force by the aggressor;
- implementing an integrated approach to establishing a stable security and law enforcement regime in these territories; enforcing rules and regulations of Ukrainian legislation;
- getting previously occupied territories and the local population ready to counter probable "hybrid" influences of the Russian Federation and direct military invasion;
- ensuring technological, environmental and everyday safety of citizens;
- performing a complex of demilitarisation works in the region (demining, combating illegal circulation of weapons and ammunition, etc.);
- setting up a rigid defence regime along the state border (in the future, the protection of the border zone should be transferred to the State Border Guard Service).

The strategy further determines the "stationary" set of forces and facilities for troops that will be permanently deployed in the region, and also defines their locations and combat order. The General Staff of the Armed Forces of Ukraine shall implement a pre-developed plan in case of escalation in the "hybrid" format or direct invasion of Russian troops (as estimated, forces may include one reinforced grouping in the Donetsk and Luhansk oblast, with up to 3 separate light armoured/infantry brigades, one tank brigade, and one airborne brigade).

The same applies to forces and facilities of the Ministry of Internal Affairs, the National Guard, the police and the SBU. The MoIA and the SBU are tasked to restore the law enforcement system in these territories and arrange security, specifically focusing on counter-terrorism and sabotage prevention. Prior to beginning of electoral processes in these territories, forces of the Ministry of Internal Affairs and the Security Service of Ukraine should work in the beefed-up security regime.

This is very generalised list of some priority measures. The Donbas reintegration strategy requires substantial elaboration, taking into account the country's resources and capacities and the prospects of external assistance on the one hand, and the dynamics of processes in the temporarily occupied territories, as well as geopolitical tendencies at the regional and global level – on the other.

SOME REGULATORY AND LEGAL ACTS OF UKRAINE CONCERNING AGGRESSION OF THE RUSSIAN FEDERATION IN DONBAS¹

2014		
22 February	VRU Resolution No.11 (Article 157)	On preventing separatist manifestations and other encroachments upon foundations of the national security of Ukraine
14 April	Presidential Decree No.405	On the decision of the National Security and Defence Council of Ukraine dated 13 April 2014 "On urgent measures to overcome the terrorist threat and preserve the territorial integrity of Ukraine"
15 April	Law	On ensuring civil rights and freedoms, and the legal regime on the temporarily occupied territory of Ukraine
1 May	Presidential Decree No.447	On measures for improving the defence capability of the state
6 May	Law	On amendments to Article 7 of the Law of Ukraine "On ensuring civil rights and freedoms, and the legal regime on the temporarily occupied territory of Ukraine" concerning the right to education
8 August	MoES Order No.917	On approval of the procedure for ordering, registration and issuance of duplicates and corrected state-approved documents on general secondary education for persons who have completed general secondary education in educational facilities on the temporarily occupied territory of Ukraine and in educational institutions of select settlements of the Donetsk and Luhansk oblasts
12 August	VRU Resolution No.1639	On Recommendations of Parliamentary hearings "Defence capability of Ukraine in the 21 st century: challenges, threats and ways to address them"
2 September	Law	On temporary measures for the period of Anti-terrorist Operation
10 September	CMU Resolution No. 442	On optimisation of the system of central executive bodies
16 October	Directive No.1002	On approval of the plan of measures for the organisation of rehabilitation of damaged (destroyed) facilities of social and transport infrastructure, housing stock and life support systems on the territory of the Donetsk and Luhansk oblasts
10 November	MoSP Order No.867	On approval of the Provisions on Interagency Commission for reviewing materials on the recognition as combat veterans and on payment of one-off cash assistance in case of death or disability to volunteers and some other categories of persons pursuant to the Law of Ukraine "On status of war veterans, guarantees of their social protection"
24 December	MoJ Order No.2164/5	On approval of the Provisions on the Ministry of Justice of Ukraine Commission for reviewing materials on the recognition as combat veterans of members of the State Criminal Execution Service of Ukraine
2015		
15 January	Law	On amendments to some legislative acts of Ukraine regarding inevitability of punishment of persons hiding on the temporarily occupied territory of Ukraine or in the areas of Anti-terrorist Operation
26 January	CMU Directive No.47	On introduction of high alert and emergency regimes
27 January	VRU Resolution No.129	On the appeal of the Verkhovna Rada of Ukraine to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, NATO Parliamentary Assembly, OSCE Parliamentary Assembly, GUAM Parliamentary Assembly, the national parliaments of the countries of the world on the recognition of the Russian Federation as an aggressor state
30 January	Presidential Decree No.40	On additional measures to ensure partial mobilisation in 2015
4 February	CMU Resolution No.104	On amendments to the Procedure for granting the status of a combat veteran to persons who protected independence, sovereignty and territorial integrity of Ukraine and directly participated in Anti-terrorist Operation or ensured its implementation
18 February	Presidential Decree No.116	On the decision of the National Security and Defence Council of Ukraine dated 18 February 2015 "On appeal to the United Nations and the European Union on the deployment of international organisation for peace and security in Ukraine"

¹ The table chronologically presents key regulatory and legal acts concerning Russian aggression in Donbas as of the end of 2018.

The material for this Annex is prepared by Artem Kulesha, Pazumkov Centre's intern, student of the Kyiv National University of Culture and Arts.

The following abbreviations are used: *SSCIP* – the State Service for Special Communication and Information Protection of Ukraine; *VRU* – the Verkhovna Rada of Ukraine; *CMU* – the Cabinet of Ministers of Ukraine; *CCU* – the Constitutional Court of Ukraine; *MoIA* – the Ministry of Internal Affairs of Ukraine; *MoD* – the Ministry of Defence of Ukraine; *MoES* – the Ministry of Education and Science of Ukraine; *MoSP* – the Ministry of Social Policy of Ukraine; *MoJ* – the Ministry of Justice of Ukraine; *MTOT* – the Ministry for Temporarily Occupied Territories and Internally Displaced Persons of Ukraine; *MoF* – the Ministry of Finance of Ukraine; *NCCIR* – the National Commission for the State Regulation of Communications and Informatisation; *NRADA* – the National Council of Television and Radio Broadcasting; *SSU* – the Security Service of Ukraine; *DGF* – the Deposit Guarantee Fund.

18 February	Presidential Decree No.139	On the decision of the National Security and Defence Council of Ukraine dated 18 February 2015 "On additional measures to strengthen the national security of Ukraine"
	NRADA Decision No.212	On amendments to the Plan of development of the national television and radio information space
3 March	NCCIR Decision No.119	On amendments to the Procedure of traffic routing in the public telecommunication network of Ukraine ²
12 March	Presidential Decree No.149	On the decision of the National Security and Defence Council of Ukraine dated 12 March 2015 "On additional measures for peaceful settlement, normalisation of the situation and strengthening of security in certain areas of the Donetsk and Luhansk oblasts"
23 March	MoD Order No.128	On approval of changes to the Instruction on arranging the manpower of Armed Forces of Ukraine
30 March	Presidential Decree No.184	On the decision of the National Security and Defence Council of Ukraine dated 12 March 2015 "On the situation with addressing negative consequences caused by the loss of material carriers of classified information on the temporarily occupied territory of Ukraine in the areas of the Anti-terrorist Operation in the Donetsk and Luhansk oblasts"
7 April	Law	On amendments to the Law of Ukraine "On electricity" concerning regulation of relations in the field of electricity in the area of the Anti-terrorist Operation
21 April	VRU Resolution No.337	On the Statement of the Verkhovna Rada of Ukraine "On repulsing of armed aggression of the Russian Federation and overcoming its consequences"
23 April	Presidential Decree No.238	On approval of the Annual National Programme of NATO-Ukraine Cooperation for 2015
6 May	MoIA Order No.520	On approval of changes to the Instruction on the procedure for decisions by the border guard units of the State Border Guard Service of Ukraine on the prohibition of entry of foreign nationals and stateless persons to Ukraine
7 May	MoD Order No. 200	On approval of the Provisions on the Ministry of Defence of Ukraine Commission for reviewing materials on the recognition as combat veterans and Instructions for the procedure of issuance of the combat veteran ID cards, badges "War Veteran" and vouchers for receiving travel passes with a 50% discount by the Ministry of Defence of Ukraine
14 May	CMU Directive No.442	On the implementation of international treaties concluded on behalf of the Government of Ukraine on the temporarily occupied territory of Ukraine
21 May	VRU Resolution No.462	On the Statement of the Verkhovna Rada of Ukraine "On the retreat of Ukraine from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms"
26 May	Presidential Decree No.287	On the decision of the National Security and Defence Council of Ukraine dated 6 May 2015 "On the National Security Strategy of Ukraine"
4 June	CMU Resolution No.356	On approval of the Procedure for ensuring functioning of foster families and orphanage homes of family type, relocated from the temporarily occupied territory or the areas of Anti-terrorist Operation
	CMU Resolution No.367	On approval of the Procedure for entry to and exit from the temporarily occupied territory of Ukraine
	CMU Resolution No.425	On amendments to the Procedure for granting the status of a combat veteran to persons who protected independence, sovereignty and territorial integrity of Ukraine and directly participated in Anti-terrorist Operation or ensured its implementation
	MoJ Letter No.5777-0-4-15/8.1	On certain issues related to actions of workers during the destruction of enterprises in the areas of Anti-terrorist Operation
3 July	Plenum of the Supreme Court Decision No.16	On refusal to submit application to the Constitutional Court of Ukraine with a constitutional petition regarding the constitutionality of para. 5.3 of Article 5, and para. 6.5 of Article 6 of the Law of Ukraine "On the establishment of free economic zone "Crimea" and on peculiarities of economic activity on the temporarily occupied territory of Ukraine" No. 1636 dated 12 August 2014
20 July	Presidential Decree No.514	On the decision of the National Security and Defence Council of Ukraine dated 20 July 2015 "On the state of implementation of measures to protect property rights and interests of the state of Ukraine in connection with the temporary occupation of parts of Ukraine"
17 August	MoSP Order No.845	On amendments to the Provisions on Interagency Commission for reviewing materials on the recognition as combat veterans
19 August	The Foreign Intelligence Service Order No.302	On approval of the Provisions on the Commission of the Foreign Intelligence Service of Ukraine for reviewing materials on the recognition as combat veterans and Instructions for the procedure of issuance of the combat veteran ID cards, badges "War Veteran" and vouchers for receiving travel passes with a 50% discount by the Foreign Intelligence Service of Ukraine
25 August	Presidential Decree No.501	On approval of the National Human Rights Strategy
26 August	CMU Resolution No.636	On amendments to some resolutions of the Cabinet of Ministers of Ukraine

² The Decision regulates "... the routing of international traffic of voice telephony and the traffic of voice telephony of mobile networks through international switching centres and mobile communication switching centres that are located on the territory of Ukraine, in the indices of number registry of the Russian Federation for the use on the temporarily occupied territory of Ukraine".

³ The decree stipulates "... the use of capacities and practical assistance of the NATO and its member states in enhancing Ukraine's defence capability to counter aggression of the Russian Federation by meeting urgent needs in the short term and reforming Ukraine's security and defence sector and military-industrial complex based on NATO standards".

1 September	The Constitutional Court Decision No.33	On refusal to initiate constitutional proceedings in a case under the constitutional petition of 49 people's deputies of Ukraine on the compliance with the Constitution of Ukraine (constitutionality) of the CMU Resolution "Some issues of financing budget institutions, making social payments to the population and providing financial support to individual enterprises and organisations of the Donetsk and Luhansk oblasts"
16 September	VRU Resolution No.698	On the Statement of the Verkhovna Rada of Ukraine on the 70th anniversary of the United Nations and Ukraine's UN membership ⁴
24 September	Presidential Decree No.555	On the decision of the National Security and Defence Council of Ukraine dated 2 September 2015 "On the new version of the Military Doctrine of Ukraine"
6 October	VRU Resolution No.717	On the appeal of the Verkhovna Rada of Ukraine to the partner states (democratic nations of the world) and international organizations regarding the intention of holding illegal elections in some areas of the Donetsk and Lugansk oblasts
7 October	VRU Resolution No.821	Some issues of implementing the State Strategy for Regional Development for the period until 2020 in 2015-2017
5 November	VRU Resolution No.759	On adoption in principle of the draft Law amending the Civil Procedure Code of Ukraine regarding the establishment of a fact of birth or death on the temporarily occupied territory of Ukraine
8 December	VRU Resolution No.853	On holding Parliamentary Hearings "The state of observance of the rights of internally displaced persons and citizens of Ukraine residing on the temporarily occupied territory of Ukraine and non-government-controlled territories in the areas of Anti-terrorist Operation"
9 December	VRU Directive No.1292	On approval of the plan of preparations for Ukraine's participation in Nuclear Security Summit in Washington in 2016 ⁵
16 December	CMU Resolution No.1035	On restriction of supplying of certain goods (works, services) from temporarily occupied to other territories of Ukraine and/or from other territories of Ukraine to the temporarily occupied ones
28 December	MoSP Order No.1256	On maintenance of the databank of orphaned children, children deprived of parental care, and families of potential adopters, guardians, caregivers, foster parents, parents-educators ⁶
2016		
27 January	Presidential Decree No.96	On the decision of the National Security and Defence Council of Ukraine dated 27 January 2016 "On the Cybersecurity Strategy of Ukraine"
28 January	NRADA Decision No.101	On amendments to the Plan of development of the national television and radio information space ⁷
4 February	Law	On amendments to the Civil Procedure Code of Ukraine regarding the establishment of a fact of birth or death on the temporarily occupied territory of Ukraine
5 February	Presidential Decree No.39	On approval of the military-administrative division of the territory of Ukraine
12 February	Presidential Decree No.45	On approval of the Annual National Programme under the auspices of NATO-Ukraine Commission for 2016 ⁸
18 February	VRU Resolution No.1014	On the appeal of the Verkhovna Rada of Ukraine to the parliaments of foreign states, parliamentary assemblies of international organisations concerning condemnation of ongoing aggression of the Russian Federation against Ukraine
4 March	Presidential Decree No.92	On the decision of the National Security and Defence Council of Ukraine dated 4 March 2016 "On the Concept of development of Ukraine's security and defence sector"
16 March	Law	On ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure ⁹

⁴ The statement states that "Launching military aggression against Ukraine by a permanent member of the UN Security Council – the Russian Federation – through illegal occupation of the Autonomous Republic of Crimea and the war in Donbas with the use of regular troops and support of terrorists is a brutal violation of the above-mentioned Goals and Principles of the Organisation, which causes indignation in the UN members. In connection with this aggression, on 27 March 2014, the UN General Assembly in its Resolution 68/262 "Territorial Integrity of Ukraine" drew attention to Russia's violation of fundamental goals and principles of the Organization".

⁵ The Directive implies "elaboration of a separate declaration on ensuring the territorial integrity of Ukraine and the nuclear security of facilities located in the occupied territory of the Autonomous Republic of Crimea, the Donetsk and Luhansk oblasts, for further publication as a result of the Washington Summit".

⁶ The Order describes the entry of information about orphaned children and children deprived of parental care, in particular those living on the temporarily occupied territory of Ukraine.

⁷ The Decision stipulates "ensuring access to programmes of Ukrainian broadcasters for the population living in border areas, as well as in settlements on the territories where the state authorities of Ukraine temporarily do not exercise their powers (the occupied territories of the Donetsk and Luhansk oblasts, the Autonomous Republic of Crimea and the city of Sevastopol), on the territories located along the contact line, as well as on the territories adjacent to the temporarily occupied territory of the Autonomous Republic of Crimea".

⁸ The Decree particularly states that under conditions of temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the ongoing Anti-terrorist Operation in parts of the Luhansk and Donetsk oblasts and the overall situation arising the Russian aggression against Ukraine, the Annual National Programme under the auspices of NATO-Ukraine Commission for 2016 is particularly important for ensuring protection of Ukraine's national interests and security, primarily in the context of the use of capacities and practical assistance of the NATO and its member states in enhancing Ukraine's defence capability to counter aggression of the Russian Federation and in reforming Ukraine's security and defence sector and military-industrial complex based on NATO standards.

⁹ Ukraine declares that "... for the period of temporary occupation of parts of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol – as a result of military aggression of the Russian Federation and until full restoration of the constitutional order and effective control of Ukraine over these occupied territories, as well as over some areas of the Donetsk and Luhansk oblasts of Ukraine, the application and/or fulfilment of the obligations under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure by Ukraine with regards to said occupied and non-government-controlled territories shall be limited and not guaranteed".

18 March	MoJ Order No.762/5	On approval of changes to the Provisions on the State Penitentiary Service Commission for reviewing materials on the recognition as combat veterans of members of the State Criminal Execution Service of Ukraine
28 March	MoJ Order No.898/5	On regulation of relations related to the state registration of property rights to real estate located in the temporarily occupied territory of Ukraine
28 March	MoF Order No.393	On amendments to the Instruction on the procedure for accrual and payment of single contribution to the compulsory state social insurance ¹⁰
31 March	VRU Resolution No.1074	On recommendations of Parliamentary Hearings "The state of observance of the rights of internally displaced persons and citizens of Ukraine residing on the temporarily occupied territory of Ukraine and non-government-controlled territories in the areas of Anti-terrorist Operation"
4 April	MoSP Order No.330	On amendments to the Provisions on Interagency Commission for reviewing materials on the recognition as combat veterans
14 April	VRU Resolution No.1099	On the programme of activities of the Cabinet of Ministers of Ukraine ¹¹
18 April	CMU Resolution No.296	On definition of matters that fall within the competence of the First Vice-Prime Minister of Ukraine and Vice-Prime Ministers of Ukraine ¹²
23 May	MoIA Order No.405	On approval of the Provisions on the National Police of Ukraine Commission for reviewing materials on the recognition as combat and war veterans of police officers, officials and other members of the National Police of Ukraine
6 May	Presidential Decree No.240	On the decision of the National Security and Defence Council of Ukraine dated 20 May 2016 "On Strategic Defence Bulletin of Ukraine"
8 June	CMU Resolution No.365	Some issues of social payments for internally displaced persons
	CMU Resolution No.376	Some issues of the Ministry for Temporarily Occupied Territories and Internally Displaced Persons
29 July	MoSP Order No.831	On approval of the Procedure for cooperation between the Ministry of Social Policy of Ukraine and central executive bodies whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Social Policy of Ukraine ¹³
8 August	CMU Directive No.573-r	On approval of the plan of measures for 2016-2017 within the implementation of the Poverty Reduction Strategy ¹⁴
26 August	MoIA Order No.868	On approval of the Provisions on the Ministry of Internal Affairs of Ukraine Commission for reviewing materials on the recognition as combat and war veterans
22 September	CMU Resolution No.646	On approval of the Procedure for setting up, maintaining and ensuring access to the Single Information Database on Internally Displaced Persons
7 December	CMU Resolution No.906	Some issues of carrying out of military-administrative functions by the military administrations on the temporarily occupied territory of Ukraine
2017		
1 January	Law	On amendments to the Budget Code of Ukraine concerning reform of intergovernmental fiscal relations ¹⁵
11 January	CMU Directive No.8	On approval of the plan of measures aimed at implementing certain principles of the state policy regarding some area of the Donetsk and Luhansk oblasts, where the state authorities of Ukraine temporarily do not exercise their powers
23 January	Presidential Decree No.12	On amendments to the military-administrative division of the territory of Ukraine
23 February	VRU Resolution No.1907	On the appeal of the Verkhovna Rada of Ukraine on the OSCE/ODIHR Election Observation Mission Final Report on the elections to the State Duma of the Russian Federation of 2016
25 February	Presidential Decree No.47	On the decision of the National Security and Defence Council of Ukraine dated 29 December 2016 "On Information Security Doctrine of Ukraine"
23 March	Law	On amendments to the Law of Ukraine "On temporary measures for the period of Anti-terrorist Operation" concerning improvement of regulation of relations on the use of the state and municipal property on the temporarily occupied territories of Ukraine

¹⁰ The Order defines the base amount for a single contribution and its size "for persons who were registered with the bodies of revenues and duties or were located (resided) on the territory of the Autonomous Republic of Crimea or the city of Sevastopol at the beginning of the temporary occupation, shall be exempt of payment of a single contribution in the course of their business activity on the temporarily occupied territory of Ukraine. The single contribution shall not be accrued from the income received by legal entities (their separate units) and individuals on the temporarily occupied territory".

¹¹ The Resolution establishes that pursuant to strategic documents, the Government shall focus, among other things, on restoration of territorial integrity and reconstruction of Donbas.

¹² The Resolution regulates rehabilitation of facilities and objects of industry, social and transport infrastructure, housing stock and life support systems in the settlements of the Donetsk and Luhansk oblasts that were damaged in connection with the Anti-terrorist Operation.

¹³ The Order makes the Department for War Veterans and ATO Participants responsible for interaction with the State Service of Ukraine for War Veterans and Anti-terrorist Operation Participants.

¹⁴ The Directive provides for establishment and support of an effective system for complex rehabilitation and social adaptation of ATO participants, in particular persons with disabilities.

¹⁵ The Law stipulates that "...bodies of the Treasury of Ukraine shall return funds mistakenly or excessively paid to local budgets of settlements of the Donetsk and Luhansk oblasts, where the state authorities of Ukraine temporarily do not exercise their powers, the list of which was approved by the Cabinet of Ministers of Ukraine, upon submission of bodies that control the collection of budget revenues, agreed respectively with the Donetsk and Luhansk regional military-civilian administrations".

23 March	MoD Order No.164	On approval of the Instruction for the procedure of implementation of international humanitarian law in the Armed Forces of Ukraine
15 April	Law	On amendments to the Tax Code of Ukraine regarding clarification of certain provisions and removal of inconsistencies arising from the adoption of the Law of Ukraine "On amendments to the Tax Code of Ukraine for improving the investment climate in Ukraine" ¹⁶
19 April	CMU Resolution No.281	On the establishment of Interagency Commission on the retreat of Ukraine from obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms
24 May	VRU Resolution No.2069	On recommendation of Parliamentary Hearings "Urgent issues of Ukraine's foreign policy"
23 June	MoIA Order No.535	On approval of the Procedure for authorised officers of the State Border Guard Service of Ukraine in case of the identification of obligees at the Ukrainian border crossing points and check points of entry in and exit from the temporarily occupied territory of Ukraine and the Procedure for interaction of state border guard agencies with authorised state bodies that have commissioned such obligation
15 November	CMU Directive No.909	On approval of the Strategy for integration of internally displaced persons and the introduction of long-term decisions on internal movement for the period until 2020
15 November	CMU Directive No.1023	On approval of the Strategy for Development of the Ministry of Internal Affairs system for the period up to 2020
21 December	NRADA Decision No.2428	On approval of amendments to the Plan of development of the national television and radio information space ¹⁷
2018		
10 January	SSU Order No.30	On approval of the Provisions on the Commission for reviewing materials on the recognition as combat veterans of members of the Security Service of Ukraine
18 January	Law	On peculiarities of state policy on ensuring state sovereignty of Ukraine in the temporarily occupied territories in the Donetsk and Luhansk oblasts
19 January	SSCIP Order No.28	On approval of the Provisions on the Commission for reviewing materials on the recognition as combat veterans in the State Service for Special Communication and Information Protection of Ukraine and Instructions for the procedure of issuance of the combat veteran ID cards, badges "War Veteran" and vouchers for receiving travel passes with a 50% discount by the State Service for Special Communication and Information Protection of Ukraine to war veterans and other eligible individuals under the Law of Ukraine "On status of war veterans, guarantees of their social protection"
27 February	Law	On amendments to some legislative acts of Ukraine on ensuring the state border security
1 March	VRU Resolution No.2310	On the appeal of the Verkhovna Rada of Ukraine to the international community in connection with preparations of illegal elections of the President of the Russian Federation on the temporary occupied part of the territory of Ukraine – in the Autonomous Republic of Crimea and the city of Sevastopol
1 March	VRU Resolution No.2312	On the appeal of the Verkhovna Rada of Ukraine to the parliaments of foreign states and parliamentary assemblies of international organisations on condemnation of political repressions of the Russian Federation against citizens of Ukraine as a result of military aggression of the Russian Federation against Ukraine and on release of political prisoners – citizens of Ukraine
1 March	Presidential Decree No.72	On the decision of the National Security and Defence Council of Ukraine dated 1 March 2018 "On urgent measures for neutralising the threats to the national security in the field of migration policy"
14 March	CMU Resolution No.164	On amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 38 dated 31 January 2018 ¹⁸
22 March	VRU Resolution No.2371	On the statement of the Verkhovna Rada of Ukraine on non-recognition by Ukraine of the legitimacy of elections of the President of the Russian Federation on the temporarily occupied territories of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol
18 April	CMU Resolution No.328	On approval of the Procedure for the use of funds allocated in the State Budget for realisation of measures aimed at protecting and ensuring the rights and interests and social rehabilitation of persons deprived of personal liberty by illegal armed formations and/or authorities of the Russian Federation on the temporarily occupied territories of Ukraine and/or the territory of the Russian Federation in connection with their public or political activities, as well as the supporting said persons and members of their families, including reimbursement of expenses related to visits, provision of legal assistance, medical and social services, awarding of the State grants (stipends) after Levko Lukianenko

¹⁶ The Law establishes that "... the temporarily occupied territory is the territory of certain rayons, cities, townships and villages of the Donetsk and Luhansk oblasts, determined in accordance with the Resolution of the Verkhovna Rada of Ukraine "On the recognition of certain rayons, cities, townships and villages of the Donetsk and Luhansk oblasts as temporarily occupied territories", where the state authorities of Ukraine temporarily do not exercise their powers. The list of settlements, on the territory of which the state authorities temporarily do not exercise their powers, shall be determined by the Cabinet of Ministers of Ukraine".

¹⁷ "The National Council elaborates the Plan of action on the development of a MW band broadcasting network for priority coverage of the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol, non-government-uncontrolled territories of the Donetsk and Luhansk oblasts with Ukrainian broadcasting".

¹⁸ The Resolution approves the procedure for payment of one-off cash assistance to persons who were illegally deprived of personal liberty as a result of actions of illegal armed formations and/or authorities of the Russian Federation on certain territories of the Donetsk and Luhansk oblasts, where the state authorities of Ukraine temporarily do not exercise their powers, and the temporarily occupied territory of Ukraine, liberated on 27 December 2017 and on 24 January 2018.

23 May	CMU Resolution No.412	On amendments to the Provisions on the Ministry for Temporarily Occupied Territories and Internally Displaced Persons
21 June	Law	On the National Security of Ukraine
2 July	DGF Decision No.1842	On peculiarities of establishing and managing databases of depositors by banks in terms of displaying information on persons who reside on the temporarily occupied territory of Ukraine, along the contact line, in the security zone adjacent to combat zone, or the areas for implementing measures on the national security and defence, repulse and deterrence of military aggression of the Russian Federation.
25 July	Presidential Decree No. 216	On urgent measures aimed at protecting the rights, freedoms and legitimate interests of persons illegally detained or held by the Russian Federation, the occupational administration of the Russian Federation, and released persons, as well as supporting said persons and members of their families
26 July	CMU Resolution No.593	On amendments to the Procedure for the use of funds allocated in the State Budget for realisation of measures aimed at protecting and ensuring the rights and interests of persons deprived of personal liberty by illegal armed formations and/or authorities of the Russian Federation on certain territories of the Donetsk and Luhansk oblasts, where the state authorities of Ukraine temporarily do not exercise their powers, and the temporarily occupied territory of Ukraine, as well as the supporting said persons and members of their families
	CMU Directive No.539	On approval of the Strategy for information reintegration of the Donetsk and Luhansk oblasts
31 July	MoD Order No.380	On approval of the Instruction on arranging living quarters for servicemen of the Armed Forces of Ukraine and members of their families ¹⁹
23 August	MoSP Order No.1216	On approval of changes to the application form for the registration of internally displaced person, approved by the Order of the Ministry of Social Policy of Ukraine No.1610 dated 27 December 2016
29 August	CMU Directive No.648	On the introduction of proposals for the application of personal special economic and other restrictive measures (sanctions)
5 September	CMU Resolution No.713	On amendments to some resolutions of the Cabinet of Ministers of Ukraine ²⁰
6 September	Law	On amendments to the Customs Code of Ukraine and some other laws of Ukraine regarding the introduction of a "one-stop shop" mechanism and optimisation of control procedures when moving goods across the customs border of Ukraine ²¹
3 October	CMU Resolution No.803	On amendments to para. 6 of the Procedure for the use of funds allocated in the State Budget for realisation of measures aimed at protecting and ensuring the rights and interests of persons deprived of personal liberty by illegal armed formations and/or authorities of the Russian Federation on certain territories of the Donetsk and Luhansk oblasts, where the state authorities of Ukraine temporarily do not exercise their powers, and the temporarily occupied territory of Ukraine, as well as the supporting said persons and members of their families
12 October	Presidential Decree No.320	On the decision of the National Security and Defence Council of Ukraine dated 12 October 2018 "On urgent measures for the protection of national interests in the South and the East of Ukraine, in the Black Sea, the Sea of Azov and the Kerch Strait"
17 October	CMU Resolution No.868	On amendments of the Resolution of the Cabinet of Ministers of Ukraine No. 328 dated 18 April 2018 ²²
18 October	MTOT Order No.106	On establishment of the Commission to consider issues of providing assistance to persons deprived of personal liberty by illegal armed formations, the occupational administration and/or authorities of the Russian Federation on the temporarily occupied territory of Ukraine and/or the territory of the Russian Federation in connection with their public or political activities, as well as the supporting said persons and members of their families
31 October	CMU Resolution No.910	On approval of the Military Medical Doctrine of Ukraine
21 November	Presidential Decree No.210	On the representative of Ukraine in the Trilateral Contact Group on peaceful settlement of the situation in the Donetsk and Luhansk oblasts

¹⁹ The Instruction stipulates "Registration of persons released or resigned from duty, who are registered in settlements on the temporarily occupied territory or in settlements where the state authorities of Ukraine temporarily or partially do not exercise their powers, shall be carried out upon their request at the place of permanent deployment of re-deployed military units, institutions, organisations of the Armed Forces of Ukraine, at the place of their housing registration, or at the place of permanent deployment of successors".

²⁰ In particularly, the Resolution instructs to replace the words "temporarily occupied territory of Ukraine" with words "temporarily occupied territories in the Donetsk and Lugansk oblasts, the Autonomous Republic of Crimea and the city of Sevastopol".

²¹ "Release into free circulation in the customs territory of Ukraine of printed products originated or produced and/or imported from the territory of the aggressor state, the temporarily occupied territory of Ukraine for distribution on the territory of Ukraine, shall be carried out by the body of revenues and duties based on the corresponding permission obtained the central executive body that ensures formation and implements the state policy of Ukraine in the information sphere using the "one-stop shop" mechanism in accordance with the Customs Code of Ukraine".

²² Changes specifically concern the CMU Resolution "On approval of the Procedure for the use of funds allocated in the State Budget for realisation of measures aimed at protecting and ensuring the rights and interests of persons deprived of personal liberty by illegal armed formations and/or authorities of the Russian Federation on certain territories of the Donetsk and Luhansk oblasts, where the state authorities of Ukraine temporarily do not exercise their powers, and the temporarily occupied territory of Ukraine, as well as the supporting said persons and members of their families" No. 328 dated 18 April 2018.

IMPLEMENTATION OF THE MINSK AGREEMENTS: “RED LINES” FOR UKRAINE. JOINT EXPERT STATEMENT¹

The meeting of the Normandy Four (Germany, France, Ukraine and Russia) leaders may take place already on October 19 [2016].

Kyiv emphasised that it is important to draft a roadmap for Minsk agreements implementation, which will determine further security and policy steps, prior to the meeting.

Ukrainian think tanks have prepared a memo for Ukrainian authorities regarding the “red lines,” i.e. the limits for compromise in the areas of political dialogue, security, and humanitarian issues that should not be crossed by Ukraine within the framework of the Minsk Agreements implementation.

On ceasefire:

- complete and sustainable ceasefire should be maintained according to clause 1 of the “Package of Measures” during disarmament and withdrawal of troops (clause 2 and 3 of the “Package of Measures”) and until the full restoration of control of the border by Ukraine;
- ceasefire should be observed by the OSCE Monitoring Mission and the Joint Control and Coordination Centre, established within the Trilateral Contact Group.

On disarmament:

- if until the elections military equipment and armaments are kept on Ukraine’s territory in special security storages, those storages should be guarded by the representatives of an international mission with a military component. Only armed observers are able to ensure compliance and not only monitoring of the implementation of security obligations by the parties

On restoration of border control:

- permanent control over the border should be restored before the elections in the occupied territories. As an option, acceptable to the conflict parties, border control should be executed by the OSCE Special monitoring mission (SMM) or to the OSCE mission on the Russian border at “Gukovo” and “Donetsk” checkpoints, following the extension of the latter’s mandate to cover all of the Ukraine-Russia border.

On elections:

- the elections to local government institutions in certain districts of Donetsk and Luhansk regions should be held only within a completely demilitarized territory (after Russian military forces and mercenaries are withdrawn from the territory of Ukraine, and military equipment and armaments are, at a minimum, kept in secured storages on the territory of Ukraine and are in the process of withdrawal from the temporary occupied territories);
- the election date may be cancelled in case of ceasefire violation;
- the elections should be held only after the exchange of prisoners and illegal detainees is completed;
- the elections should be held according to Ukrainian legislation, according to a law adopted by the Verkhovna Rada of Ukraine;

¹ Published on 12 October 2016, <https://dif.org.ua/article/implementation-of-the-minsk-agreements-red-lines-for-ukraine>.

- the law on the elections should not define the election date, but should contain a list of preconditions for the elections, both political (general preconditions for elections defined in the OSCE Copenhagen Document of 1990) and technical (development of an electronic voter register to ensure maximum voting for the internally displaced persons (IDPs), duration and conditions of the election campaign, etc.). The elections should be held only after implementation of the preconditions defined by this law. The political preconditions are the restoration of the basic principles of democratic process; in particular, international observers should confirm freedom of political activity, including freedom of political campaigning and the free functioning of political parties registered in Ukraine (according to the law of Ukraine “On Political Parties”) and non-governmental organizations within the region. Preconditions for the elections should be assessed and approved by a specially established independent election commission including the representatives of the OSCE;
- the right to vote should be granted only to the citizens of Ukraine with appropriate residence registration in Donetsk and Luhansk regions as of April 1, 2014;
- conditions should be created to guarantee the maximum possibility for the internally displaced persons to realize their voting rights;
- running in the elections should be denied to the persons who have committed grave crimes;
- full access to Ukrainian media should be restored at least 2 months before and during the election campaign;
- results of the elections should be determined by the Central Election Commission in accordance with the legislation of Ukraine;
- security during the elections, including along the administrative boundary line, should be provided by an international police force, established with the OSCE participation and under its supervision and control

On amnesty:

- the law on amnesty for persons connected with the events that occurred in certain districts of Donetsk and Luhansk regions should not contradict the Ukrainian legislation and should not apply to the crimes against humanity and war crimes. Furthermore, the law on amnesty should contain a defined term of validity and the conditions under which the persons that have been already pardoned can be held accountable for other crimes (e.g. in cases of crimes committed outside the time period to which the law on amnesty applies).

On decentralization:

- the implementation of the law on special arrangements of local self-government in certain districts of Donetsk and Luhansk regions should not contradict the constitutional distribution of powers (e.g. law enforcement agencies, judiciary system, etc.)

This list is not intended to be exhaustive and may be expanded in accordance with the political situation.

Signatories:

Institute of World Policy

Ilko Kucheriv Democratic Initiatives Foundation

Ukrainian Center for Independent Political Research

Institute for Euro-Atlantic Cooperation

Donetsk Institute of Information

School for Policy Analysis at NaUKMA (National University of Kyiv-Mohyla Academy)

DECLARATION

from the participants of expert conference “Minsk Agreements – Path to Conflict Resolution or a Recipe for Disaster” on the unacceptability of imposing limited sovereignty on Ukraine through the implementation of Minsk agreements¹

Among the many reasons that the “Minsk agreements” are unable to bring the desired peace and violate both the spirit and the letter of the law, as well as the norms and principles of democracy, we consider the following five to be crucial:

1. The “Minsk Agreements” impose on the international community and the Ukrainian society a myth of the civil war in Ukraine, where Russia is not the aggressor (and thus, not a side of the conflict), but instead – a mediator in the “settlement”. In truth, the realisation of the proposed “settlement” scenario would lay grounds for a genuine civil confrontation and would expand Kremlin’s political leverage on the official Kyiv by legalising the Russia-created and supported puppet organisations – the so-called DPR and LPR.

2. The goal of reintegrating the occupied territories into the political, humanitarian and legal framework of Ukraine with a special status charted and required by the aggressor is to obstruct the will of the overwhelming majority of Ukrainian citizens in regard to joining the EU and NATO, and stimulate the centrifugal processes in the rest of the country. The attempt to impose limited sovereignty on Ukraine is totally unacceptable to the Ukrainian society, as the opposition to it was one of the main causes for the Revolution of Dignity.

3. Granting special status to certain regions outside the control of the central government that include parts of the state border is a violation of the principle of a unitary state and the equality of citizens before the law, and could therefore, trigger the fragmentation of the country, which not incidentally, is one of the techniques of the hybrid warfare.

4. From legal standpoint, the “Minsk agreements” are null and void documents composed with flagrant violations of the Law of Ukraine “On International Treaties” and that certainly cannot be above the Constitution. The external dictate of their content contradicts the law and the principles of democracy. By taking on behalf of Ukraine the obligations concerning the content and timing of the constitutional amendments, the President had exceeded his powers, while by starting the procedure for the implementation of these amendments, the members of the Ukrainian Parliament have exceeded theirs. In Ukraine, the right to determine and amend the Constitution order belongs exclusively to the Ukrainian people and usurpation of that right by the state or government officials constitutes state crime (Article 5 of the Constitution of Ukraine).

5. The sequence of steps provided by the “Minsk agreements” contradicts the generally accepted practice of settling armed conflicts over authority and territory, as the restoration of security (ceasefire and weapons withdrawal) and stability (the transitional administration and effective international mechanisms that ensure monitoring and following the agreement by the conflict parties) must always precede the process of preparing and conducting elections.

Despite the fact that none of the provisions of the “Minsk agreements” had been fulfilled, which provided unshakable grounds for declaring them invalid after 31 December 2015, the politicians continue to insist that there is no alternative to them. The international community and the Ukrainian society are being deliberately misled in order to ensure that the sanctions against the aggressor are lifted – the goal that in the absence of a strong and reasoned position of the official Kyiv, Russian diplomats and “Putin’s friends” in the EU work hard on.

¹ <https://www.slideshare.net/MFAUA/declaration-by-the-participants-of-the-conference-minsk-agreements-a-path-to-conflict-resolution-or-a-recipe-for-disaster>.

The ensuing constitutional games will not only continue to undermine the legitimacy of the current government, but will further radicalise the society, deepen the split-lines within the government itself and strengthen the atmosphere of legal nihilism in Ukraine, which will certainly have far-reaching negative consequences.

Under such circumstances, in order to:

- return the state to the legal framework,
- prevent the restriction of Ukraine's sovereignty by means of amending the Constitution and the law in general, in accordance with the requirements of the aggressor and the external players,
- reduce political instability,
- prevent the national split associated with amending the Constitution of Ukraine on so-called "decentralisation matters",
- prevent the potential civil conflict caused by amending to the Constitution of Ukraine in the illegal manner, without an expert debate, public dialogue and proper discussion in the Parliament of Ukraine,

We demand that the President of Ukraine, having realised his responsibility before the Ukrainian people and the Ukrainian state:

1. Declare that the implementation term of the null and void "Minsk agreements" has expired and that despite the fact that they were imposed on Ukraine by force and threat of force, the aggressor country itself has not fulfilled a single provision. State that the "Minsk agreements" do not reflect the true nature of the conflict caused by the Russian aggression against Ukraine and do not lead to its halt or restoration of peace.

2. Express his commitment to the political and diplomatic resolution of the Russia-Ukraine conflict, reserving the right to use all legitimate methods, powers and means, including military ones, in order to protect the state and restore its sovereignty and territorial integrity within its internationally recognised borders.

3. Ensure that all conflict-resolution negotiations are limited to the following:

- end of the armed aggression of the Russian Federation against Ukraine;
- withdrawal of the Russian Armed Forces from all the occupied territories – the areas of the Donetsk and Luhansk oblasts, the Autonomous Republic of Crimea and the city of Sevastopol;
- release of all the hostages and political prisoners without any exceptions;
- compensation of the losses incurred by Ukraine as a result of the Russian aggression.

In terms of the international law, the goal should be to restore the *status quo ante* of the provisions of the Helsinki Final Act of the CSCE (OSCE) regarding the territorial integrity of sovereign states and inviolability of borders and to not allow Russia to destroy the basis of the international system of protecting human rights and democracy.

Despite the current silent disregard of the Budapest memorandum, insisting on its fulfilment and the use of the mechanisms provided by it, would serve not only the interests of Ukraine, but also the revival of global confidence in the nuclear non-proliferation system.

4. Initiate a new format of the Russia-Ukraine conflict settlement that would involve the US, EU, Russia and other concerned states (foremost, the signatories of the Budapest Memorandum) and expand the negotiations agenda to the de-occupation of not only certain areas of the Donetsk and Luhansk oblasts, but also Crimea, as well as the development of the international legal guarantees of Ukraine's security.

5. In accordance with Art. 39 of the UN Charter, initiate an extraordinary meeting of the UN Security Council to officially recognise the act of aggression of the Russian Federation against Ukraine. In case of Moscow blocking that decision, initiate the consideration of this issue by the UN General Assembly.

6. Declare that given the international nature of the conflict, Ukrainian internal political issues cannot be a subject of negotiations between the warring parties. Amendments to the Constitution must be adopted in accordance with the present Constitution and laws of Ukraine and in the interests of the Ukrainian people as a result of a wide public and expert discussion and appropriate debate in the Parliament of Ukraine. Ukraine is ready to discuss the issue of political reform, including Amendments to the Constitution, only with its European partners in the context of adjusting the national legislation to the requirements of the EU Association Agreement.

7. Introduce to the Parliament of Ukraine bills on the instant repeal of the laws “On Special Order of Local Government in Certain Districts in Donetsk and Luhansk oblasts”, “On Prevention of Prosecution and Punishment of Participants of the Events in the Donetsk and Luhansk Oblasts”, “On Creation of the Free Economic Zone “Crimea” and the Peculiarities of Exercising Economic Activity in the Temporarily Occupied Territory of Ukraine”, and the bills “On the Separate Areas of Donetsk and Luhansk Oblasts Temporarily Occupied by the Russian Federation” and “On the Collaborators”, and require their immediate consideration.

8. Ensure legal recognition of the so-called DPR/LPR as irregular armed bands that are financed, armed and controlled by Russia, and therefore, are a tool of the Russian armed aggression against Ukraine that falls under the “Definition of aggression” of the UN General Assembly Resolution 3314 (XXIX) of 14 December 1974.

9. Put together a consolidated claim to the aggressor state.

Initiate the formation of an international commission to assess the damages caused to Ukraine by the Russian armed aggression in order to later claim adequate compensation in the international courts.

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28 January 2016

Kyiv

THE CONCEPT¹

for introduction of the International Provisional Administration (IPA) in the territories of the Donetsk and Luhansk oblasts of Ukraine, occupied by the Russian Federation

The group of experts from Ukrainian analytical centers, working in the framework of “The Future of Donbas” discussion club, defined the basic concept on introduction of the United Nations International Provisional Administration (IPA) in the territories of the Donetsk and Luhansk oblasts of Ukraine, recognized by the Parliament of Ukraine as temporarily occupied by the Russian Federation. In their work, the authors of the concept followed the provisions of the UN Charter, UN Security Council Resolution 2202 (2015), Budapest Memorandum and UN’s experience of resolving conflicts using the resources of peacekeeping contingents and International Provisional Administrations.

By offering the concept of the International Provisional Administration as a solution to the conflict, the experts:

ACKNOWLEDGE, THAT any clause of a set of actions envisaged by the Minsk Agreements as of February 2015 has not been fulfilled in full; all the terms defined in it have long expired and were not extended.

NOTE, THAT not only the geopolitical situation, but also the political and legal evaluation of the events in the east of Ukraine have changed since signing of the Minsk Agreements. The Minsk “set of actions” envisages mechanisms designed to resolve the internal civil conflict, which is civil one neither in point of fact nor legally. The Law of Ukraine “On the peculiarities of the state policy of ensuring the state sovereignty of Ukraine over temporarily occupied territories of the Donetsk and Luhansk oblasts” recognized Russia as an aggressor state, and certain territories of the Donetsk and Luhansk oblasts as those occupied by Russia;

NOTE, THAT the Minsk Agreements, reached after the military defeats of Kyiv, are perceived as unfair by the majority of Ukrainian society and parliamentarians, so their implementation as they are today **in the conditions of continuation of the Russian occupation of the Donbas and lack of international guarantees of restoring the territorial integrity of Ukraine** can lead to significant negative socio-political consequences for the whole state;

RECALL, THAT due to the lack of progress in implementation of the Minsk Agreements, Ukraine daily faces negative impacts and great risks in the social, economic and environmental spheres, what carries more and more threats not only to the Donbas, but to the whole Ukraine and even Europe;

NOTE, THAT a total four-year anti-Ukrainian propaganda in the occupied territories of the Donetsk and Luhansk oblasts creates serious risks of fear and rejection of the return of Ukrainian authorities for local population;

UNDERLINE, THAT under the conditions of Russia’s denying to be a party to the conflict, and the failure of Ukraine to recognize the so-called “DPR”-“LPR” as parties to the conflict, there is a high probability that any purely military or police mission will face the absence of the administrative authorities, recognized by both real parties to the conflict, in the territories of the mission’s mandate.

¹ Introduction of the International Provisional Administration in the temporarily occupied territories of the Donetsk and Luhansk oblasts as part of a peacekeeping strategy for Ukraine – Centre for Research of Donbas Social Perspectives, Kyiv, 2018.

The Concept was prepared and translated by Centre for Research of Donbas Social Perspectives.

Taking all this into account, **for the creation of safety conditions and political settlement within the Minsk process, the experts OFFER** to establish an effective international mechanism for resolving the conflict, which will serve as a guarantee of restoration of peace and territorial integrity of Ukraine in the Donbas. Namely, the United Nations Mission, which will include both the peacekeeping contingent and temporary civilian administration (hereinafter referred to as the International Provisional Administration, IPA). Civilian authorities should consist of representatives of the countries – guarantors of the territorial integrity of Ukraine under the Budapest memorandum.

