

# Donbas War and Ukraine's Security

## Origins of the Donbas War

Shortly after the 2014 Maidan Revolution, armed protesters — described by Yale professor Marci Shore as a “motley crew of territorial patriots, fascists, anti-fascists, local hoodlums, Russian volunteer soldiers, mercenaries, revolutionaries, Kremlin special forces, gangsters, and warlords” — began seizing government buildings in eastern and southern Ukraine.<sup>1</sup> By April, violent demonstrations had evolved into a full-fledged war, with top posts in separatist militias and political circles eventually going to Russian operatives.<sup>2</sup> With explicit support and leadership from the Kremlin, many of the separatist groups joined together and attempted to form “Novorossiia” — a pseudo-state aspiring to expand across nearly half of Ukraine’s territory.<sup>3</sup> However, Russia overestimated the degree of support this project would have from the local population, and was forced to nix the Novorossiia plan by January 2015.<sup>4</sup>

Due primarily to significantly higher unemployment rates in the eastern halves of the Donetsk and Luhansk oblasts (provinces),<sup>5</sup> separatist forces were successful in holding on to that 7% of Ukraine’s territory. The armed groups in those areas styled themselves “Luhansk People’s Republic” and “Donetsk People’s Republic” (known by their

Russian initialisms LNR and DNR, collectively LDNR). They began fulfilling some of the responsibilities of states, such as waste management and the payment of pensions. Despite being the political, military, and financial lifeline of the LDNR, Russia has not formally recognized them as republics independent from Ukraine.

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Without Russian political, military, and financial support, experts estimate that the LDNR would quickly fall to infighting and a lack of resources.<sup>6</sup> Russian military units have played important roles in key battles of the Donbas war, notably at the battles of Ilovaisk (August–September 2014)<sup>7 8</sup> and Debaltseve (February 2015).<sup>9</sup> <sup>10</sup> It is unclear what fraction of the LDNR militias is composed of Russian citizens and soldiers. International

1 Marci Shore, “The Bard of Eastern Ukraine, Where Things Are Falling Apart,” *The New Yorker*, 28 November 2016.

2 “Pushing Locals Aside, Russians Take Top Rebel Posts in East Ukraine,” *Reuters*, 27 July 2014.

3 “Podcast: The Tale Of The Tape,” *Radio Free Europe / Radio Liberty*, 10 December 2016.

4 “Why the Kremlin Is Shutting Down the Novorossiia Project,” Carnegie Endowment for International Peace.

5 Yuri Zhukov, “Trading hard hats for combat helmets: The economics of rebellion in eastern Ukraine.” *Journal of Comparative Economics*, 44:1 February 2016 (1–15).

6 Paul Quinn-Judge, “Russia’s mixed signals on eastern Ukraine,” International Crisis Group, 18 February 2016.

7 Shaun Walker, Oksana Grytsenko, and Leonid Ragozin. “Russian Soldier: ‘You’re Better Clueless Because the Truth Is Horrible,’” *The Guardian*, 3 September 2014.

8 Michael Gordon, “Russia Moves Artillery Units Into Ukraine, NATO Says,” *The New York Times*, 22 August 2014.

9 Andrew Kramer, and Michael Gordon, “U.S. Faults Russia as Combat Spikes in East Ukraine,” *The New York Times*, 13 February 2015.

10 “Мы все знали, на что идем и что может быть,” *Новая газета* (Novayagazeta.ru), 10 December 2016.

organizations estimate that one-fifth of those fighting in separatist militias are Russians and the rest are local Ukrainians, although defecting separatists have told interviewers that 80% of their ranks were Russians.<sup>11 12</sup>

The war of the combined Russian-separatist forces against Ukraine has taken the lives of just under 10,000 people, a conservative figure.<sup>13</sup> Among those killed are 2,500–4,000 civilians and 500–1000 Russian soldiers.<sup>14</sup> There are 3.1 million in the region who need humanitarian assistance, in addition to 1.8 million internally displaced persons (IDPs) and 1.12 million internationally displaced persons.<sup>15</sup> The United States has responded to this humanitarian crisis with funding and resources, including allocating \$28 million in humanitarian aid in fiscal year 2016.<sup>16</sup>

## What is Driving the Separatism?

Some view Russia's aggressive foreign policy as a victory for President Putin.<sup>17</sup> In fact, it seems that Russia's policy of hybrid warfare and support for separatism in Eastern Ukraine was not as successful as the Kremlin had hoped. For the past year, the borders of separatist-controlled territory in Eastern Ukraine have remained more or less static. Roughly speaking, only half of the Donetsk and Luhansk oblasts remain outside Kyiv's control. If the conflict had been a result of deep ethnic tension between Ukrainians and Russians in the Donbas region, according to the Kremlin's narrative, why did rebellion remain contained to only 7% of Ukraine's territory?

A statistical analysis published in the *Journal of Comparative Economics* sets out to explain the scope of rebellion in Eastern Ukraine using original data on violence and

economic activity in the Donbas region.<sup>18</sup> The paper investigates local variation in rebellion and aims to answer the following question: why might two relatively similar municipalities in the same region experience different levels of separatist activity? Why do some towns remain under government control while others slip away? Why might residents of one municipality be more receptive to foreign fighters? Zhukov evaluates two explanations: "identity-based" and "economic."