DEFINITION OF TERMS

1) **The International Provisional Administration (IPA)** is a multi-profile integrated mission of the United Nations (UN), the ultimate goal of which is de-occupation and subsequent reintegration of the occupied territories of the Donetsk and Luhansk oblasts into Ukraine.

The IPA consists of a military and police contingent, as well as of civilian personnel involved in the socio-economic management of the occupied territories.

De-occupation and reintegration – are a set of measures to restore Ukraine's sovereignty and territorial integrity, namely:

- ensuring a sustainable security regime (complete cease-fire, disarming of all illegal armed formations on the occupied territory, demining, restoration of control over the area of Ukrainian-Russian state border on the occupied territory);
- providing a legal regime of social and economic activity on the occupied territory in accordance with the current legislation of Ukraine;
- restoration of the institutions of Ukrainian state power in the occupied territories, support of the processes of justice, transitional justice and reconciliation in accordance with the legislation of Ukraine;
- ensuring the functioning of mass media (television, newspapers, radio, Internet media) in accordance with the legislation of Ukraine;
- holding legitimate local government elections in the currently occupied territories in accordance with the legislation of Ukraine.

The IPA is guided by the mandate of the UN and legislation of Ukraine.

POLITICAL POSITION OF UKRAINE

2) The members of peacekeeping and police contingents of the IPA in the occupied territories of the Donetsk and Luhansk oblasts cannot include representatives of the countries having a state border with Ukraine.

3) Representatives of the state of Ukraine must be included into all structures of civilian control within IPA's validity area.

4) The number of representatives of the countries having a state border with Ukraine as part of any civil authority of the social and economic management of the IPA in the occupied territories may not exceed 50% of its structure.

5) De-occupation and reintegration of the currently occupied territories cannot be a condition for determining the foreign policy of Ukraine.

SECURITY

6) The IPA's priority tasks in the occupied territories of the Donetsk and Luhansk oblasts are disarming of all armed units and establishment of control at the state border of Ukraine and the Russian Federation within the occupied territory.

It is mandatory for representatives of the relevant state authorities of Ukraine to participate in the contingent of the IPA at the border of Ukraine and the Russian Federation.

7) The IPA controls the entry of civilian population and goods to the occupied territory of the Donetsk and Luhansk oblasts, functions as a migration and customs service in the presence of the OSCE Monitoring Mission.

8) During the work of the IPA, police forces in the occupied territory of the Luhansk and Donetsk oblasts are being formed in accordance with the resolution of the UN Security Council.

9) Police forces of the IPA in the occupied territories of the Donetsk and Luhansk oblasts control the circulation of weapons among the population.

CIVIL MANAGEMENT

10) The IPA takes social and economic management of the occupied territories of the Donetsk and Luhansk oblasts while instituting effective control over these territories prior to the holding of local elections in the specified territories.

11) After instituting effective control of the IPA, monetary and financial system of the occupied territories proceeds according to the legislation of Ukraine.

12) The IPA facilitates the return of the temporarily displaced persons to the occupied territories, restoration of all their material and immaterial rights.

MEDIA AND FREEDOM OF SPEECH

13) The IPA maximally contributes to the technical and physical admission and functioning of the Ukrainian media (TV, newspapers, radio, Internet media and their representatives – journalists and technical staff) on the territory of the IPA's operation. All media in the occupied territory after its transition to the IPA's control operate in accordance with the requirements of Ukrainian legislation.

14) The IPA restrains the activities of political parties and political agitation in the occupied territory prior to the start of the local government's election campaign.

LEGAL SYSTEM

15) The state of Ukraine, territorial communities of villages, settlements, cities located in the temporarily occupied territories of the Donetsk and Luhansk oblasts, state authorities, local governments and other subjects of public law retain their right of ownership, other real property rights, which includes real estate (including land parcels located in the temporarily occupied territories of the Donetsk and the Luhansk oblasts).

The IPA guarantees the recovery of property rights that were violated in 2014, as of 2014.

16) The IPA is governed by legislation in force in relation to citizens living in the occupied territory of the Donetsk and Luhansk oblasts without Ukrainian citizenship. It regulates the rules of stay of citizens of other states and stateless persons on the territory of Ukraine.

17) The IPA contributes to the formation of pre-trial and judicial investigation agencies in the occupied territory in accordance with the legislation of Ukraine.

18) All crimes committed by members of illegal armed groups because of political, ethnic and religious hostility, war crimes and crimes against humanity in the occupied territory of Ukraine will be submitted to the UN War Criminal Tribunal, which should be created separately.

19) All crimes committed in the occupied territories of the Donetsk and Luhansk oblasts are investigated in accordance with the Criminal Code of Ukraine. All persons who have committed crimes will be prosecuted in accordance with the legislation of Ukraine and the norms of International Law.

20) Ukraine passes special laws on amnesty and collaboration (on forgiveness), which will be applied in the occupied territory of the Donetsk and Luhansk oblasts.

21) Ukraine agrees to the amnesty for the citizens of Ukraine participating in illegal armed formations in the occupied territory of the Donetsk and Luhansk oblasts who did not commit crimes against humanity, war crimes and are not involved in the creation of illegal armed formations, provided that they did not commit other crimes provided for by the Criminal Code of Ukraine.

22) Ukraine passes the law on collaboration (on forgiveness), which restricts the right to participate in elections of all levels and be elected to the councils of all levels, the right to be appointed to positions in executive and law-enforcement, judicial and local government branches at all levels, the right to create non-governmental and political organizations for all citizens of Ukraine who held key positions in the quasi-state bodies in the occupied territories of the Donetsk and Luhansk oblasts after April 14, 2014 and violated the oath of employees of the internal affairs bodies, prosecutors, judges, servicemen and government officials.

ELECTIONS

23) After achieving the goal of sustainable security, namely, the complete cessation of fire, getting overall control over the border area of Ukraine and the Russian Federation in the occupied territories of the Donetsk and Luhansk oblasts by the IPA, disarming all illegal armed formations, as well as after the provision of the legal regime for socio-economic activity on the occupied territory and stable operation of the mass media in accordance with the legislation of Ukraine, the IPA organizes and holds the elections of local government in the occupied territories of the Donetsk and Luhansk oblasts in accordance with the current legislation of Ukraine.

24) The date of the elections of local government in the occupied territories of the Donetsk and Luhansk oblasts is appointed by the Verkhovna Rada of Ukraine.

25) After forming the legitimate authorities of local government in the occupied territories of the Donetsk and Luhansk oblasts, the authority of the IPA is terminated and transferred to local government.

CONCLUSION

According to experts of “The Future of Donbas” discussion club, the involvement of component of civilian control during the transition period is equivalent to a peacekeeping component, because:

- the legitimate institutions of state power in the temporarily uncontrolled by Ukraine territories of the Donetsk and Luhansk oblasts were completely destroyed in 2014;
- since 2014, the functions of administrative and socio-economic management on the occupied territory are executed by illegitimate military formations (controlled by Russia, but even not recognized by it) that do not have international subjectivity;
- the Russian Federation continues to disavow itself as a party to the conflict and disclaims its responsibility for managing the occupied territories of the Donetsk and Luhansk oblasts.

The experts believe that not only military issues’ settlement, but also civilian management of the occupied territories by the UN Neutral Mission during the transition period will create real conditions for resolving the conflict, reconciliation and socio-psychological rehabilitation of residents of the affected areas of Ukraine.

CONTRIBUTORS TO THE CONCEPT:

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MONITORING OF EVENTS ON THE OCCUPIED TERRITORIES¹

(JUNE-DECEMBER 2018)

JUNE	
Politics	<ul style="list-style-type: none"> » Serhiy Zhevlakov, the mayor of Stakhanov (“LPR”), and Yevgeny Kotov, the head of Izmalkov rayon of the Lipetsk oblast (the Russian Federation), signed the so-called twinning agreement stipulating the “development of business links”, “twinning relations”, “cooperation in the veteran movement promotion”. The agreement was signed during the visit of “LPR” representatives to the Lipetsk region. This and similar agreements between occupied Ukrainian cities and Russian settlements stem from the efforts of the Russia-Donbas Integration Committee established by the Russian authorities.
	<ul style="list-style-type: none"> » The so-called “Ukrainian people’s tribunal for the investigation of war crimes committed by the Petro Poroshenko’s regime against citizens of Ukraine” took place in Luhansk. This showcase event resulted in “life sentences” for “for crimes against the people of Donbas” for the President of Ukraine Petro Poroshenko, the Secretary of the National Security and Defence Council Oleksandr Turchynov, the Speaker of the Parliament Andriy Parubiy, the Prime Minister Volodymyr Groysman, the Minister of Defence Stepan Poltorak, the Chief of General Staff Viktor Muzhenko, the Minister of Internal Affairs Arsen Avakov, and ex-Prime Minister Arseniy Yatsenyuk.
	<ul style="list-style-type: none"> » On 22 June Separate Regions of Donetsk and Luhansk Oblasts (<i>ORDLO</i>) marked the anniversary of the beginning of Great Patriotic War (World War II). Festivities included the motor rally “From Victory to Victories!” involving members of Russian youth patriotic movement Yunarmia. The “DPR”-founded Young Republic movement joined the “Memorial Candle” rally in Russian Krasnodar. Video conference “Great Patriotic War of 1941-1945 in historical memory of the people of Russia and Donbas” was held in Donetsk. These are obvious attempts to perpetuate Russian approach in the interpretation of events of World War II.
Socio-economic sphere	<ul style="list-style-type: none"> » The Unified State Exam (USE) was held in schools of occupied Donbas. This is Russian school graduation test that students take to enter Russian universities. According to separatist media, around 1,000 Ukrainian students also took USE. Schools of higher education in <i>ORDLO</i> started issuing Russian University diplomas, with close to 1,000 students receiving these documents in June.
	<ul style="list-style-type: none"> » Oleksandr Zakharchenko, the leader of “DPR” terrorists, held a “call-in show” with the residents of occupied Donetsk region. Live TV shows of this format are typical components of communication between President Putin and his fellow Russians that help him shape necessary image.
	<ul style="list-style-type: none"> » On 12 June, <i>ORDLO</i> celebrated the Russia Day, with Russian entertainers giving concerts in Donetsk and Luhansk. The militants also announced the launch of the Day of Russian Language. This is another evidence of copying traditions, as 12 June is the national holiday in Russia.
	<ul style="list-style-type: none"> » The journalists with the separatist channel “Union” visited the editorial offices of “Sovetsky Sport” newspaper and “MatchTV” sports channel. A two-day intensive training “School of real journalism” was held in Donetsk with participation of Vitaliy Leibin, editor-in-chief of the “Russkiy Reporter” journal, photojournalist Dmitri Beliakov, and Dmitri Mikhailin, the director of “Russian Reporters” organisation. A workshop “Journalism of the New Time” took place in Luhansk, which also included a roundtable “Freedom of Speech in a Civilian Confrontation”. Maksim Vaskov, the professor of Rostov-based Southern Federal University, addressed the audience via Skype.
JULY	
Politics	<ul style="list-style-type: none"> » <i>ORDLO</i> authorities started discussing the prospects of new elections with the view to preserve the <i>status quo</i> by extending the “powers of the heads of republics and parliaments”.
	<ul style="list-style-type: none"> » In July, a “working group on integrational interaction with Donetsk and Luhansk people’s republics” was established in Russia’s Oryol region. According to Andrei Klichkov, the acting governor of the region, the decision “systematises efforts of socio-economic cooperation” with these territories, meaning regular visits of residents of Donetsk and Luhansk. Representatives of the Oryol region also visit the occupied territories, and this does not involve any additional budget expenditure.

¹ Information collected from open sources, including “Novosti Donbassa” (www.novosti.dn.ua), “Realnaya Gazeta” (www.realgazeta.com.ua), TASS (www.tass.ru), PBK (www.rbc.ru), DNR online website (www.dnr-online.ru), Donetsk news agency (www.dan-news.info), Luhansk information centre (www.lug-info.com), Russia-Donbass Integration Committee (www.russia-donbass.ru), Russian Centre (www.russian-center.ru).

Materials for this annex were prepared by Volodymyr Holovko, Ph.D. in history, senior research associate with the Institute of History at the National Academy of Sciences of Ukraine, and Olha Kravchenko, analyst of the Policy Analysis Centre at Impulse Communications Group.

Socio-economic sphere	<ul style="list-style-type: none"> » The Russian regions discussed a bill implying cancellation of mandatory labour patents for the residents of occupied parts of Ukraine to be able to work in Russia, along with termination of restrictions on the period of their stay in Russia. The Moscow region, the Mari El Republic and the annexed Crimea voted against this bill. » Russia's Federal Service for Supervision in Education and Science has announced the accreditation evaluation of the Donetsk National Medical University's academic programmes. With onset of hostilities in the East of Ukraine, DonNMU has moved to the government-controlled city of Lyman in the Donetsk region, while university of the same name continued working in occupied Donetsk. Said accreditation was requested by the president of the latter be able to issue Russian University diplomas. » The regulation prohibiting local residents with utility service debts to leave the area has entered into force in <i>ORDLO</i>. Established by the court, these prohibitions are passed to all checkpoints for control and execution. » Young people from <i>ORDLO</i> visited the annual Russian forum "The territory of meanings on Klyazma" (the shift for young scientists and teachers of economics). » The Russian Centre (performing the functions of the Russia-Donbas Integration Committee in Donetsk) and the Public Chamber of the Ryazan region of Russia have signed an agreement on socio-cultural cooperation.
	AUGUST
Politics	<ul style="list-style-type: none"> » Leonid Pasichnyk ("LPR") and Oleksandr Zakharchenko ("DPR") visited South Ossetia to celebrate the 10th anniversary of the formation of this Russian enclave. They had a meeting with Putin's aide Vladislav Surkov, who spoke in support of the "republics". South Ossetia is a peculiar link connecting Moscow, Donetsk and Luhansk. According to Surkov, "financial, trade, economic, legal and organisational infrastructure" for "DPR" and "LPR" was set up on the territory of South Ossetia. » In Donetsk and Luhansk, Zakharchenko and Pasichnyk respectively were asked to cancel elections and extend the powers of "current authorities". These requests were initiated by the separatist movement "the Donetsk Republic" and some trade union organisations and universities under "LPR" control. They argued that since the "development programmes" were presented only this spring, their implementation would require more time. » In the occupied Donetsk region, these statements triggered a conflict between local elites. For example, Denis Pushilin, the so-called "chairman of DPR people's council" said that he wanted not only to hold elections of the leader and the parliament, but to organise a new "referendum" if the Ukrainian Parliament fails to extend the Law on the special order of local self-governance in <i>ORDLO</i>. By doing so, Pushilin disclosed his ambition to compete for leadership in the militants' government. As expected, the "administration of the head of Donetsk People's Republic" disproved his statements. » In August a group of deputies of the Legislative Assembly of Russia's Orenburg region visited Donetsk "to get familiar with the work of the DPR parliament". » On 31 August DPR's Oleksandr Zakharchenko was killed in the Donetsk restaurant blast, which intensified further redistribution of powers in occupied parts of the Donetsk region.
	<ul style="list-style-type: none"> » Russia's <i>Gazprom</i> has published a six-month report indicating the volume of gas supplied to the territories under "DPR" and "LPR" over 6 months of 2018 at 1,534 billion cubic meters. It is a 10.4% increase compared with the first half of 2017. » The "LPR" allowed exports of coal, produced at coalmines under its control, to Russia through the "DNR"-controlled areas without "tax burden". In addition, some Polish media reported that in 2017 close to 100 thousand tonnes of anthracite arrived in Poland from occupied Donbas through <i>Doncoaltrade</i>. 60% of this Polish company are reportedly owned by Oleksandr Melnychuk, former "deputy minister of energy of LPR". » In "DPR" the number of priority seats in public transport on suburban routes was reduced to 20%. » In <i>ORDLO</i> they took interest in faith-based organisations. In particular, "LPR" required them to complete the "procedure of state registration or legalisation" by October 2018, while "DPR" recognised some information materials of Jehovah's Witnesses as extremist and ordered religious groups to report on changes in their activities.
Socio-economic sphere	

SEPTEMBER

Politics

- » Immediately after Zakharchenko's assassination, his post was taken by Dmitri Trapeznikov, Zakharchenko's deputy in the "council of ministers of DPR", with the help of Alexander Timofeyev (code-name Tashkent), the "minister of income and fees" and close associate of murdered terrorist leader. However, the power in the separatist government was soon seized by Denis Pushilin – then "chairman of the people's council", who was able to secure Russia's support. For example, Alexei Chesnakov, political analyst associated with Surkov, stated that "People's Council" was the only "legitimate body in the DPR" after Zakharchenko's death.
- » Already on 7 September, the "people's councils" of both pseudo-republics appointed elections of "heads" and "deputies" on 11 November 2018. In "LNR", Leonid Pasichnyk was the only real candidate. In "DPR", however, the situation was different, as in addition to Pushilin, people like Alexander Khodakovsky, ex-commander of "Vostok" armed group, Zakharchenko's widow Natalia, Pavel Gubarev, the leader of Novorossia movement, and Igor Khakimzyanov, former "minister of defence", declared their ambitions. All of them were removed from the electoral process one way or another, while militant-controlled "central election commissions" registered some technical candidates.
- » At the same time, Pushilin started cleaning the "government structures" from people associated with Zakharchenko. The composition of the "council of ministers" has been fully renewed, and the "ministry of defence" liquidated. Paramilitary formations, previously controlled by Zakharchenko, were placed under the central command.
- » The above-mentioned Timofeyev and Aleksandr Kazakov, advisor to the "DRP head", escaped to Russia, shortly followed by Trapeznikov. Activities of the latter became the subject of investigation of the "special parliamentary commission", which quickly fixed a case with allegations of misappropriation of property worth RUB 850 million.

Socio-economic sphere

- » The media reported the intention of the "DPR government" to transfer all enterprises under its control to the external management of *Vneshtorgservis*. This company is associated with the Ukrainian oligarch Serhiy Kurchenko, who fled to Russia. It was chaired by Vladimir Pashkov, former vice-governor of Russia's Irkutsk region. The main goal of these actions was to restore functioning of industries in occupied Donbas. Kurchenko's structures control the "nationalised" Alchevsk Iron and Steel Works and *Metinvest's* plant in Yenakiyeve since 2017. Kurchenko supplies plants with iron ore and raw materials from Russia and returns rolled products. Moreover, his *Gas-Alliance* sells coal from *ORDLO*.
- » Yevgeny Lavrenov, acting "minister of income and fees", acknowledged that the economic situation on the DPR-controlled territory of the Donetsk oblast was difficult. Given the growing unemployment, especially among skilled workers, miners and food industry workers, the average salary in Donetsk was RUB 7,000-8,000.
- » Militants in "LPR" reported relaunching of some large industrial enterprises – the Stakhanov Ferroalloy Plant (SFER, owned by Igor Kolomoysky), as well as the Alchevsk Iron and Steel Works, Stakhanov Railway Car Building Works and a number of large coalmines under the *Vneshtorgservis* management.
- » During visit to Starobeshevsky rayon, Denis Pushilin has met Marlen Derdarov, the head of the Bakhchysarai rayon of the annexed Crimea, in the framework of Russia-Donbas Integration Committee. The meeting focused on the need to deepen cooperation "between the cities and districts of the DPR" and "the Republic of Crimea". Crimean officials also visited Krasnodon in the Luhansk region, where they signed an agreement on cooperation between local educational establishments and the schools of Alushta in the Crimea.
- » Mass poisoning of Makiyivka residents with tap water increased social tensions in the region.
- » Political technologists started tailoring the image of "DPR leader" to Pushilin. In contrast to militarist image of Zakharchenko, Pushilin's speeches and public appearances mostly focus on "economic issues" (prices, functioning of enterprises, fight against corruption). Meanwhile, Pushilin avoids direct criticism of Zakharchenko and assures the public that he will continue his course.
- » Pushilin managed to subdue all main media outlets in occupied Donetsk, including Zakharchenko's "Oplot TV", as well as TV channels and online resources owned by Gubarev's "Novorossia" holding.
- » Shooting of the propaganda film "Opolchenochka" (*A Militia Woman*) has begun in "LPR" describing the events in Donbas in 2014. An episodic part in the film was played by Natalia Poklonskaya, current deputy of the Russian Duma, who was born in the Luhansk oblast.

OCTOBER	
Politics	<ul style="list-style-type: none"> » “Central election commissions” of pseudo-republics registered current leaders and technical candidates for elections. In “DPR”, these included Denis Pushilin, as well as Elena Shishkina, the “judge of the people’s tribunal”, and Roman Khramenkov, member of the “DPR people’s council”. In “LPR”, these were Leonid Pasichnyk, as well as Oleg Koval, the chairman of the “trade union”, Lyudmila Rusnak, senior researcher in local museum, and Natalia Sergun, labour safety engineer at the Luhansk Railway Station. » Denis Pushilin met Vladislav Surkov in Moscow. The meeting also attended by Alexei Filatov, the member of the Russian President’s Directorate for Cross-Border Cooperation, also a new supervisor of humanitarian and political interaction with <i>ORDLO</i>. Per media reports, he was also responsible for coordinating the election campaign in Donbas. » Russian media reported that election campaigns on the territory under the “DPR” were supervised by curators from the Presidential Administration with codenames “Seagull” and “Patriot”. According to Chesnakov, they also worked in Donetsk until 2016, supervising media and internal policy respectively. » On 18 October, some Alexander Ananchenko was appointed as an “acting prime minister of DPR”. He is quite low-profile politician, who allegedly reports to Dmitry Kozak, Russian Deputy Prime Minister. According to media, he also served as an advisor to Serhiy Kurchenko in his South Ossetian company <i>Vneshtorgservis</i>. » On 30 October 30, Russia tried to give the floor to Olena Kravchenko, the “head of LPR central election commission”, at the UN Security Council meeting, which discussed the situation in occupied Ukrainian territories, including November “elections”.
Socio-economic sphere	<ul style="list-style-type: none"> » Within the framework of the Russia-Donbas Integration Committee, new twinning agreements were signed between Bakhchysarai (Crimea) and Vuhlehirsk (<i>ORDLO</i>), and between Yevpatoria (Crimea) and Sverdlovsk (<i>ORDLO</i>). » The control directorates of Russian ministries of finance and economy conducted an audit of Zakharchenko and Timofeyev’s activities and concluded that they peculated more than RUB 24 billion. Money was transferred through offshore accounts to foreign banks. Similar investigation was initiated by Pushilin, who established an interdepartmental commission to verify activities of the “ministry of finance of DPR”. » In late October, the “council of ministers of DPR” signed an agreement with Serhiy Kurchenko’s <i>Vneshtorgservis</i>, according to which the company pledged to allocate RUB 150 million (about \$2.3 million) annually to the needs of “DPR”. This money is to be spent on social measures (education, health, culture, sports). In addition, the company, which in fact manages about 40 enterprises, will have to pay “taxes”. » Consumer prices for chicken and eggs (up to 50%) started to rise in occupied parts of the Donetsk region, triggering discontent in society. To stimulate imports, the “government” reduced import duties on poultry meat from 25% to 10%, but prices did not go down. » In “LPR”, they also started looking for additional funding. To this end, Pasichnyk declared that all the markets operating in the occupied territory would join the state unitary company “LPR Markets”. “Privatisation” of empty housing may be another source, as Pasichnyk supported the initiative on transferring abandoned property to the “management of communal enterprises”. » Denis Pushilin and Leonid Pasichnyk announced plans to remove customs posts between the occupied areas, which would require “bringing customs regulations under the common denominator”. » The militant leaders in Donetsk and Luhansk have also announced an increase in salaries of public sector employees by an average of 10%. This coincided in time with the “election campaign” and stemmed from Surkov’s promises, reported by the Russian media. » The “DPR” announced opening of the branch of International Clearance Bank on its territory; this South Ossetian banking institution will also develop a network of ATMs. » Russia’s Ministry of Internal Affairs proposed to increase the term of stay in Russia for the <i>ORDLO</i> residents up to six months (currently 90 days). » The State Duma passed a bill No. 5227255-7 on granting Russian citizenship to Ukrainians. This law significantly simplifies the procedure for obtaining citizenship of the Russian Federation for the residents of Donbas. » Polish media published two interviews with Denis Pushilin. The first one appeared in the <i>Rzeczpospolita</i> newspaper, and the second on the website <i>Onet.pl</i> (later deleted). Both were write ups praising Pushilin and separatists in general. » Within the framework of the “election campaign”, the LPR leader Pasichnyk promoted the idea of joining the Russian Federation (he sees no option under which the occupied Luhansk could return under Ukraine’s control) and improving well-being of the Luhansk people (raising salaries to public sector employees, gradual increase in wages). » International Forum “The Russian World and Donbas: from Cooperation to Integration” was held in Donetsk. The event participants discussed such topics as “Ways of integrating Donbas into Russia’s scientific and educational space”, “Prospects of innovative socio-economic development of Donbas on its way to integration with Russia”, “Preserving and multiplying the cultural and historical heritage of the Russian World in Donbas”, “The history of Donbas through the mirror of today”. A twinning agreement between the Russian Community of Crimea and the Federation of Trade Unions of DPR was signed at the event.

NOVEMBER	
Politics	<ul style="list-style-type: none"> » The militants held “the elections of heads and deputies of the republics” in the territories under their control. The results were predictable, with Denis Pushilin receiving 60.85% of votes in “DRP”; Leonid Pasechnyk was elected as the head of “LPR” with 68.3% of votes. In addition, separatist movements “the Donetsk Republic” (72.5%) and “Free Donbas” (26%) entered “DPR people’s council”. Seats in the “LPR parliament” were divided between separatist movements “Peace to the Luhansk Region” (74.12%) and the Luhansk Economic Union (25.16%). » Both pseudo-republics reported high voter turnout. The measures taken to ensure the ballot, however, point at low activity of the residents of occupied territories. It is known that in order to attract voters, militants offered cheap food, distributed free theatre tickets and free mobile refill coupons. Students showing up for ballot would receive “automatic” pass on exams, while pensioners were offered free blood pressure measurements, and the like. » “Inaugurations” of both Pushilin and Pasichnyk followed the same scenario. Representatives of other unrecognised republics – South Ossetia, Abkhazia, the annexed Crimea, as well as the members of the Russian State Duma attended these festivities. » In late November, the powers of the “DPR government”, headed by Alexander Ananchenko, were expanded, including “realisation of the right of legislative initiative”. » Purges in Timofeyev’s “ministry of income and fees” continued, with his associates Mikhail Khalin (first deputy) and Sergei Chetverikov (the head of financial and economic police) losing their positions.
Socio-economic sphere	<ul style="list-style-type: none"> » Having completed the formation of governing bodies following the elections, the “DPR” and “LPR” went on to develop measures aimed at achieving greater financial autonomy. According to media, Russian MP Petrov, the head of the Russian delegation at the Donetsk “inauguration”, told the new leaders that the economic situation in the Russian Federation did not allow maintaining the “republics” by 100%. » The “LPR” announced plans to “launch nine additional industrial enterprises, including the Stakhanov Ferroalloy Plant, the Luhansk Pipe Plant, and the Krasny Luch Machine Building Plant”. In the meantime, more than 3,000 tonnes of the Alchevsk Iron and Steel Works products were arrested in the Mariupol port – they were shipped to Belgium under the flag of Liberia. AISW is located in the occupied Luhansk region and controlled by Kurchenko’s <i>Vneshtorgservis</i>. The Prosecutor General’s Office of Ukraine promises to prosecute persons involved in smuggling of AISW products through Mariupol for “terrorist financing”. » The DTEK energy company provided information about the illegal coal trade from <i>ORDLO</i>. According to their data, roughly 400-500 thousand tonnes of coal crosses the border with the Russian Federation monthly to be later sold in the EU. » Following the “elections”, militant leaders once again announced key points of their policy. According to Pushilin, “efforts will focus on three main areas: integration with the Russian Federation, economic development, and fight against corruption”. He added that “ensuring economic development is the most important political task of the DPR government – while integrating into Russian economy, we do not want to be a consumer or a subsidised region. Not only Donbas is capable to earn for itself, but also to jump ahead of many developed states”. » Pasichnyk stated that his main task is to “preserve the independence of the Republic” and to “protect the rights of its citizens”.
DECEMBER	
Politics	<ul style="list-style-type: none"> » The “governments of DPR and LPR” were formed. In the first case, this was preceded by legislative recognition of two separate positions – the “the head of republic” and “the head of government”. It should be added that both pseudo-republics are notoriously known for excessive number of “ministers” who mostly imitate activities in the information space. » Leonid Pasichnyk visited South Ossetia and signed an “agreement on friendship, cooperation and mutual assistance” with its leader, Anatoly Bibilov. » “LNR people’s council” was quite active in December, adopting amendments to the “criminal code” that introduced criminal liability for the illegal use of subsoil resources; strengthening the role of “people’s militia” and “military commissariat” during mobilisation; and amending the law “on public prosecution”. Also, it passed three laws on the protection of the rights of a child.

- » Denis Pushilin reiterated that the new government was tasked to ensure economic growth, with special focus on metallurgy, coal industry and machine building. During the “call-in” on 27 December, Pushilin also talked about the new roadmap for metallurgy, coke, machine-building and mining enterprises, as well as development of the banking system.
- » It is rumoured that fugitive oligarch Serhiy Kurchenko visited Donetsk on the eve of the “government formation”. According to anonymous sources, he allegedly planned to meet the DTEK representatives, agents of several Verkhovna Rada deputies and Vladislav Surkov. It is still unknown whether such a meeting occurred.
- » Immediately after the November “elections”, people in *ORDLO* saw sharp rise in prices for food and basic commodities by 5% to 20%. The main reasons included problems at the Shakhtarsk Poultry Factory causing the deficit of poultry; reduction of cultivation areas due to the pressure on farmers; and rise in fuel prices due to reduced supplies from Russia. To reduce prices, militants resorted to administrative pressure on retail networks and their suppliers, and introduced acceptable mark-ups and margins, imposing maximum allowable prices for 67 categories of goods procured for “budget funds”.
- » The course towards “nationalisation of markets” continued. The “DPR people’s council” re-introduced “the temporary commission on the transfer of markets operating in the territory of DPR into state ownership and on activities of enterprises and non-resident institutions with temporary state administrations”. Moreover, the “prime minister” Ananchenko commissioned audit and analysis of said temporary administrations, thus strengthening control over their work.
- » “DPR government” announced its intention to “nationalise” *East Business Centre LLC*, *Fin Active LLC*, and *Ukrdoninvest LLC*, not registered at the militant-controlled territory. All three companies are linked to Oleksandr Yanukovich.
- » “LPR” and “DPR” started harmonising their customs “legislation” with that of Russia. The import duty between the “republics” was abolished, and so were the restrictions for locals on carrying food products across the administrative border between the regions. Pseudo-republics also simplified the customs clearance of goods transported by rail.
- » The militants planned a “tax reform” to reduce the burden on businesses operating in occupied areas, and to stimulate entrepreneurial activity.
- » Local population continue to accumulate debt for utility services. Militant-controlled administrations intensified their battle against the debtors. Local media have repeatedly reported how courts consider utility debt claims within three days without summoning the debtor, and then impose enforced recovery.
- » The issue of student scholarships remains unresolved. Also, according to Pushilin, planned wage and pension increases will not be for all.
- » Vladislav Berdichevsky, chairman of the committee of the “DPR people’s council” on foreign policy, international relations, information technologies said that “DPR needs the law on state regulation of Internet. We are yet to develop such laws, but we can put our own system in place that does not restrict anyone’s rights and freedoms”.
- » There were several attempts by the “LPR” militants to restore broadcasting of Russian channels in communities along the contact line. So far, their signals are jammed by the Ukrainian authorities.
- » During the “call-in” Pushilin expressed his readiness to narrow the role of the Ukrainian language in educational process, including by its removal from the list compulsory subjects and leaving it for optional study. He also supported the initiative to announce 2019 as a year of the Russian language. Much attention has also been paid to “combating corruption” and “establishing justice” (in cases of illegal takeovers by “Tashkent”).
- » Pasichnyk once again emphasised that the best future for the Luhansk region is to become part of Russia.

PEACEKEEPING MISSION IN DONBAS: WESTERN EXPERTS' OPINIONS

The idea of deploying a peacekeeping mission to Donbas to resolve the long-lasting armed conflict is being actively discussed in the global political discourse, at reputable discussion platforms, among politicians and experts. At the moment this idea is considered to be one of the best and most realistic ways to establish peace in Eastern Ukraine. Unfortunately, positions of Ukraine and its western partners and Russia, as the aggressor that does not admit to its involvement in the war, are drastically different.

This compilation of materials prepared by the Razumkov Centre project implemented with support of the Foreign Affairs Ministry of the Netherlands, presents opinions and views of a number of prominent western experts on the chances and prospects of bringing UN peacekeepers to Donbas.

Experts were very careful in their expectations regarding the peacekeeping operation, as these depend on a number of conditions, in particular, on the parties' ability to reach compromise, relevant political agreements. This may be a problem in the current circumstances. Richard Gowan mentions this in his interview. Meanwhile, Aleksandr Duleba highlights institutional flaws of the negotiation process, i.e. the fact that there are many different formats of multilateral negotiations on the topic. Steven Pifer focuses on the nature and specific aspects of the peacekeeping mission, its phased deployment.

It is obvious that in order to achieve peace in Donbas, we need to be taking consecutive steps to create the necessary conditions, including through the use of the global community's peacekeeping instruments.

PEACEKEEPING MISSION MUST BE PRECEDED BY BASIC POLITICAL AGREEMENTS



Richard GOWAN,
Leading Expert
at New York University's
Center on International
Cooperation

– What, in your opinion, are the possible ways, means and prospects for resolving the protracted conflict in Donbas?

This is a tragically complicated debate, and I understand only a very small part of it.

Over the last eighteen months, I have focused quite hard on the question of whether a peacekeeping operation supported by the United Nations (UN) could stabilize Donbas.

This was the topic of my January 2018 paper “Can the United Nations Unite Ukraine?” for the Hudson Institute in Washington, which was widely read and discussed last year.

I am an expert on peacekeeping in general rather than Ukraine. My reason for writing on this issue is that I have studied the UN Transitional Administration in Eastern Slavonia (UNTAES). This mission, which operated from 1996 to 1998, successfully reintegrated separatist-controlled territory into the Croatian state, and a lot of analysts have pointed to it as a model for Donbas. That is why I ended up in this discussion.

Nonetheless, I hope I can offer some useful lessons from my limited experience here.

When I started working on Donbas (the last quarter of 2017), there was a sense that a peace operation could somehow be the “key” or “magic bullet” that could solve major problems to the implementation of the Minsk accords. It was obvious that the whole Minsk agenda was badly off-track. But President Putin's statement in September 2017 that he could accept a UN presence in Donbas suddenly created some new optimism.

A lot of Western officials – including U.S. diplomats – hoped that a peacekeeping force could help resolve problems that Ukraine, Russia and the Donbas separatists could not handle alone. For example, who could organize the local elections envisaged in Minsk II? Peacekeepers! Who could control the Ukrainian/Russian border? Peacekeepers!

Looking back, I think that some of this optimism was misplaced. Putin and his advisers made it very clear very quickly that they weren't interested in a large-scale

mission with an ambitious Security Council like UNTAES. They wanted a small UN force to guard monitors from the Organization for Security and Cooperation in Europe (OSCE).

There were hints that Moscow might ultimately accept a bigger peace force. A number of well-connected Russian analysts wrote about quite expansive peacekeeping options in late 2017 and early 2018. It looks like Russia was testing the U.S. and their allies, seeing if the idea of peacekeeping would lead to any fresh proposals of sanctions relief.

We don't really know how serious they were. Kadri Liik of the European Council on Foreign Relations has argued that the Russians quite quickly grasped that Washington and Brussels would not offer huge concessions on sanctions and gave up on the idea of peacekeeping as a result. I suspect that is a pretty convincing interpretation of events.

It is even possible that Western officials and analysts helped kill off Russia's tentative interest in the peacekeeping option by taking it too seriously. Putin's initial reference to a very light force may or may not have been a serious opening gambit for political discussions. But in a very short period, you had American and European analysts drafting in-depth studies of what such a force would look like and how it might function.

These studies got pretty technical pretty quickly. We spent a lot of time exploring what a Security Council mandate for a Donbas force would look like. We talked about the potential size of a force (my best guess was between 20,000 and 25,000 personnel) and where the necessary troops, police and civilian peace experts would come from.

This caused a bit of a stir in Europe. Non-NATO countries like Sweden and Finland felt under pressure from the U.S. and big European players like Germany to say what peacekeeping assets they could offer. A lot of officials in Stockholm and Helsinki were deeply uncomfortable with the idea of sending soldiers to operate on Russia's borders.

They probably shouldn't have worried too much. Both official and unofficial Russian actors distanced themselves from the whole discussion (although I heard through informal contacts that experts in Moscow were reading our papers with some interest). The debate about peacekeeping in Donbas has lost momentum over the last year, although it is possible that there could be some sort of movement after the Ukrainian elections.

What is the lesson of this story? I think the answer is that Western officials, and maybe experts like me, misunderstood the potential significance of the peacekeeping option.

Peacekeeping was never going to be a magic bullet in Donbas. The conflict there continues because of a number of geopolitical, regional and local political tensions. No peacekeeping mission – whatever its scale, mandate or composition – can fix those.

– What are the prospects for deploying a UN peacekeeping mission to Donbas? What are the options of reaching a compromise between parties involved?

A peace operation could only work in Donbas if Moscow, Kyiv and other actors can resolve their underlying differences in advance. If, by some miracle, that is possible, peacekeeping could still help manage the implementation of a Kyiv-Moscow compromise.

Let me put this in concrete terms. Ukrainian and Western analysts believe there are still significant Russian military assets in Donbas. The only way to get those assets out of the region is for Moscow to come to a political understanding with Ukraine and its allies, and then agree to pull them out. It would be almost impossible to deploy any peacekeepers until all Russian forces are well-and-truly gone. Nobody wants to send their troops into an unintentional firefight with a Russian unit that could lead to a major international crisis.

So why bother to talk about peacekeeping at all? There are at least three good answers.

Russia might welcome the deployment of an international peacekeeping force as a means to verify that all its own assets had left. The peacekeepers could also help deter any small-scale gangs and spoiler groups (from either the pro-Moscow or Pro-Kyiv camps) using force in the aftermath of a peace agreement. Past experience in cases like Eastern Slavonia and Kosovo show that this sort of conflict rarely ends cleanly. There are always malcontents, diehard fighters and others who don't want violence to cease, whatever their strategic masters say. A peacekeeping force can manage these local troublemakers.

Finally, an international presence could genuinely manage some of technical challenges – like managing elections – that we identified earlier with a reasonable level of impartiality and credibility. That is important for the future of Donbas. Whatever political settlement finally emerges has to feel fair. The UN and partners like the OSCE can help with that.

But we have to be realistic. A peacekeeping mission can only fulfill all these roles if Kyiv, Moscow and other powers make a baseline political deal to end the war beforehand.

If such a deal exists, peacekeepers can help fix the details, and ensure that minor flare-ups do not upset the entire agreement. But, in contrast to our earlier assessments, I think we have to grasp that peacekeeping is not the key to a broader deal. Russia is not going to make any big concessions over Donbas simply because peacekeepers are on offer.

At best, peacekeeping is simply a possible tool to facilitate a broader strategic bargain. ■

IT IS NECESSARY TO REVIEW THE INSTITUTIONAL FRAMEWORK OF THE NEGOTIATIONS ON DONBAS



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– What, in your opinion, are the possible ways, means and prospects for resolving the protracted conflict in Donbas?

There are several reasons why talks on resolution of the Donbas crisis show a weak progress. The first one is the text of the Minsk agreements per se. It consists of a set of isolated points, which are not clearly interconnected, i.e. point B does not arise automatically from point A so that it is undoubtable what one or other party must do subsequently and vice versa in order to achieve progress in implementation of the agreements. The absence of a clear causality in the agreements allows negotiating parties to paralyze the talks as they pursue and enforce different and mutually exclusive strategies, what in the end is a natural outcome. In my opinion, in order to move forward it is time to negotiate, if not a new Minsk 3 agreement, definitely, it would be helpful to negotiate at least binding roadmaps for the implementation of each point of the existing agreements.

Another, and in my view, no less important cause of poor progress in the negotiations are institutional imbalances and shortcomings of the formats, in which they take place. The Normandy format, which should facilitate the principal political agreements, is not sufficiently interconnected with the Minsk Trilateral Group (TG), which subsequently should transform them into concrete technical measures implementable on the ground. There is an institutional gap between the Normandy format and the Minsk Trilateral Group, which does present an obstacle to progress in negotiations. In particular, Germany and France are not represented in the Minsk Trilateral Group. So far, we have not heard a clear explanation from Berlin and Paris why it is so. The participation of representatives of Germany and France in the TG in Minsk would definitely improve transfer of the Normandy agenda to the Minsk TG and thus help to reduce the gap between the two main formats within which the talks are going on. On the other hand, the OSCE does not play any role in the Normandy format, although it moderates the talks in the Minsk TG. If the French and German representatives are not part of the Minsk TG, the question arises as to why the OSCE is not part of the Normandy format. Should the role for OSCE be strengthened in the

ongoing talks, at least, in a way it could serve as a common ground for the all existing formats? We do not have a clear and satisfactory response to either question yet.

Another issue is the mandate of the negotiators in the Minsk TG, which is inadequate because they cannot reach binding agreements in a real time – here and now. Any agreement reached by the Minsk TG must be subsequently confirmed in Moscow and Kyiv, and by those who do not participate in the negotiations in Minsk. During the negotiations, the actors are socializing, thus creating a prerequisite for the convergence of their positions, and in the end they increase the potential for achieving agreements. However, if uninvolved and not socialised actors intervene in the process, they cannot understand the logic of the negotiation process and therefore can hardly even evaluate it properly. The shape of the talks in and around the Minsk TG does not create the optimal conditions for a successful negotiation process. Representatives of the parties in the Minsk TG should definitely have a stronger political mandate to reach agreements in a real time. And finally, the Russian-American talks within the Surkov-Volker format represent an absolutely parallel world of talks that has absolutely unclear connection with either the Normandy format or the Minsk TG.

The institutional fragmentation of the negotiation formats enables parties to conflict to hamper their progress. For instance, the diplomatic face of Russia in the Normandy format may be and often is different from that Russia demonstrates in the Trilateral Group in Minsk. In the Normandy format, Russia can support some proposals to “show a good face,” but at the same time, easily and without difficulties, it can bury them in Minsk. The institutional fragmentation of the negotiations allows actors to promote different double-faced negotiating strategies what makes talks a vicious circle. If there is a will to change the situation, it is necessary to reform the institutional framework of the negotiations, to simplify them and to reduce the number of formats. Actually, one a single format with real mandate of negotiators to reach real agreements in a real time would be enough.

Finally, I find it a strategic mistake that the Geneva format of negotiations (US - EU - Ukraine - Russia) was changed to the Normandy format (France - Germany - Ukraine - Russia). First, the representativeness of the negotiating format has been declined, and second, it led to the institutional fragmentation of the negotiations. The parallel format of Surkov-Volker might not have occurred at all if the Geneva format would remain. Moreover, if the EU is considered – by Russia – as part of the “problem” that has led to the escalation of the Russian-Ukrainian crisis, because the EU has offered Ukraine integration through an association agreement, the EU should be part of solving the problem, and here it does not matter whether we accept or not Russian interpretation of the causes of the crisis.

If we agree that the Donbas crisis is a systemic crisis of European security, it is important to address it

accordingly as it is a precedent for resolution of crises that might appear in the future. It is not in the interest of European security to go back to the Westphalian system of peace congresses of major European countries known from the past; however, the Normandy format more and more becomes similar to them. France and Germany have taken great responsibility on behalf of all EU Member States to represent them in the resolution of the Donbas crisis. However, one of the unfortunate mistakes we observe at the present is that the EU and its Member States, at least those that view the crisis as threat to their own national security are not sufficiently integrated into the talks on its resolution. At the EU level there is almost none coordination of the respective German and French diplomatic activities neither with the European External Action Service nor foreign services of the EU Member States. It is understandable that Russia does not want to see the EU as an actor of European security. But the fact that this role of the EU is being overlooked in Berlin and Paris is a deep misunderstanding.

– What are the prospects for deploying a UN peacekeeping mission to Donbas? What are the options of reaching a compromise between parties involved?

An armed UN peacekeeping mission to complement the OSCE monitoring mission in Donbas is a productive and interesting idea, the materialization of which would shift the search for a solution to the crisis. On one hand, it is good that this idea is being discussed, on the other hand, the hopes and expectations associated with the UN mission I read as the recognition of the failure of existing attempts to resolve the crisis as well as the confirmation that the existing Minsk agreements and the formats for negotiations on their implementation are inadequate and need reform. I regard the idea of the UN mission as an attempt to go beyond the existing negotiating framework because the current one seems to be exhausted. However, I do believe that progress in resolving the crisis can only be achieved by reviewing and developing existing agreements, including negotiation formats, not by creating a new agenda. The expectation that it is possible to achieve an agreement over a UN mission without agreeing to other parts of the Minsk agreements is naive. We can expect the UN mission agreement with the same likelihood as we can expect the agreement over other key parts of the Minsk agreements.

If we depart from the statements of the official representatives of Russia and Ukraine, each party has a different idea about the format and extent of the competences of a possible UN mission in Donbas. The ideas of both sides are incompatible. However, what is clear yet is the fact that without the consent of Russia as a permanent member of the UN Security Council, the UN mission to Donbas is impossible as well as that it is possible only in the shape which will be agreed by Russia. I do not regard it useful to speculate on what conditions Russia would agree with the Ukrainian idea of the mission and/or what a compromise between the Russian and Ukrainian vision of the UN mission is

possible. The only thing we can expect in this respect is that Russia could possibly agree with the UN mission, provided it is preceded by a new comprehensive deal on the Donbas crisis. And we are where we were, i.e. at my initial point that there is a need to review the Minsk agreements. Another scenario implies a radical change in Russia's attitude towards Ukraine and the Donbas crisis, but I do not expect it to happen in the foreseeable future, and especially, under the current Russian leadership.

In other words, if the UN mission in Donbas is to become a reality, it should become a part of the Minsk agreements, which is another argument for their revision. Again, I argue that there is a need to develop the Minsk agreements regardless of the Russian conditions on its approval for a possible UN mission. If the process of negotiation is to be shifted forward, it is necessary to start working on the road maps for implementation packages to each point of the Minsk agreements. At the same time, it is necessary to review institutional framework for the crisis resolution talks. We do not need three parallel formats, just one, but sufficiently representative and with strong mandate for participating negotiators. ■

RESOLVING THE DONBAS CONFLICT: PROGRESS REPORT AND A WAY FORWARD



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Introduction. The conflict in the Donbas has run for five years. While it originally appeared to be – and was designed to appear to be – a “separatist” struggle, its true nature is clear. It is a low-intensity Russian war against Ukraine, waged by Russian [regular] and Russian proxy forces.

The Kremlin has sustained this “simmering conflict” to destabilize the Ukrainian government with two aims: to make it difficult for Ukraine to pursue needed domestic reforms, and to hinder Kyiv's effort to draw closer to Europe. Russia's aggression has drawn international opprobrium and sanctions while fostering a strong sense of Ukrainian national identity. Unlike Crimea, the Kremlin shows no interest in incorporating the Donbas. It views the Donbas merely as an instrument in its wider campaign against Ukraine.

Should Moscow conclude that its current policy is not working, it may look for a way to gracefully exit the quagmire. If so, a properly structured international peacekeeping force, accompanied by an interim international administration, could offer a mechanism and political cover for a Russian withdrawal, and facilitate a settlement.

Background. Shortly after Russia's seizure and illegal annexation of Crimea in March 2014, "little green men" – as Ukrainians referred to them – showed up in several major cities in eastern Ukraine. In contrast to Crimea, where the Ukrainian military remained in garrison and did not challenge the Russian forces, Ukrainian security and military forces took action in the Donbas. After several months of fighting, Ukraine in August 2014 seemed on the verge of restoring control over all of the Donbas – until regular units of the Russian army engaged in the battle. The sides agreed to a ceasefire in September, a ceasefire that did not take hold.

Meeting in Minsk in February 2015, German Chancellor Merkel and French President Hollande brokered a second ceasefire and settlement agreement between President Poroshenko and Russian President Putin. The first three elements of what has come to be called the Minsk II agreement – a ceasefire, withdrawal of heavy weapons away from the line of contact, and free access for the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission – have never been fully fulfilled. The agreement, however, remains a touchstone for many, including the European Union, which has linked the removal of its visa and economic sanctions on Russia to full implementation of Minsk II.

The Donbas has remained a simmering conflict. Moscow refuses to acknowledge its role, but Russian military and security forces provide leadership, funding, weapons, ammunition and – in some cases – regular units of the Russian army. This has inflicted a terrible cost on the Donbas and Ukraine: some 13,000 dead, displacement of two million people, and enormous damage to infrastructure, industry and residential structures.

Mr. Putin and the Kremlin seem inclined to continue this conflict, apparently judging that the benefits in terms of damage to Ukraine outweigh the political and economic costs that Russia has had to pay. Moscow, however, is not prepared to pay unlimited costs. Some in Kyiv worry that the Russian military might launch a broader offensive. That appears unlikely, as the Ukrainian military has improved significantly since 2014 and would inflict serious casualties on an invading Russian force – anathema to those who sit in the Kremlin. Moreover, a major offensive would almost certainly trigger more severe Western economic sanctions on a Russian economy that already can muster only stagnant growth.

The political advantages of occupying more territory appear slight. Russia to date has pursued a series of salami tactics – witness the November 2018 attack on Ukrainian naval vessels in the Kerch Strait and Russia's gradual move to assert unilateral control over the Sea of Azov. Those tactics seem to be working and thus far have drawn little in the way of serious Western reaction.

In September 2017, Mr. Putin mentioned the possibility of a UN peacekeeping force for the Donbas (the Ukrainians had first expressed interest in the idea in 2015).

The Russians' vision limited the force to monitoring the line of contact and escorting OSCE Special Monitoring Mission (SMM) personnel. While some thought that this might open the path to a more robust peacekeeping force that could facilitate a settlement, Moscow did not pursue the idea.

The Russian leadership will not adopt a major change in course until it sees the results of the presidential and parliamentary elections in Ukraine, perhaps hoping that those elections will produce a leadership that might abandon the country's European course and be amenable to a turn back toward Moscow. That would be wishful thinking. If/once the Kremlin concludes that Ukraine will not make such a U-turn, it may give more serious thought to a way to extract itself from the Donbas. If so, attention could turn back to the idea of a UN peacekeeping force and an interim international administration.

Structuring a Peacekeeping Effort. The peacekeeping force could provide Mr. Putin political cover for leaving eastern Ukraine. Such a force, accompanied by an interim international administration, could let him reassure his domestic constituency that he had arranged "protection" for the population in Donbas, whom he earlier suggested could be subject to violent retribution were Ukraine to restore control. This suggests a gradual transition, from the current situation, to one in which the peacekeeping force and interim international administration exercise authority, to the full restoration of Ukrainian sovereignty over the Donbas, up to and including the international border with Russia.

Russian readiness to withdraw its forces, proxies and heavy weapons from the Donbas would be an absolute precondition for a UN peacekeeping force. Moscow's assent to such a force would presuppose Russian readiness to leave. The terms for any peacekeeping force would, of course, have to be acceptable to Kyiv as well as Moscow.

The UN Security Council could authorize a peacekeeping force under Chapter VI of the UN Charter, which addresses peaceful settlement of disputes. It should also incorporate elements of Chapter VII ("Action with respect to threats to the peace, breaches of the peace and acts of aggression"). The Chapter VII elements would allow the peacekeeping force to take more robust action, for example, to protect civilians. While most proxy forces presumably would depart, some might not be under full Russian control and/or decide to stay. The peacekeeping force would need the capability to deal with them and place any remaining heavy arms in secured cantonments.

To be effective, the peacekeeping force would require not just a robust mandate but sufficient numbers. Past peacekeeping operations suggest 20,000-40,000 personnel for a serious operation in the Donbas. The force would want to deploy in large enough numbers to "smother" the region and deter any group from forcefully resisting.

Those troops could not be drawn from Ukraine, Russia or NATO countries. However, non-NATO European states, other post-Soviet states and traditional contributors

to UN peacekeeping operations such as India would be good candidates. In addition to regular soldiers, the peacekeeping force should include a substantial civilian police component. In the ideal peacekeeping operation, the military contingents remain largely in the background, with the civilian police having primary day-to-day interaction with the general population.

How to deploy the peacekeeping force would pose a tricky question. Mr. Putin's idea of keeping the force along the line of contact would not suffice; it would, at best, turn a simmering conflict into a frozen conflict. The Ukrainians would want the peacekeeping force to deploy throughout the Donbas, up to the border with Russia, as soon as possible.

This would require agreement on phasing for the deployment. While the peacekeeping force might logically start on the line of contact, its mandate should provide for the force to deploy throughout the Donbas, perhaps in two or three phases that would be completed in 60-90 days. In the final stage, the peacekeeping force would operate in all of the Donbas and control the border with Russia to prevent flows of arms or other illicit materiel. The mandate should not require a return to the UN Security Council for permission to move from one phase to the other, but the Russians might insist that certain political steps agreed to in Minsk II be taken. The sides would have to work out the particulars.

For example, if the force deployed along the line of contact in Phase 1, the Rada might then enact an amnesty law prohibiting prosecution of individuals for events in the Donbas (except for those who had committed war crimes) as a prelude to Phase 2, in which the force would deploy further into – and begin operating in a substantial portion of – what is now occupied Donbas. The Rada might then adopt legislation on local governance, consistent with the country's constitution and international standards such as the European Charter on Local Government, while OSCE's Office of Democratic Institutions and Human Rights began a dialogue with local civil participants on modalities for local elections. These steps would set the stage for Phase 3 of the peacekeeping force's deployment, during which it would operate throughout Donbas, including on the Ukrainian-Russian border. Kyiv likely would have to compromise on its desire for immediate deployment to the border in order to secure agreement for a peacekeeping force.

The peacekeeping force should be accompanied by an interim international administration, whose purpose would be to administer and manage the Donbas pending restoration of Ukrainian sovereignty. Its varied tasks would include restoring civil administration, police operations and law and order; preparing for local elections (with assistance from the OSCE); reintegration of returning internally displaced persons and refugees; and economic rehabilitation.

The interim international administration would seek to engage locals (who had not been connected to senior

positions in the so-called Donetsk and Luhansk "people's republics"). Hopefully, the interim administration could mobilize significant international financial resources for reconstruction of infrastructure, industries and civilian housing. The more resources it could bring to bear, the greater the authority it would establish in the eyes of the local population.

Once the peacekeeping force and interim international administration were operating throughout the Donbas, the way would be open to hold local elections under OSCE observation, and the West could begin easing sanctions on Russia. The transition would conclude with the interim international administration turning over authority to Ukrainian authorities and the withdrawal of the peacekeeping force. Realistically, the process could require at least two-three years.

Could This Work? Whether this could work depends first and foremost on Moscow. If the Kremlin decides it would like to leave the Donbas and allow peace there, the combination of a peacekeeping force and interim international administration provide a mechanism to enable that. It also depends on Kyiv. The Ukrainian government would likely need to compromise on some of its desires in the process of working out a peacekeeping mandate and plan that the Russians would accept.

All of that will require a hard negotiation, one best conducted by a small contact group, involving both Ukrainians and Russians. The group would prepare a draft mandate and draft resolution for consideration by the UN Security Council.

The United States and Europe can increase the prospects for such a plan. They should maintain and increase political and economic pressure on Moscow, with a view to altering the cost/benefit calculation in the Kremlin and persuading Russia to withdraw.

While continuing to support Ukraine, the West will also have to counsel Kyiv not to pursue maximalist demands and to do its homework for Minsk, which thus far remains the only settlement plan on the table. One piece of advice for the government in Ukraine now: it should reach out to the population in the occupied Donbas and assure them that, once Ukrainian sovereignty is restored, they will be welcomed and treated as full citizens of Ukraine. That can help foster confidence that would facilitate a faster transition.

As noted, hard decisions would need to be made in Moscow and Kyiv for this transition plan to work. Its success – or even its start – is by no means guaranteed. But if there is a search for a path out of the current stalemate in the Donbas, a UN peacekeeping force and interim international administration could well provide the answer. ■

THE WAR IN DONBAS: PROBABLE SCENARIOS AND THE LINE OF ACTIONS¹

The Russian intervention in the east of Ukraine continues for five years, and one can still see no end to it. Our country has already sustained immense human, material and territorial losses. The answers to some questions below can somewhat clarify the situation and outline the future: (a) What are the prospects of stopping the war in Donbas? (b) Will any inspiring trends for resolving this lasting conflict be observed in 2019? (c) Does this conflict imply real threat of further escalation? Variations of possible scenarios of events in Donbas in the year of critical elections in Ukraine were in the spotlight of discussion involving the leading Ukrainian experts.

Having assessed current global trends, the state of conflict, as well as positions and interests of Ukraine, Russia and the Western nations, experts generally agree that any radical changes in the conflict zone are hardly possible. Preservation of status quo in Donbas is the most likely scenario. At the same time, the discussion participants also point at possible escalation with intensification of fighting in the east. Although certain positive changes are also possible, this will largely depend on Russia's position.

The second section of the roundtable discussion was devoted to the question "How should Ukraine act?" In this context, experts prioritise strengthening of country's defence capability, implementing effective domestic policies, and garnering external support and solidarity in countering the aggressor.

THE KREMLIN WANTS TO MAINTAIN THE STATUS QUO IN DONBAS



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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

Provided that current trends and key factors affecting the situation do not change significantly in 2019 (Putin holds sway; Russia gradually loses its diplomatic, information and economic leverage; the Kremlin's aggressive endeavours shift towards Belarus), **the Russian Federation can only use military or special instruments or their combination in Donbas.**

Speaking of military options, I would single out three main ones: (1) "large-scale military operation" (an

offensive from the Crimea, from the *ORDLO*, or from the Russian territory near Kharkiv); (2) "peacekeeping operation"; and (3) continuation of the military and political *status quo*. In theory, there exist even more exotic scenarios, but their likelihood is significantly lower than the above.

The probability of **scenario 1 ("large-scale military operation")** has somewhat decreased following the Kerch Strait incident and ensuing introduction of martial law in 10 oblasts of Ukraine. Although this scenario is broadly discussed both in Ukraine and abroad, and it is quite attractive for the Kremlin, its outcomes, however, are unpredictable for the aggressor and therefore have to be reckoned with. And second, Ukraine and its foreign partners have intensified their preparations for Russia's possible military aggression. Therefore, this option is likely to be kept in a "standby mode".

If Russian offensive against Ukraine does occur, it will probably have limited objectives, such as further destabilisation in the Azov region and subsequent possible attempt to seizure of Mariupol...

Scenario 2 ("peacekeeping operation") is the least desirable for the aggressor, as it means loss of control over occupied parts of Donbas. This option formally

¹ The Roundtable on the occupied Donbas region was held in December 2018 in the form of expert interviews. Expert responses presented in order of their arrival to the Centre.

allows the Kremlin to “save the face”. Under this scenario the economic, financial and political factors, rather than the military means, may play the key role, creating the situation, in which the aggressor will find it more suitable to “exchange” Donbas to avoid serious consequences.

These two factors – the reluctance to give up control over the occupied territories on the one hand, and periodic weakening of Russia’s international position on the other – make the Kremlin hesitant. As a result, the question of peacekeeping operation in Donbas has occasionally emerged and then waned since mid-2014. This is one of options for transition from armed confrontation between the Russia-backed *ORDLO* and Ukraine-controlled parts of the Donetsk and Luhansk oblasts towards conclusive post-conflict settlement.

“Peaceful” initiatives to settle the Russian-Ukrainian conflict (e.g. those suggested by the American politician Henry Kissinger, the influential Ukrainian businessman Viktor Pinchuk, the diplomat Vasyl Filipchuk, and the MP Andriy Artemenko) particularly intensified in early 2017. However, these initiatives offered nearly nothing but unilateral concessions from Ukraine. Moreover, Mr. Filipchuk and Mr. Artemenko ended up under suspicion of the Ukrainian prosecution authorities. At the same time, the media yet again put a spotlight on the option of conducting a police operation under the aegis of the OSCE. However, following his trip to Mariupol in early January 2017, then-chairman of the OSCE Sebastian Kurz (now the Chancellor of Austria), vaguely stated that “decision on the deployment of the OSCE’s armed police mission in Donbas did not find sufficient support yet”.

In September 2018 Kurt Volker, the US Special Representative for Ukraine, has once again invited the global attention to peacekeeping operation in Donbas. He even mentioned the countries that expressed their readiness to send their peacekeepers to Donbas, namely Sweden, Finland, Austria, Belarus, Serbia and Turkey. However, Russia again rejected Mr. Volker’s proposals, obviously in view of the upcoming elections in Ukraine and in expectation of the new government that will allow the Kremlin to strengthen its influence.

Over four years of its existence in the diplomatic and public narrative, the discussion of peacekeeping operation in Ukraine has produced several possible scenarios. This primarily concerns the action under the auspices of the UN or the OSCE, although some mentioned scenarios with the leading role of the EU or Russia. In addition to the above-mentioned police mission, there is always an option for the classic UN-led peacekeeping operation, which Kurt Volker tried to push forward.

As expected, Moscow categorically rejects this option, and not only because of its hopes for the upcoming

Ukrainian elections. If the rationale for such mission continues to focus on traditional military aspects for a peacekeeping operation – disarmament of illegal armed groups and disengagement of opposing forces under the UN control – then Russia will absolutely block it, since it is *de facto* party of armed conflict that hides behind its “puppets”.

Scenario 3 (“status quo”) currently seems the most likely. It is about continued *de facto* presence of Russian troops in *ORDLO*, ongoing shelling by pro-Russian separatists and other provocations against Ukraine. For now, this option fits in the Kremlin’s internal information paradigm (helping Russian-speaking “compatriots” threatened by “wicked” Ukraine and the United States); contributes to mobilisation of Russians to “fend off all enemies”; distracts the Russian population from internal problems and facilitates its consolidation around the Kremlin. More importantly, it allows Russia to keep Ukraine on its toes, that is, to allocate additional resources, limit investment, and the like.

Following hot war in Donbas in 2014-2015, when Russia realised that large-scale hostilities were not exactly in its interests, it redirected efforts on subversive action across Ukraine, including sabotage, destructive political interventions, provocations through its agents of influence, pro-Russian religious processions, information wars, cyberattacks, and the like. If the Kremlin fails to quickly achieve its goals using military force, then this range of special ops is supposed to achieve them more slowly through certain destabilisation, stirring disappointment of Ukrainians in current leadership of the country and causing trouble between Ukrainian politicians. As a result, Ukraine might once again receive a leader similar to former President Viktor Yanukovich.

Meanwhile, some international organisations and experts argue that humanitarian problems in the conflict zone should be prioritised under all conditions and call for large-scale international operation to specifically address humanitarian issues. It should be noted that local humanitarian operations have been carried out during the entire “hybrid” war in Donbas. Such efforts were frequently used by the aggressor and its proxies for information and subversive special ops. It is highly likely that these activities will continue in the future.

Therefore, not wanting to surrender real control over Donbas to Ukraine, **the Kremlin seeks to preserve the status quo** – by hiding behind care for the humanitarian needs of the residents of occupied Donbas territories, by criticising alleged inability of the Ukrainian authorities to prevent humanitarian crises caused by the occupants themselves, and by heightening tensions through constant shelling along the contact line.

In addition to efforts to destabilise current situation in Ukraine, the Kremlin also makes preparations for future sabotage. For these purposes, a number of training centres for saboteurs and spies, including women and children, were set up in the occupied territories. The Russian intelligence services recruit agents among the Ukrainian citizens, make arms caches both in the occupied parts and elsewhere in the country for future destabilisation, if Donbas returns under full control of Ukraine.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

In general, it should proceed along the same line, albeit with some internal – political and security – adjustments. It is important to find the possibility for gradual, safe transition from a situation of low public confidence in government in the time of war to a more stable and balanced state administration that builds on developed and democratic civil society. Moreover, the international experience – e.g. that of Poland – suggests that progress in this area prompts greater support from the democratic West and implies significant additional resources for the country's security and defence, including for addressing the issue of Donbas and Crimea.

Therefore, in order to regulate (minimise consequences) of the conflict in Donbas, and more broadly – to ensure security, stability and consistent development, it is critical for Ukraine to abandon internal political dominance of several oligarchic groups and their political, information and economic agents. In this situation the government is out of touch with its people, while key political and economic decisions are “fixed” by the centres of influence (“oligarchs”) behind the scenes. After all, this method of political and economic governance periodically forces Ukraine's foreign partners to interfere and “push” the reform agenda, but also allows the aggressor to stage its manipulations and special ops. ■



ONGOING LOW-INTENSITY MILITARY CONFLICT IN DONBASS IS THE MOST LIKELY



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for Political Studies “Penta”

– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

The following scenarios of events in Donbas are possible in 2019.

1) **Everything remains as it is today – the low-intensity military conflict.** Any winner of the presidential race in Ukraine will try to intensify efforts to negotiate settlement of the conflict. Any negotiations, however, take time, and during this period the fighting in Donbas will continue. The second important factor is whether Putin will want to talk with a particular winner of presidential elections, and whether he will be willing to compromise. If no, then warfare in Donbas will continue. As of today, this scenario is most likely in 2019.

2) **Freezing the conflict** – the fighting stops with introduction of full ceasefire, but the political *status quo* – the division of Donbas into the Ukrainian part and two self-proclaimed republics – is maintained. In the event of a permanent ceasefire in the medium-term perspective (over 2-3 years), informal relations with self-proclaimed republics may be established without their formal recognition, similar to the Transnistrian scenario (the model of relations between Moldova and Transnistria).

This scenario may become a reality if Putin views the new President of Ukraine as fairly acceptable partner for compromise and wants to change his current tactics in Donbas. This scenario may be facilitated by sanctions-related compromises, e.g. some mitigation of international sanctions against Russia in exchange for ceasefire in the conflict zone (the Steinmeier's proposal). The compromise package approach may also be applied. Therefore, in addition to ceasefire in Donbas, the package agreement may also include the new gas contract between Ukraine and Russia (both on the transit of Russian gas through the Ukrainian gas transmission system and on the resumption of direct supplies of Russian gas to Ukraine), partial lifting of mutual trade

restrictions and normalisation of navigation in the Sea of Azov and the Kerch Strait.

This scenario seems relatively acceptable for the new Ukrainian leader, as it involves fewer risks than scenario linked to full implementation of the Minsk Agreements; moreover, it can bring at least some sense of peace (cessation of hostilities). It will be perceived as lesser evil compared to other possible scenarios. Therefore, this course of events is the second most likely scenario in 2019.

3) An agreement on the Minsk Agreements implementation with a tradeoff model of the UN peace keeping mission in Donbas. It should definitely include the international transitional administration that will assume responsibility for organising transitional local elections in the region and transferring power from self-proclaimed republics to new local governments operating in the legal framework and under the sovereignty of Ukraine. Within this compromise, the UN peacekeepers will also gradually take complete control of uncontrolled sections of the Ukrainian-Russian border prior to said local elections in the conflict zone.

This scenario is only possible if Putin agrees to full-fledged multi-functional UN peacekeeping mission in Donbas, international transitional administration in the conflict zone, and full dismantlement of the two puppet quasi-republics in Donbas.

This scenario is less likely than the previous two, but it is still possible in the event of radical change in Putin's tactics in Donbas and his attempts to improve relations with the West. Also, this scenario has a chance if Putin views the new President of Ukraine as relatively acceptable partner for such compromise.

4) Escalation of hostilities in Donbas. This scenario may become a reality in the event of combination of two factors – the victory of the presidential candidate who is totally unacceptable for Putin, and simultaneous serious deterioration of relations between Russia and the West. Some limited escalation in Donbas may also be used to put a pressure on the new President of Ukraine in the process of resuming negotiations on Donbas.

Increased tension or even armed clashes in the Sea of Azov or the Kerch Strait may aggravate the military situation in Donbas or trigger hostilities. Yet the escalation of conflict during the presidential and parliamentary elections in Ukraine is unlikely because it can disrupt the election process, while Putin hopes that its results will deprive Petro Poroshenko of his power and change the Ukrainian political landscape into more favourable for Russia.

Unfortunately, the escalation scenario is probable, although less likely than the first two.

Realisation of any of these scenarios essentially depends on positions and intentions of Vladimir Putin, while willingness and ability of the new President of Ukraine to seek effective compromise will be less important in this regard. **However, the probability of victory of a pro-Russian presidential candidate, creation of the pro-Russian majority in the newly elected Verkhovna Rada, and formation of the Cabinet led by a pro-Russian politician remains purely theoretical.**

In reality, this scenario is highly unlikely, as close to 5 million voters, who previously supported the Party of Regions and the communists, remain in occupied Donbas and the Crimea since 2014. Without this electorate, pro-Russian political forces in Ukraine have no chances of winning both presidential and parliamentary elections. Accordingly, Russia will be unable to re-integrate Donbas on its terms by shoving two self-proclaimed republics in Ukraine with broad autonomy. However, the representation of pro-Russian forces in the next parliament will increase significantly, making it easier for them to drag through the Verkhovna Rada some Donbas-related compromise decisions that do not require constitutional amendments.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

Domestically, the new (or renewed) Ukrainian government should seek some internal political consensus (at least within the new parliamentary coalition) regarding the ways, forms and conditions for resolving the conflict in Donbas, including “red lines” that cannot be crossed in negotiations with Russia. Unfortunately, no such consensus was found around the Minsk Agreements.

It will be very hard to reach consensus on Donbas after the presidential and parliamentary elections of 2019. Any agreements regarding Donbas require some kind of compromise with Putin, but it will be critically met by many influential political forces in Ukraine and large numbers of citizens. In any case, it is necessary to seek and build such a consensus, even when the likelihood of achieving it is small. At the same time, we need to further strengthen Ukraine's defence capability, modernise its economy, social sphere and the system of governance. Only a successful country will be able to counter Russian aggression and have favourable conditions for implementing an acceptable model for resolving the conflict in Donbas.

As for international dimension, it is essential to continue participating in all negotiation formats (both current and future) regarding settlement of the conflict. **We must seek and use every opportunity for achieving more or less realistic compromise in the process of**

conflict regulation. But we cannot afford every concessions for the sake of peace. We cannot agree to terms that may restrict Ukraine's sovereignty, create political or economic dependence on Russia, or provoke sharp conflicts throughout the country. Also, the Ukrainian diplomacy should facilitate continuation of diverse international pressure on Russia.

The first step towards regulation of the conflict in Donbas is obvious – putting an end to all hostilities and introducing true ceasefire regime. But this primarily depends on the Kremlin's political will. ■

THE SITUATION IN THE REGION WILL REMAIN STABLE BUT DIFFICULT, WITH VIRTUALLY NO POSITIVE DEVELOPMENTS



Yevhen MAHDA,
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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

2019 is hardly favourable for resolving the conflict in Donbas, as presidential and parliamentary campaigns will prevent elaboration of any consensus-based approaches to its settlement. Russia will take advantage of the conflict by using it as leverage to influence the situation in Ukraine. We will hear numerous proposals of “peace at any price”, while this price will not be articulated.

I am quite sceptical about the possibility of military solution, but I want to note that Russian propagandists inflate the information space with multiple rumours about the offensive by Ukrainian forces. The Kremlin deliberately blocks the prisoner exchange processes, being aware of how the human factor may influence Ukrainian society. The situation in the region will remain stable but difficult, with virtually no positive developments. The Ukrainian military, however, may continue its “leapfrogging” tactics to re-capture certain localities in the region.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

As we have witnessed an act of direct aggression against the Ukrainian ships in late November 2018, it is necessary to change our perception of the situation.²

² On 25 November 2018 an incident involving the Ukrainian Navy and Russian border guards took place near the Kerch Strait, resulting in captivity of the Ukrainian sailors (some of them were wounded).

Both government and society must be ready to repel the aggressor along the entire Russian-Ukrainian border and in the waters of the Black Sea and the Sea of Azov. It is critical to link the fact of Russian aggression in Donbas and Crimea in the information space, emphasising the potential expansion of its bridgeheads for further aggression.

It seems very expedient to adopt a strategy for returning the occupied territories, which in addition to government authorities and agencies would allow every concerned citizen of Ukraine to get involved in the process. It is also important to address the issue of “deoligarchisation” of the national economy and change the nature of deployment of productive forces in Donbas, including the development of small and medium-sized businesses and the establishment of the middle class in the region. ■

PROMOTING POSITIVE PERCEPTION OF UKRAINE AMONG THE DONBAS POPULATION



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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

While discussing possible scenarios of events in the East of Ukraine in 2019, one can hardly expect any fundamental improvements compared with the current situation. Quite the contrary, one should not rule out the escalation of hostilities along the contact line on the eve of elections, and it may have several phases during the presidential (spring) and parliamentary (autumn) election cycles.

Provocations by Russia and its proxies – illegal armed groups of “DNR” and “LNR” – aimed to renew hostilities and to finally invalidate the Minsk Agreements are quite likely. The so-called Svitlodarsk Arc and northern parts of the Luhansk oblast are the most vulnerable in this context. The southern direction (Dokuchaievsk, Mariupol) looks less “attractive” for attacks given the strong military infrastructure, fortified by Ukraine since 2014, as well as unfavourable local landscape.

It is obvious that Russia will try to exploit such escalation in Donbas for the purposes of internal

destabilisation in Ukraine. By spreading panic – primarily among the Russian-speaking population of the south-eastern regions of our country – it will seek “hybrid” influence on electoral processes and the emergence of more “amenable” Ukrainian government as a result of presidential and parliamentary elections.

The likelihood of destabilisation of the Pryazovia region, including southern parts of the Zaporizhzhya oblast (Berdyansk, Prymorsk, Melitopol) is also high. Russia has already increased its military presence in the Sea of Azov, aiming to oust Ukraine from the region and to “annex” Azov in defiance of international law and bilateral Ukrainian-Russian agreements regulating its status. It seems that this creeping annexation will continue in 2019, eventually transforming the Sea of Azov into a new conflict zone.

The Russian Federation may also plot provocations against vessels of third states heading to the Ukrainian ports in the Sea of Azov. By doing so, Russia wants to discredit Ukraine as a reliable trading partner and increase its economic losses by critically limiting the activity of its seaports of Mariupol and Berdyansk.

It is also possible that Russia will resort to provocations in the Black Sea following the Azov scenario by trying to block maritime transport communications of the Ukrainian ports in the Black Sea region. In this case, Ukraine will sustain much more serious economic losses.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

The algorithm of conflict regulation in Donbas is perfectly clear. It is about unconditional implementation of the Minsk Agreements by all parties to the conflict, including Russia. First of all, it implies guarantees of a lasting and permanent ceasefire; immediate release of all hostages and prisoners; restoration of control over the state border and withdrawal of all illegal armed groups, military equipment and mercenary fighters from the territory of Ukraine. Fulfilment of these requirements could create preconditions for the constructive stage of conflict regulation.

In the meantime, it is important to intensify the dialogue on the deployment of international peacekeeping mission in Donbas in the form of UN-led multi-component transitional administration, tasked to ensure full de-escalation in the conflict zone and accelerate the post-conflict settlement.

Unfortunately, realisation of this scenario is routinely blocked by unconstructive position of Russia, which, by pursuing its own peacekeeping agenda, tries to obtain legal tools to preserve the *status quo* and secure its influence on the occupied territories of Donbas. At the same time,

Moscow consistently puts pressure on Ukraine and the West, urging Kyiv to direct dialogue with the illegal armed groups of DNR and LNR. By doing so, it tries to legitimise its interpretation of events in the East of Ukraine as an internal conflict or a “civil war”, and to avoid international legal responsibility for aggression.

In light of this, efforts of the Ukrainian government at the international level should be aimed at **effective countering of Russian “settlement” scenarios** that seek to freeze the conflict in Donbas and, ultimately, detach occupied areas of the Donetsk and Luhansk oblasts from Ukraine.

An important task of Ukraine’s foreign policy is to **preserve and strengthen international sanctions against Russia** and to this end – to maintain and intensify cooperation with international organisations, governments, parliaments, non-state structures, movements and political parties that have condemned Russian aggression and continue to put pressure on Moscow.

Domestically, it will be critical to effectively use the assistance mechanisms in the Donbas areas affected by Russian aggression, to rebuild social infrastructure, roads and communications, and to create political and economic conditions for attracting relevant international support (the latter was discussed at the EU summit in December 2018). In this context, the NATO’s experience of post-war reconstruction of Afghanistan, especially actions of the provincial reconstruction teams within the International Security Assistance Force (ISAF), could be useful for Ukraine. The practice of key donor countries allocating donor funds and attracting contractors to rehabilitate affected territories within their assigned areas of responsibility will simplify the process of international assistance, reduce corruption risks and improve the investment climate in the region. In terms of ideology, this will help the Donbas residents to better understand the goals of European and Euro-Atlantic integration and advantages of European choice, also shattering widespread myths about the “hostility” of the West, imposed by Russian propaganda.

Setting up an early warning and response system in Donbas at the rayon / community level, similar to successful Public Pulse project, launched by USAID in Kosovo, is a quite promising initiative. This system, based on SCOREUNDP index and / or other modern risk assessment methodologies, will allow collecting more objective data on the ground, thus informing necessary adjustments in the state policy for this region. At the regional level, it would be expedient to introduce various mechanisms aimed at improving confidence and increasing resilience. In this regard, “soft power” tools become a priority, as successful humanitarian, social and sports projects will shape a positive image of Ukraine among the Donbas population, also neutralising the Russian influence in the region. ■

FOR RUSSIA, DONBAS IS JUST AN INSTRUMENT FOR INFLUENCING THE UKRAINIAN AND INTERNATIONAL POLITICS



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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

While answering this question, one should assume that Donbas itself is not a target; for Russia, it is just an instrument for influencing the Ukrainian and international politics. Moscow's main goal is to deprive Ukraine of its true sovereignty and bring our country back under its total control. So, the Russian Federation will use this tool until it reaches its goal or becomes weak enough to abandon it.

To make any predictions about the region, it is important to understand that Vladimir Putin as the Kremlin's ultimate decision-maker on the "Ukrainian issue" is the brainchild of the Soviet ideology; he seems to sincerely believe in propaganda clichés about "one people", about harassment of Russians and Russian-speakers in Ukraine, about Banderites and the like. Therefore, Russia's support of so-called DNR and LNR for Putin is something more than simple political issue – it is rather a question of "historical justice", his personal moral obligation and presidential prestige.

Therefore, one should not expect Russia's departure from Donbas under the international pressure alone. So far, sanctions against Russia may have weakened it, but they can hardly be viewed as effective since they failed to achieve their goal – to change Russia's policy towards Ukraine. Russia gets used to life under sanctions, adapts to them and seeks ways to alleviate them.

So, the Western sanctions policy, at least in 2019, will not be the factor that forces Russia to back down in Donbas.

Apart from sale of weapons and trainings by NATO instructors, it is also pointless to expect intensification of the West's effective military assistance to Ukraine. This became particularly evident following self-isolation statements by President Trump who declared end to the U.S. "global policeman" role, and after resignation of James Mattis, the United States Secretary of Defence.

Gradual decline of Angela Merkel's political star is another important factor. As a result, the Minsk process offers Moscow fewer possibilities to end the conflict on Russian terms, meaning actual federalisation of

Ukraine. All this makes indefinite political conservation of the conflict ("playing the long game") beneficial for the Kremlin, as it may use the conflict at any moment to increase pressure on Ukraine at the hands of "simple coalminers and tractor drivers".

In the meantime, the Russian Federation will step up integration of occupied territories in its cultural, social and economic spheres in order to Russify the Donbas region, to make it mentally Russian, and to attach it to Russia via economic and social ties prior to its return to Ukraine. The longer Donetsk is controlled by Russia living in relative stability, the more Russian citizens buy cheap real estate, the more Donetsk children enter Russian universities, and the sooner Rostov becomes an infrastructural, cultural and shopping centre for the residents of occupied territories.

The main tasks for the occupation authorities in 2019 include continued self-isolation from Ukraine (including through artificial obstacles at check-points), increased direct administrative and military subordination to Moscow; further institutionalisation of political structures; and ideological shift from romantic and revolutionary towards more pragmatic, capitalist arrangement. There will be less talk about equality and brotherhood, the need to fight the oligarchs and to seize of the entire territory of Donbas. Instead, they will focus on the need to survive and build their own states in spite of Ukraine and the rest of the world, but thanks to Russia's help and support.

Therefore, the possibility of holding local elections in the occupied territories, the preparation of which may begin as early as next year even contrary to the Minsk Agreements, perfectly fits in this canvas.

As for serious military escalation, it is quite likely, but only after the presidential and parliamentary elections in Ukraine. If the Kremlin does not want Petro Poroshenko to remain in power, it will give the incumbent Ukrainian President no real grounds for introducing martial law, thus postponing the elections. The Kremlin will give him no opportunities to mobilise patriotic electorate around him, or to use military victories in local battles in his election campaign.

However, if Putin wants to deprive Poroshenko of his electoral preferences (if the latter makes it to the second round), or wants to improve chances of another candidate, he may well go for some local escalation in Donbas precisely between the two rounds, when the Parliament will definitely refuse to declare martial law. In this way, Poroshenko's military defeat will transform into his electoral defeat.

The Donetsk and Luhansk "coalminers and tractor drivers" may also be used to influence the parliamentary elections results. Some local but high-profile military conflict may help political forces that build their campaigns on their alleged ability to bring peace to Ukraine. For example, if chances of Putin's chum Viktor Medvedchuk and his political force to enter the Ukrainian Parliament are lower than anticipated by the Kremlin, one can expect

some escalation near Avdiyivka or Mariupol (also to punish Rinat Akhmetov who happens to have significant economic assets in these towns) for Medvedchuk to be able to “negotiate” and “stop” the war.

Eventually, the results of parliamentary elections, or rather the Kremlin’s satisfaction with these results and the ability of pro-Russian forces to establish an influential coalition in Parliament (by the end of 2019) will determine whether Moscow will go for serious escalation, which is likely to occur in the Pryazovia region. Obviously, it won’t be direct Russian aggression, but rather a response of the DNR and LNR “armies” to “Ukrainian provocation”, staged by Russian FSB. This region becomes a potential flashpoint because Moscow will do its best to prevent Ukraine from building its Navy in the Sea of Azov. Therefore, in political and diplomatic terms it will be safer for Moscow to once again use “coalminers and tractor drivers” to do the job instead of repeating the Kerch crisis.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

First and foremost, the Ukrainian government should stop fuelling the conflict by dividing Ukrainians into “right” and “wrong”, that is, into Ukrainian and non-Ukrainian speaking, into patriotic and non-patriotic citizens. It sparks internal tension and disintegrates the nation. And if we add the issue of religion, this will give grounds for true civil conflict in the East.

It is necessary to build the nation based on reality rather than imaginary understanding of “dream Ukraine”, suggested by small group of “patriots”. Language should never serve as a national identifier in a country like Ukraine, where significant parts of population consider themselves Russian-speaking Ukrainians, and another 8 million are ethnic Russians. It is vital to build a nation on universal human values, rather than the nationalist ones. This will separate us from Russia, as current war in Ukraine is not fought for territories claims or human resources. It is about the choice of values by Ukrainians, which is unacceptable for imperial Russia.

Ukrainianization should be soft, careful and slow, yet consistent. Forcing Russian-speaking Ukrainians, especially in Donbas, to feel mediocre in their own country is unacceptable. This should not be used for creating electoral basis that will strengthen pro-Russian political forces.

The government should also review its policy regarding citizens living in occupied territories and internally displaced persons. The pension-related discrimination should stop immediately. Obviously, payment of pensions in occupied territories is out of question, but all citizens of Ukraine in government-controlled towns and villages should enjoy the right and have an opportunity to receive their pensions regardless of status of their place of residence. Similarly, IDPs should be able to vote in local and parliamentary elections.



It is necessary to stop interfering with the possibility for individuals to bring Ukrainian goods to occupied territories and to take their property out. This should form an integral part of the state policy regarding ORDLO just like information, cultural and social integration of those living in occupied territories.

In order to keep servicemen in Donbas motivated and to support patriots in occupation, it is important to clearly articulate the purpose of the Joint Forces Operation, which is liberation of occupied territories by any means, including military. This should be a signal for both internal and external audiences, giving this war some sense, which have been lost today leading to ideological disorientation of both armed and civilian patriots.

The Ukrainian government should go above and beyond to prevent Moscow from freezing the conflict and to begin the process of peacebuilding in breakaway republics. If Russia attempts to hold local elections in occupied regions or intends to formally recognise these “republics”, Ukraine must respond with a military campaign to liberate these territories. Moreover, Ukraine should publicly announce its reaction to “elections” in advance, thus warning Russia against possible destabilisation.

We must continue expanding our military presence in Donbas, Pryazovia, the Sea of Azov and the Black Sea. Given still rather poor resource provision for the Ukrainian Army and Navy compared with the Russian armed forces, it is necessary to reorient the national economy (regardless of ownership) towards full technical re-equipment of Ukraine’s Army and Navy.

In addition to the technical rebuilding of the Armed Forces, it is necessary to change the command structure and the system of interactions between the military. Proficiency and practical experience should come to the fore, rather than military ranks, term of service or subordination. Moreover, we need to strengthen military cooperation with the United States and NATO.

As far as diplomacy is concerned, efforts to resurrect the Budapest memorandum or, at least, to return to the Geneva format should be intensified, given the failure of the Normandy Four. ■

REDUCING UKRAINE'S VULNERABILITY TO THE KREMLIN'S LEVERAGE



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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

First and foremost, the situation in Donbas cannot be taken out of the context of Russia's overall strategy aimed at returning Ukraine to its sphere of influence. The occupied territories are "liabilities" that Moscow would prefer to get rid of as quickly as possible, given negative consequences of their "ownership". Maintaining a low-intensity conflict or freezing it altogether are less preferable yet acceptable alternatives. In this context, the *status quo* that developed over four years of the conflict, may change in 2019. This is due to a number of factors, including the "windows of opportunity" for the Kremlin, linked to this year's elections in Ukraine and the European Parliament, changes in the composition of the European Commission, as well as overall deterioration of the political and economic situation in Russia, caused among other things by the cumulative effect of sanctions.

Some adjustments in the balance of power in the new European Parliament and full change in the European Commission's composition will hardly strengthen the EU's role in settling the conflict. Despite Poland's efforts to involve the European structures in the process along with its diplomacy, the crisis of the European project becomes increasingly more evident. Federica Mogherini, the High Representative of the European Union for Foreign Affairs and Security Policy, did not even include Russia's aggression against Ukraine in her list of 12 priorities for 2019, while Russia was only mentioned in the context of the Iranian nuclear deal as an *ad hoc* partner in opposing Washington.

Despite Angela Merkel's declared intentions to remain Chancellor until 2021, she will primarily focus on the transition of power and internal European challenges. Moreover, one should not rule out early elections in Germany, if they serve the interests of Ms. Merkel's successor, elected as a new leader of Christian Democratic Union in December. Despite being committed to the conflict regulation under the Minsk Agreements and to sanctions against Russia, the incumbent German

Chancellor is unlikely to act as a driver for new ideas and settlement formats. Similarly, the French President Emmanuel Macron will be reluctant to expand his role in the Minsk process, as he has to deal with the French society's reaction to painful internal reforms.

Chairmanship of Slovakia in the OSCE gives occasion to some optimism, as this country is keen to facilitate resolution of the Russian-Ukrainian armed conflict. However, given the consensus-based nature of this organisation and the lack of leverage over Russia, one can expect only partial, tactical achievements, including improved functioning of the Monitoring Mission (which is often accused of "blindness") and monitoring coverage of the Sea of Azov. The US-Russian dialogue on the parameters of the UN peacekeeping mission came to a deadlock. Having lost any interest in this idea until the announcement of the parliamentary elections results in Ukraine, the Kremlin views this dialogue as an opportunity to dictate a concept of limited sovereignty and frozen conflict to Ukraine along with alleviation of sanctions pressure.

Europe's pacifist sentiment and reluctance to adequately respond to Russia's threat to individual European countries and their associations, let alone Ukraine, will increase chances for erosion of the sanctions policy and put additional pressure on Kyiv to reach "compromise" with Moscow. Moreover, relatively small group of countries, which would welcome Ukraine's EU and NATO membership even in the long run, has not increased since the beginning of Russian aggression.

There are no signs that Washington is willing to formally engage in futile talks with Moscow in the expanded format. Instead, the United States will maintain its sanctions and diplomatic pressure, strengthen NATO allies in Europe, and help Ukraine to build its capacity to defend itself. The American diplomacy would rather act behind the scenes by maintaining low-profile contacts (e.g. Volker – Surkov talks), helping Ukraine on international platforms, including UNSC, as well as encouraging and supporting its European partners.

The internal factors will force the Russian leadership to find acceptable ways out of the impasse. According to the Russia's Public Opinion Foundation, Vladimir Putin's approval rating at the end of last year has dropped to the levels recorded just before the Crimean euphoria (45%). Reaching its peak in 2015 (74%), the Russian President's rating always stayed around 66%.³ In addition to its artificiality, this factor of power legitimization has exhausted itself due to the Russian public's growing understanding of the link between the Kremlin's aggressive policies and deterioration of living standards.

For example, real income of the population has dropped by at least 11% over the past four years; the pension age

³ Political indicators. Ratings of politicians – Omnibus Survey. Public Opinion Foundation, 18-19 February 2017, http://bd.fom.ru/cat/putin/_rating_Putin.

has been raised along with increased tax burden. The economic growth slowed down, dropping to 1.3% of GDP in 2018. Political risks are causing capital outflow, and the 2018 indicator (\$58.5 billion) exceeds the total volume of withdrawn capital over the previous two years. The growth of industrial production continues to decelerate (at 2.1% in 2019), while the import substitution programme failed to gain traction. Being unable to maintain the illusion of stability and prosperity, the Putin's regime intensified its attacks on the remnants of civil and political freedoms. Widespread propaganda, inflated fear of "big war" and exports of aggression as a means of channelling negative public sentiment are the main instruments of Russia's domestic and foreign policy. If the country fails to get out of international isolation and sanctions, the regime will be forced to "go all in". And there are only two "safe" options – the Belarusian and Ukrainian ones.

In terms of security, Russia uses the occupied territories of Donbas as the centre of gravity. Russian proxy forces – irregular armed groups, created, trained, commanded and supported by Russia to protect its interests – are used as a permanent threat to Ukraine, constraining its resources, forces and means. Although these proxies lack force to enlarge the occupation zone, including on the strategically important Crimean direction, this can be done by the Russian assault troops (under the flags of pseudo-republics) concentrated in the immediate proximity of the Ukrainian-Russian border. The logistical remoteness of the occupied Crimea from Russia's mainland and more importantly – Russia's inability to provide the peninsula with necessary volumes of water to meet the needs of the population and industries are still the main Kremlin's problems. Obviously, they still relish the idea of cutting the central part of Ukraine from the Seven Seas, which will certainly have unpredictable implications both for the country's economy and for its mere statehood.

Russia's actions in the Sea of Azov and another open act of aggression against the Ukrainian Navy on 25 November 2018 have demonstrated that Moscow is ready to use not only non-military methods of war – *de facto* blockade of Ukrainian ports in the Azov – but also its naval advantage, understanding Ukraine's current inability to match Russian forces and vulnerability of both Azov and the Black Sea coast.

Therefore, it is easy to predict Russia's attempts to continue its last year's proven tactics of creeping annexation – the obstruction of free navigation, including restrictions due to naval manoeuvres, exercises and gunnery drills, as well as inspections of vessels heading to the Ukrainian ports on the Black Sea. Locations of drilling rigs at the Odessa gas field, seized by Russia during its annexation of the Crimea, will serve as control points, where the ships of Russian Black Sea Fleet stay on station.

In the context of presidential and parliamentary elections in Ukraine, which are viewed by Moscow as a possibility to drive a wedge and increase centrifugal trends, if not the opportunity for revenge, one should expect increased pressure by non-military means, escalation in the occupied territories and provocations along the line separating the occupied Crimea and the Kherson oblast, not to mention the disinformation campaigns, psychological pressure and support of the "fifth column" in other parts of Ukraine, especially in vulnerable regions of the East and the South. The list of factors that "legitimise" Russian intervention, including the use of its armed forces, already covers the issue of autocephaly of the Ukrainian Orthodox Church and the alleged "persecution" of the Russian Church's subsidiaries in Ukraine.

It is clear that the victory of "Moscow's candidate" in Ukraine is unlikely. However, conciliatory slogans used by presidential candidates and political forces running for the Parliament tend to disorient society and create grounds for achieving the so-called compromise. Its components include keeping Ukraine in the "grey" security zone either by formal introduction of non-aligned or neutral status or by *de facto* refusal from the NATO membership; restoring economic links with Russia and ensuing curtailment of the European integration processes; and recognising Ukraine as the sphere of privileged interests of Moscow, granting the latter the veto right in the domestic, foreign and security policy.

In this regard, findings of the joint survey by KIIS, the Razumkov Centre and the Sociological Group Rating conducted in November 2018 are quite disappointing, as 22% of the country's population do not view Russia as an aggressor, and 15% remain undecided!⁴ One-third of fellow Ukrainians support cessation of hostilities in Donbas and recognition of these territories as temporarily occupied, while 27% actually agree with the Kremlin's blackmail to grant these territories the "federative" status within Ukraine. 17% of citizens believe that it is necessary to continue military operation until the full restoration of the Ukrainian sovereignty over occupied territories. Despite



⁴ Monitoring of electoral moods of Ukrainians – Results of the joint survey of KIIS, the Razumkov Centre and the Sociological Group Rating, 13 November 2018, <https://www.kiis.com.ua/?lang=ukr&cat=reports&id=800&page=3>.



bravado statements about the “best army in Europe” and preparation for the “Croatian scenario”, however, there are no signs of political will or effective steps towards transformation of Ukraine’s security and defence sector that would guarantee at least unacceptable consequences for Russia in case of its possible large-scale intervention. In other words, Ukrainian society is tired of war and inability of the political elite to develop and implement an adequate policy. It is quite indicative that the lion’s share of Ukrainians (78%) believe that the country is moving in the wrong direction.⁵

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

Regulation of the conflict in Donbas is a long-term issue, which is absolutely impossible to address without elaborating the general strategy on Russia. Continuation of the “strange war” or achievement of some “compromise” with the Kremlin would imply Ukraine’s gradual return to the Russian orbit with eventual loss of sovereignty and independence. Therefore, the political elite has to realise the fact that Putin’s Russia is a long-term existential threat that requires radical re-orientation of state policy goals and mechanisms for their implementation, consolidation of society around this policy, and understanding that severing ties and reducing Russian presence in Ukraine is painful, but single possible alternative.

The national unity with effective transformation of political structure and economic setup will reduce Ukraine’s vulnerability. Demonstration of will to resist with all possible means, implementation of security and defence sector reforms, improvement of resilience and defence capability, including the prospects of receiving means of deterrence, as well as rapid approach to NATO membership will convince the Kremlin in futility of the use of force.

The UN peacekeeping mission can obviously become the first step towards reclaiming the territories occupied by Russia. However, being aware that this will inevitably freeze the conflict indefinitely, this mission’s coverage must extend to all occupied territories, including the uncontrolled sections of the Ukrainian-Russian border.

In addition to discontinuation of armed aggression and return of temporarily occupied territories of the Donetsk and Luhansk oblasts, the subject of the Ukrainian-Russian conflict regulation should also include the Crimean issue. In a wider context, the settlement should provide for a reduction of military presence and infrastructure on the Russian territory along the Ukrainian-Russian border.

It is necessary to remove inconsistencies in the legal status of the temporarily occupied territories of the Autonomous Republic of Crimea, the city of Sevastopol and ORDLO, as well as citizens living in these areas. Elaboration of a clear algorithm defining the stages, their tentative duration and terms for transition to a next stage should facilitate the introduction of common approaches to all occupied territories and the sequence of their return. In particular, they should specify introduction of security measures, duration of the state of emergency or martial law with related restrictions, terms for transition from military-civilian administrations to peacetime authorities, procedures for local elections after the rehabilitation period, and organisation of parliamentary elections (or by-elections) in the medium- or long-term as a final step of full economic and political recovery and reintegration.

Citizens of Ukraine living in the occupied territories must understand their political and legal prospects, including those who should be concerned about their involvement in crimes during the Russian occupation and collaboration with regime. It is time to start an expert discussion on future rebuilding of the occupied territories based on new approach to avoid reproduction of pre-war socio-economic and political realities, when all political and economic power was held by few beneficiaries – tycoons and pro-Russian regional elites. To this end, it is necessary to think about formation of the employee pool and to actively train members of future administrations (mostly IDPs) of liberated settlements.

The information component is as important as the government’s de-occupation policy. Therefore, it is necessary not only to set up an information and communication infrastructure covering all occupied territories, but also to establish a single information centre that would inform Ukrainian society, people living in occupation and the international community regarding plans and actions of the Ukrainian state.

The international community’s support is extremely important, but the threat from the aggressive neighbour and the need to counter it persist. Our state will remain in danger until all temporarily occupied territories are returned to Ukraine, therefore it is very dangerous to forget about the Crimean issue even for one minute.

Reduced vulnerability of Ukraine to the Kremlin’s leverage, our readiness to “raise the price” of aggression,

⁵ Ibid.

and attractive prospects for the entire country and for its occupied territories are important prerequisites for ending war and liberating territories, even if its timing is difficult to foresee. ■

THE KEYS TO RESOLVING THE CONFLICT ARE IN THE KREMLIN



Maksym ROZUMNYI,
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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

The following circumstances should be taken into account in order to predict the events in Donbas. At present, the initiative for regulating or otherwise escalating the Ukrainian-Russian confrontation in Donbas equally belongs to both sides, but this concerns only tactical issues. The pressure may be initiated by either Russia or Ukraine, but the situation will not change radically.

In reality, the keys to resolving this conflict are kept in one place, called the Kremlin.

Putin may decide to freeze the conflict following the Transnistria, Abkhazia or South Ossetia scenario. In this case he will provoke escalation at the front, attacking the Ukrainian positions with air force and missiles, and then try to move the frontline away from Donetsk and Luhansk. At some point, he will stop and probably invite his own “peacekeepers” (with or without participation of CSTO countries). Russia will then recognise the independence of the DNR and LNR and start “digesting” Donbas in terms of resources, demography and culture. Under this scenario, any talk of reconciliation with the West is out of the question; the same is true about Ukraine’s return to Russian orbit as a friendly country. This also means disruption of the Minsk Agreements with Minsk negotiation process coming to end.

So far, Russia has been implementing somewhat different scenario. **The war in Donbas and puppet DNR and LNR regimes are used as instruments for de-sovereignisation of Ukraine.** Their task is to confirm the Russian propaganda’s concepts of “civil war”, “state coup” and “collapse of Ukraine”, and to urge the Ukrainian nation and the Ukrainian state to make necessary decisions – federalisation, political neutrality, transition to the parliamentary form of government, renewal of resource and economic dependence on Russia. Full

discrediting of post-Maidan government and its defeat in the elections should facilitate such policy decisions.

If this is Moscow’s basic scenario, then with approaching elections we will see simulated “peacefulness” and “brotherly hugs” of Russia that will blame “Kyiv junta” for hostility and provocations. Meanwhile, there will be periodic escalations of hostilities at the front. All this will be done to encourage Ukrainians to demand peace at all costs. This is what Moscow would call “forcing Kyiv to observe the Minsk Agreements”.

Another theoretical scenario deals with Putin’s decision to abandon Donbas with minimum guarantees for his proxies and some moral satisfaction from the West. Fighting will finally end following the presidential elections in Ukraine, and the “leadership” of the DPR and LNR will initiate peace talks. European friends will persistently “spur” Ukraine to participate in this process. It will occur amidst the parliamentary campaign and with moral support of pro-Russian forces. Some form of a peacekeeping mission (most likely the OSCE) will be agreed upon. The militants and the most odious leaders of the puppet regimes will flee to Moscow, while others will start bargaining with Kyiv under the supervision of “board of trustees” made of Russian and Western representatives. It will be a “wrong time” to discuss Crimea, and this time can last for years. Financing of the occupied territories will be the key issue and the main subject of political bargaining. This is what Berlin and Paris would call “forcing Moscow to observe the Minsk Agreements”.

It is difficult to say which scenario is currently preferred by Moscow. But the logic of its actions depends on variety of factors and circumstances that go far beyond the issues of Donbas and the state of Ukrainian-Russian relations. **Relationships between Moscow and the West, as well as internal political situation in Russia will be decisive.** Further confrontation and the risk of internal turmoil will push Putin towards new provocations and military ventures, thus creating serious challenges for Ukraine. At the same time, by playing a peacemaker’s role, Putin can persuade our European partners to sacrifice Ukraine’s strategic interests and impose unfavourable terms of peace.

Yet the preservation of the *status quo*, at least for the coming year, seems to be the most likely scenario for Donbas.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

It is clear that Ukraine still lacks its own instruments and resources to resolve the conflict in Donbas on acceptable terms. We may either surrender or continue to counter Russia.

Favourable conditions may emerge, if (a) local regimes lose Russian military and financial support; and (b) our own potential in this confrontation increases sufficiently enough to overcome the enemy's resistance. Both these options are attainable, but not in the short-term.

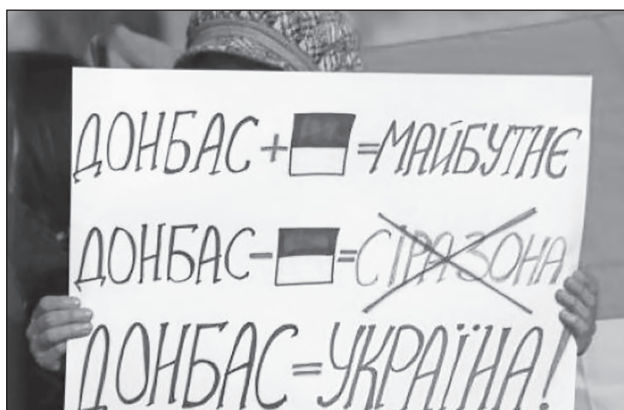
Therefore, the actions of the Ukrainian government should be *first* aimed at creating conditions for successful reintegration of Donbas, including internal political consolidation, economic growth, strengthening of defence capabilities, and reinforcing alliances with the United States and NATO.

Second, these actions should avoid bad options for Ukraine in resolving the conflict, meaning the conflict settlement on Russian terms. This requires diplomatic efforts, as well as informational and public presence of Ukraine's position in the major world forums and venues. **We must not give Russia a single chance to present and promote its viewpoint on the conflict in the global community and among our external partners.**

Domestic policy requires consistent steps to strengthen the national sovereignty, to consolidate patriotic forces, and to form Ukraine's international agency. As for the sensitive issue of national identity, we must avoid any questions that may trigger divisions in Ukrainian society and internal aggression. Against the backdrop of election campaigns, the oligarch-controlled media will try to spark negative emotions, sow uncertainty and doubt. Dependence on the Russian information and political influence will further aggravate these destructive trends.

Under these circumstances, the state must become a source of objective, impartial information and competent opinion, with its public speakers affirming the priority of national strategic interests over the current state of affairs and personal interests of individual politicians.

The communication sphere becomes increasingly more important. This is the place where one can gain some advantages today for them to be converted into political decisions and arrangements when the time comes. ■



RUSSIA COUNTS ON ELECTIONS IN UKRAINE



Vitalii MARTYNIUK,
The Head of
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at the Centre for Global
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– What are possible scenarios of events in Donbas in 2019, including in view of elections in Ukraine?

2019 will certainly be difficult for Ukraine in current security context in view of the lack of any progress in resolving the five-year conflict between Russia and Ukraine, the approaching presidential and parliamentary elections in Ukraine, and increasingly negative attitudes of the global community towards Russia's aggressive policy.

The Russian Federation shows neither willingness nor visible signs of seeking true settlement of the conflict, which should end with restoration of Ukraine's territorial integrity. Despite ongoing policy of sanctions imposed by the EU, the United States and other countries, this position was once again confirmed by Russia's Vladimir Putin during his press conference on 20 December 2018. He continued to toe the line of persuading the global community about Ukraine's "civil war". At the same time, Putin demonised Ukraine, accusing it of the conflict in Donbas and of poor situation in the region. Meanwhile, as of the end of 2018 neither Putin nor other top Russian officials uttered a single word about possible new ways of resolving the conflict.

This approach continues to manifest itself in practice: Russian troops remain concentrated on the Ukrainian border; Russia still deploys its troops and mercenaries to the occupied areas of the Donetsk and Luhansk oblasts and continues to supply weapons and ammunition; pro-Russian forces regularly shell the Ukrainian troops and territories and engage in provocations; the information space is full of fake news about the "Ukrainian offensive" or "Ukrainian chemical attack"; the Russian side to the Trilateral Contact Group rejected Ukraine's offer to exchange hostages and prisoners before Christmas and New Year holidays, and the like.

It is clear that Russia does not need demonstrating goodwill gestures as it hopes to achieve favourable results in the presidential and parliamentary elections in Ukraine. The Kremlin is mobilising pro-Russian politicians and political forces for these elections.

Although their victory is unlikely, Russia will still use them to attack the Ukrainian statehood.

One of their objectives is to spread pro-Kremlin messages in the Ukrainian information space. Apart from such information besetting of Ukrainian society, Russia can resort to provocations, terrorist attacks and other actions to destabilise the political situation in Ukraine. While sowing chaos, the Kremlin tries to make it manageable and attain its main goal – bringing Ukraine back to the orbit of Russian influence.

Destabilisation of the situation in Ukraine may be accompanied by activation of Russian military forces in the East. Russia has no sufficient capacities to launch a full-scale offensive in Donbas, nor it has resources to conduct a large-scale war against Ukraine. However, one should not rule out Russia's revenge in the East, especially in case of defeat of pro-Russian forces in parliamentary elections. This local revenge may be once again triggered by provocation staged by the Kremlin.

Most likely, local offensive may occur in the direction of Mariupol amidst the overall escalation along the contact line. The choice of this target is defined by the number of factors, including the proximity of large industrial Mariupol to the frontline with large numbers of Russian troops concentrated along the Russian-Ukrainian border; the creeping annexation and militarisation of the Sea of Azov, which allows Russia to strike the area from the sea; the proximity of militarised Crimea, which can be used for diverting the Ukrainian forces.

The goal of the Russian Federation is not about seizing new Ukrainian territories, but rather inflicting maximum losses and casualties, discrediting Ukrainian authorities in the eyes of locals, undermining socio-economic situation in the Ukrainian Pryazovia, demonstrating its power to the international community, and strengthening control over the occupied territories of the Donetsk and Lugansk oblasts.

The situation in the occupied territories will not change. Not willing to offer anything to the local population, Russia is still reluctant to abandon the “Bosnian scenario” of control over the so-called DNR and LNR to have a grip on Ukraine's internal and external policies.

– How should the Ukrainian government act domestically and internationally to regulate the conflict in Donbas (to mitigate its negative consequences)?

Pursuing the policy of dismantling Ukraine as a state, Russia takes all possible measures to achieve this goal. Therefore, we need to counter it both domestically and internationally.

Inside the country, the main efforts should focus on reforming the state, combating corruption, consolidating society, developing proper Ukrainian institutions, organisations and media, and strengthening the Ukrainian army so it is able to protect the people and territory of Ukraine from the powerful aggressor. The state and

municipal authorities need to be completely renewed to enjoy confidence of Ukrainians. Corruption should be minimised in order to strengthen the Ukrainian statehood, while all citizens should be able to protect their rights in Ukrainian courts.

Internationally, Ukraine needs to step up its information and awareness-raising efforts, explaining real actions of Russia in Ukraine and revealing its aggressive plans. Further international isolation of the Russian leadership will have a significant impact, thus raising the price of Russian aggression. To achieve this goal, we need to use all possible international platforms, consistently bringing the “Ukrainian issue” to the spotlight. At the same time, simple sharing of information about Russian crimes is insufficient, while Ukraine's presentation as a victim of aggression becomes increasingly ineffective. Instead, we need to rationally inform the international community and individual international organisations and countries that current behaviour of the Russian Federation poses a threat to their own security.

Differentiated approach should be used. For example, for the Baltic states, Russia is a direct threat to their national security. For Belarus and Armenia, staying in Russia's orbit implies gradual loss of sovereignty. For Latin America, cooperation with Russia means economic recession. We should build our work with these countries accordingly. Moreover, it is important to find contact points even with countries that support the Russian Federation in the international arena and use our arguments for persuading them to leave the camp of “Putin's friends” and at least to become neutral. For example, immediately after the Serbian delegation's voting against the UNGA Resolution “The problem of militarization of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), as well as parts of the Black Sea and the Sea of Azov”, Ukraine's Ambassador to Serbia Oleksandr Aleksandrovych reminded the country's leadership about Ukraine's position on Kosovo (which is rather sensitive for Belgrade) and emphasised the unfriendly behaviour of Serbia in the UN.

Recognising the results of voting for the above-mentioned UNGA Resolution, Ukraine should seek regular cooperation with regional international organisations to which our country is not the party, including the Regional Cooperation Council (the Balkans), the African Union, the Organisation of American States, the Association of Southeast Asian Nations and others. It will allow Ukraine to comprehensively work with certain regions and counties, primarily in countering Russian aggression.

As for international organisations that include Russia as their member, it would be expedient for Ukraine to elaborate the list of provisions in these organisations' regulations that Russia have violated, and to seek relevant punishment for the Kremlin. Ukraine should act in a consistent and persistent manner to punish the aggressor, using all international tools available. ■

THE CONFLICT IN THE EAST OF UKRAINE: EXPERT OPINIONS AND POSITIONS

The Razumkov Centre conducted the survey among Ukrainian experts in the framework of its “The Conflict in the East of Ukraine: Expert Opinions and Positions” Project.¹ Opinions and assessments of the expert community are important for better understanding of peculiarities and specifics of the situation in the East. The expert survey supplements and clarifies the results of nationwide sociological surveys² on the same topic, providing more complete and objective review of social sentiment.

The experts evaluated some external factors of the war in Donbas; outlined the “red lines” for possible compromises on conflict settlement; predicted possible course of events in the future; and characterized the economic component of the conflict. Expert opinions about further action of the Ukrainian government on Donbas and the prospects and format of deploying the UN peacekeeping mission in the East of Ukraine are of particular importance.

Findings of the expert survey provide basis for the following observations and conclusions.

The war in Donbas: external factors. While assessing the goals of Russian aggression against Ukraine, the experts primarily point at the Kremlin’s attempts to block Ukraine’s European and Euro-Atlantic (65%) integration and to change power and establish control over Ukraine (65%). Many experts believe that the goal of Russia’s expansion is to disintegrate and eliminate the Ukrainian statehood (53%). Only several experts (4%) believe that Russia’s intervention in the East of Ukraine is about protecting the Russian-speaking population. These expert assessments of the goals of Russian aggression generally coincide with the citizen assessments.

Just like ordinary Ukrainians, the experts are quite critical about Ukraine’s policy on resolving the conflict in Donbas. Most experts emphasize that for society this policy is neither effective nor coherent, transparent or consistent. In their opinion, it lacks a clear action strategy. Such responses can be explained by shortcomings and miscalculations of government policy in Donbas and by uncertainty and danger of the situation in the East of Ukraine.³

The experts have different opinions about engagement of international organisations and some Western nations in the settlement of Donbas conflict. The role of the United States is most highly appreciated, probably owing to Washington’s military and financial assistance to Ukraine and the fact that USA is the initiator and leader of the West’s stand-off with Kremlin’s aggressive geopolitics. It should be noted that NATO, Germany and France (as participants of the Normandy format) also gained mostly positive responses. In particular, NATO unwaveringly

and consistently supports the territorial integrity and sovereignty of Ukraine. At the same time, expert assessments of OSCE are rather moderate – probably due to solely monitoring functions performed by the Donbas-based Mission of this organisation, and some activity-related problems. The experts were most critical about the UN’s role in settling the Donbas conflict. Its activities regarding the Donbas conflict (peacekeeping operations included) are blocked by Russia, which is a veto power in the UN Security Council.

The effectiveness of Western sanctions imposed on Russia is scored “3” out of “5” by Ukrainian experts. The obvious reason for this moderate grade is that sanctions, while having important deterrent effect, have so far failed to significantly affect the Kremlin’s policies, both in Donbas and globally. In this context, we should recall rather restrained reaction of European community to the capture of Ukrainian sailors by Russians in the Black Sea near the Kerch Strait in November 2018.

The boundaries of compromise for Ukraine. The overall picture of assessments made by the Ukrainian expert community, proves readiness for compromise on the one hand, but also provides clear definition of “red lines”, which, according to most respondents, the official Kyiv should never cross. Experts believe that Ukraine should never formalise in the Constitution a “special status” for some territories of Donbas or introduce a federal system in the country. Also, most experts stand against the economic contacts with the occupied territories, their integration into Ukraine in their present form and any official negotiations between the Ukrainian government

¹ The expert survey was carried out by the Razumkov Centre on 10-19 April 2019. 80 representatives of government agencies, members of the state and non-governmental research institutions, academics and independent experts were polled.

² The results of nationwide survey are reviewed in “The Donbas Component of the Russia-Ukraine Conflict: Citizens’ Opinions and Assessments” Report of this publication.

³ The government’s policy on Donbas is reviewed in detail in Section 1 of this report.

and current leadership of “DPR” and “LPR”. Moreover, abandoning the European and Euro-Atlantic integration in exchange for peace in Donbas is unacceptable.

Equally unacceptable is the formula of “exchanging” Crimea for Donbas. On the other hand, members of the expert community believe that restoring Ukrainian control over the occupied territories by military means (at least under current conditions) is impossible. This becomes evident given the balance of Russian and Ukrainian military forces both in the conflict zone and along the Ukrainian-Russian border. But it should be noted that respondents do not support separation of the occupied territories from Ukraine.

Two approaches are the most acceptable for Ukraine according to experts. The first one implies successful normal life reestablishment in government-controlled territories of Donbas. This would definitely be a powerful message and strong argument for those living in the occupied territories. The second approach suggests making Russia to stop interfering with conflict in the East of Ukraine (in particular, by intensifying international sanctions, applying additional international pressure etc.).

The economic component of the conflict. According to experts, the economy of puppet “DPR” and “LPR” is not self-sufficient; it is totally dependent on the aggressor’s support. Most respondents are convinced that the economy of the “republics” cannot provide even the minimal social standards and needs external backing. In the meantime, some experts tend to believe that the economy of “republics” may exist in the occupation regime for quite a while, but there are no prospects for its development. None of the experts agreed with the statement that the economy of the occupied territories is self-sufficient and has good development prospects without external support. Therefore, the so-called “republics” are critically dependent on Russian economic “infusions”.

But most respondents believe that strategically such Russian financial support will be limited to securing the minimum necessary quality of life of the local population; it is by no means designed to facilitate the development of Donbas. In other words, the Kremlin does not plan to transform the “republics” into a “showcase of the Russian World” in eastern Ukraine.

The experts mostly agree that restoration of Ukraine’s sovereignty over the occupied regions of Donbas and renewal of economic ties is largely in line with Ukraine’s economic interests. At the same time, expert opinions regarding the future of the region’s coalmining industry following de-occupation are quite diverse. Instead, experts are much more concordant in defining who should pay for rebuilding of Donbas: most respondents stress the importance of international assistance and partners’ support. Also, Donbas should be rebuilt at the expense of the aggressor.

Possible scenarios of events and prospects of conflict settlement. According to experts, continued *status quo* is the most likely scenario of events in the East (at least in

the nearest future), that is armed conflict of low intensity. This forecast is perfectly logical given the current state of the conflict, internal processes in Ukraine (election campaigns) and geopolitical settings. The gradual settlement of the conflict as a result of pro-Russian forces coming to power in Ukraine seems to be much less likely.

It is worthy to note that the most dangerous scenario for many experts is granting the special status to the occupied territories within Ukraine in accordance with the Minsk Agreements. Significant number of respondents also predict the threat of the separation of these territories from Ukraine. At the same time, the least negative scenario for experts is conflict “freezing” and drawing a new “border” along the contact line.

While outlining possible action of the Ukrainian government in Donbas, the experts want Russia to be forced to liberate these territories by using political and diplomatic means. At the same time, it would be advisable to seek the deployment of the UN peacekeepers in the occupied regions. Also, many respondents support continued operation of Joint Forces until full liberation of the territories occupied by Russia.

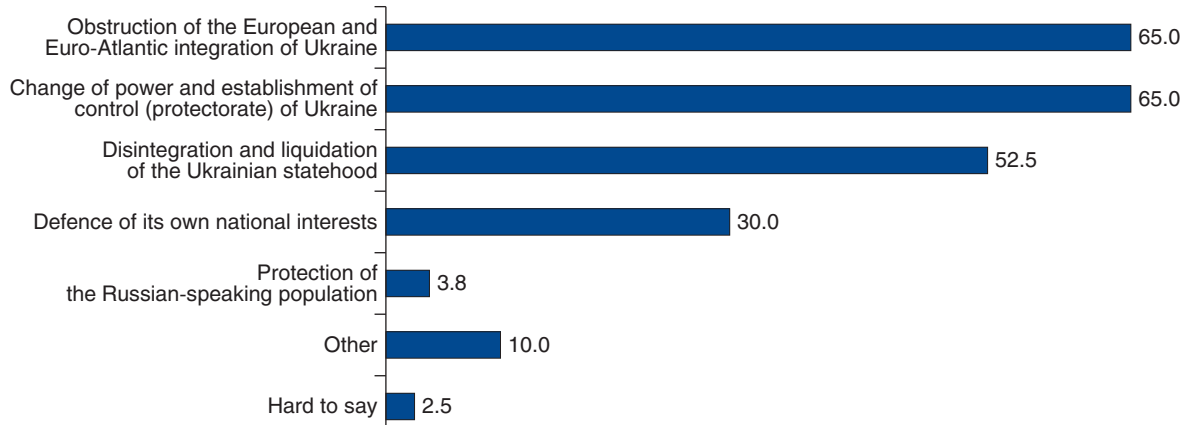
Members of the expert community were almost unanimous (88%) in supporting the deployment of peacekeeping forces in the temporarily occupied territories of Donbas. Moreover, most of them think that this operation should not be coordinated with “DPR” or “LPR”. The reasons for that are clear, as the leaders of so-called “republics” are nothing else but Kremlin’s puppets, totally dependent on Russia. Even more so, current Ukrainian legislation defines “DPR” and “LPR” as Russian occupation administrations.

The vast majority of expert (85%) support the Ukrainian version of the peacekeeping mission, stressing that the UN forces should take the entire occupied territory under their control, including the uncontrolled section of the Ukrainian-Russian border.

In summary, we should point at the following. According to experts, the Kremlin’s goals in Ukraine are to establish control over the country, block its European and Euro-Atlantic course, and dismantle its statehood. The experts are quite critical about the Ukrainian government’s policy regarding Donbas. Similarly, the experts are not overly enthusiastic about the West’s actions (including sanctions policy) to settle the Donbas conflict.

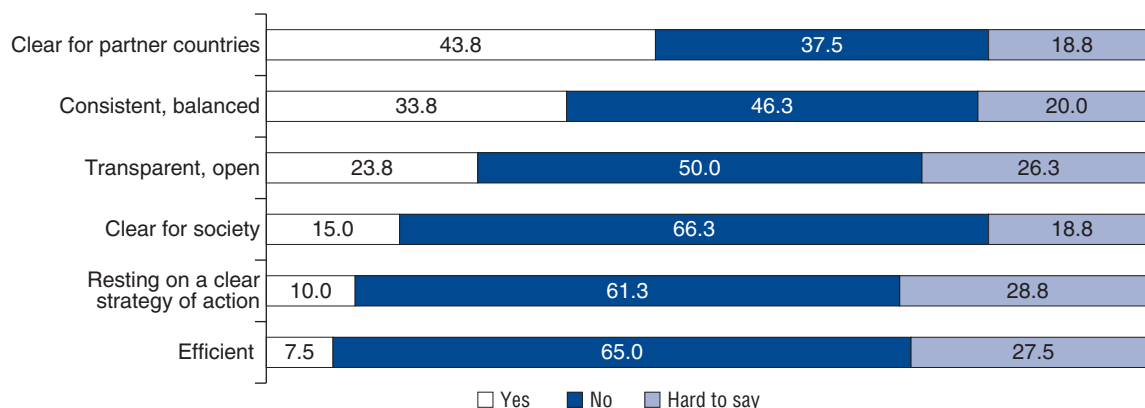
Experts mostly prefer political and diplomatic methods of conflict settlement, and clearly distinguish “red lines” that Ukraine cannot cross. Experts are sceptical about the economic status and prospects of “DPR-LPR”, but note that restoring economic ties with these territories following de-occupation will benefit Ukraine. The Ukrainian expert community demonstrates great deal of support for deployment of the UN peacekeeping mission in Donbas, which would take the entire occupied territory under its control.

How would you describe the goals of the Russian aggression against Ukraine?*
% of experts

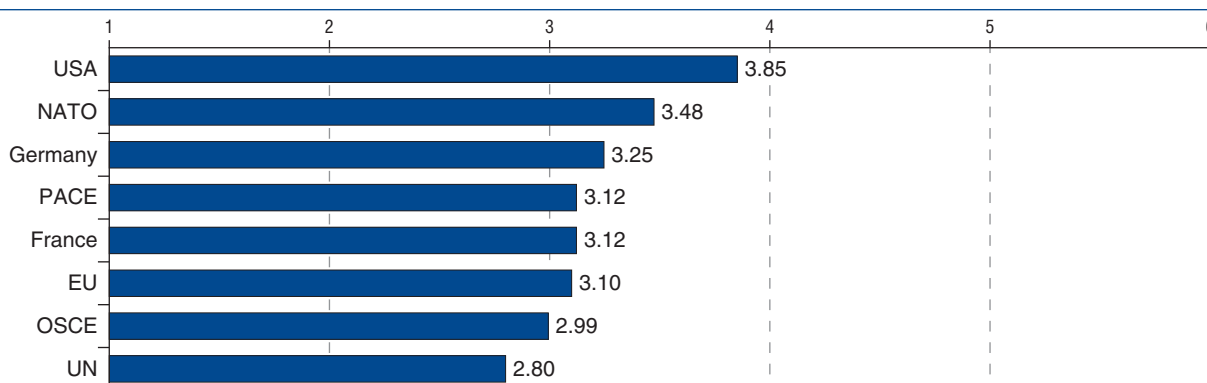


* Experts were asked to select all acceptable answers.

How would you describe Ukraine's policy of settlement of the conflict in Donbas?
% of experts

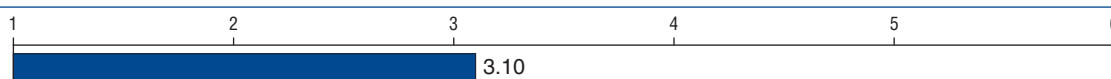


How would you assess involvement of separate countries and international organisations in settlement of the conflict in Donbas?
Average score*



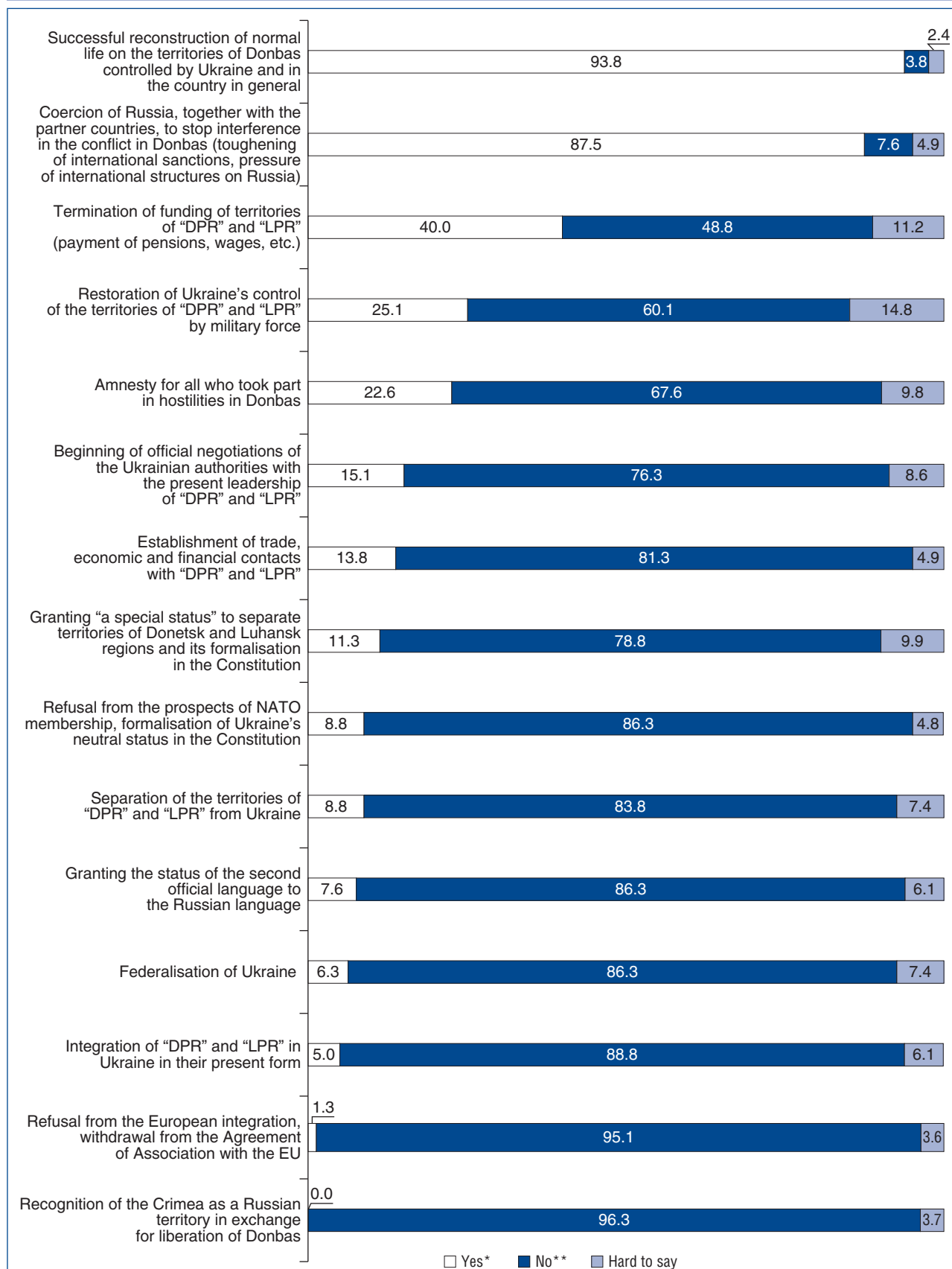
* Using a scale from 1 to 6, where "5" means very efficient, "1" – inefficient, "6" – hard to say.

How would you assess the efficiency of sanctions of the Western countries against Russia for settlement of the conflict in Donbas?
Average score*



* Using a scale from 1 to 6, where "5" means very efficient, "1" – inefficient, "6" – hard to say.

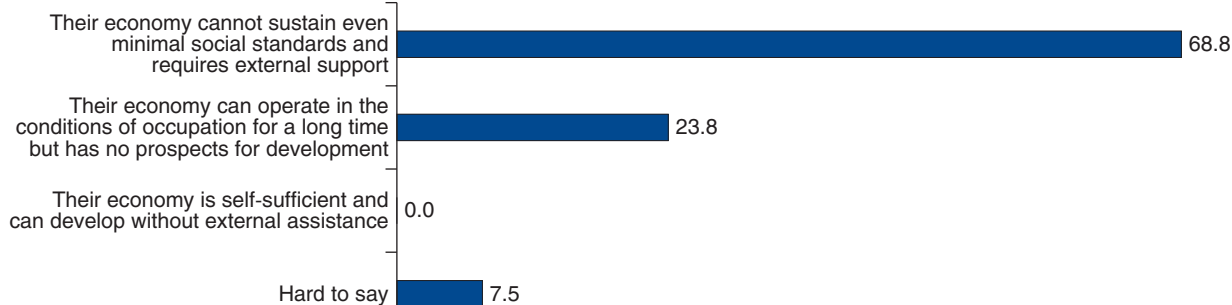
What steps for establishment of peace in Donbas would you support?*
% of experts



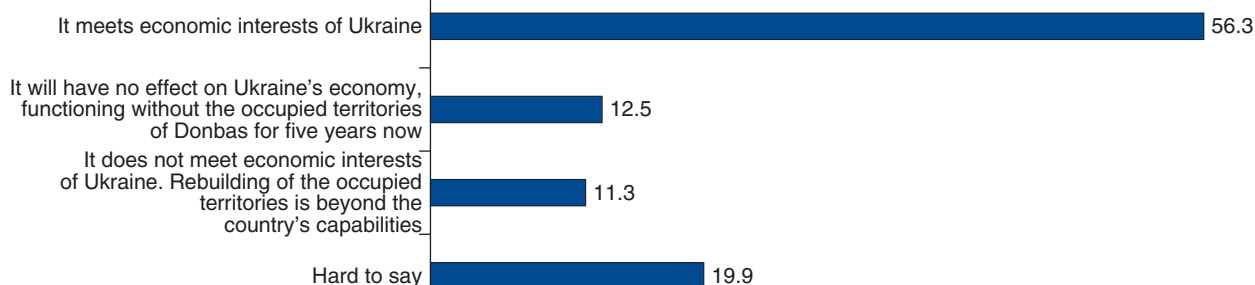
* Sum of answers *yes* and *rather yes*.

** Sum of answers *no* and *rather no*.

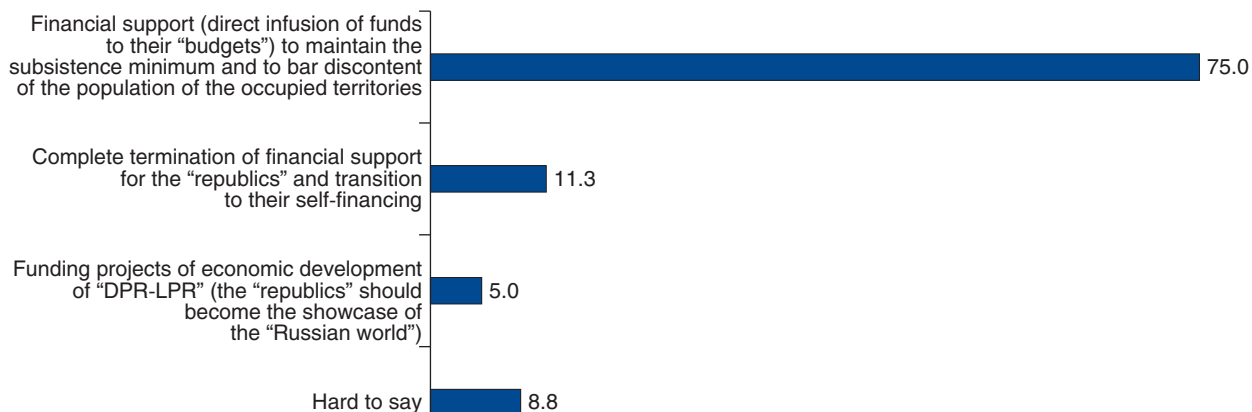
How would you describe the economy of the occupied territories?
% of experts



What effect will restoration of sovereignty of the occupied territories and economic ties with Donbas have on Ukraine's economy?
% of experts

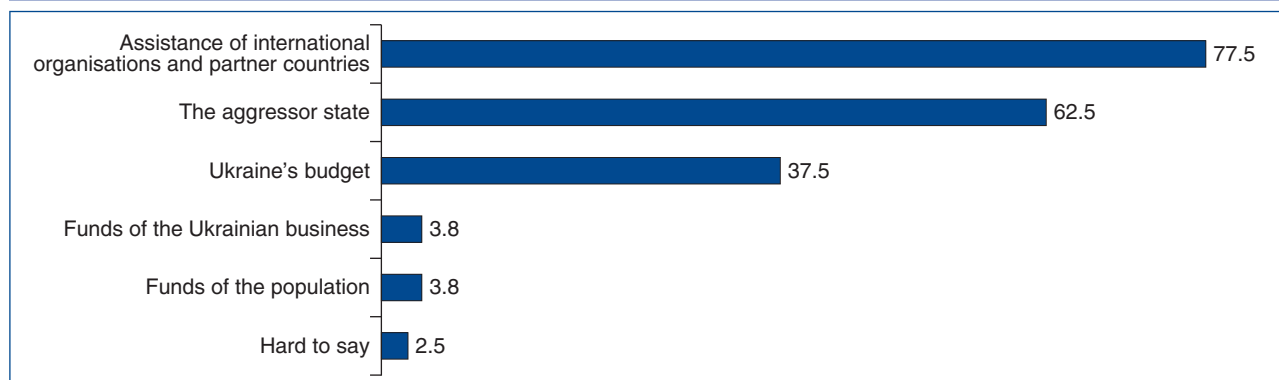


What is your suggestion of Russia's economic strategy towards "DPR-LPR"?
% of experts

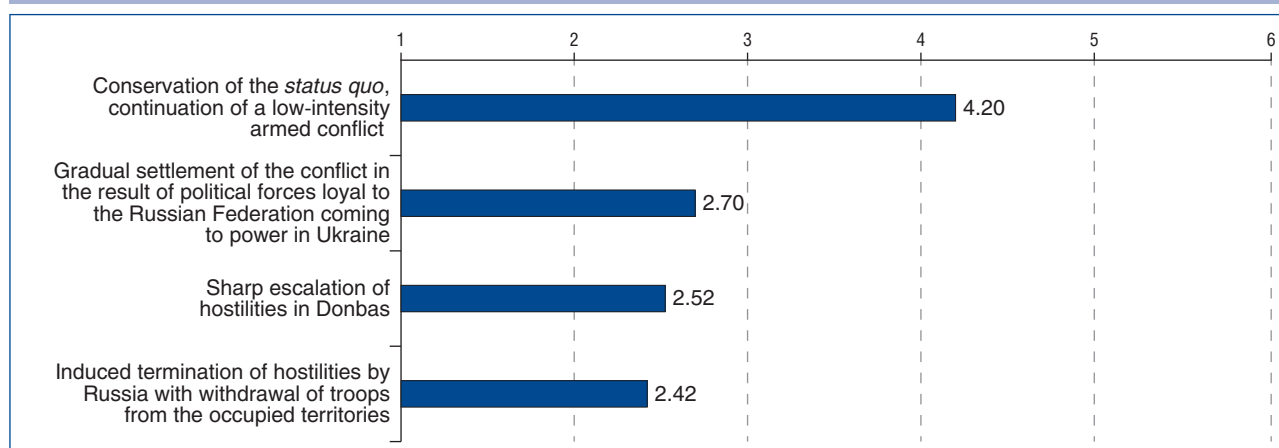


What do you think should be done with the coal-mining sector after the de-occupation of Donbas?
% of experts

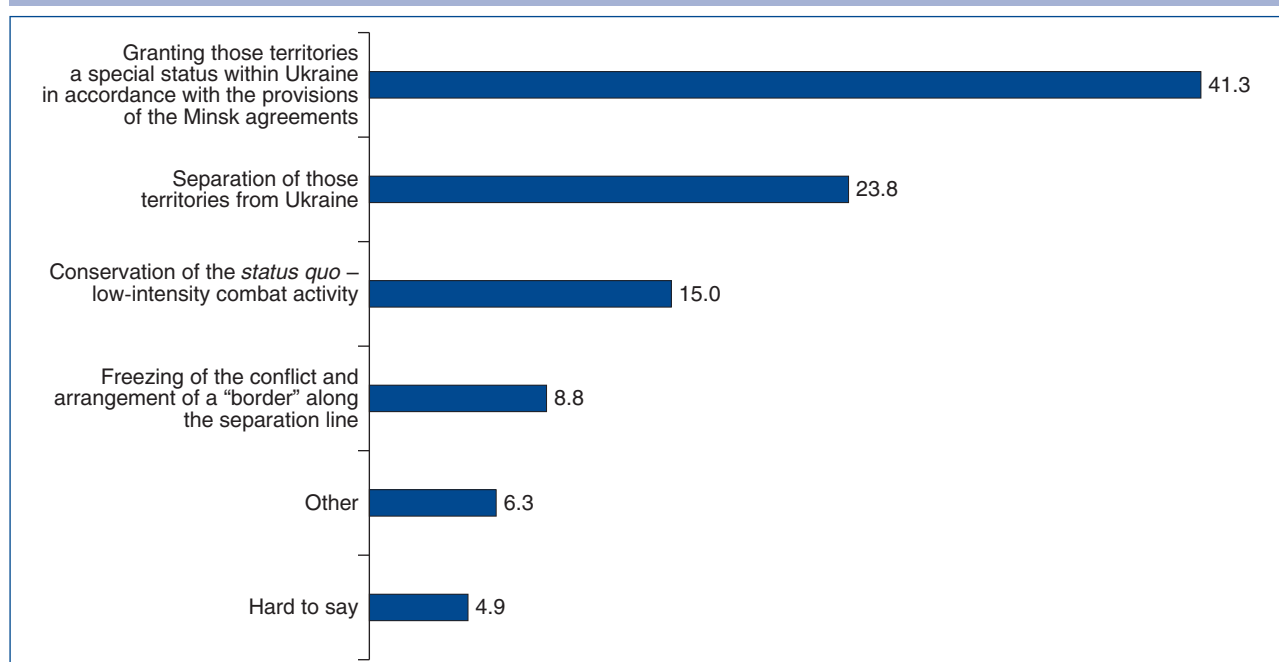


At whose expense should Donbas be rebuilt after de-occupation?*
% of experts


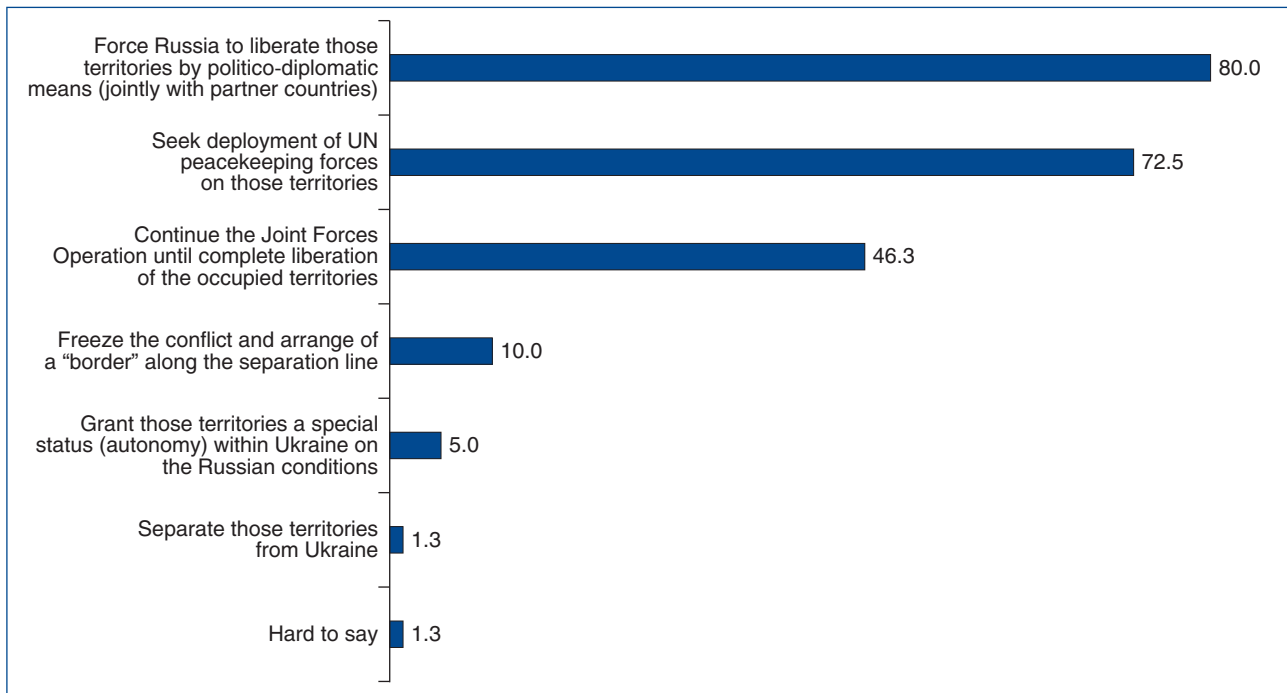
* Experts were asked to select two acceptable answers.

Assess the probability of the following options of developments in Donbas in the near future (in 2019)
Average score*


* Using a scale from 1 to 6, where "5" means very efficient, "1" – inefficient, "6" – hard to say.

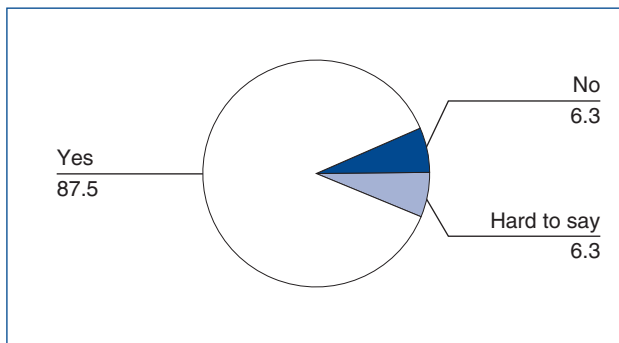
Which scenario of developments in Donbas poses a greater threat for stability and development of Ukraine?
% of experts


What should Ukraine do for settlement of the conflict in Donbas?*
% of experts

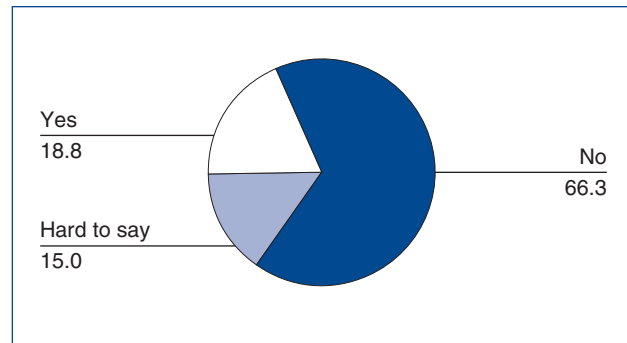


* Experts were asked to select all acceptable answers.

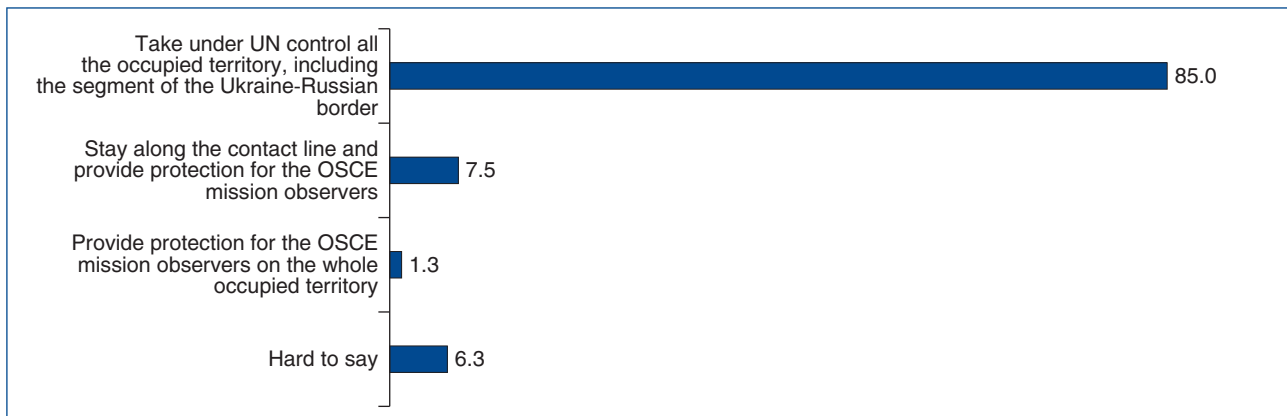
Do you support deployment of the UN peacekeeping forces on the temporarily occupied territories of Donetsk and Luhansk regions?
% of experts



Should the deployment of the UN peacekeeping forces be coordinated with "DPR" and "LPR"?
% of experts



How should the UN peacekeeping forces act on the temporarily occupied territories in Donetsk and Luhansk regions?
% of experts



THE “DONBAS COMPONENT” OF THE RUSSIA-UKRAINE CONFLICT: CITIZENS’ OPINIONS AND ASSESSMENTS

In December 2018 and March 2019, Razumkov Centre has done sociological studies on the general state and prospects of Kyiv-Moscow relations and the topic of the Donbas conflict in particular.¹

In the study, respondents assessed the nature of Russia-Ukraine relations, the causes and consequences of the conflict between the two countries, expressed their opinions regarding Russia’s Ukraine policy, made predictions as to further development of the bilateral relations. The “Donbas topic” was an important part of the survey. Citizens described the conflict in Eastern Ukraine, assessed Ukrainian government’s efficiency in resolving the conflict, identified further actions they think Ukraine should take and concessions it should make to liberate Donbas, as well as presented their views on the future of the occupied territories.

Summarising study results, we can highlight a number of observations and draw some conclusions.

Kyiv-Moscow Relations: Conflict Causes, Consequences and Prospects

Since April 2014, a stable majority (76% in March 2019) of respondents have believed that Russia-Ukraine relations are hostile and bad. This is due to the issues of the annexed Crimea, Russia’s armed intervention in Donbas and the overall state of Kyiv-Moscow relations during the six years of the undeclared war.

Respondents believe that the main causes of the conflict are: Ukraine’s attempt to leave Russia’s area of influence, Moscow’s inability to accept Ukraine as an independent state with its own foreign policy, in particular, its Eurointegration course. Citizens traditionally believe that the most negative consequences of the Kyiv-Moscow conflict include the destruction of economic ties, deterioration of political relations, growth of mutual adversity between citizens of both countries. Relations

between the people of Ukraine and Russia are deteriorating (which is being highlighted by most respondents for five consecutive years) with a non-stop process of alienation between both societies.

In the course of Russia’s aggression in 2014-2019, a stable majority of Ukrainian citizens have been expressing a stable negative attitude to Russia’s leadership, its state institutions. In particular, in March 2019, 71% of respondents had negative attitude to the Russian president. A similar negative dynamic was also observed regarding the Russian parliament and government. Attitude to Russian citizens was more reserved, mostly neutral, but in March 2019, as compared to April 2014, there was a major reduction of the number of respondents with positive attitude to Russians – from 45% to 32%. This can be viewed as proof of Ukrainians’ alienation and distancing from Russians.

¹ These two studies have been done in the framework of project “Donbas Conflict Resolution: Progress Report and Way Forward” implemented with support of the Netherlands Ministry of Foreign Affairs. The first study was conducted from 29 November to 5 December 2018, the second – on 1-6 March 2019. There were 2,017 and 2,019 respondents respectively, aged from 18 y.o., from all regions of Ukraine except Crimea and the occupied territories of Donetsk and Luhansk oblasts. Theoretical error of each sample does not exceed 2.3%.

Materials also include results of earlier surveys done by the Razumkov Centre’s sociological service in the past years.

Most often, respondents predict either stagnation or deterioration of Kyiv-Moscow relations in the near future. Equal shares (33% each) believe that relations will either remain the same (which is not a positive thing, given the ongoing Russian aggression) or will deteriorate (which means escalation of the conflict).

Most Ukrainian citizens are not expecting any positive changes in Kremlin’s policy towards Ukraine in the near future. 59% of respondents do not think any positive changes will take place in the next 1-3 years, and 44% – in 3-5 years. At the same time, 40% hope for such changes in 5-10 years. Citizens seem to tie the possibility of positive changes in Russia’s external policy with the end of Vladimir Putin’s term as the president.

Throughout the long conflict with Russia, most Ukrainian citizens have been expressing stable support for limiting or terminating relations with Russia (while in the pre-war period, the society was clearly supportive of deepening contacts with Russia). In March 2019, 27% supported limiting cooperation with Russia, and 29% – complete termination.

Thus, Russian aggression has caused fundamental changes in Ukrainians’ attitude to the neighbouring state, its policy, leadership and citizens. These are hardly situational fluctuations of opinion. Of course, the overall profile of opinions (in particular, in the regional breakdown²) is more complex and controversial. And yet, Razumkov Centre research in 2014-2019 allows to talk about a number of relatively stable trends in public opinion. Summarising opinions and assessments of Ukrainian citizens, we can determine a stable pattern of their attitudes to Russia (table “*Do you agree with the following statements?*”, pp.149-150). In general, this pattern boils down to these statements:

- Russia is the aggressor. Its goal is to destroy Ukraine’s independence. Normalisation of relations with Russia under Vladimir Putin’s presidency is impossible.
- It is possible to minimise, but not to completely neutralise the threat coming from Russia. Thus, we can stand up to Russia only as a united front.
- Ukraine will not be taking part in any integration projects in the post-Soviet space led by Russia. European integration is the only possible and irreversible way.
- “Strategic partnership”, “neighbour relations”, “sister nations” language is unacceptable, neither is Russia’s model of social and political structure.
- There is a number of issues, on which compromise with Russia is out of the question. These include

Crimea, Ukraine’s political structure, its European and Euro-Atlantic integration.

- Kyiv-Moscow relations can be normalised under the following conditions: Russia stops its aggression against Ukraine, exits the occupied territories, compensates for Ukraine’s losses caused by the annexation and military acts, refrains from interfering with Ukraine’s internal affairs.

There are reasons to believe that the “mental divide of alienation” that formed over the period of Russia’s aggression will determine the nature of the bilateral relations in the medium-term perspective.

The War in Donbas: Current State, Characteristics and Trends

Describing the Donbas conflict, most citizens talk about the “Russian factor”. According to them, the events in Eastern Ukraine are either a war between Russia and Ukraine (35%) or a separatist insurgency supported by Moscow (26%). Also, most respondents describe “DPR” and “LPR” as terrorist organisations supported by Russia (35%) or Russian occupation administrations (30%).

Ukraine’s policy in conflict regulation is perceived with much criticism. Most citizens do not believe it to be efficient, consistent, balanced and clear for the society and partner countries. Respondents think that Ukraine’s Donbas policy lacks a strategy.

Likewise, people are sceptical as to the involvement of Western countries in conflict resolution – overall, western conflict resolution policy is described as inefficient (55%). Most respondents note that Donbas conflict management is best furthered by Ukraine (39%), EU countries (23%), USA (18%) and OSCE (15%). Ukrainian citizens had ambivalent attitudes regarding current results of Minsk agreements. That said, almost a third knew nothing about the agreements or were uncertain about their answer.

Respondents are sympathetic towards people in the occupied territories. Most often they are seen as either victims of circumstances (29%) or hostages to actions of illegal armed groups (27%). Only each tenth respondent sees them as traitors that deliberately turned against Ukraine. That being said, a significant part of respondents (44%) feel there is alienation between residents of the occupied territories and residents of other Ukrainian oblasts (38% had an opposite opinion).

Assessments of social and humanitarian policy on the occupied territories differed. Opinions on cancelling restrictions on social and pension payments to citizens in the uncontrolled territories and a simplified regime for crossing the demarcation line, split almost in half. At

² The following regional division is used: **West:** Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Ternopil, Chernivtsi oblasts; **Centre:** city of Kyiv, Vinnytsia, Zhytomyr, Kyiv, Kirovohrad, Poltava, Sumy, Khmelnytskyi, Cherkasy, Chernihiv oblasts; **South:** Mykolayiv, Odesa, Kherson oblasts; **East:** Dnipropetrovsk, Zaporizhzhya, Kharkiv, Donetsk and Luhansk oblasts (except for the occupied territories).

the same time, most respondents support simplification of administrative procedures in the frontline areas, provision of assistance to Donbas residents that want to move to the government-controlled territory of Ukraine, as well as simplification of entrance procedures to Ukrainian education establishments for these people.

People have a rather pragmatic attitude to the economic aspects of the Donbas situation. The most popular opinion is that restoring Ukraine's sovereignty over the occupied territories is in Ukraine's economic interest (43%). At the same time, each fifth respondent (20%) had an opposite view saying that reintegration of the occupied territories is an unmanageable burden for Ukraine. In this context, it is interesting to see respondents' views on whose responsibility it is to finance Donbas restoration after de-occupation. Most citizens (49%) believe this should be done at the expense of the aggressor, 44% – hope for assistance from international organisations and partner countries, 30% – believe the money should come from the Ukrainian budget.

Regional Differences. There were notable regional differences, which is explained by a number of historical circumstances, many internal and external factors, – in particular, pro-Russian mindset in eastern and southern regions of the country, active Kremlin propaganda, disorientation and psychological exhaustion from the long-term conflict. Thus, in the East of Ukraine, respondents viewed the Donbas situation as a civil war (a conflict between the pro-Ukrainian and pro-Russian citizens of Ukraine) slightly more often (26%) compared to other regions. Also, in the East of Ukraine, a significant percentage of respondents (31%) believe “DPR” and “LPR” to be self-government bodies elected by local people. There, more often than in other regions, respondents said they would prefer more independence from Kyiv or an autonomy within Ukraine. This region also had similar differences regarding social and humanitarian policy in Donbas, as well as in the assessment of further steps to establish peace in this region.

Ways and Prospects of Conflict Resolution in Eastern Ukraine

Citizens expressed different views as to how Ukraine should proceed to resolve the Donbas conflict. 29% support the option of pressuring Russia into withdrawing from these territories with political and diplomatic means (together with partner countries). Almost the same percentage (27%) insist on continuing the Joint Forces Operation until complete liberation of these territories. Each fifth respondent (19%) supports the idea of giving these territories a special status based on Russia's conditions. 18% support the deployment of UN peacekeeping forces to Donbas. 14% think it best to “freeze” the conflict and create a “border” along the demarcation line.

The views on the region's political prospects are somewhat more definite. Most respondents (55%) believe

that the occupied territories have to be returned to Donetsk and Luhansk oblasts of Ukraine on the same conditions they had previously. 14% also support their return under Ukraine's control but with more independence from Kyiv. Small percentages of respondents support these territories' independence or their accession to Russia.

Assessing the ways and mechanisms of returning the occupied territories to Ukraine, citizens demonstrate their readiness for compromise, but not at any cost. Thus, overall, respondents do not support the idea of incorporating the “special status” of Donbas into the Constitution, the introduction of federalism in Ukraine, integration of “DPR” and “LPR” into Ukraine in their current form. Also, citizens mostly disagree with such compromises as Ukraine's renunciation of its EU and NATO integration course. The most acceptable options, according to them, are: (a) successful restoration of normal life in the government-controlled territories of Donbas and in the country in general; (b) pressuring Russia (with international assistance) into ceasing its interference in the Donbas conflict.

In general, external assistance is viewed as a contributing factor in conflict resolution. Most respondents (58%) support the idea of UN peacekeeping mission deployment to the temporarily occupied territories. Most often, citizens say that peacekeepers should take the entire occupied territory under control, including the relevant section of the Ukraine-Russia border.

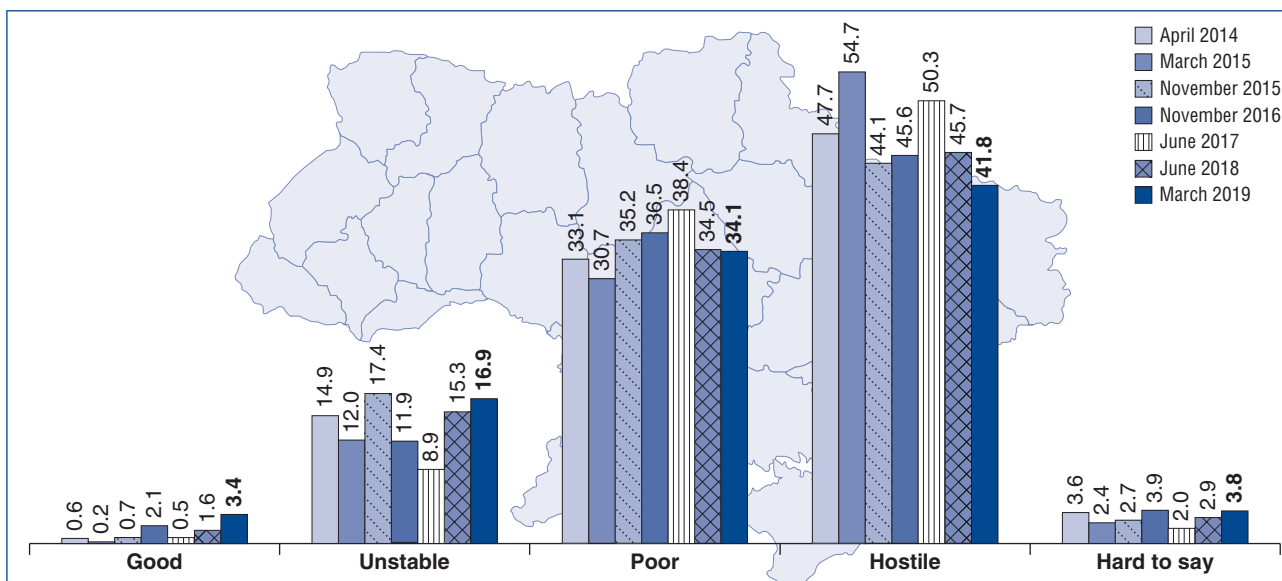
That said, citizens are rather careful in their assessments of conflict resolution prospects. Most often, they expressed doubt as to the possibility of establishing peace in Donbas in the near future (1-3 years). Somewhat more optimistic were the prospects of ending the war in 3-5 years, even more likely – in 5-10 years.

In the most general sense, citizens' opinions and assessments boil down to the following formula: Russia is a hostile (unfriendly) state, which is unable to accept an independent, self-standing Ukraine that is moving towards the EU and NATO. Ukraine should distance itself from Russia and limit the bilateral contacts. Normalisation of relations with Russia is unlikely in the near future.

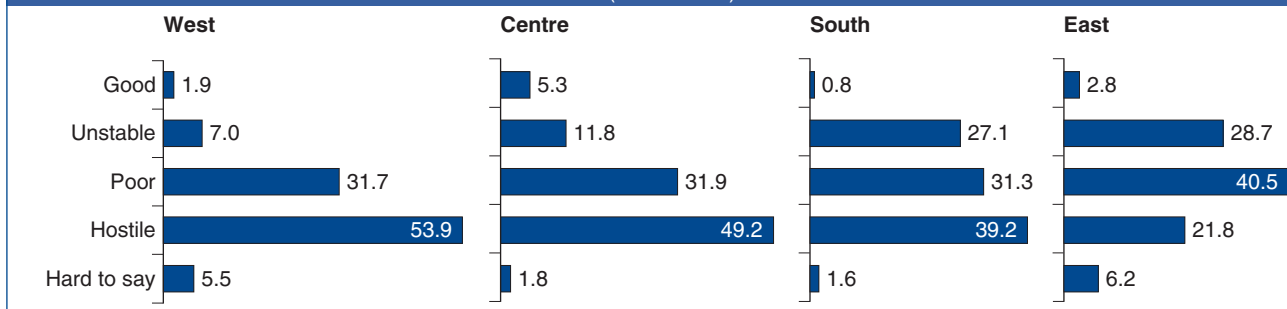
Assessing the Donbas situation, citizens talk about Russia's involvement. They are also very critical of Ukraine's conflict resolution policy, as well as the corresponding efforts of western countries.

Overall, citizens believe that in the future Donbas should be a part of Ukraine, but they are rather careful in their assessments of conflict resolution prospects. Society shows signs of readiness for compromise to establish peace in the region, but not at any cost, not at the cost of national interests.

How would you describe current relations between Ukraine and Russia? % of respondents

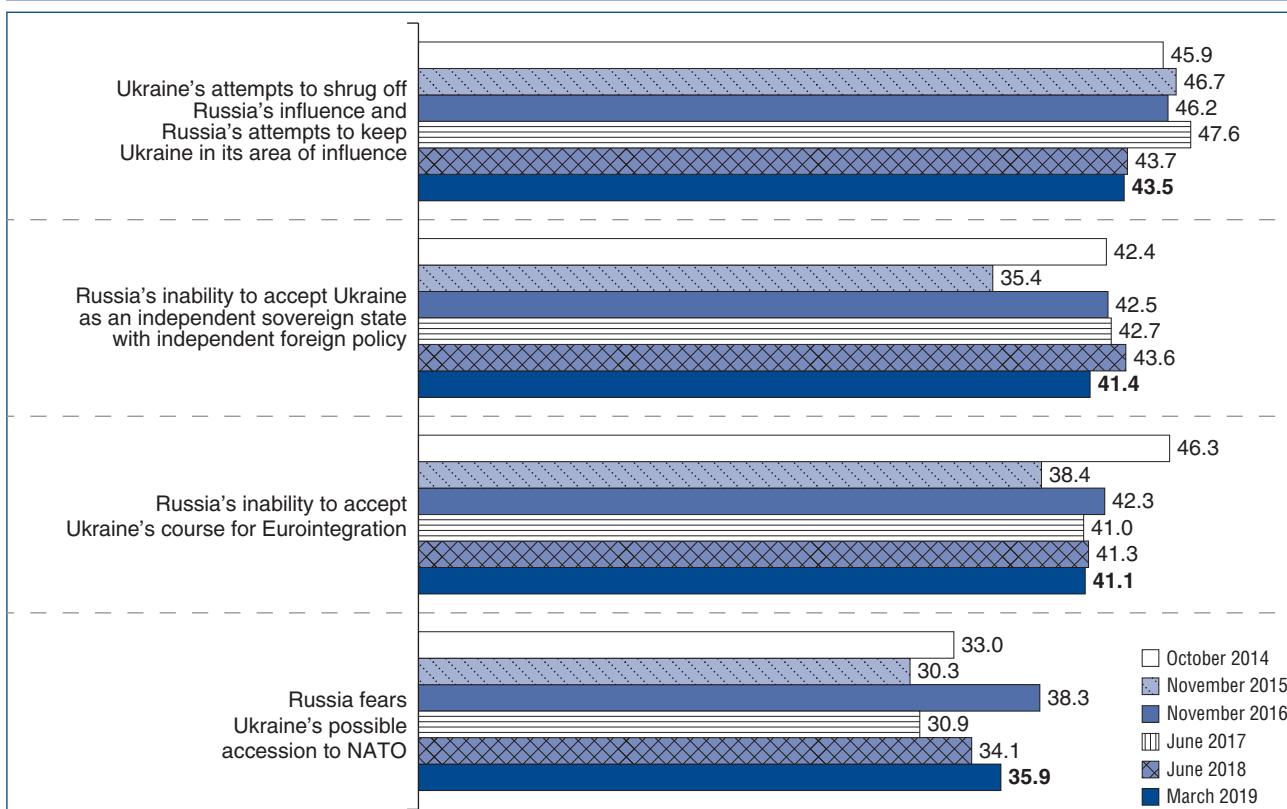


REGIONS (March 2019)



What are the main reasons for the Russia-Ukraine conflict?*

% of respondents

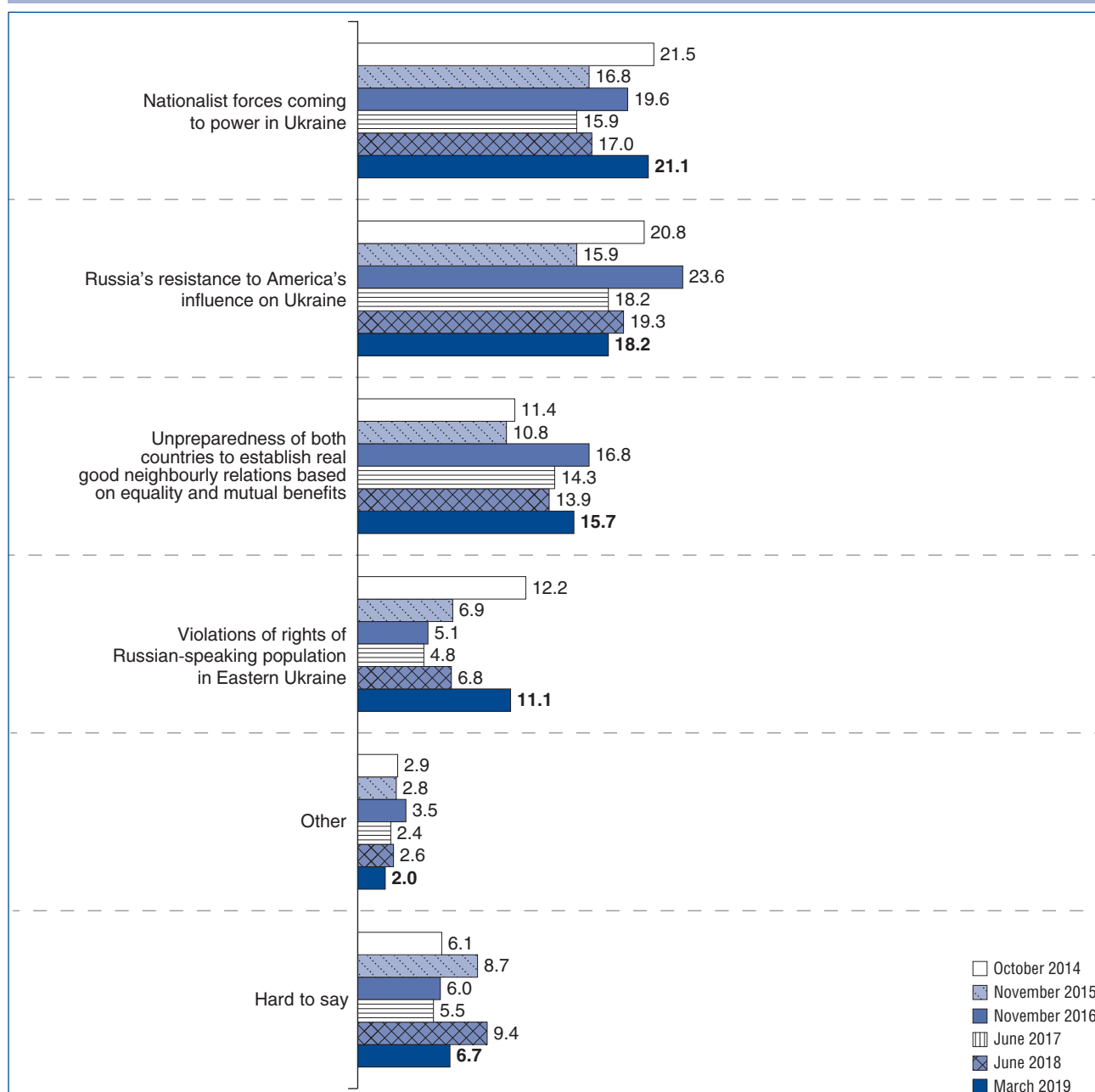


* Respondents were asked to select all acceptable answers.

What are the main reasons for the Russia-Ukraine conflict?*

% of respondents

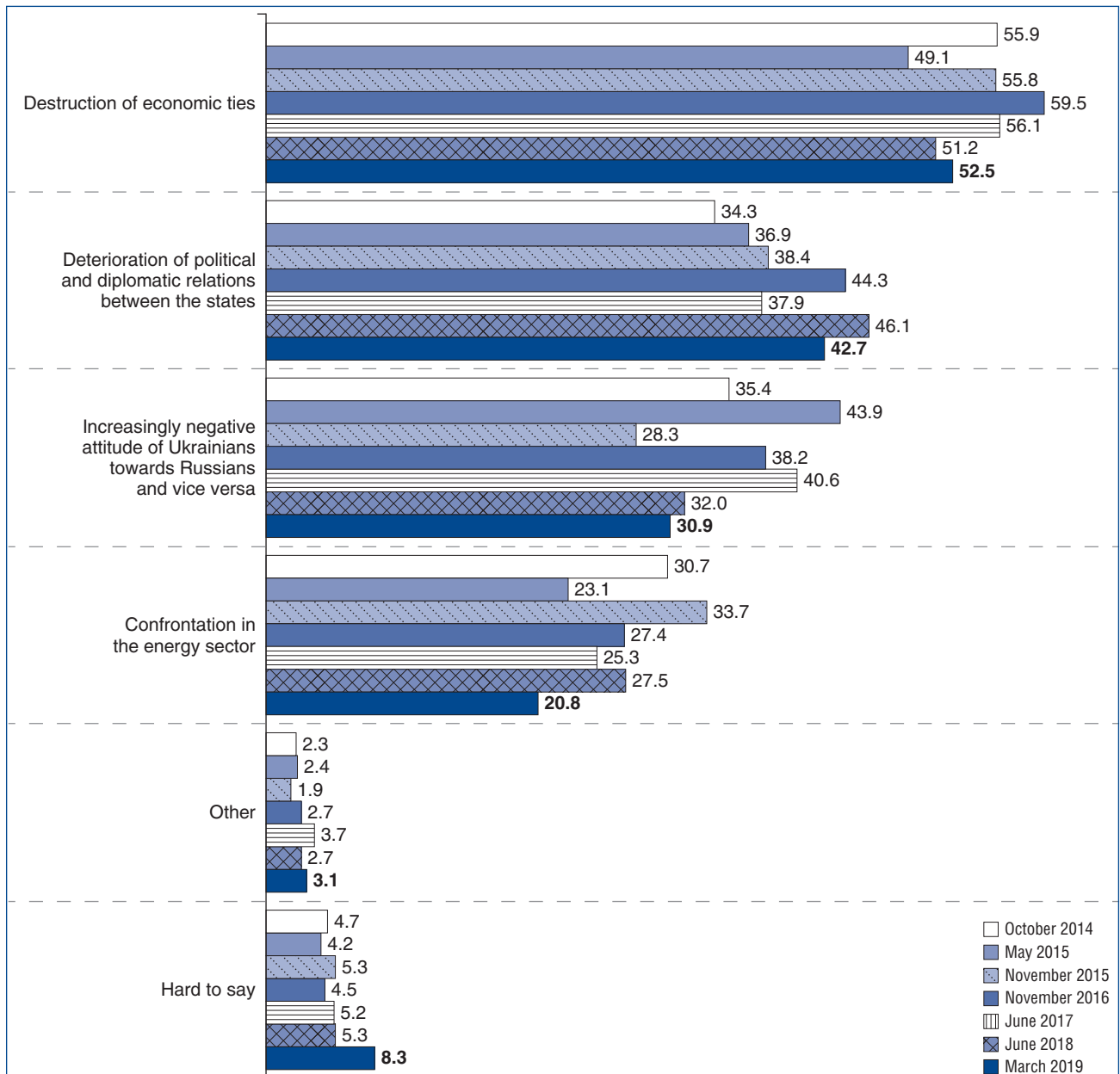
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REGIONS (March 2019)

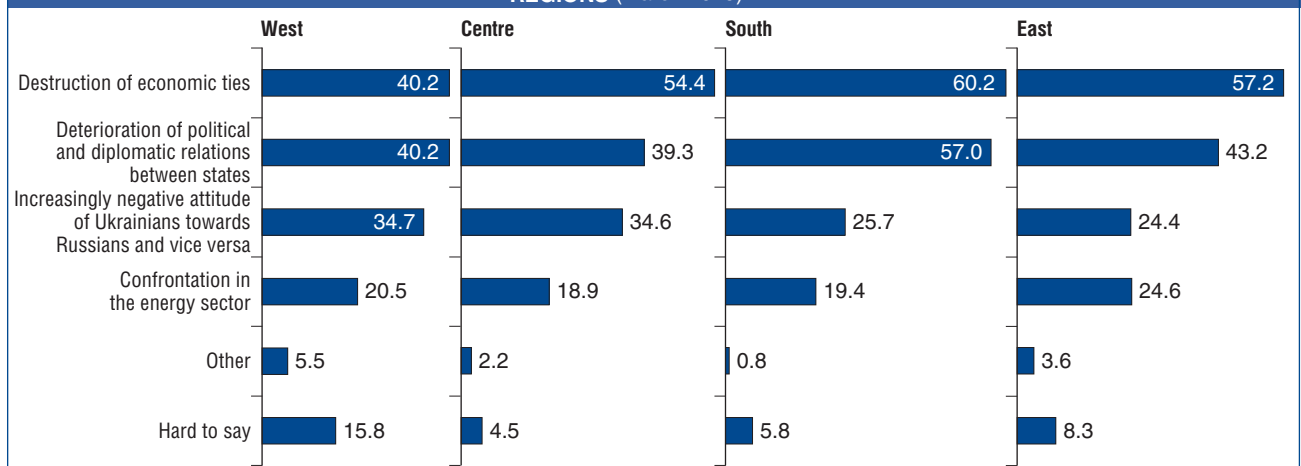
	West	Centre	South	East
Ukraine's attempts to shrug off Russia's influence and Russia's attempts to keep Ukraine in its area of influence	57.7	52.1	37.3	21.4
Russia's inability to accept Ukraine as an independent sovereign state with independent foreign policy	58.2	42.0	29.0	31.3
Russia's inability to accept Ukraine's course for Eurointegration	52.6	43.4	28.9	33.0
Russia fears Ukraine's possible accession to NATO	34.7	41.9	44.8	24.2
Nationalist forces coming to power in Ukraine	11.0	17.3	35.7	29.1
Russia's resistance to America's influence on Ukraine	12.7	18.8	27.0	18.0
Unpreparedness of both countries to establish real good neighbourly relations based on equality and mutual benefits	5.7	10.9	41.5	19.9
Violations of rights of Russian-speaking population in Eastern Ukraine	1.9	5.2	27.0	20.8
Other	0.8	1.3	1.2	4.5
Hard to say	7.2	4.9	9.5	7.7

* Respondents were asked to select all acceptable answers.

What are the most negative consequences of the Russia-Ukraine conflict for bilateral relations?*
% of respondents

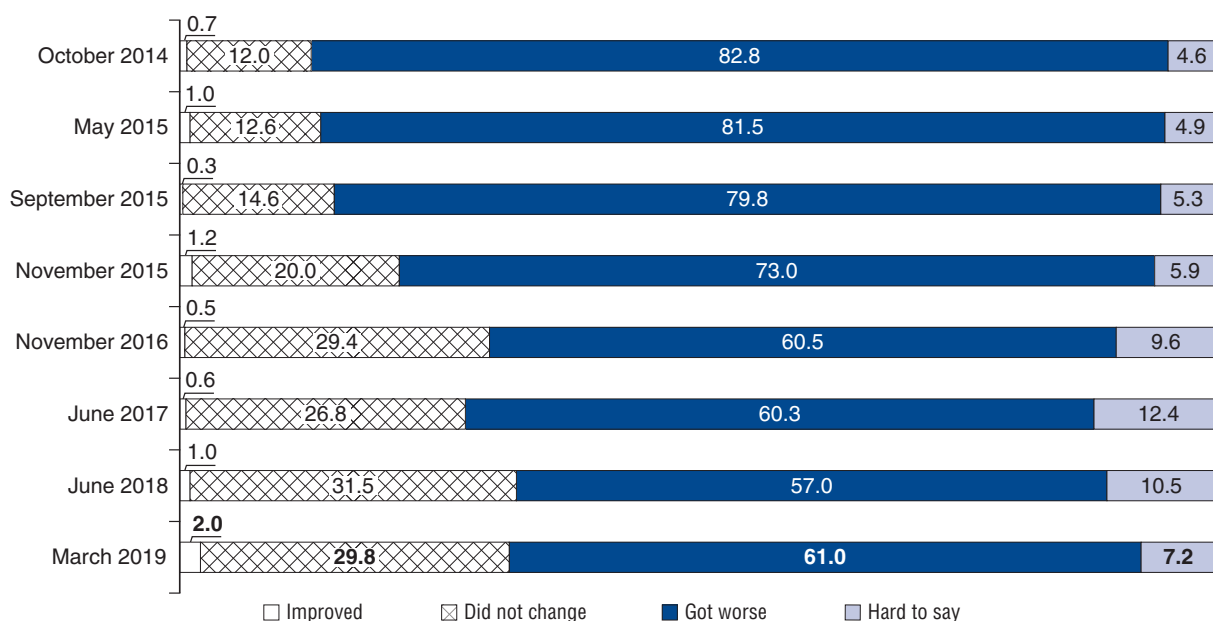


REGIONS (March 2019)

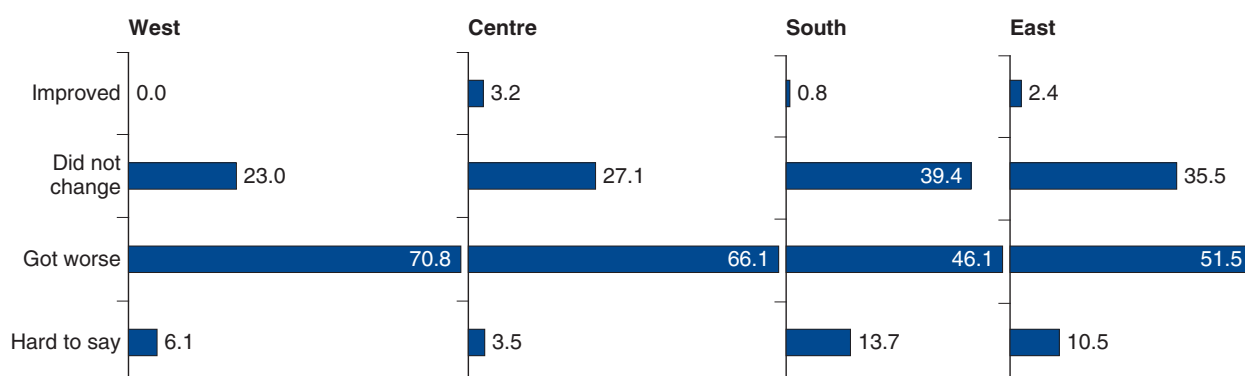


* Respondents were asked to select two acceptable answers.

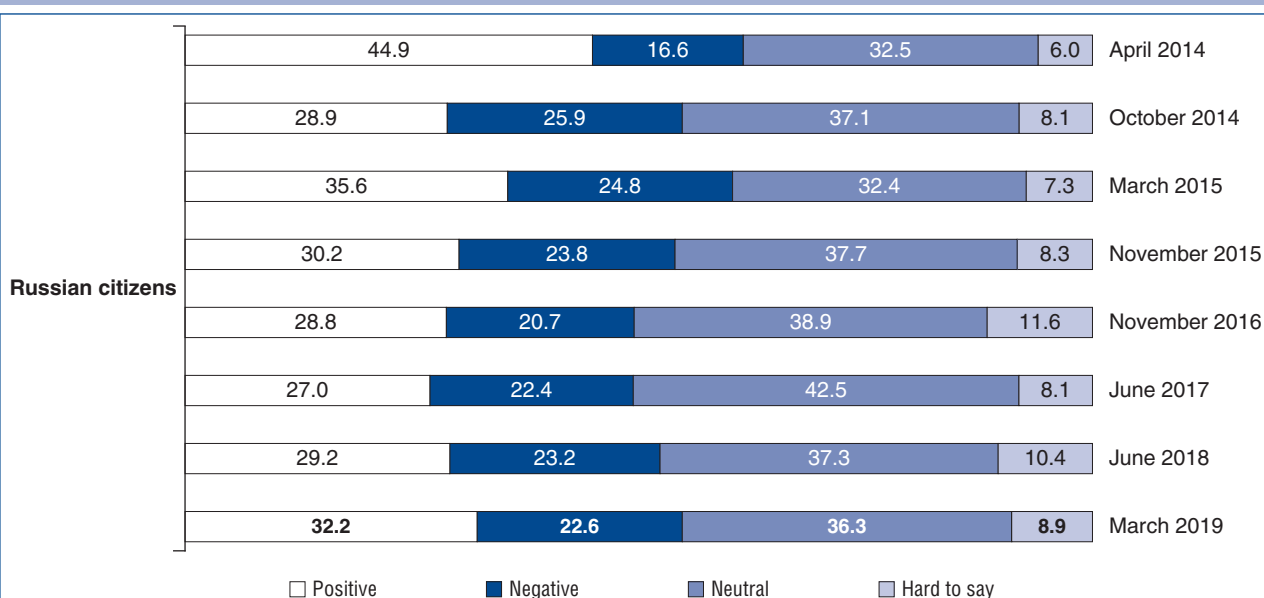
How did relations between the peoples of Ukraine and Russia change in the past year? % of respondents

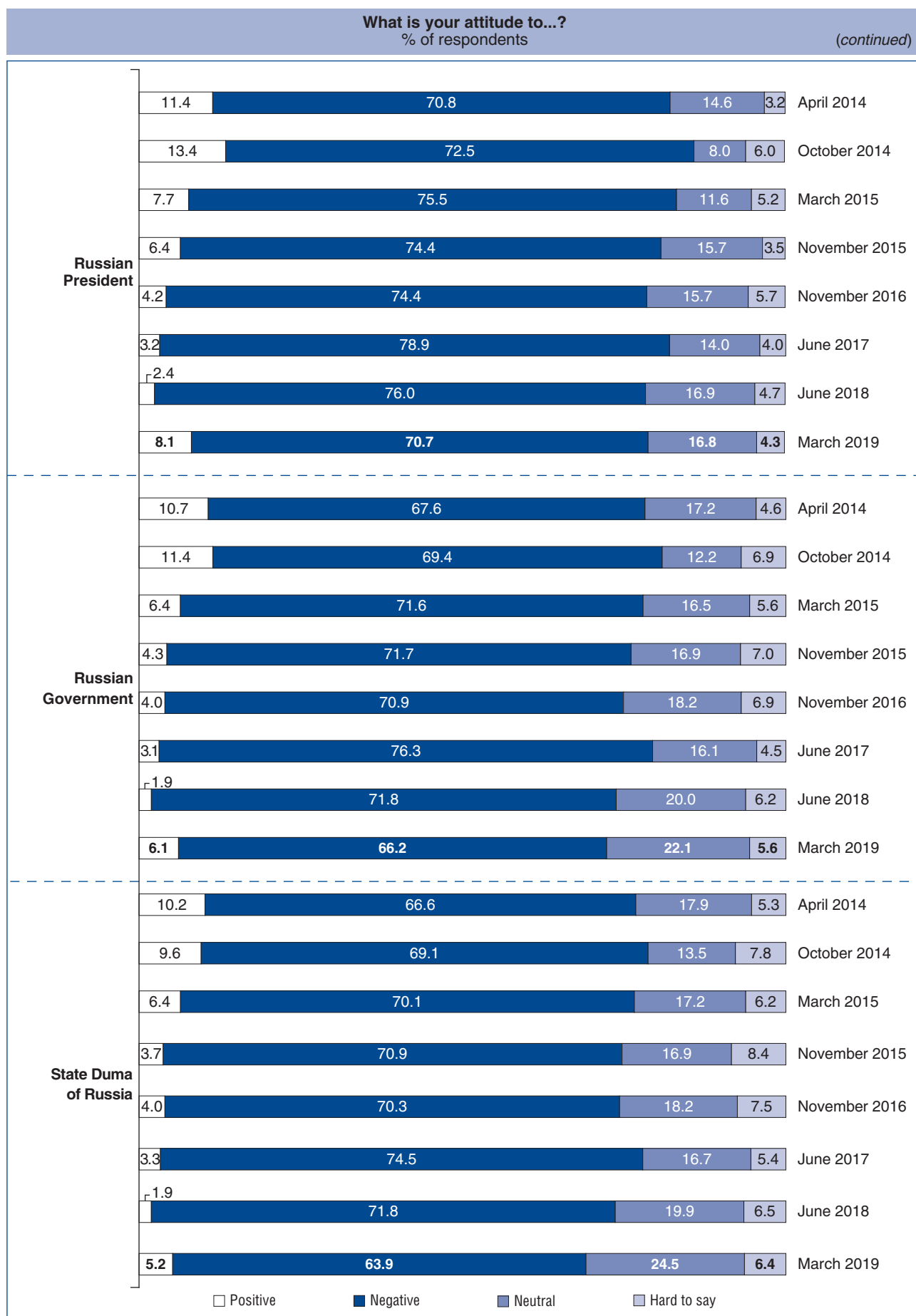


REGIONS (March 2019)

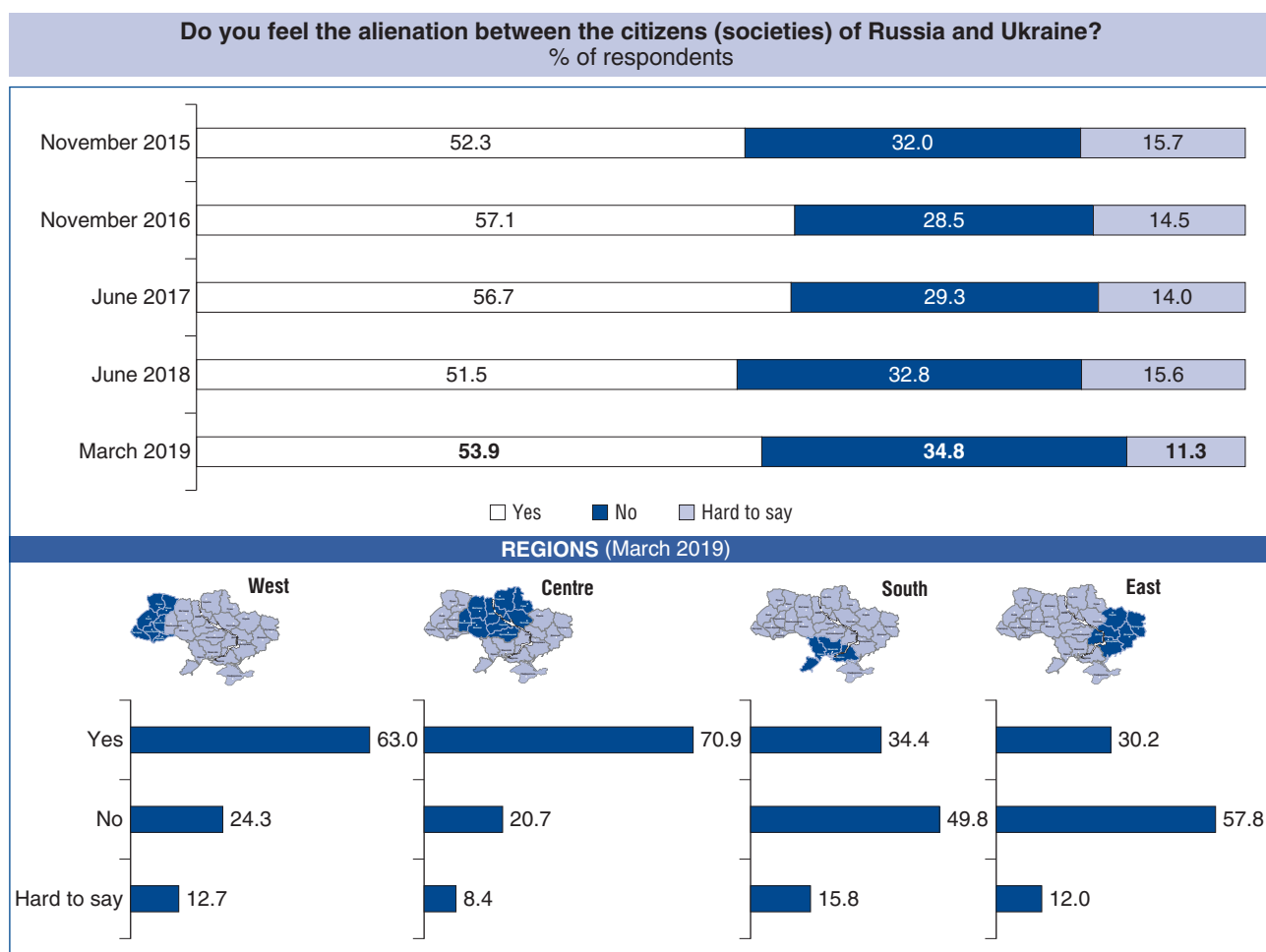


What is your attitude to...? % of respondents

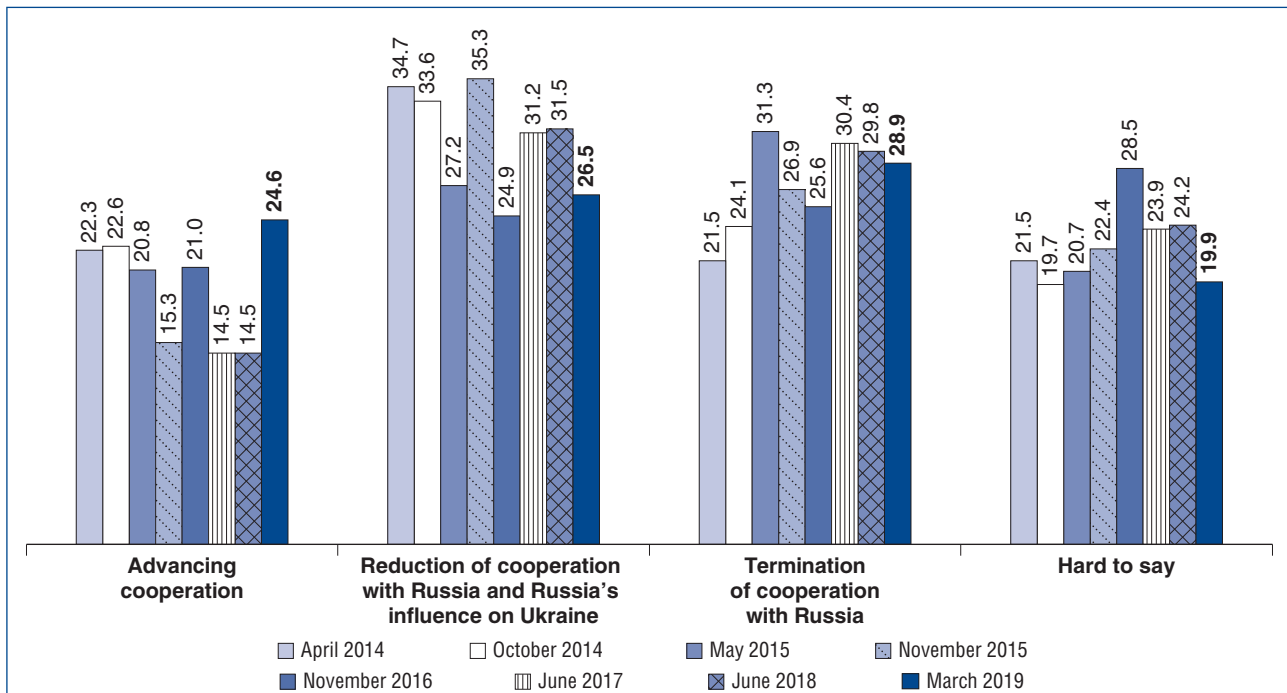




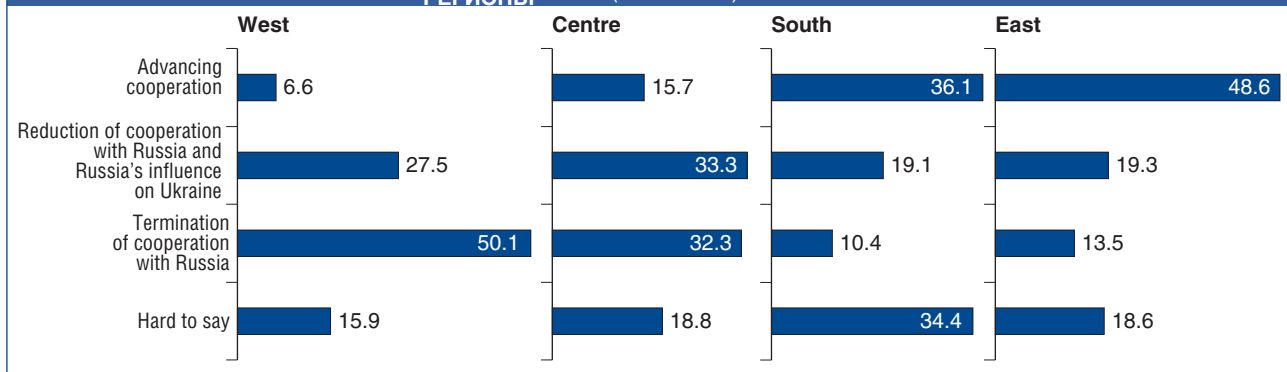
What is your attitude to...? % of respondents					(continued)
REGIONS (March 2019)					
Russian citizens					
	West	Centre	South	East	
Positive	17.3	22.2	62.2	46.4	
Negative	32.5	27.8	7.9	12.7	
Neutral	36.3	42.1	22.8	33.9	
Hard to say	13.9	7.9	7.1	6.9	
Russian President					
	West	Centre	South	East	
Positive	1.3	1.2	11.2	22.9	
Negative	90.1	86.0	56.8	37.5	
Neutral	4.9	10.2	26.1	32.8	
Hard to say	3.8	2.6	5.8	6.8	
Russian Government					
	West	Centre	South	East	
Positive	1.3	0.5	7.9	17.6	
Negative	85.6	80.9	51.9	34.1	
Neutral	7.2	15.3	32.8	40.3	
Hard to say	5.9	3.2	7.5	7.9	
State Duma of Russia					
	West	Centre	South	East	
Positive	1.3	0.8	6.2	14.6	
Negative	83.3	76.9	51.0	33.4	
Neutral	8.4	18.2	35.3	43.3	
Hard to say	7.0	4.2	7.5	8.6	



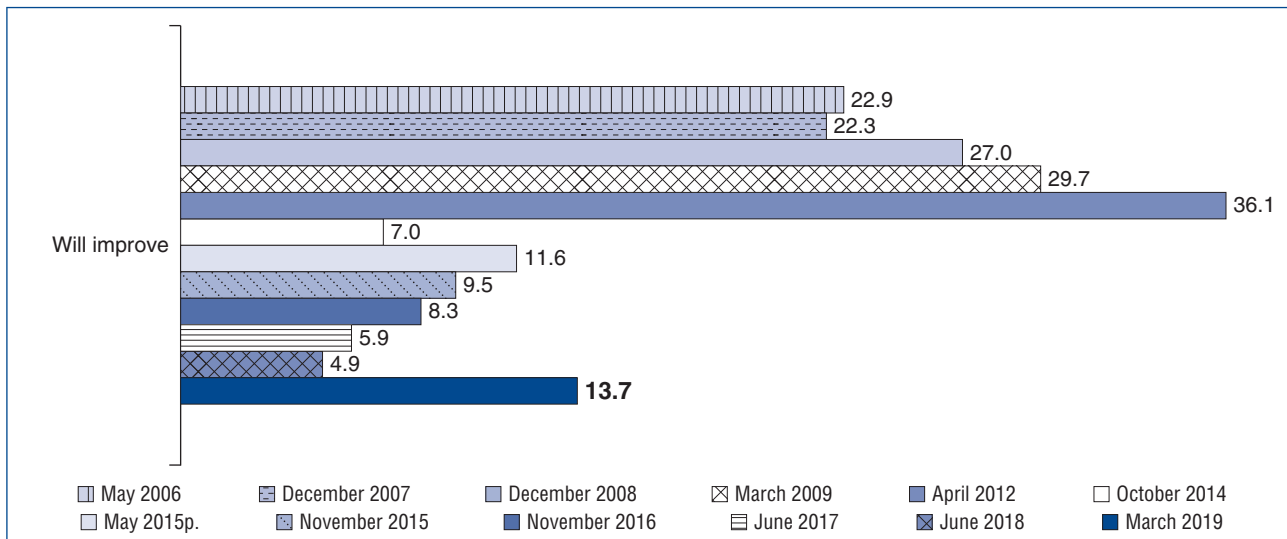
What should be Ukraine's policy towards Russia?
% of respondents



REGIONAL REGIONS (March 2019)

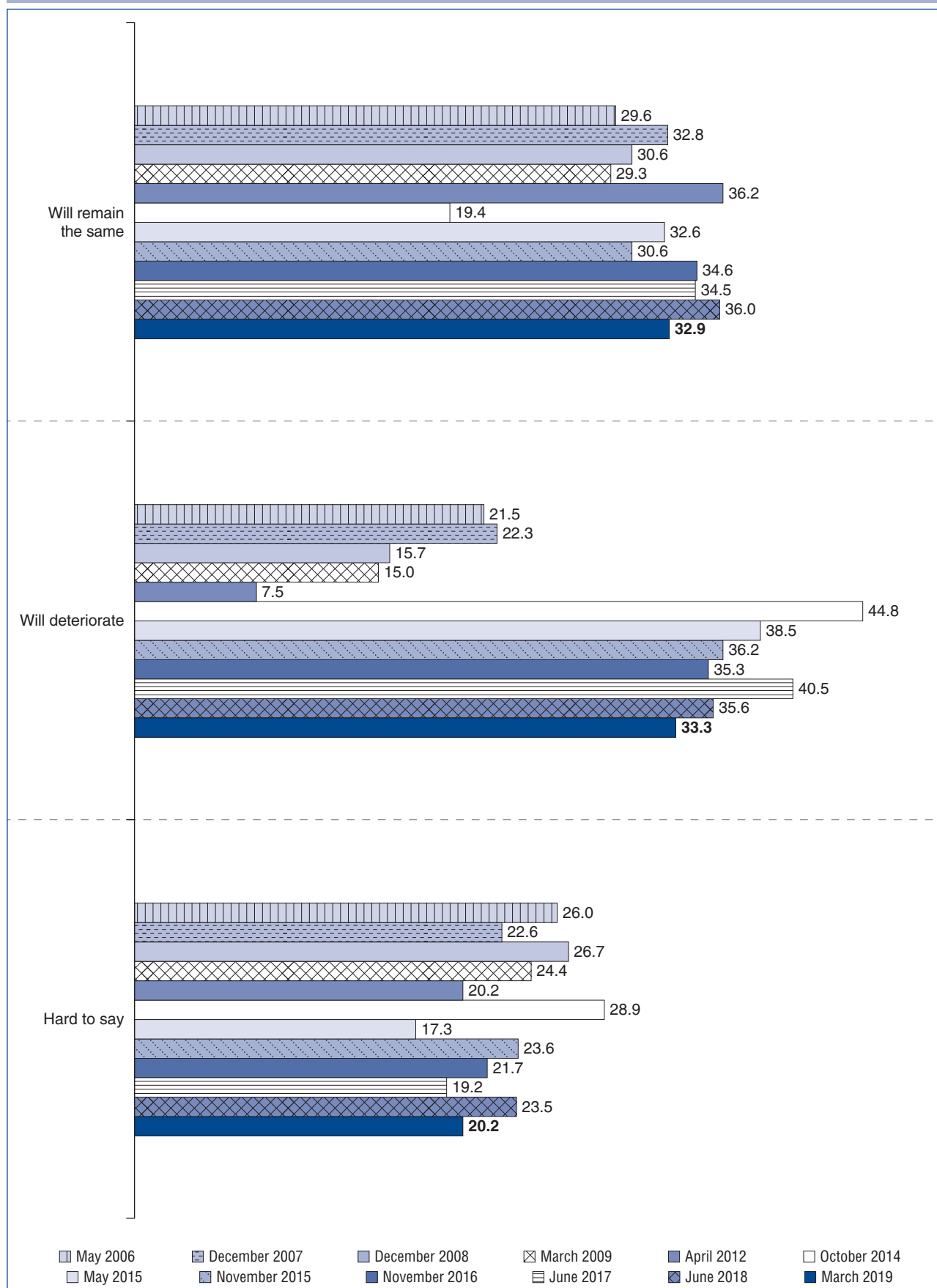


How would you assess the prospects of Russia-Ukraine relations in the nearest future?
% of respondents



How would you assess the prospects of Russia-Ukraine relations in the nearest future? % of respondents

(continued)



How would you assess the prospects of Russia-Ukraine relations in the nearest future?

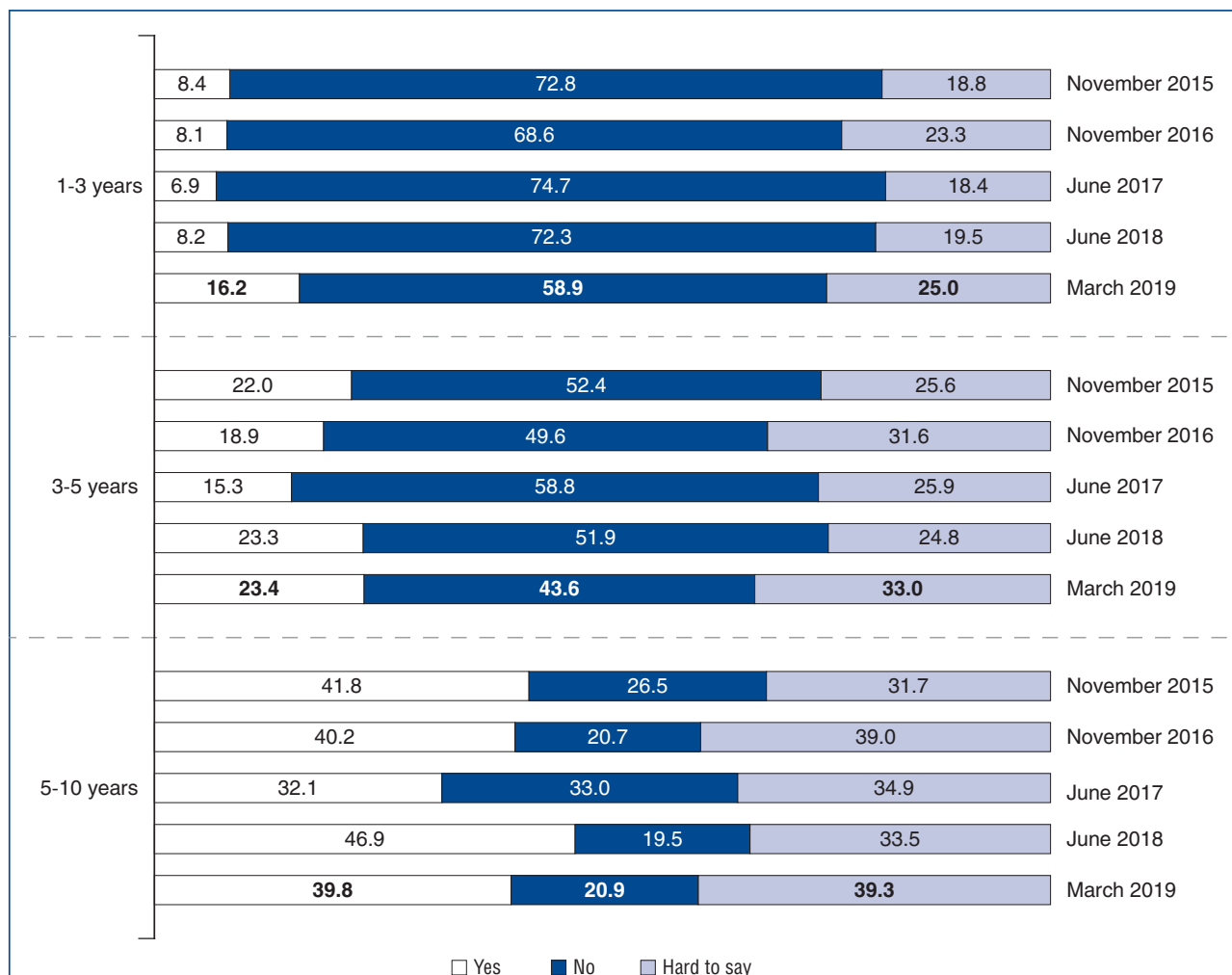
% of respondents

(continued)

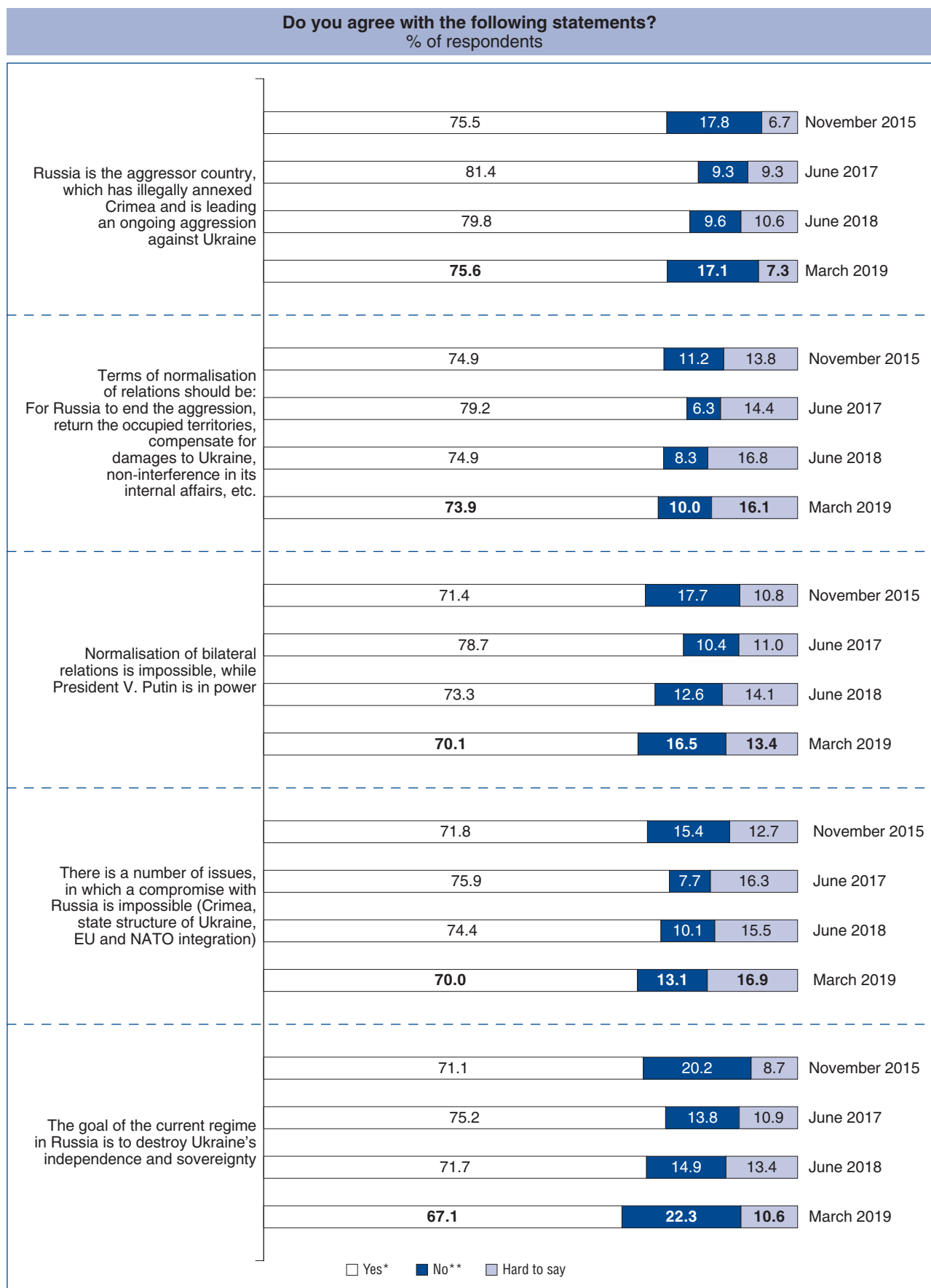
REGIONS (March 2019)				
	West	Centre	South	East
Will improve	3.6	11.5	22.4	21.8
Will remain the same	34.0	35.0	27.8	31.0
Will deteriorate	40.8	40.4	22.8	21.0
Hard to say	21.6	13.1	27.0	26.3

Can there be changes for the better in Russia's policy towards Ukraine?

% of respondents

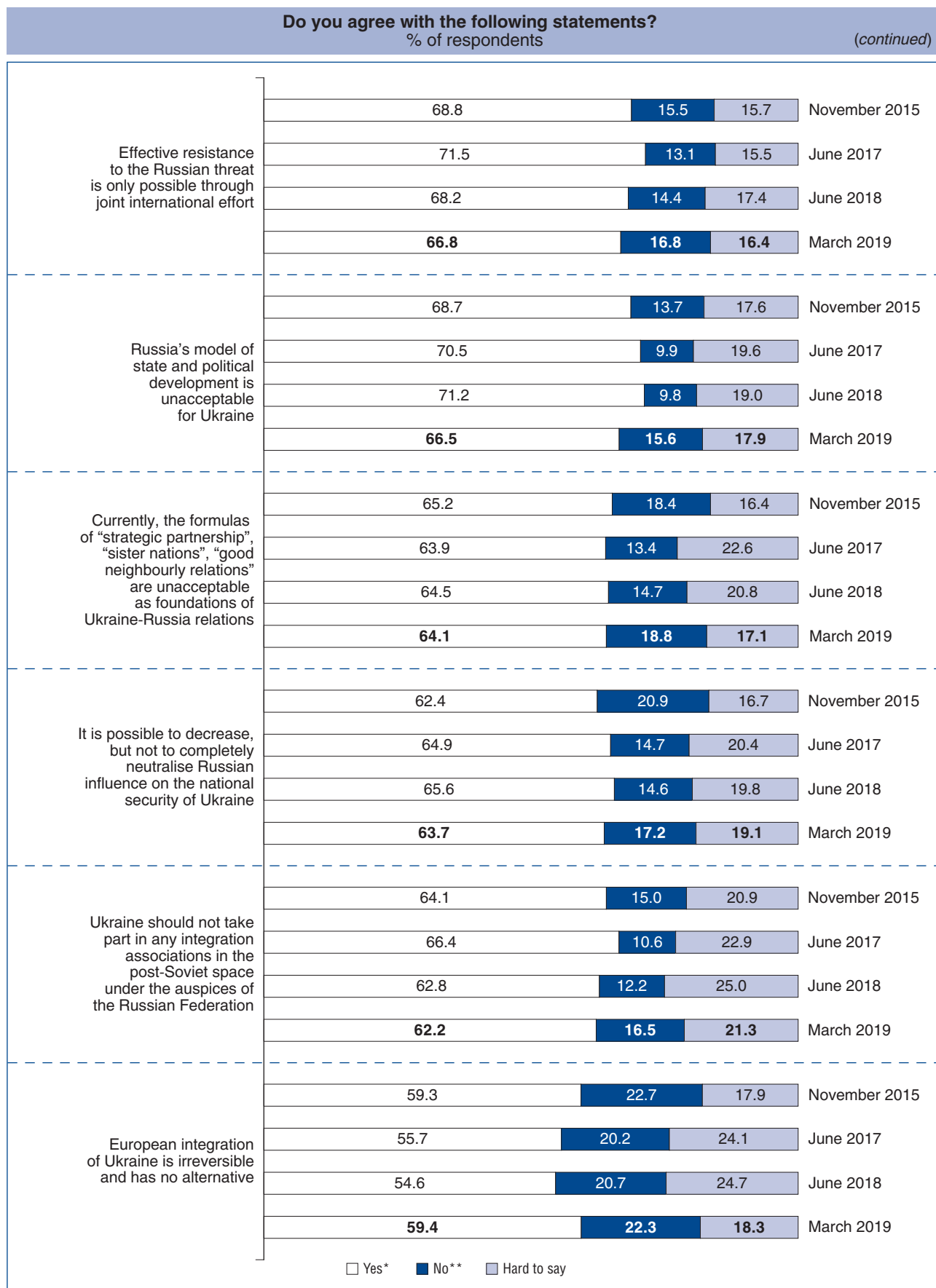


REGIONS (March 2019)				
	West	Centre	South	East
1-3 years				
Yes	6.3	13.5	12.4	30.6
No	69.2	66.3	56.2	40.2
Hard to say	24.5	20.2	31.4	29.3
3-5 years				
Yes	14.1	22.3	30.7	30.0
No	54.4	53.6	31.5	24.8
Hard to say	31.4	24.1	37.8	45.2
5-10 years				
Yes	31.6	43.5	51.5	36.3
No	27.0	24.5	9.5	15.4
Hard to say	41.4	32.0	39.0	48.3



* Sum of answers "yes" and "rather yes".

** Sum of answers "no" and "rather no".

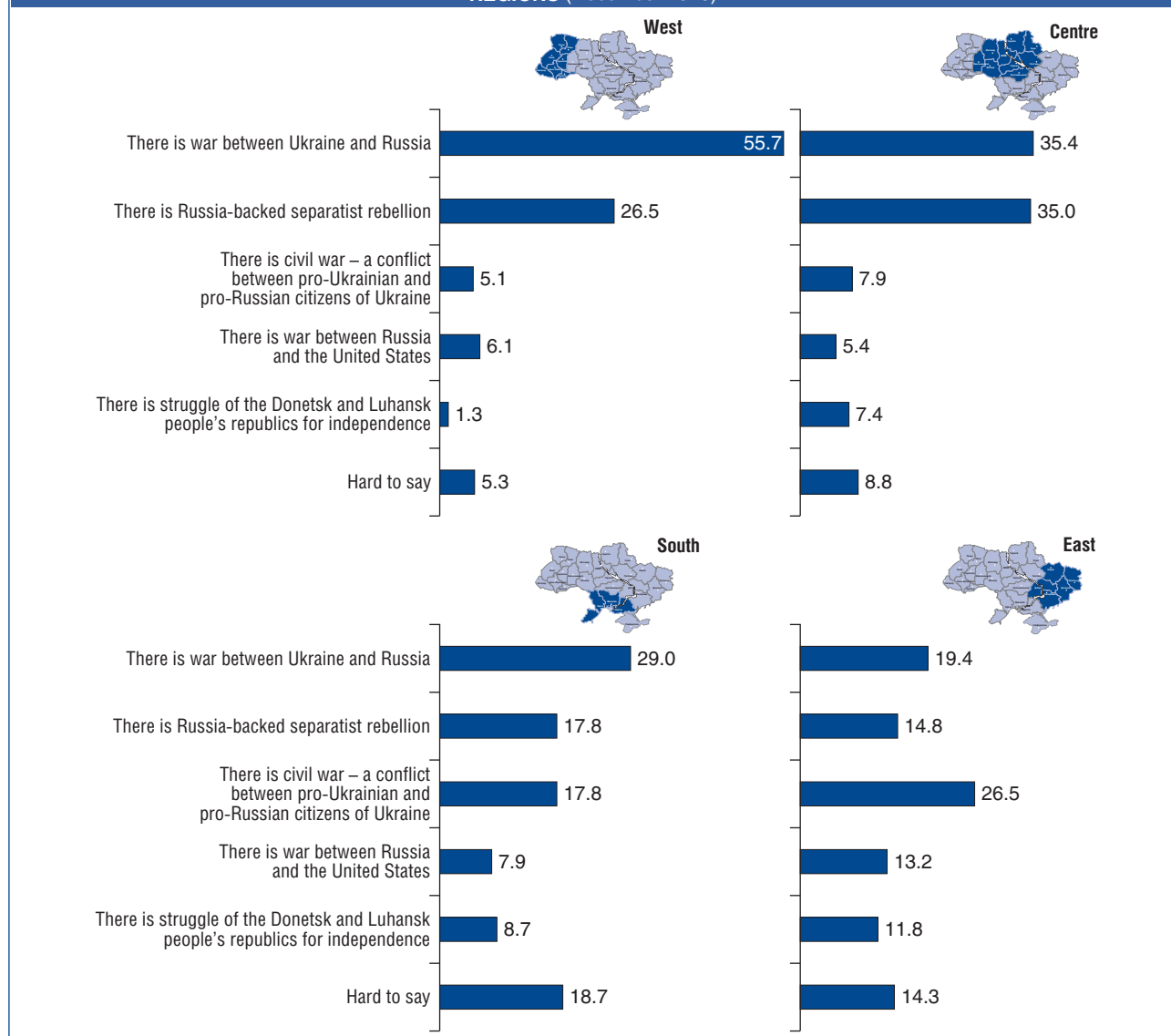


* Sum of answers "yes" and "rather yes".
** Sum of answers "no" and "rather no".

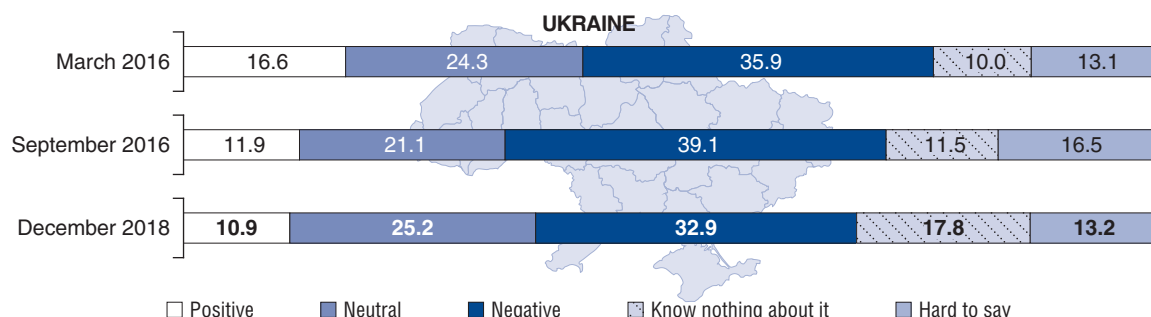
Which statement consider the situation in the East of Ukraine would you mostly agree with?
% of respondents



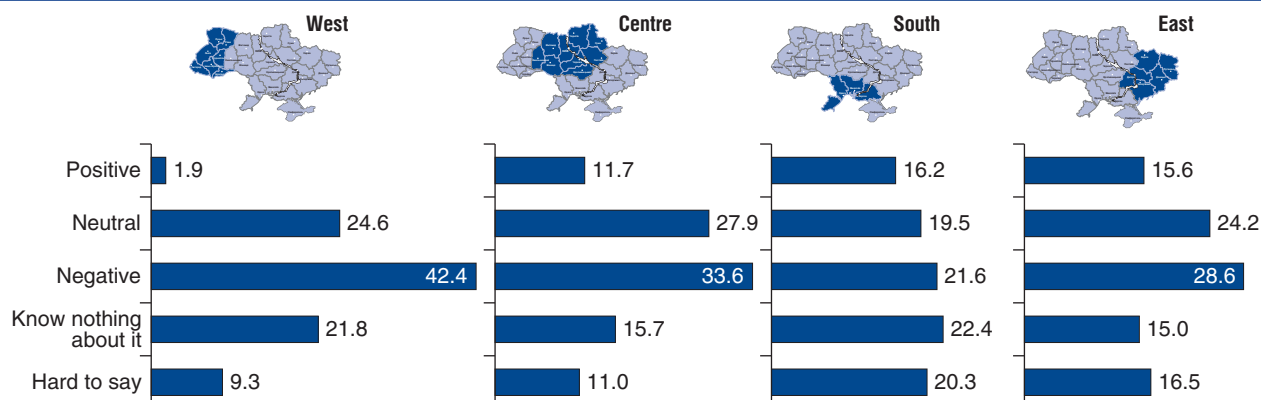
REGIONS (December 2018)



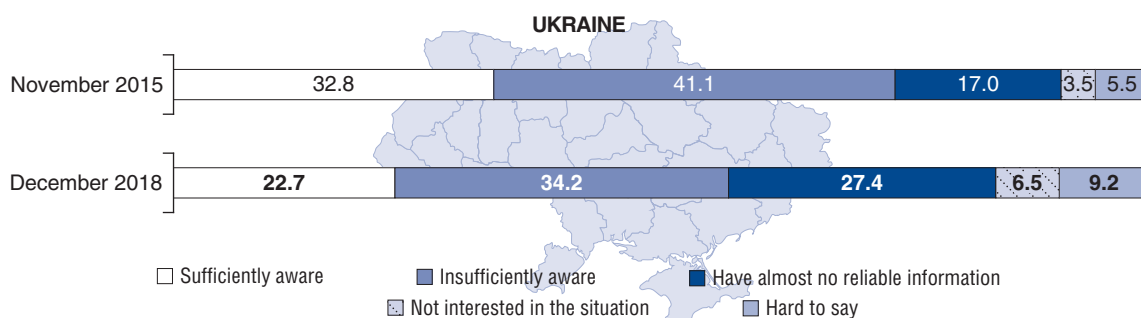
How would you assess current effects of the Minsk Agreements in terms of situation in Donbas?
% of respondents



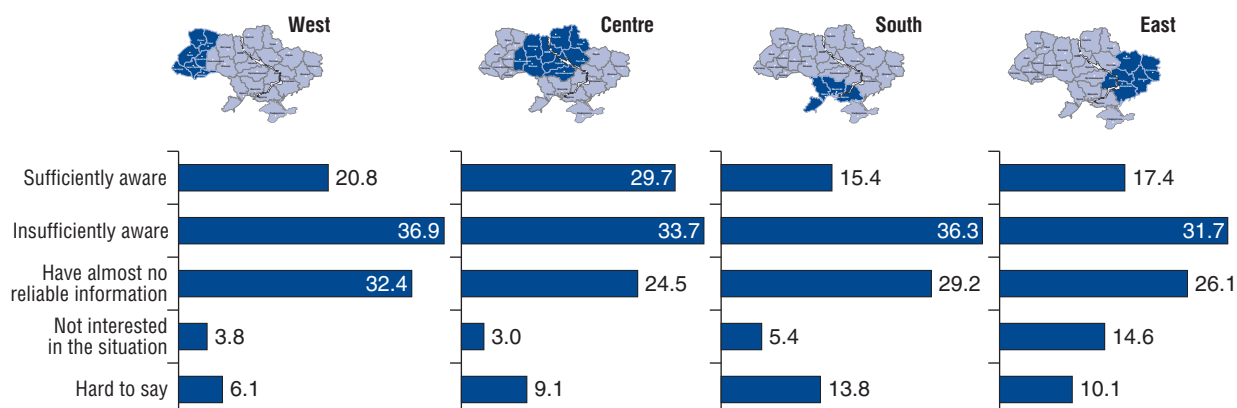
REGIONS (December 2018)



How would you assess your awareness level concerning the situation in the zone of Joint Forces Operation (ATO)?
% of respondents

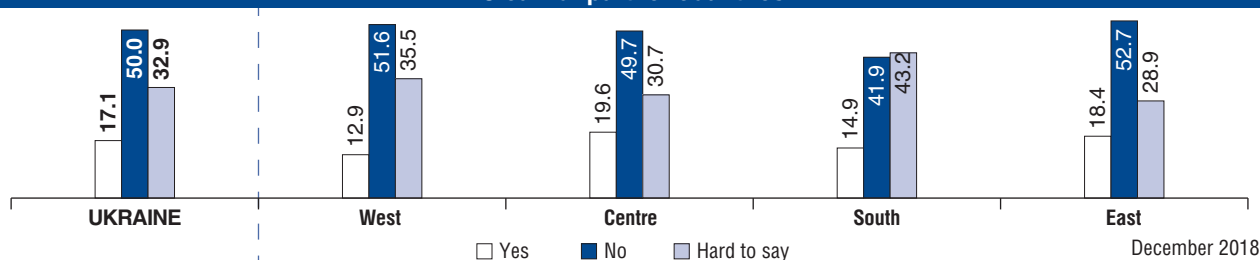


REGIONS (December 2018)

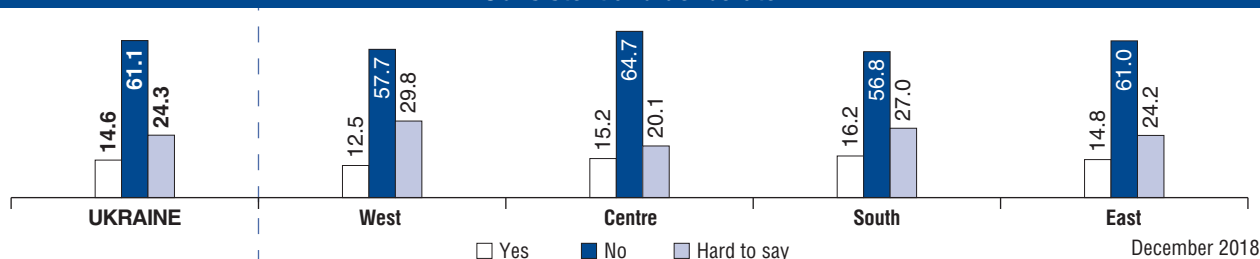


How would you describe Ukraine's policy aimed at resolving the conflict in Donbas? % of respondents

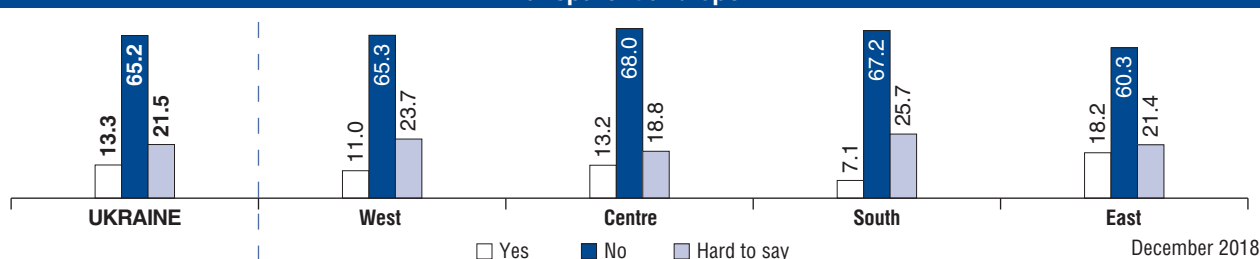
Clear for partner countries



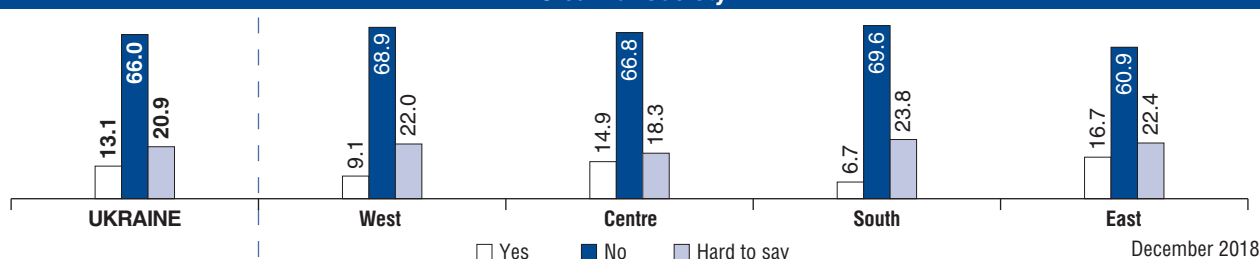
Consistent and deliberate



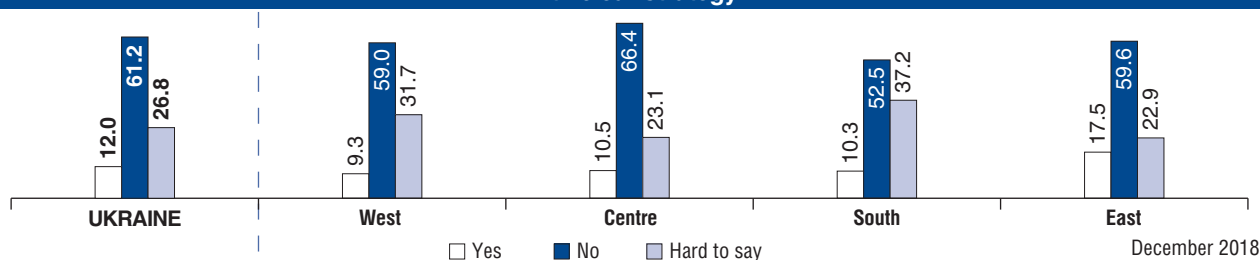
Transparent and open



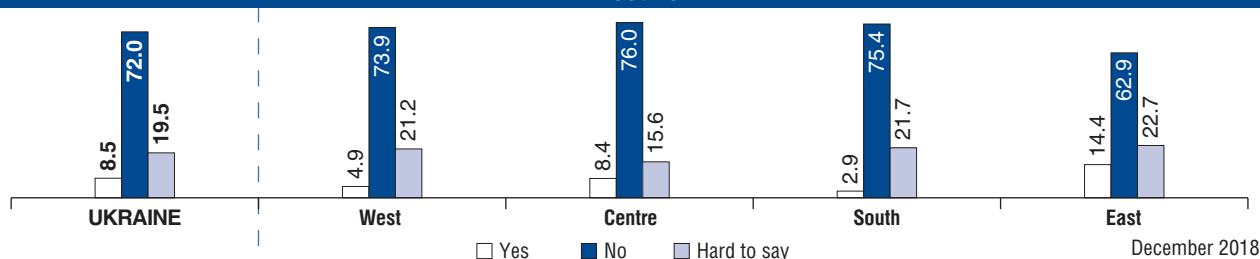
Clear for society



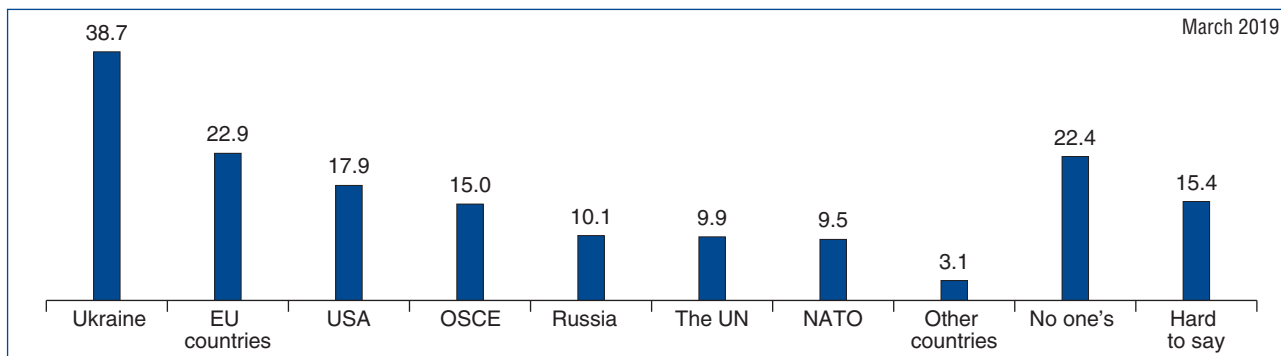
With clear strategy



Effective

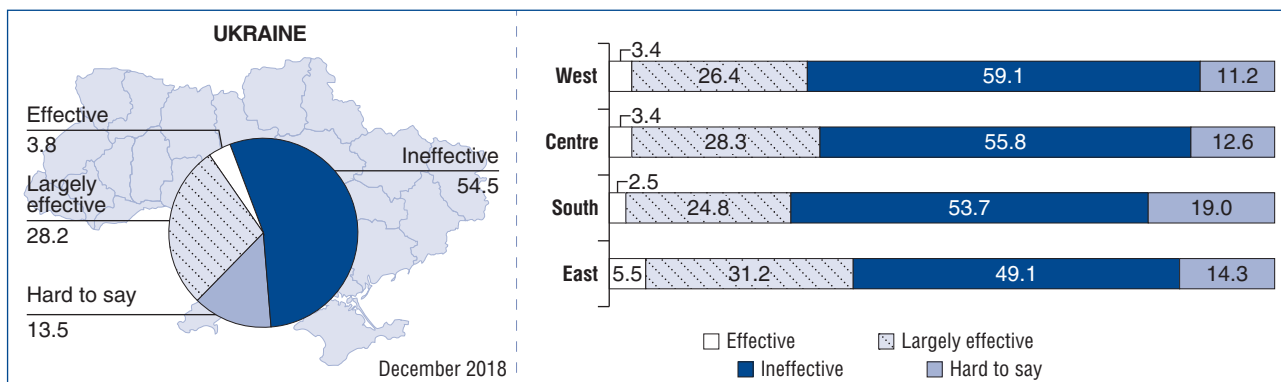


Whose contribution to Donbas conflict resolution is most effective?*
% of respondents

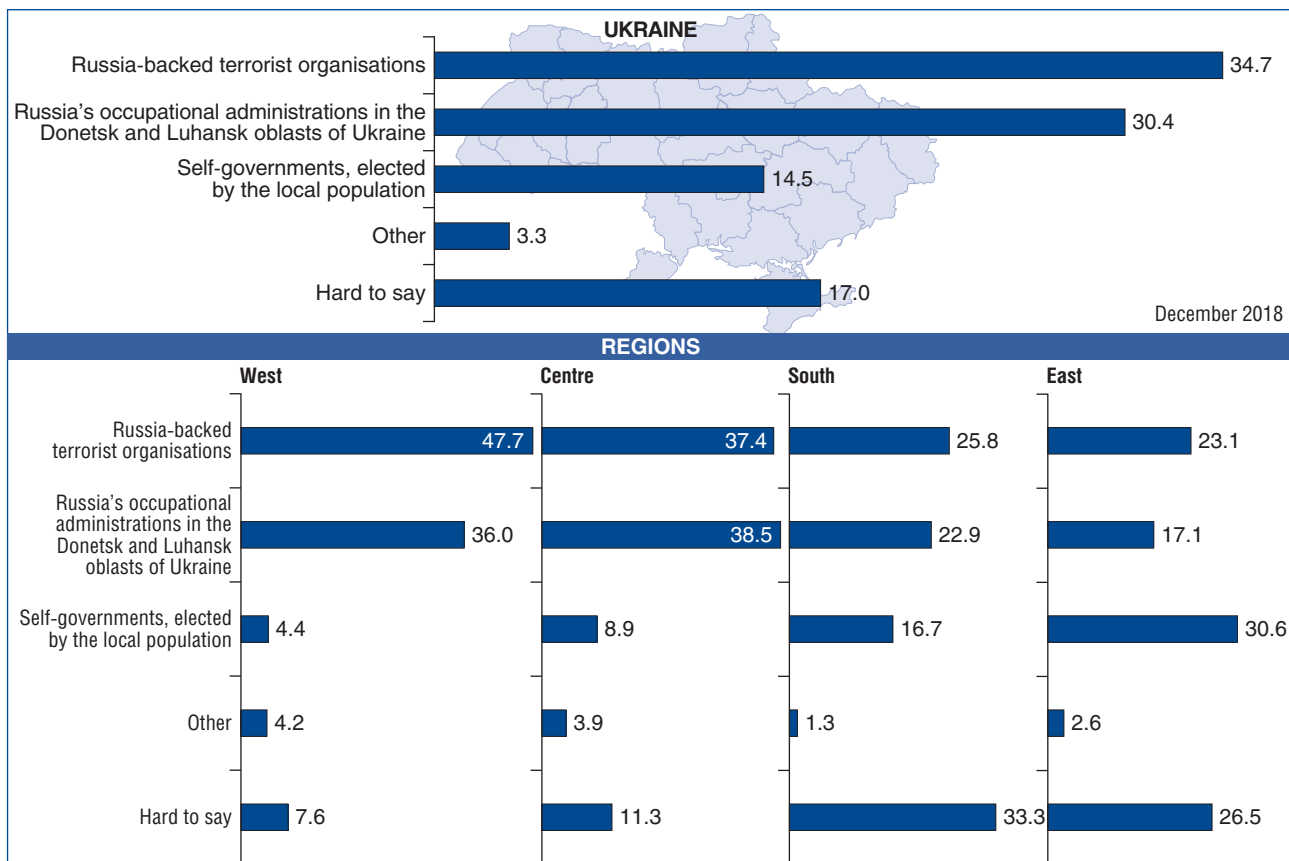


* Respondents were asked to choose all acceptable options.

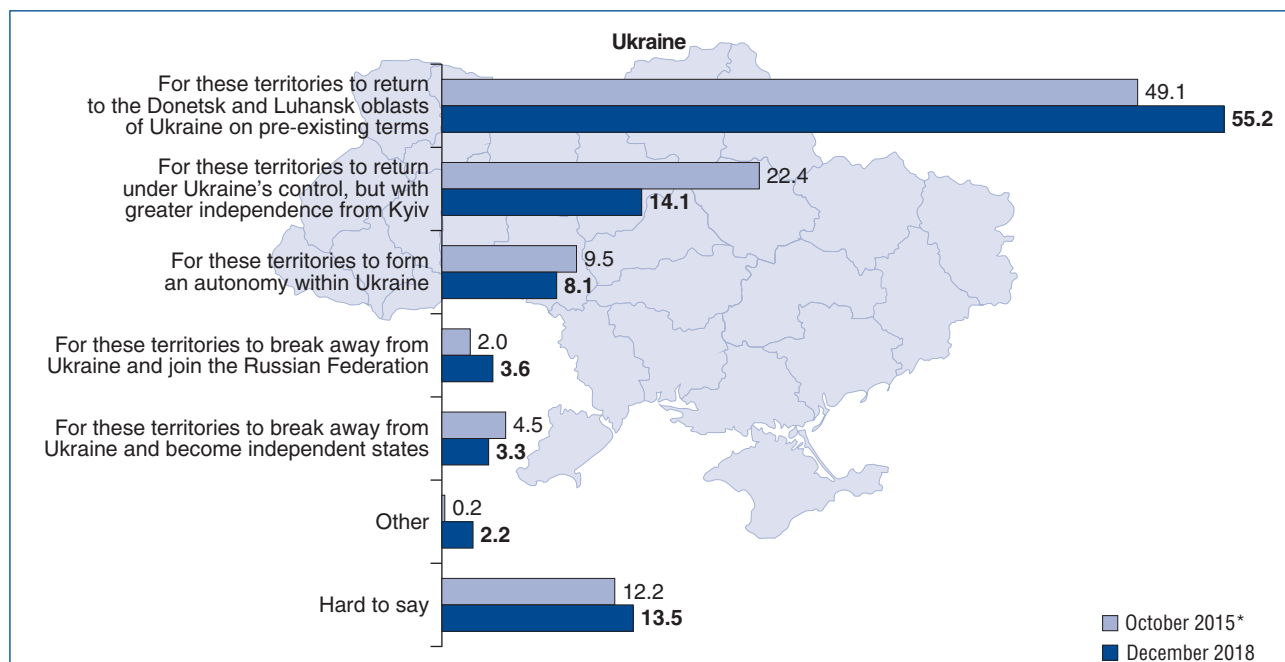
How effective is the West's involvement in resolving the conflict in Donbas?
% of respondents



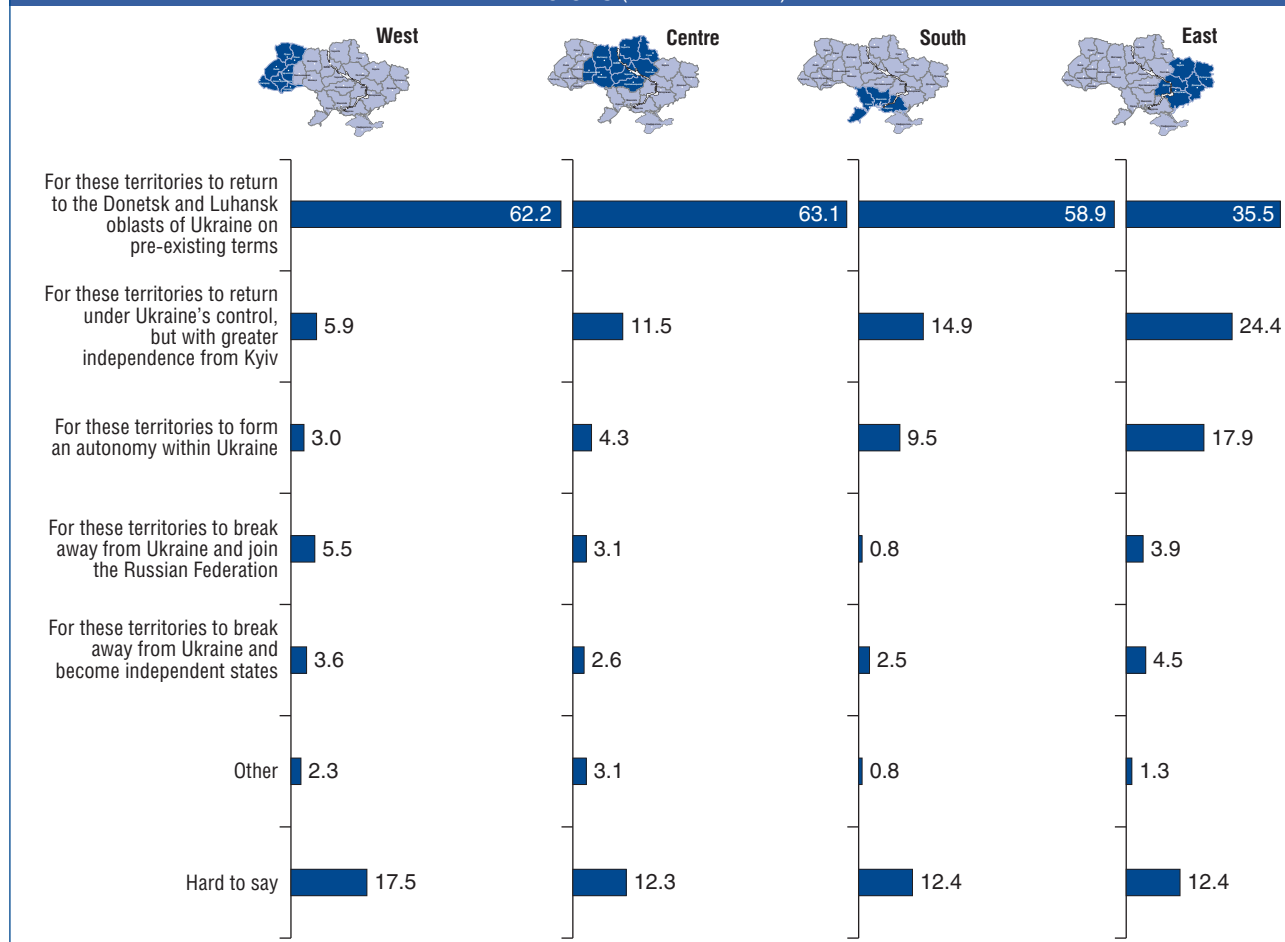
What are "DPR" and "LPR"?
% of respondents



**If we discuss political future of territories under “DPR” and “LPR”,
which option would you prefer?**
% of respondents

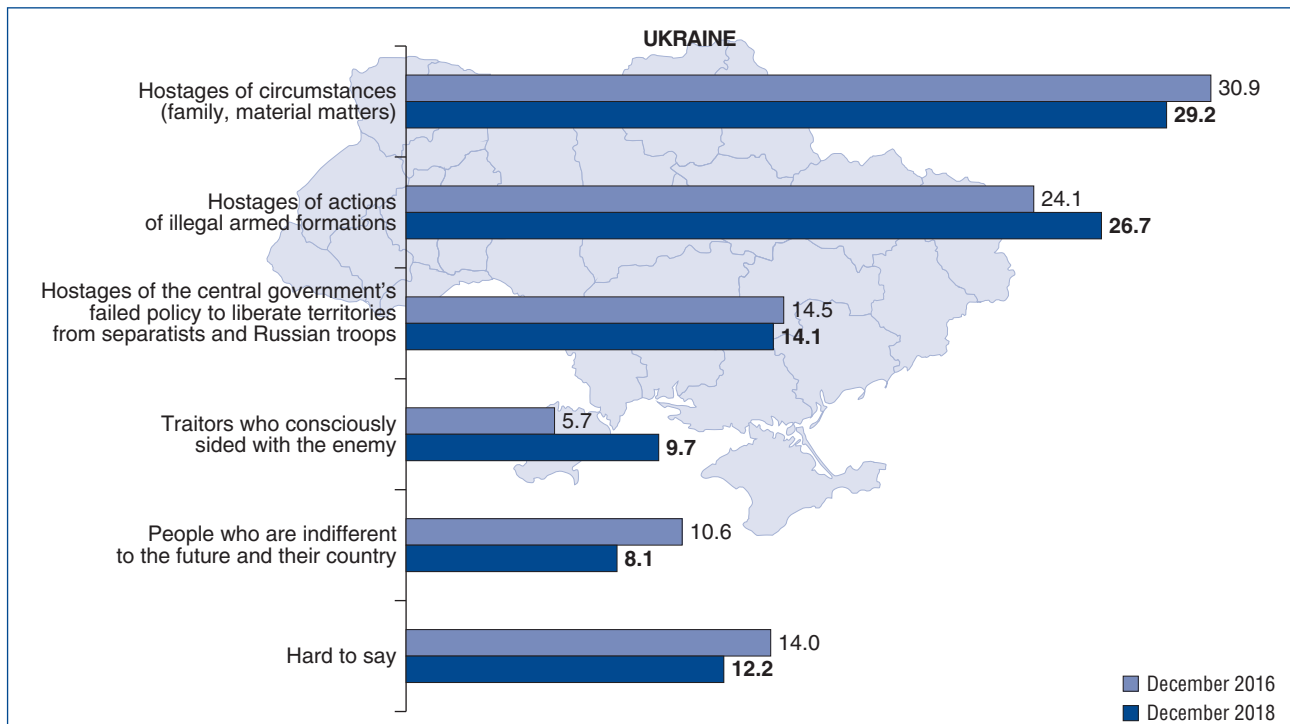


REGIONS (December 2018)

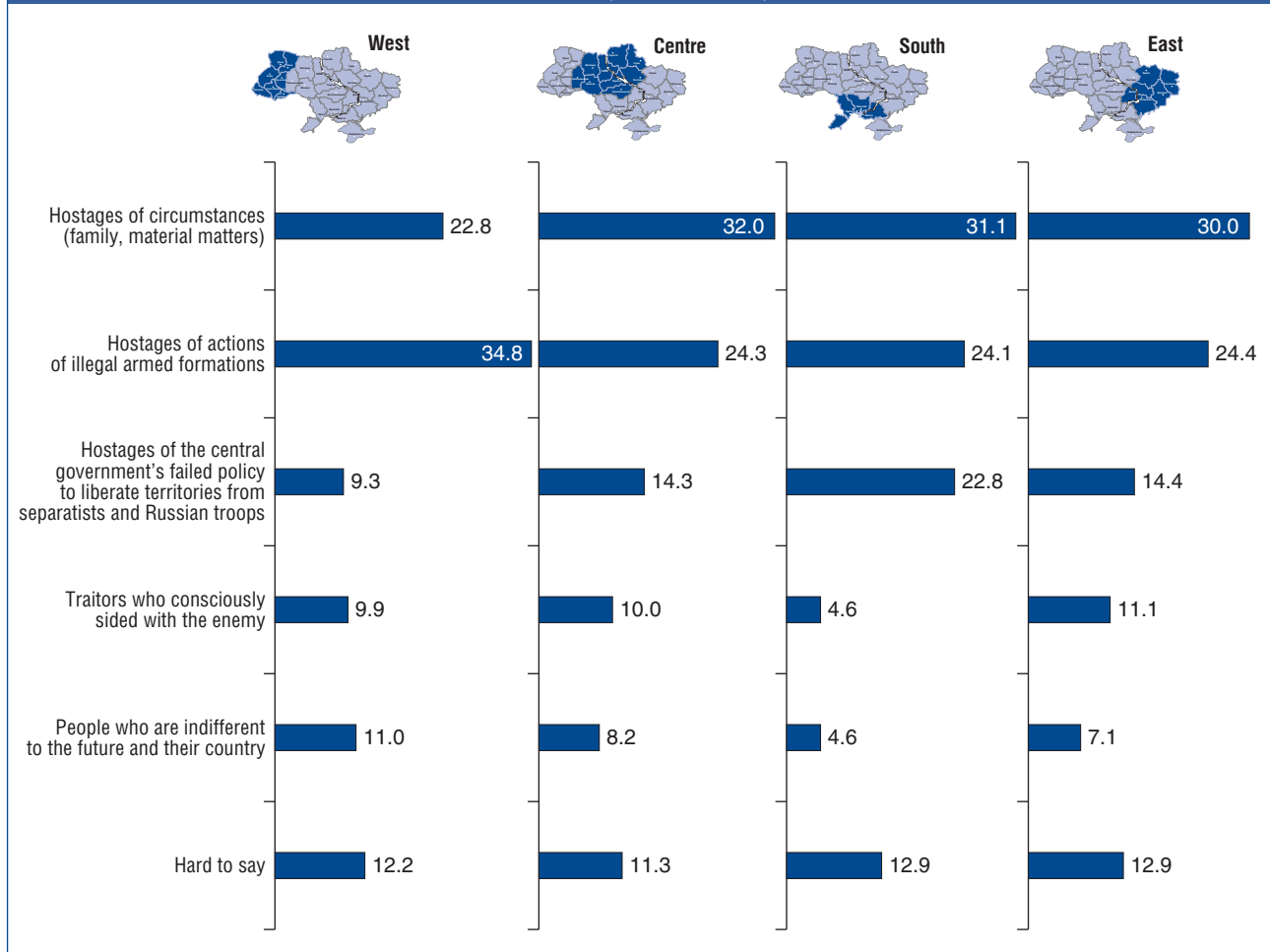


* The national public opinion survey in Ukraine was carried out by the Ilko Kucheriv Democratic Initiatives Foundation in collaboration with the Kyiv International Institute of Sociology on 9-19 October 2015. The survey covered 110 settlements in all regions of Ukraine excluding Crimea and non-government-controlled areas of the Donetsk and Luhansk oblasts. The sample included 2,014 respondents; sampling error does not exceed 2.3%.

How would you call most of those who live (stay) on temporarily uncontrolled territories of the Donetsk and Luhansk oblasts?
% of respondents

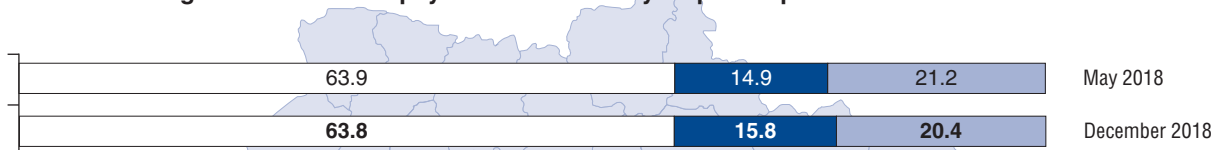


REGIONS (December 2018)

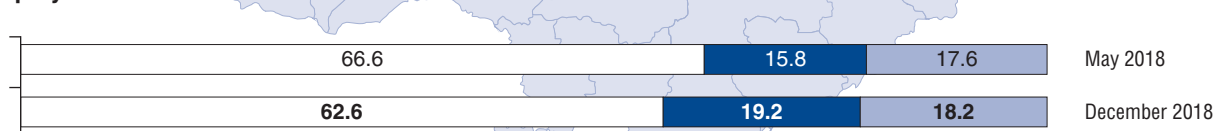


Should the government undertake the following steps in social and humanitarian sphere regarding citizens who remain on uncontrolled territories of Donbas?
% of respondents

Strengthen control over payments to internally displaced persons to avoid misuses



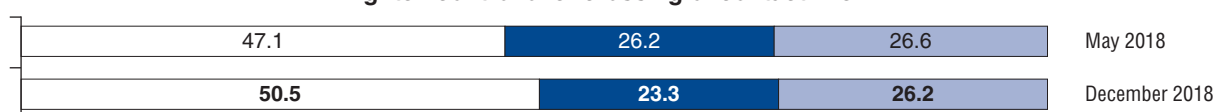
Simplify access to education in Ukrainian educational establishments for residents of uncontrolled territories



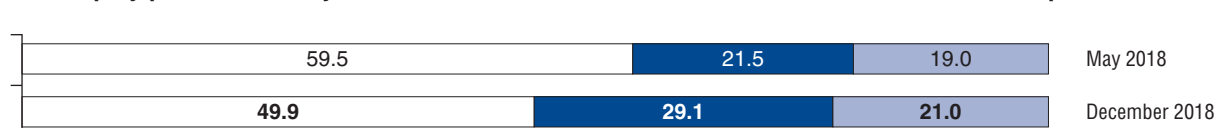
Provide support (financial, material) to residents of uncontrolled areas seeking to move to government-controlled areas



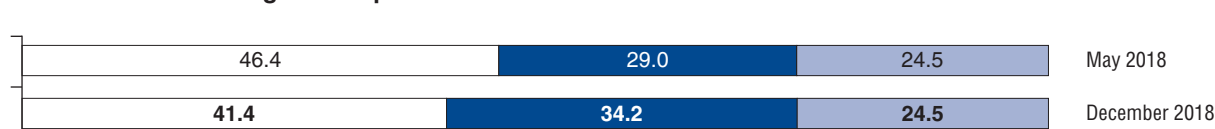
Tighten control over crossing of contact line



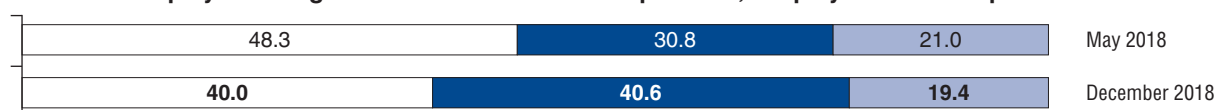
Simplify provision of any administrative services in front-line communities as much as possible



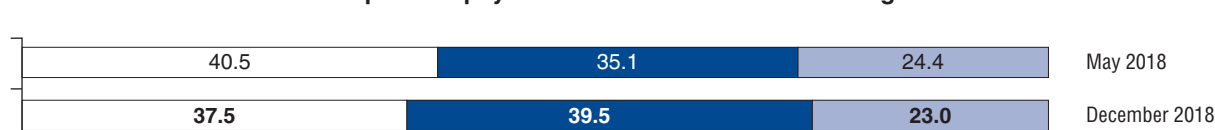
Allow trading of food products and essential commodities with uncontrolled areas



Simplify crossing of contact line as much as possible; simplify issuance of passes



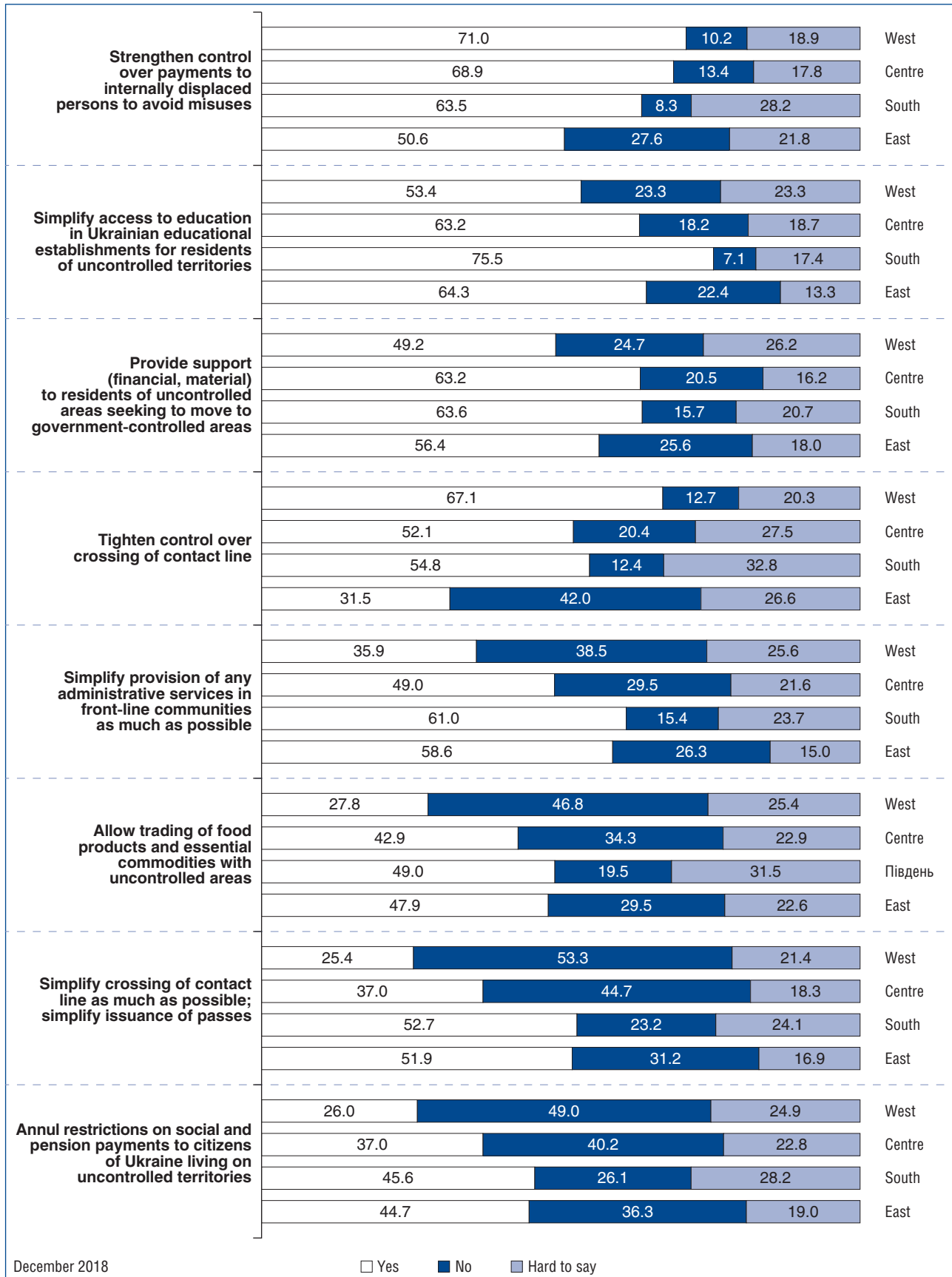
Annul restrictions on social and pension payments to citizens of Ukraine living on uncontrolled territories



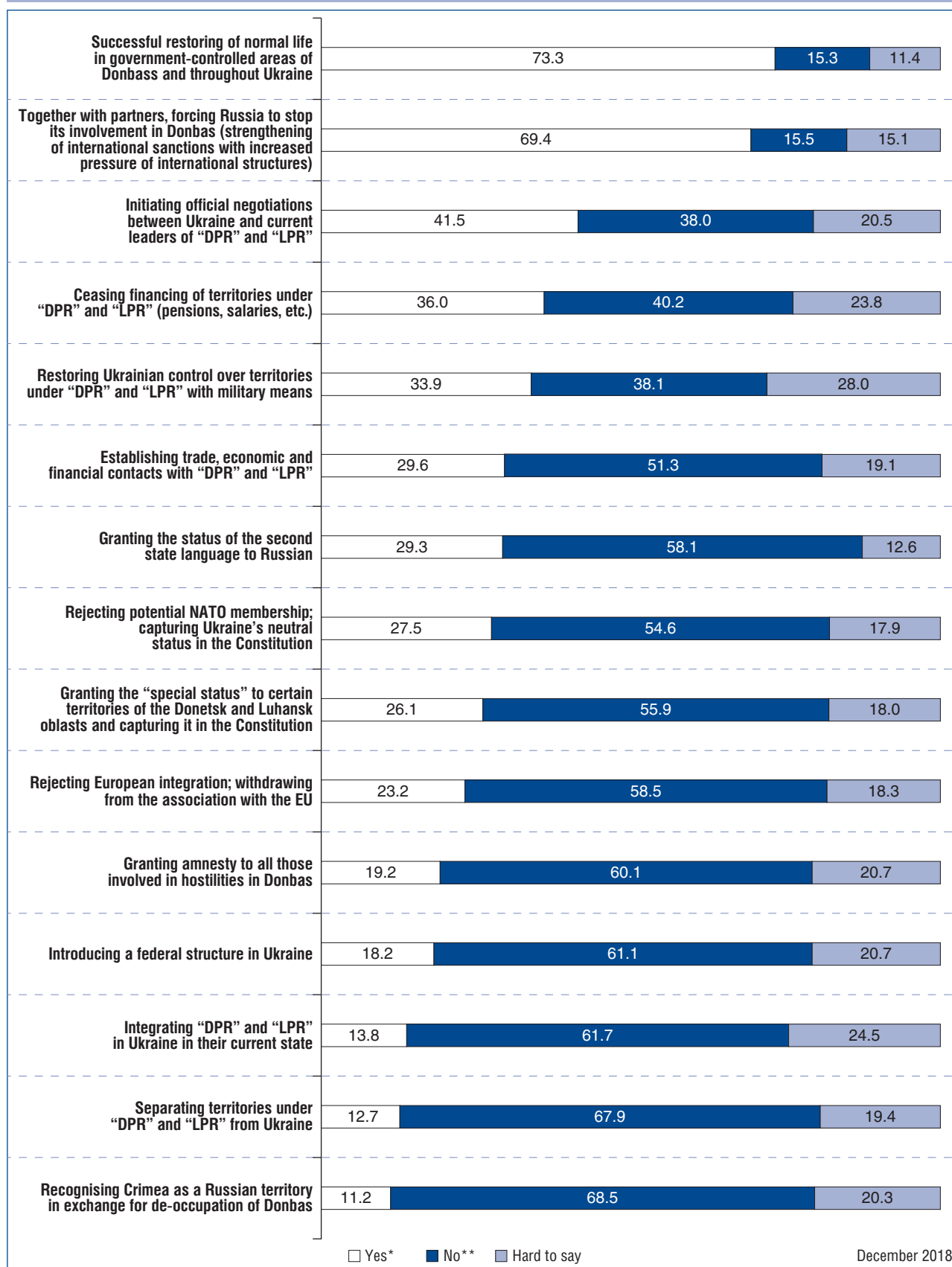
□ Yes ■ No ■ Hard to say

Should the government undertake the following steps in social and humanitarian sphere regarding citizens who remain on uncontrolled territories of Donbas?
% of respondents

(continued)



Would you support the following steps aimed at restoring peace in Donbas?
% of respondents



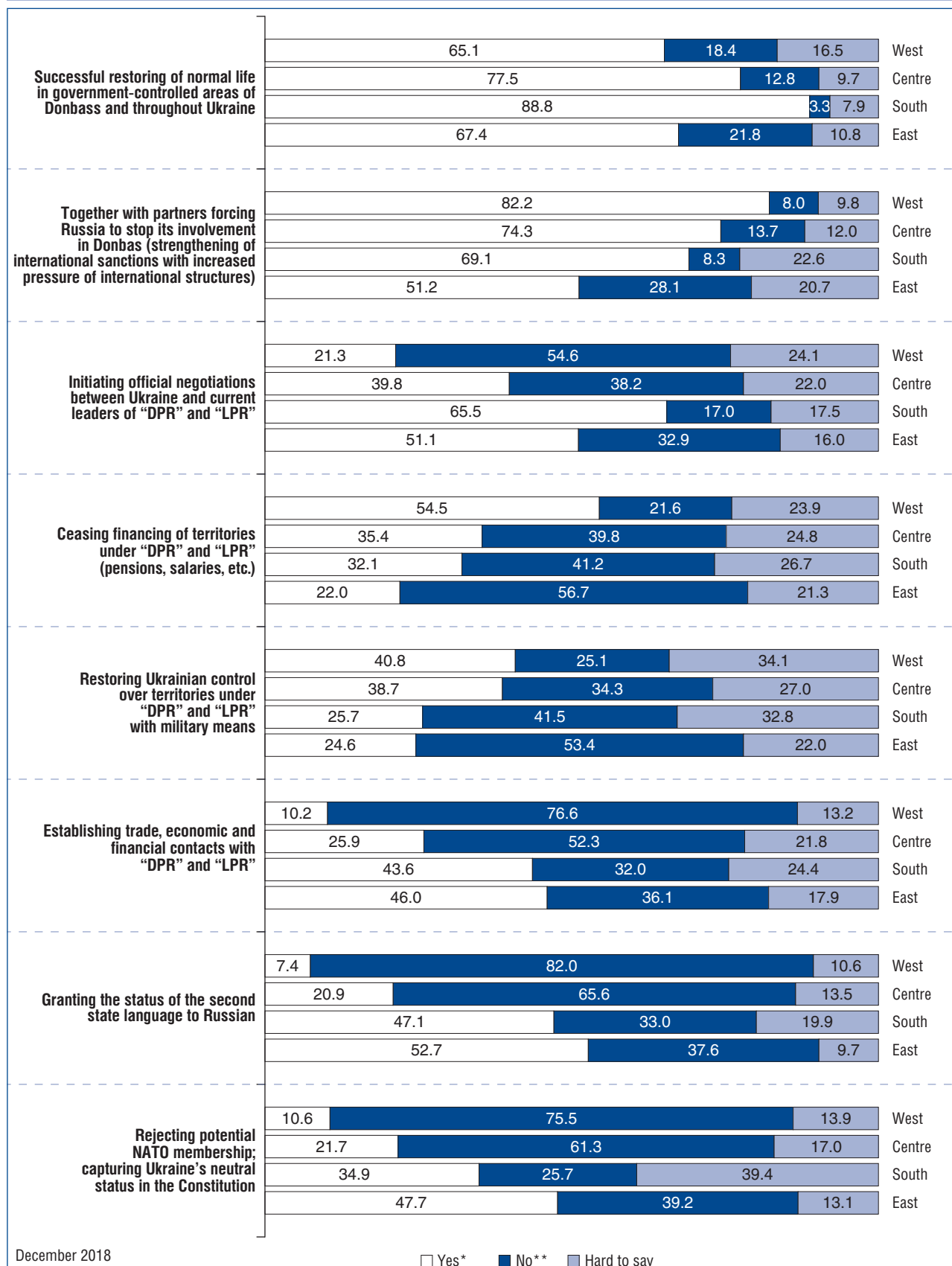
* Total answers *yes* and *likely yes*.

** Total answers *no* and *likely no*.

Would you support the following steps aimed at restoring peace in Donbas?

% of respondents

(continued)



December 2018

□ Yes* ■ No** ■ Hard to say

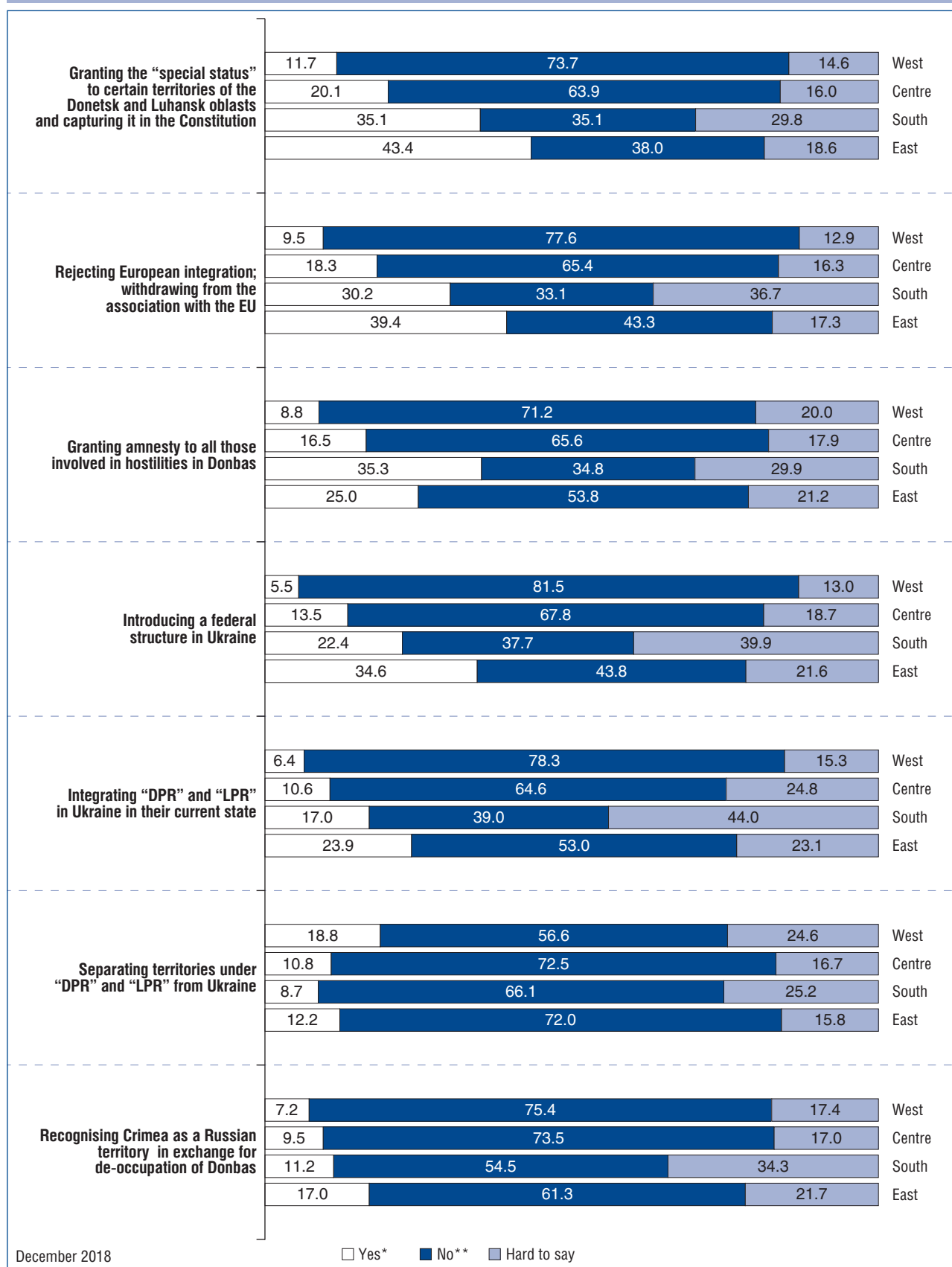
* Total answers yes and likely yes.

** Total answers no and likely no.

Would you support the following steps aimed at restoring peace in Donbas?

% of respondents

(continued)



* Total answers yes and likely yes.

** Total answers no and likely no.

What should be Ukraine's further actions in Donbas conflict resolution?*
% of respondents

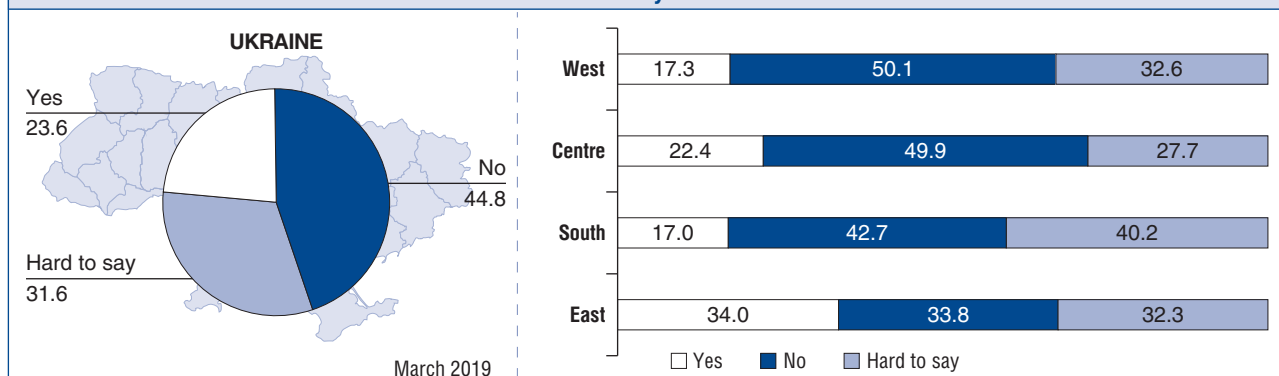
	UKRAINE	West	Centre	South	East
Pressure Russia into withdrawing from these territories with political and diplomatic means (together with partner countries)	29.2	38.7	30.2	32.6	17.8
Continue the Joint Forces Operation until complete liberation of the occupied territories	26.6	37.8	31.3	19.9	12.9
Give these territories a special status (autonomy) within Ukraine on Russia's conditions	19.4	5.5	14.0	34.4	33.0
Achieve the deployment of UN peacekeeping forces to these territories	18.4	30.8	18.8	10.0	10.7
Freeze the conflict and create a "border" along the demarcation line	13.5	9.5	12.7	16.2	17.1
Separate these territories from Ukraine	4.8	4.2	4.4	3.3	6.6
Hard to say	14.5	17.3	11.1	8.7	19.5

* Respondents were asked to choose all acceptable options

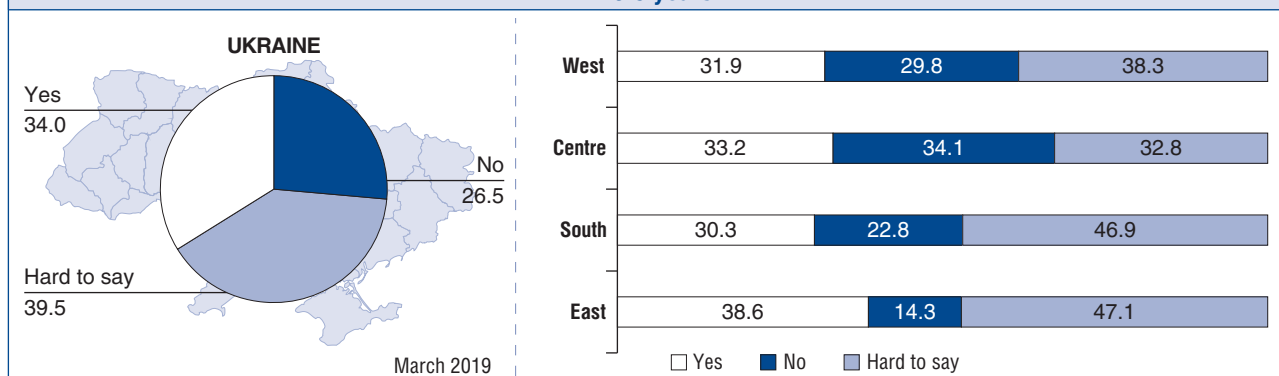
March 2019

When can we expect peace in Donbas?
% of respondents

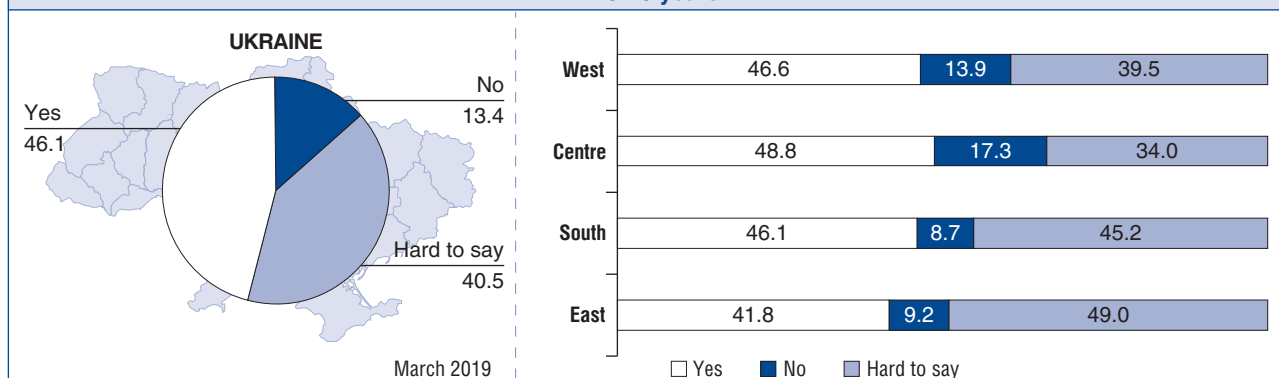
In 1-3 years



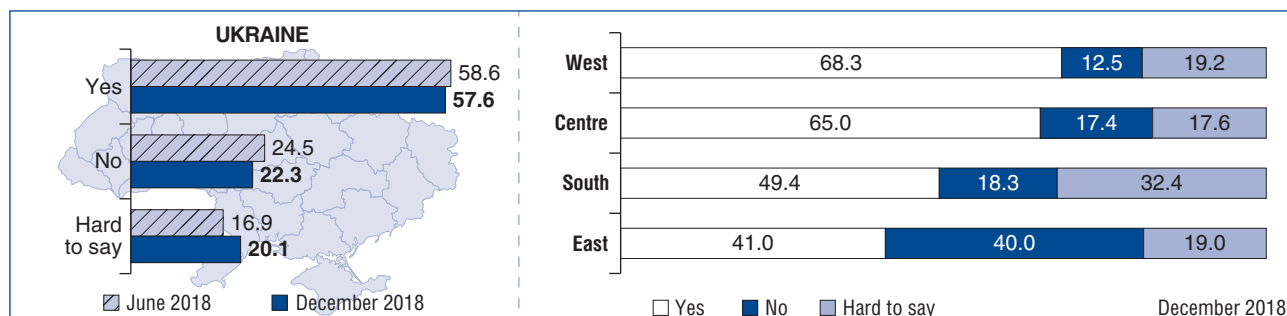
In 3-5 years



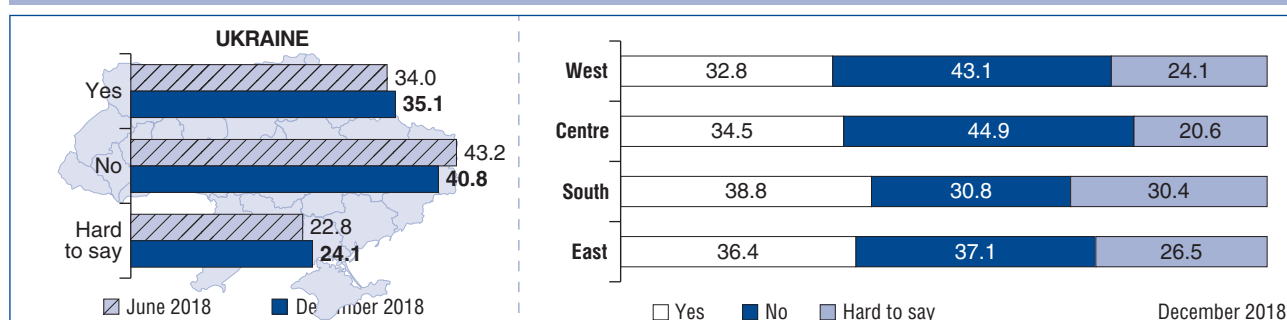
In 5-10 years



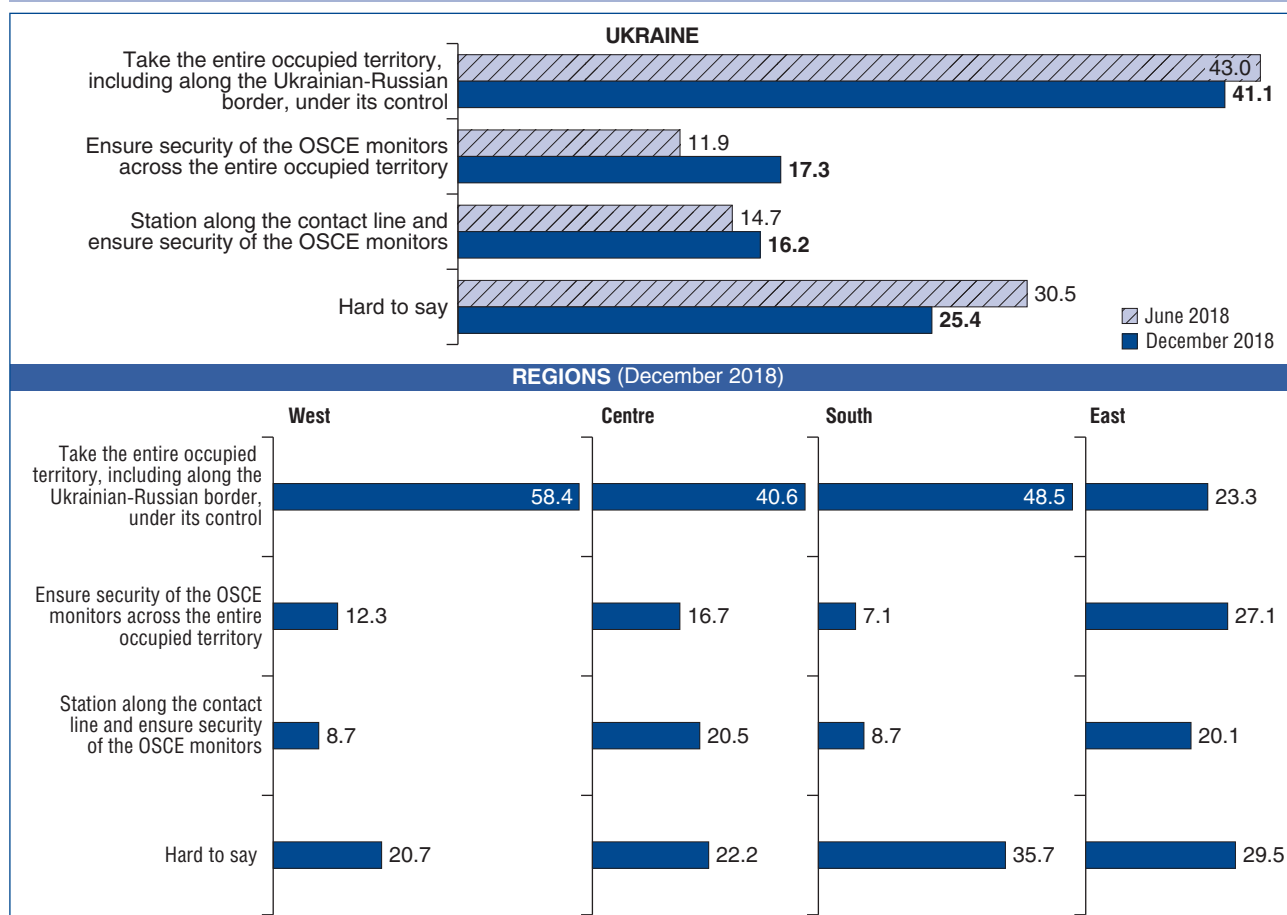
Do you support the deployment of UN peacekeeping forces in temporarily occupied territories of the Donetsk and Luhansk oblasts?
% of respondents



Should the deployment of UN peacekeeping forces be coordinated with “DPR” and “LPR”?
% of respondents



How should UN peacekeeping forces act while in temporarily occupied territories of the Donetsk and Luhansk oblasts?
% of respondents

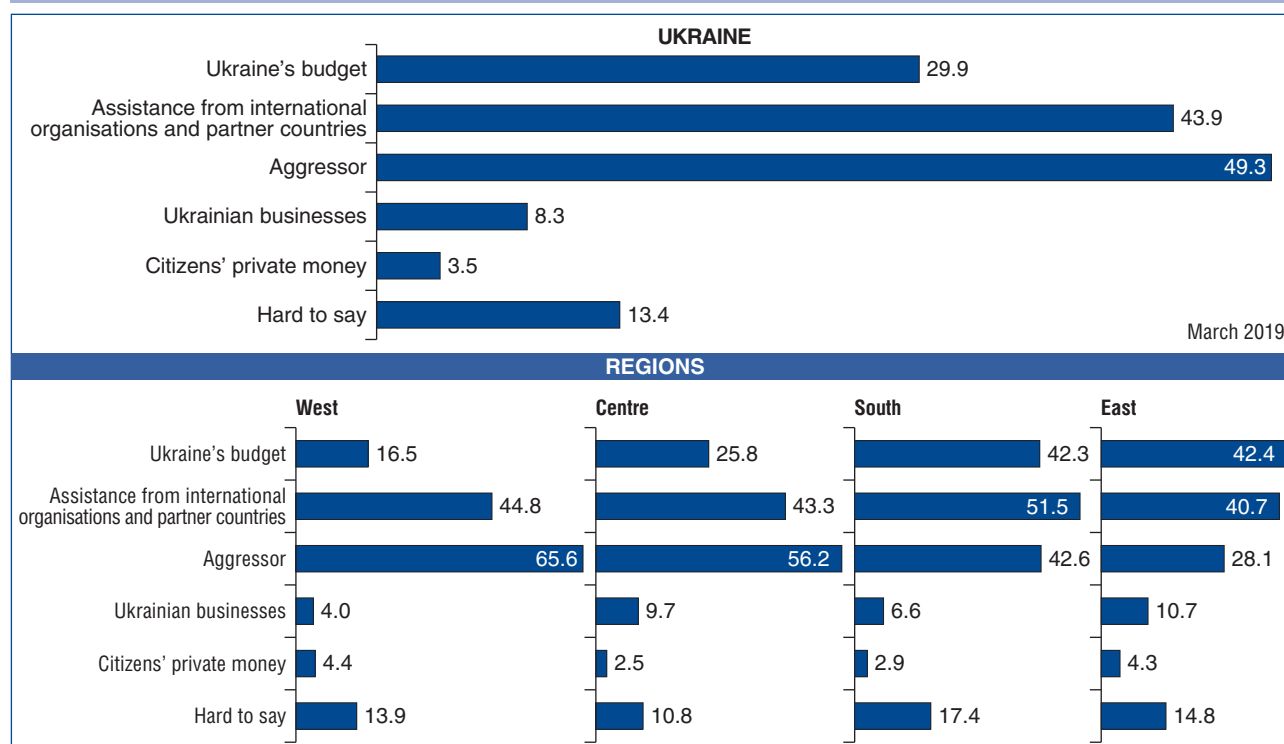


What is the significance of Ukraine restoring its sovereignty over the occupied territories and restoring economic ties with Donbas for the country's economy?
% of respondents

	UKRAINE	West	Centre	South	East
It will benefit Ukraine's economy	43.1	34.5	43.0	46.3	49.3
It will damage Ukraine's economy. Reintegration of the occupied territories is an unmanageable burden for Ukraine	19.9	20.5	20.7	14.9	20.5
It will not affect Ukraine's economy, which has been functioning without the occupied Donbas territories for five years	18.0	19.5	19.8	19.4	13.5
Hard to say	18.9	25.6	16.5	19.4	16.7

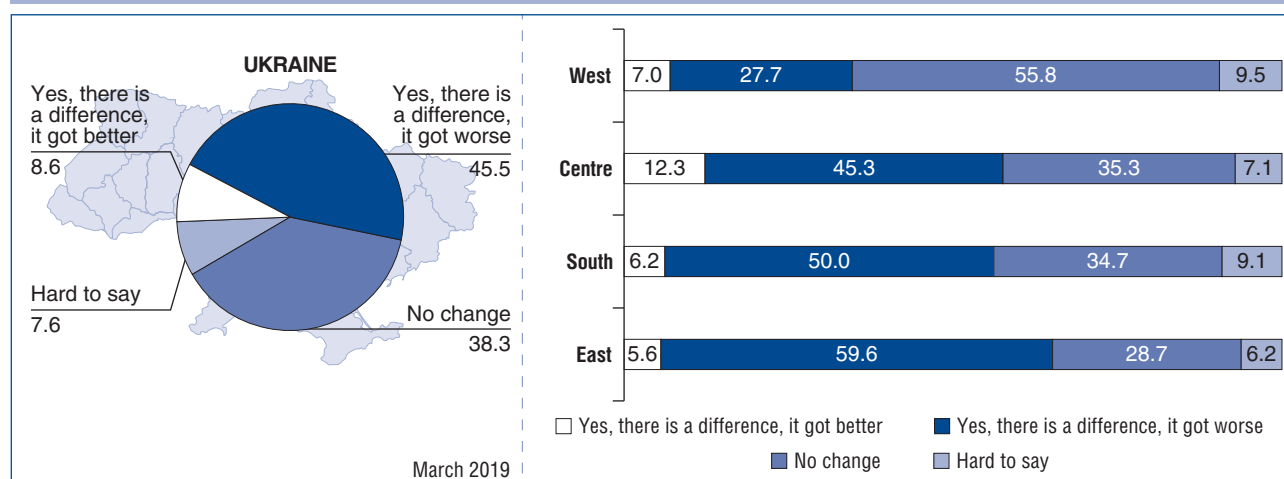
March 2019

Whose responsibility is it to finance Donbas restoration after de-occupation?*
% of respondents



* Respondents were asked to choose two acceptable options.

Do you feel the difference in electricity, natural gas or heat supply in 2018 vs 2013?
% of respondents



THE STRATEGIES AND GOALS OF RUSSIAN INTERVENTION IN DONBAS



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Informal intervention of the Russian Federation in Ukraine in 2014 should be considered in the contexts of Russia's global "big strategy", macro-regional strategy in the post-Soviet space, and the Ukrainian strategic vector. From the viewpoint of Russia's global ambition of becoming one of the world's "poles", clear drift of recently "buffer" Ukraine towards the West signified the disturbance in geopolitical balance. The West seemingly gained control over the country that was viewed by the Russian authorities as belonging in their sphere of influence. In the post-Soviet space, this implied significant weakening of Russia's geopolitical and geo-economic positions and presented a major obstacle for the strategy of building a macro-regional geospatial system under Russian control. The Ukrainian vector within Russian post-Soviet strategy was a priority, with its implementation ultimately resulting in Russia's latent "soft" hegemony over Ukraine (this goal has been largely achieved under the Yanukovych's presidency).

In discussing South and East of Ukraine, the concept of "Novorossiya" (New Russia) became particularly popular in the Russian political, academic and journalistic narrative in 2014. On 17 April 2014, for example, Vladimir Putin stated that "back in the tsarist days Kharkiv, Luhansk, Donetsk, Kherson, Mykolayiv and Odessa were not part of Ukraine. These territories were given to Ukraine in the 1920s by the Soviet government".² Further statement of the Russian President about "Novorossiya" arising from the city of Novorossiysk as its "centre"³ is far from historical truth, as his words about "Novorossiya having intertwined its roots with those of the Russian state".⁴ In Russian political discourse, "Novorossiya" is largely identified as a historical part of Russia rather than Ukraine. Once again, we observe claims of current Russian leadership to geopolitical legacy of the Soviet Union and the Russian Empire. Yet the overall justification of present-day Russia's historical rights to the territory of "Novorossiya" was and remains weak.

In 2014, the Russian strategy for implementing the "Novorossiya" project was aimed at ultimate weakening of a new pro-Western regime in Ukraine and actual destruction of its territorial structure. In the event of successful realisation of this geopolitical project, we could have several quasi-republics in the East and South, facing the risk of Ukraine's collapse as a sovereign state. Instead, Russia could establish control over the entire northern coast of the Black Sea and set up overland links not only with the Crimea, but also with Transnistria.

Russia's strategy in spring of 2014 sought political destabilisation of eastern and southern regions of Ukraine, actual seizure of power by pro-Russian forces, organisation of so-called "referendums" and formation of self-proclaimed republics. The so-called *Russian spring* was meant to be accomplished by the "agents of influence" in local authorities and law-enforcement agencies, by the "activists" of pro-Russian political organisations and NGOs, by the representatives of marginalised groups, radicals from Russia, and especially by armed groups of Russian militants. The overall coordination of their activities has been laid on Russian secret services.

Practical realisation of this expansionist strategy in spring of 2014 failed in most eastern and southern regions of Ukraine due to relative weakness of pro-Russian groups, rejection of Russian propaganda by most locals, and strong opposition of pro-Ukrainian (especially in Kharkiv and Odessa). Instead, larger parts of the Donbas population were infected by deeply rooted "Sovietness", while local authorities and law-enforcement agencies were densely populated with Russian "agents of influence". Also, pro-Russian forces and armed units arriving from Russia were particularly active in the region. The central government has demonstrated weakness and inconsistency in eliminating islands of separatism, which quickly progressed into larger habitats. Some parts of political and economic elite of Donbas that remained supportive of Ukraine's territorial integrity, were unable to control the situation. Other parts backed the separatists

¹ A. Holtsov is the author of monograph "The Geopolitical Dimension of the Russian Federation's Strategy in the Post-Soviet Space" – Kyiv, The Centre of Educational Literature, 2018, 391 pgs.

² Direct Line with Vladimir Putin, 17 April 2014, <http://www.kremlin.ru/news/20796>.

³ Ibid.

⁴ Ibid.

and occupants, in fact taking sides with Russia. Following the so-called “referendums” on 11 May 2014, the quasi-states of “DPR” and “LPR” were formed in non-government-controlled territories.

Despite multiple problems, in summer of 2014 the Ukrainian troops and volunteer battalions were able to liberate large parts of Donbas from the separatists. The Russian strategy has been adjusted accordingly, and regular forces of the Russian Federation unofficially yet directly engaged in hostilities in the East of Ukraine. On 5 September 2014 the Ukrainian government was forced to sign the Minsk Protocol (“Minsk-1”) and following the escalation in winter of 2014-2015 – to sign the Package of measures for the implementation of the Minsk Agreements (“Minsk-2”) on 12 February 2015. Full implementation these agreements did not meet strategic interests of either Russia or Ukraine.

According to assumptions of Russian experts, for the Russian Federation in Donbas “...it is better for now to have a semi-independent but formally Ukrainian territory that receives help from Russia, which is, in essence, a ‘frozen conflict’”.⁵ It becomes obvious, however, that Russian authorities are more interested in supporting “simmering” rather than “frozen” conflict in the East of Ukraine. Frequent local “outbreaks” are designed to destabilise life of entire Ukraine, aggravating daily tension in society.

The concentration of rather powerful military contingents in eastern parts of Donbas that Russia needed in 2014 and in early 2015, gave way to covert occupation. The latter materialises through Russian advisers, “volunteers” and mercenaries from private military companies (e.g. PMC “Wagner”). In addition, Russia concentrated combat-ready troops with a lot of heavy armour in close proximity to ORDLO. The Russian Federation supplies weapons, equipment, ammunition and the like to military formations of “DPR” and “LPR”. The Russian leadership continues to deny involvement of its soldiers in Donbas. At present, one of strategic objectives of Russian control over the Sea of Azov is to strengthen its geopolitical position in Donbas.

Armed conflict in the East of Ukraine is secondary in Russia’s global and continental strategy. As for its strategy in the post-Soviet space, however, Donbas is one of the most problematic areas. An opinion that the Russian Federation may agree to reintegration of ORDLO into Ukraine in exchange for its recognition of Crimea’s annexation by Russia becomes increasingly more popular among Russian experts.

Russia’s strategy for Donbas is rather comprehensive. All its goals and activity areas are interlinked. Political control over “DPR” and “LPR” is exercised by Russian “agents of influence”, who are covertly directed by Russian intelligence services. More respectable civilian leaders gradually replace the odious militant commanders.

So-called “constitutions” and other acts are being adopted, “elections” are held to legitimise puppet regimes. By doing so, Russia lays certain legal foundation for the functioning of quasi-republics of “LPR” and “DRP”. At the same time, Russia does not officially recognise them as sovereign states, formally perceiving ORDLO as the territory of Ukraine.

According to Vladimir Putin, Russia “does render humanitarian and *other*⁶ assistance and support to the people”⁷ in Donbas. The so-called “humanitarian convoys” from Russia are supposed to cover the minimum needs of the local population in food and basic commodities. The capacity of local authorities to provide social benefits and services to its people (with large shares of pensioners and public sector employees) is extremely limited. Further financing of “DPR” and “LPR” and providing them with various economic resources becomes increasingly more burdensome for Russia.

Russia started its intervention in Donbas relying on the enormous potential of its “soft power” in the region, including its ideological, political, cultural and informational components. And now the Russian “soft power” continues to dominate the public life in ORDLO. In terms of ideology, it promotes the ideological complex of “Great Russia”, while local patriotism develops as an element of Russian neo-imperial patriotism. Just like Russia itself, the region remains under the ideological influence of Communists. From its very onset, the conflict in Donbas was consistently described in Russia as a “civil war”, with an emphasis on interethnic nature of the struggle between the Russian and Russian-speaking population of Donbas and the Ukrainian nationalists (“Banderites”). Russian and local media continue spreading this narrative, targeting not just the Donbas residents but even more so the population of the Russian Federation.

ORDLO is being incorporated into the Russian cultural world. These territories of “Novorossiya” that have joined the “Russian World” are set to demonstrate the resiliency and productiveness of said geopolitical project (mostly for the population of Russia). In ORDLO, most Orthodox parishes belong to the UOC-MP. Given the latest trends in Ukraine’s church life, it is likely that these parishes will go directly under the Russian Orthodox Church, as Russian authorities have vested interest in its dominance. Russian language continues its expansion in public discourse, education and mass media. Being formally “bilingual”, both quasi-republics launched informal “de-Ukrainianization” in 2014, which results in practical expulsion of the Ukrainian language from educational, cultural and informational spheres. In ORDLO, they ensure dominance of Russian and local media (printed press, TV, online), which further consolidate ideology and political concepts, formed by Russia and “DPR/LPR”, in people’s minds.

⁵ Strategy for Russia. Russian foreign policy: the end of 2010s – the beginning of 2020s. – Moscow, 2016, p.24, http://svop.ru/wp-content/uploads/2016/05/%D1%82%D0%B5%D0%B7%D0%B8%D1%81%D1%8B_23%D0%BC%D0%B0%D1%8F_sm.pdf.

⁶ Italics added by the author.

⁷ Vladimir Putin’s annual news conference, 20 December 2018, <http://kremlin.ru/events/president/news/59455>.

The Russian Federation simplifies the procedure for granting Russian citizenship to “compatriots”, including those from Ukraine. Meanwhile, Russia’s Military Doctrine of 2014 provides for protection of Russian citizens abroad,⁸ which can therefore legitimise external interventionist action. Quite popular in Russian politics is the concept of a great “Russian nation”, which in addition to “Great Russians” also includes Ukrainians and Belarusians. In particular, in 2017 Vladimir Putin regarded “the Ukrainian people as a brotherly nation if not just one nation, part of the Russian nation”.⁹ In December 2018 the Russian leadership in Putin shared a message about the West and Ukrainian authorities trying to “separate the peoples of Russia and Ukraine”.¹⁰

The efficiency of Russia’s strategy regarding Ukraine in general and Donbas in particular is rather questionable. Ongoing latent occupation of eastern Donbas requires constant and substantial inputs, while further intensification of Western sanctions leads to ever-increasing losses for the Russian economy. At the same time, geopolitical retreat from Donbas will actually mark the Russian leadership’s recognition of its defeat, which will undermine its authority at the global, continental and macro-regional levels, as well as inside its country. Deprived of Russia’s unfailing support, so-called “DPR” and “LPR” will be doomed, adding to the Kremlin’s reputational losses. Therefore, Russia seeks real conservation of current geopolitical situation – with occupied and annexed Crimea and “simmering” conflict in Donbas.

The Russian authorities have repeatedly accused Ukraine of not fulfilling the Minsk Agreements, although they still support the continuation of talks in Minsk within the framework of Trilateral Contact Group (TCG). Most likely, the tactics of the Russian Federation in Minsk is to imitate the negotiation process. Without Russia’s willingness to act, further functioning of TCG provides no opportunities for addressing urgent issues around cessation of hostilities in the East of Ukraine.

Russia’s strategy in the UN institutions, including as a permanent member of UNSC with a veto power, is to use these instruments for achieving its goals. This includes consistent blocking of Ukrainian initiatives. Ukraine’s repeatedly articulated position is “to settle the conflict by deploying an UN-mandated multinational peacekeeping force in the occupied Donbas”.¹¹ Quite illustrative is the fact that according to Ukrainian proposals, the UN peacekeepers should take under their control both the ORDLO territory and the adjacent sections of the Ukrainian-Russian border. Practical realisation of this proposal would make it impossible for Russia to support the so-called “DPR” and “LPR”. Instead, Putin’s proposals of 5 September 2017 limited the UN peacekeepers’

function to protecting the OSCE Special Monitoring Mission and only along the “contact line”.¹² The Russian side also offered Ukraine some unacceptable political steps, such as official talks with leaders of self-proclaimed “republics”.

For most of 2019 one should expect rather “restrained” Russia, as anti-Russian sentiment in Ukrainian society will quickly intensify in case of any escalation. As a result, the presidential candidates in Ukraine calling for more radical measures of restoring the country’s territorial integrity will gain the upper hand. On the eve of parliamentary elections, such escalation will also increase voter support for openly anti-Russian national-patriotic political forces. This scenario is hardly beneficial for Russian leadership’s strategic goals – ascension of Ukrainian political forces that are interested in finding compromises with the Russian Federation to resolve the conflict in Donbas. Today, Russia has dormant leverage on political processes in Ukraine. In addition, any disclosure of Russian support will inevitably mean political “death” for a candidate or a party in modern Ukraine.

Even in the event of restoration of Ukraine’s sovereignty over the territories of “DPR” and “LPR”, Russia will seek to maintain its latent “grip” of the region, transforming Donbas into a source of geopolitical disintegration of Ukraine through “federalisation”. In the near future, Russia is expected to further support the existence of “quasi-states” and ongoing “simmering” conflict zone in Donbas. In the longer term, possible “freezing” of the conflict following the “Transnistrian scenario” can be more desirable for the Russian leadership. Possible return of ORDLO to Ukraine is likely to be preconditioned by terms that are unacceptable for Ukraine, namely the emergence of the region with a special autonomy, where the Russian Federation will maintain its geopolitical influence (including political, economic, cultural and information).

Russia’s strategic goals for Donbas in 2014 included realisation of “Novorossiia” project. Through its latent intervention, Russia was able to create a geopolitical “bridgehead” in eastern parts of Donbas. The current strategy of the Russian Federation seeks informal control over ORDLO in political, military, economic, social, cultural, language and informational spheres. Maintenance of quasi-state of “DPR” and “LPR” remains very costly for Russia. In theory, the Russian strategy may include potential geopolitical compromise with Ukraine, however, on terms of continued *de-facto* influence of the Russian Federation on ORDLO.

⁸ The military doctrine of the Russian Federation was approved by Presidential Decree No. 2976 on December 26, 2014, <http://news.kremlin.ru/media/events/files/41d527556bec8deb3530.pdf>.

⁹ Meeting of the Valdai International Discussion Club – Official website of the President of the Russian Federation, 19 October 2017, <http://kremlin.ru/events/president/news/55882>.

¹⁰ Vladimir Putin’s annual news conference, 20 December 2018, <http://kremlin.ru/events/president/news/59455>.

¹¹ Statement by the President of Ukraine during the General Debate of the 73rd session of the United Nations General Assembly, 26 September 2018, <https://www.president.gov.ua/en/news/vistup-prezidenta-ukrayini-na-zagalnih-debatah-73-yi-sesiyyi-49938>

¹² Vladimir Putin’s news conference following BRICS Summit, 5 September 2017, <http://kremlin.ru/events/president/news/55535>.

SOME ASPECTS OF DECISIONS IN THE DOMAIN OF STATE LAW FOR THE OCCUPIED AREAS OF DONBAS

After the Russian occupation of separate districts of Donetsk and Luhansk regions, Ukrainian authorities passed a number of decisions in the domain of state law to repulse military aggression. Laws and other regulatory acts were adopted, implementing existing and introducing new means and conditions for the would-be de-occupation and reintegration of the currently occupied territories of Donbas.



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In the whole body of regulatory acts in that domain, of crucial importance are: the “Minsk agreements”, the Law of Ukraine “On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions”, the Ukrainian bill “On Introduction of Amendments to the Constitution of Ukraine (concerning decentralisation)”, the Law of Ukraine “On Specificities of the State Policy of Provision of State Sovereignty of Ukraine on Temporarily Occupied Territories in Donetsk and Luhansk Regions”.

This article presents brief legal analysis of those documents, making it possible to identify the topical aspects of decisions in the domain of state law that will shape the strategy of Ukraine’s actions to return the occupied territories under the jurisdiction of the Ukrainian state.

Minsk agreements

It is a set of documents approved by the leaders of Germany, France, the Russian Federation and Ukraine and signed by their authorised representatives in Minsk: the Protocol of the Trilateral Contact Group dated September 5, 2014; the Memorandum of the Trilateral Contact Group and representatives of separate districts of Donetsk and Luhansk regions dated September 19, 2014; the Package of Measures at Implementation of the Minsk Agreements, endorsed by a “Declaration” of the German, Russian, Ukrainian and French leaders on February 12, 2015.

The content of said documents, except the military-technical Memorandum, abounds in unconstitutional provisions. Whether they were consciously consented to by the Ukrainian side, without the required expertise, under pressure, or voluntarily, the accomplished fact is that the Minsk agreements were filed by the Ukrainian authorities. This is witnessed, first of all, by statements and actions of President Petro Poroshenko, who on behalf of the state agreed the content of those documents with the heads of those states in the Minsk format, and by subsequent adoption by the Verkhovna Rada of a number of laws in the context of implementation of the Minsk agreements by Ukraine.

The main document of the entire set of the Minsk agreements is the “Package of Measures for the Implementation of the Minsk Agreements”,

signed on February 12, 2015, by the participants of the Trilateral Contact Group with representatives of separate districts of Donetsk and Luhansk regions. The Presidents of France, the Russian Federation, Ukraine and the German Chancellor adopted a Declaration in support for the “Package of Measures for the Implementation of the Minsk Agreements”. Their signatures are absent from all those documents.

The Package of Measures for the Implementation of the Minsk Agreements makes evident emphasis on political and legal measures, **to be implemented solely by Ukraine**.

The measures listed in the Law give a broad picture of the ultimate constitutional and legal design of Ukraine’s future, sought by the Russian Federation, prompting relevant actions of the Ukrainian authorities, first of all – the President of Ukraine.

If the Ukrainian authorities abide by the idea of “absence of alternatives” to the Minsk agreements, as proclaimed by the President, Ukraine should be ready for the following consequences of implementation of some “measures” from the above-mentioned “Package of Measures”.

Ukraine must “ensure pardon and amnesty in connection with the events that took place in certain areas of the Donetsk and Luhansk regions” through adoption of a law, prohibiting prosecution and punishment

of such persons. In addition to the legal vagueness of such wording (**“events that took place”**), the refusal to bring persons who committed crimes with arms in their hands to criminal responsibility will not be unnoticed in society that remembers nearly 13 thousand people killed during the **“events that took place in separate districts of Donetsk and Luhansk regions”** and tens of thousands wounded. More than that, such persons must be protected from **“discrimination”** to guarantee their participation in early elections and in service in the units of “people’s militia”.

One should pay attention to the **conditions of restoration of full control of the state border of Ukraine** in the whole area of conflict (more than 400 km): restoration of control of the border **is to start on the first day after the local elections**. It goes out that local elections are to be held in the conditions of Russian occupation of those areas. More than that, as soon as local self-government bodies in separate districts of Donetsk and Luhansk regions take office, Articles 2-9 of the Law “On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions” will enter into effect, providing that “special procedure”.

Completion of restoration of control of the Ukraine-Russian border, conditioned by elections in separate districts, also demanded from Ukraine completion of a comprehensive political settlement by the end of 2015, including a **“constitutional reform”** with the introduction of a **“new Constitution”**, providing for **“decentralisation”** as its key element. The new Constitution was to provide **(following consultations and upon coordination with representatives of separate districts of Donetsk and Luhansk regions) a special status for those regions**, while the Constitution clearly determines the mechanism of its amendment and the role of the President in that process. **The Basic Law does not envisage adoption of a new Constitution**. There were relevant explanations of the Constitutional Court in this respect.

There is one more condition, provided by the “Package of Measures”, which is mandatory for completion of restoration of full control of the state border with Russia by Ukraine: **adoption of a permanent legislation** (by the end of 2015) **on the special status of separate districts of Donetsk and Luhansk regions, in line with the measures specified in the footnotes**. This means that **special laws must be adopted, or existing ones must be amended, cementing at least eight points presented as “remarks” to Item 11 of the “Package of Measures”**: a law on exemption from criminal responsibility; the right to linguistic self-determination; participation in the appointment of heads of public prosecution offices and courts; creation of people’s militia units, etc.

Even the issue of early elections in separate districts of Donetsk and Luhansk regions is to be solved, according to the “Package of Measures”, not in accordance with the Law of Ukraine “On Local Elections”. Furthermore, the decisions on those elections must follow **“consultation with and agreement by representatives of**

certain areas of the Donetsk and Lugansk regions”. This **“measure”** also lies beyond the constitutional framework of Ukraine.

A legitimate question arises: **are the “Minsk agreements” an international treaty?**

The Vienna Convention “On the Law of Treaties” (23 May 1969) “applies to treaties between States” (Article 1). A **“treaty”** means an international agreement concluded between **States** in written form and governed by international law, ... whatever its particular designation (Article 2). The consent of a State to be bound by a treaty is expressed by **ratification, acceptance** or approval under conditions similar to those **which apply** to ratification (Article 14).

The Law of Ukraine “On International Treaties of Ukraine” recognises an “international treaty of Ukraine” executed in writing **with a foreign state or another subject of the international law**, governed by the international law, **irrespective of its concrete designation (treaty, agreement, convention, pact, protocol etc.)** (Article 2). Therefore, it may be assumed that in accordance with the Convention and pursuant to the Law, the Minsk agreements may be recognised as an international treaty, on certain conditions.

An international treaty is concluded by concrete actors: **states, international organisations, other subject of the international law, that agreed to be bound by the treaty and for which, that treaty is effective**. Who are the parties to the “Package of Measures for the Implementation of the Minsk Agreements”? Its text mentions **Ukraine and “separate districts of Donetsk and Luhansk regions”**. The document is signed by a representative of Ukraine, OSCE, the Russian Ambassador to Ukraine. **The leaders of separate districts of Donetsk and Luhansk regions were legitimised by the very presence of their signatures under the “Package of Measures”**. Proceeding from the list of parties to the “Package”, **its consequences ensue only for Ukraine and separate districts of Donetsk and Luhansk regions**. However, the content and the list of measures of the “Package” clearly point to its real beneficiary – the Russian Federation. **Even where it is next to impossible to omit Russia, the latter is not mentioned in the “Package of Measures”**: it says about restoration of control of the border, but the state, the border with which is to be restored, is not named in the text, although it is hard to imagine how this can be done without the involvement of the Russian Federation. Separate districts of Donetsk and Luhansk regions are not subjects of the international law, and there is no other subject of the international law in Minsk agreements corresponding to Ukraine. It turns out that **all measures are confined to solution of an internal Ukrainian conflict**.¹ **This is one of the insurmountable defects of the Minsk agreements**.

That document might be considered an international treaty **only after its ratification by Parliament**: the Law “On International Treaties of Ukraine” provides that a treaty, “implementation of which leads to amendment of laws of Ukraine” (and moreover – the Constitution

¹ Meanwhile, Ukraine does not seek to term Russia a party to the Minsk agreements, while the UN International Court of Justice called the Russian Federation (on the 19th of April 2017) a party rather than a mediator to the Minsk process.

of Ukraine) or adoption of new laws of Ukraine, a political peace treaty (Article 9) is subject to **obligatory ratification**. Said signs of an international treaty are present in the text of the “Package of Measures”.

Even if the Minsk agreements had been ratified, they would not have been binding on Ukraine: pursuant to Article 46 of the Vienna Convention, **in presence of a manifest and gross violation of the competence to conclude treaties**, since it “**concerned a rule of its internal law of fundamental importance. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in a good faith**”. So, references to the UN Security Council Decision (of March 17, 2015) calling upon the parties to the conflict to implement the “Package of Measures” are unreasonable, since the discussed measures bear a real ruinous potential for the Ukrainian state; coordination of the content of amendments to the Constitution, and moreover adoption of a new Constitution, is totally unacceptable.

One cannot leave unattended the fact that **next to all provisions of the “Package of Measures” were to be implemented by the end of 2015. The terms of implementation of the “Package of Measures for the Implementation of the Minsk agreements” and the validity term of the Minsk agreements as a whole were never officially amended**. This is a sufficient ground to stop speaking about the “lack of alternative”. Said circumstances, related with the adoption and implementation of the Minsk agreements, make it possible to term them as a mock substitute (*ersatz*) for an international treaty on termination of occupation of separate districts of Donbas **that does not create any political obligations for Ukraine**.

Law of Ukraine “On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions” dated September 16, 2014

The title of the Law has nothing in common with its essence: granting a **special status** to local self-government actors “in separate districts of Donetsk and Luhansk regions”. Its true intent is witnessed by the fact that a few days before the adoption of that Law, on the 5th of September, a Protocol was signed in Minsk, Item 3 of which envisaged “**decentralization of power, including by means of enacting the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status)**”. As we may see, in the adopted Law, the “**temporary procedure**” replaced the “**special procedure**”, thus removing the generalised title of the act that reflected its essence – it is a “**Law on Special Status**”.

The Law “On Special Procedure...” assigns to local self-government bodies, to be elected on currently occupied territories, powers clearly distinguishing them from local self-government bodies on other territories of the state, going beyond the constitutional limits.

In particular:

1) The Preamble of the Law reads: “This Law determines the **temporary** (for three years) procedure of organisation of local self-government, activity of local self-government bodies in separate districts of Donetsk and Luhansk regions”. The Law entered into effect on the day of its publication (Part 1 of Article 10) – 18 October 2014. This means that it was to expire on the 18th of October, 2017. Furthermore, Part 4 of Article 10 provided that “**Articles 2-9 of that Law shall be effective from the date of entry into office by local self-government bodies in separate districts of Donetsk and Luhansk regions, elected at extraordinary elections..., fixed for 7 December 2014**”. The existence of that Law is currently used solely as a political factor – to witness readiness of the Ukrainian authorities to abide by the Minsk agreements.

The Law has no provision on the procedure of its termination: when local self-government bodies in separate districts of Donetsk and Luhansk regions assume powers provided by the law, they need to be terminated in connection with the expiration of that Law. This can lead to chaos and will create serious problems in the region.

2) Article 2 of the Law **effectively limits the effect of the applicable legislation of Ukraine in separate districts of Donetsk and Luhansk regions:** it applies “with account of the specificities provided in this law”. **Implementation of “specificities” of that Law, clearly contrary to the letter and spirit of the Constitution and a number of laws of Ukraine, can cause irreparable harm to the constitutional and legal system of the state.**

3) The Law (Article 3) guarantees, in pursuance of another special Law, “**prohibition of criminal prosecution, bringing to criminal and administrative responsibility and punishment of persons who took part in the events on the territory of Donetsk and Luhansk regions**”. The problem of said special law is that without amendment of the Criminal Code – actual insertion of the text of that law – such persons cannot be exempted from criminal responsibility.

4) Article 4 of the Law refers to the Law “On Fundamentals of the State Language Policy”, ruled unconstitutional by the Constitutional Court. In addition, the text of that Law **has no mention of the use of the official language**.

5) Part 2 of Article 5 of the Law proclaims that “powers of members of local councils and officials elected at extraordinary elections...**cannot be terminated early**”. It actually gives indulgence to those actors, not envisaged by the Constitution or other legislative acts for any elected officials: **even violation of the Constitution and laws by those persons will not unseat them**.

6) Articles 6 and 7 provide that the State Budget allocates funds for state support for social and economic development of separate districts of Donetsk and Luhansk regions. The special nature of those expenditures is defined as “**secured expenditures, the volume of which cannot be used in case of cuts of the approved**

budget allocations". The Budget Code does not envisage such a mode of budget funding for those regions. **The non-Ukrainian origin of that Law is clearly witnessed by the wording: "Ukraine guarantees..."**: the legislative practice is to use the expression "the state guarantees" in Ukrainian laws.

Bodies of state power are instructed to promote **"transborder cooperation" aimed at solution of common problems of development, strengthening and deepening of good-neighbourly relations between territorial communities, local self-government bodies of separate districts with administrative-territorial units of the Russian Federation.**

7) Article 9 provides that **"in separate districts of Donetsk and Luhansk regions, city, settlement, village councils by their decision create people's militia units that during protection of public order exercise powers provided to them by the laws Ukraine"**. Laws of Ukraine do not specify any powers "provided to people's militia units", as well as the very notion of "people's militia". There is a probability that such units will recruit persons, now fighting against Ukraine with arms in their hands under the supervision of Russian instructors and commanders.

8) On the 2nd of November, 2014, "elections" were illegally held on the occupied territories. The President issued a Decree terming the elections on the uncontrolled territories of Donbas null and void, **and announced that the President would "expeditiously" submit to the Verkhovna Rada a bill nullifying the Law "On Special Status". The President has never done that**, without any explanations, thus questioning the ability to adequately and strongly respond to the facts of disdain of the Ukrainian state by separatists and their masters. Another missed opportunity was related with the existence of two bills to the same end drafted by MPs and approved by the concerned committees, but never put on vote. The authorities confined themselves to amendment of Article 10 of the Law, specifying preconditions for elections on the uncontrolled territories. **Article 10 of the Law "On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions" turned out to be the only safeguard provided by the Ukrainian law against attempts of the Russian Federation and some Western partners to force Ukraine into unconstitutional elections on the occupied territories.**

To preserve the potential of implementation of the Minsk agreements, in connection with expiration of the Law, the Verkhovna Rada on the 6th of October, 2017, adopted the Law initiated by the President **"On Creation of Necessary Conditions for Peaceful Settlement of the Situation in Separate Districts of Donetsk and Luhansk Regions"**, extending the effectiveness of the Law "On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions" by one more year.

Since the year, by which the Law "On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions" was extended, brought no progress in the so-called "Minsk process", on the

4th of October, 2018, Parliament again extended the effectiveness of that Law on the President's initiative till the 31st of December, 2019.

In addition, the following should be pointed out. Drawbacks of the Law "On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions" are also related with gross violation or total neglect of the law-making practice. **The problem lies not only in departure from formal rules of drafting the wording of the bill but also in the resultant distortion of legal consciousness in society, violation of the principles of constitutionality and legitimacy in the activity of bodies of state power. Arbitrary determination of the scope of the legal capacity and competence of local self-government actors, their relations with central bodies of state power leads to collisions between different legal norms and causes damage to the constitutional law and order.**

Ukrainian bill "On Introduction of Amendments to the Constitution of Ukraine (concerning decentralisation of power)" (reg. No.2217a dated 1 July 2015)

The readiness of the President of Ukraine to implement the Minsk agreements was clearly manifested in the draft of amendments to the Constitution submitted by him to the Verkhovna Rada.

Consideration of amendments to the Constitution in the Verkhovna Rada on the 31st of August 2015, was accompanied with strong protests of citizens by the walls of Parliament, resulting in a human toll. The protests were prompted by the bill's proposal to introduce to the Transitional Provisions of the Constitution Item 18 as follows: **"Specificities of exercise of local self-government in separate districts of Donetsk and Luhansk regions are determined by a separate law"**. On top of everything, this provision was a manifestation of gross neglect of the law-making practice of establishment of the constitutional matter, which can cause harm to the very existence of the state.

It should be noted that the "body" of the Constitution (sections I-XIII) contains fundamental norms of permanent, indefinite action. Section XV of the Transitional Provisions of the Constitution provides mechanisms intended to guarantee "soft", gradual implementation of new constitutional provisions. There is a danger that in presence of Item 18 in the Constitution, Parliament may change that law in the future by a simple majority of MP votes, going beyond the constitutional limits of local self-government in Ukraine. **The Law "On the Special Procedure of Local Self-Government in Separate Districts of Donetsk and Luhansk Regions", thanks to the reference to it in Item 18 of Transitional Provisions of the bill "On Introduction of Amendments to the Constitution of Ukraine (concerning decentralisation of power)", acquires an illusion of constitutionality.** This legitimises the special status of those territories and puts powers of their local self-government bodies beyond constitutionally provided limits, in flagrant violation of the constitutional order in the country. This will pose a real risk of currently occupied territories staying beyond

the jurisdiction of the state, especially with respect to the exercise of powers of the central bodies of state power. It will create a mechanism of disintegration of the unitary state, a threat to its independence. There are grounds to argue that **the Constitutional Court of Ukraine failed to perform its constitutional function, producing a conclusion on amendments to the Constitution of Ukraine without mentioning their unacceptability due to unconstitutionality.**

The Constitution of Ukraine does not rule out granting of a special status to some local self-government bodies. If desired, a special self-governing status might be granted to **separate districts of Donetsk and Luhansk regions** through proposals of amendment of Articles 92, 140 of the Constitution and the Law “On Local Self-Government in Ukraine”. The President stopped short of making this step in view of the strength and scope of public disapproval of even a hint of such probability, although he concealed such intention in Item 18 of Transitional Provisions of the draft of amendments to the Constitution.

Law of Ukraine “On Specificities of the State Policy of Provision of State Sovereignty of Ukraine on Temporarily Occupied Territories in Donetsk and Luhansk Regions”

On the 18th of January, 2018, the Verkhovna Rada adopted this Law initiated by the President. The Preamble to the Law reads that it **“is intended to determine the specificities of the state policy of provision of state sovereignty of Ukraine on temporarily occupied territories in Donetsk and Luhansk regions”.**

This Law is termed in political circles as the **“law on de-occupation of Donbas”**, or the **“law on reintegration of Donbas”**. Arbitrary use of those three terms (goals) **has nothing in common with the content of the Law.** State sovereignty on the territory of Ukraine or its parts is provided by bodies of state power and local self-government. The Ukrainian authorities objectively cannot exercise jurisdiction of the state on temporarily occupied territories of Donbas: there are **no** bodies of state power of Ukraine on temporarily occupied territories – no police, courts, public prosecution and legitimately elected local self-government bodies. More than that, a large portion of the state border with the Russian Federation is not controlled by Ukraine, while the “general effective control” of the occupied territories is exercised by Russia. This fact is attested in Article 1 of the Law: “Recognised as temporarily occupied territories in Donetsk and Luhansk regions...are parts of the territory of Ukraine, within which, armed formations of the Russian Federation and the occupational administration of the Russian Federation **have imposed and exercise general control”.**

Therefore, on the one hand, the Ukrainian authorities recognise the fact of temporary occupation of a part of Ukraine’s territory by the Russian Federation and its general control of that territory, on the other – the same Law declares **establishment** by the Ukrainian state of the legal regime of **“provision of civil rights and freedoms on the temporarily occupied territory of Ukraine”.** Therefore, Articles 3-6 of the Law lack legal certainty and substance as to the means of guarantee of constitutional civil rights and freedoms on the occupied territories.

The very statement of the goal of “provision of state sovereignty of Ukraine on temporarily occupied territories” is absurd. In particular, in view of the above, it is hard to imagine how the Verkhovna Rada Human Rights Commissioner will exercise “parliamentary control” of observance of constitutional human and civil rights and freedoms on the temporarily occupied territories. Who will provide access of the Human Rights Commissioner to the occupied territories and guarantee her/his personal safety and immunity?

This Law has a weak connection with the future **de-occupation** of separate districts of Donbas, moreover – their **reintegration** in the Ukrainian legal, economic, social and cultural space.

The provision entitling the President to determine “the limits and list of districts, cities, settlements and villages, parts of their territories, temporarily occupied in Donetsk and Luhansk regions” (Part 2 of Article 1) clearly run contrary to the Constitution. Powers of the President Ukraine are exhaustively described in the Constitution of Ukraine and cannot be expanded by laws.

The core of the Law “On Specificities of the State Policy of Provision of State Sovereignty of Ukraine on Temporarily Occupied Territories in Donetsk and Luhansk Regions” is made up of provisions formulated in Articles 8-13. Exactly they set out the principles and means of provision of national security and defence, repulsion and containment of the Russian armed aggression in Donetsk and Luhansk regions.

Such should be the title of the Law, while the wording on “provision of state sovereignty of Ukraine on temporarily occupied territories” should be removed from it. **This law is associated with the transformation of the large-scale Antiterrorist Operation into the Joint Force Operation for provision of national security and defence, repulsion and containment of the armed aggression of the Russian Federation,** triggered by the President on the 30th of April 2018 with his Decree “On Approval of the NSDC Decision “On Large-Scale Antiterrorist Operation on the Territory of Donetsk and Luhansk Regions”.

It should be noted that the **measures and means** envisaged by the Law “On Specificities of State Policy...” **may be implemented only in the conditions of martial law and in the state of war,** which requires from the the President fulfilment of the requirements of the Law “On Defence of Ukraine” (Article 4). Since the President evaded the prescriptions of that Law, there is a danger of unconstitutional restriction of rights and freedoms of Ukrainian citizens.

The political and legal decisions concerning the strategy of action of the Ukrainian authorities for provision of national security and defence in the conditions of aggression of the Russian Federation should be taken and implemented within the Ukrainian constitutional and legal framework. The state authority led by the President is to present to society a clear and concrete concept of its actions in the present conditions of occupation of a part of the Donbas territory for restoration of the Ukrainian jurisdiction of those territories. ■