The identity-based explanation holds that ethnicity and language indicate how likely an area is to experience separatist activity. In the context of Eastern Ukraine, this hypothesis means that rebellion is expected in cities and towns where there is a high concentration of ethnic Russians or Rus-

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sian-speaking Ukrainians. The economic explanation, on the other hand, asserts that areas most vulnerable to negative economic shocks from austerity measures, trade openness with the EU, and trade barriers with Russia are more likely to experience rebellion and violence.

The paper's conclusion supported the economic explanation; that is, pre-war employment was the strongest predictor for separatist activity, and not association with Russian language or ethnicity. For many workers in Ukraine's industrial Donbas region, the Association Agreement with the European Union posed a serious threat to job security.<sup>19</sup> Towns which expected negative shocks in their

11 "Interview: I Was A Separatist Fighter In Ukraine," *Radio Free Europe/Radio Liberty*, 10 December 2016.

12 Igor Sutyagin, "Russian Forces in Ukraine," Royal United Services Institute, March 2015.

13 "Ukraine: after two years of conflict, situation in east remains 'grim' – UN report," Office of the High Commissioner for Human Rights, 3 June 2016.

14 Anna Nemtsova, "How Russia Hides Its Dead Soldiers Killed in Ukraine," *The Daily Beast*, 19 August 2015.

15 USAID Fact Sheet #6, FY 2016: Ukraine – Complex Emergency. 20 May 2016.

16 USAID's Office of U.S. Foreign Disaster Assistance (USAID/OFDA), USAID's Office of Food for Peace (USAID/FFP), U.S. Department of State's Bureau of Population, Refugees, and Migration (State/PRM).

17 David Herszenhorn, "A Diplomatic Victory, and Affirmation, for Putin." *The New York Times*, 15 May 2015.

18 Zhukov, *ibid.*; Yuri Zhukov, "The Economics of Rebellion in Eastern Ukraine." *VoxUkraine*, 20 November 2015.

19 Luke Harding, "Workers Fear for the Future in Ukraine's Industrial East," *The Guardian*, 26 March 2014.

trade relations with entities in Russia — such as those towns built around the machine-building economy which was dependent on Russian buyers — witnessed both a higher frequency and a higher intensity of separatist activity. In towns with more competitive industries that could rely on trade within the European marketplace, such as Ukraine's metals industry, support for separatism among the local population was less common, violence was less intense, and thus rebellion was less successful.

These results might help explain why just 61% of municipalities in only two provinces fell under separatist control during the first year of conflict. When the separatist movement launched in mid-2014, the plan was for all local separatist efforts to combine efforts and establish a pseudo-state — Novorossiia — encompassing half of Ukraine's territory.<sup>20</sup> The envisioned project encompassed the regions of Kharkiv, Dnipropetrovsk, Zaporizhia, Kherson, Mykolaiv, Odesa, and even Transnistria, a separatist region in Moldova, all under the governance of one unitary state. In August 2014, the movement even received formal backing from the Kremlin, which published a letter from President Putin addressed to the militia of Novorossiia.<sup>21</sup>

But by January 2015, the Kremlin had entirely abandoned their Novorossiia policy. Around the same time, Oleg Tsaryov, a former Ukrainian parliamentarian and leader of the Novorossiia movement, claimed that Novorossiia had suspended operations as a concession required by the ceasefire agreement brokered by Germany, France, Ukraine and Russia as part of the the Minsk II accord.<sup>22</sup> <sup>23</sup> More likely, the Kremlin and various Russian nationalist movements had greatly overestimated local support for separatism in Eastern Ukraine. A 2014 survey from the University of Oxford reported that fewer than 5% of respondents in southern and eastern regions of Ukraine outside of separatist territories favored the breakup of Ukraine, either through separatist independence or through annexation by Russia.<sup>24</sup>

20 Christian Caryl, "Novorossiia is Back from the Dead," *Foreign Policy*, 17 April 2014.

21 Vladimir Putin, "Address to the Novorossiia Militia," 29 August 2014. Accessible at [en.kremlin.ru/events/president/news/46506](http://en.kremlin.ru/events/president/news/46506).

22 Paul Sonne, "'Novorossiia' Falls From Putin's Vocabulary as Ukraine Crisis Drags," *The Wall Street Journal*, 29 May 2015.

23 "Minsk agreement on Ukraine crisis," *The Telegraph*, 12 February 2015.

24 Paul Chaisty and Stephen Whitefield, "Support for separatism in southern and eastern Ukraine is lower than you think," *The Washington Post*, 6 February 2015.

“Those who supported or actively engaged in rebellion were more influenced by economic considerations and not, as the Kremlin's narrative says, by ethnically or linguistically motivated grievances”

Thus, the story of superficial ethnic conflict does not hold. Despite the seemingly endless supply of heavy machinery, military leadership, and logistical support, Russia's proxy warfare failed to establish a Novorossiia because it could not “win hearts and minds” and mobilize the local population. Without actual grievances to tip the scale of cost-benefit analysis towards rebellion, most locals preferred the status quo — Kyiv's government — to war and destruction. The only quantitative analysis of the emergence of the DNR and LNR demonstrates that those who supported or actively engaged in rebellion were more influenced by economic considerations and not, as the Kremlin's narrative says, by ethnically or linguistically motivated grievances.

## Progress Toward Peace?

Major negotiations in the context of the Donbas War are usually held in the “Normandy Format,” which brings together France, Germany, Russia, and Ukraine. To Ukraine's frustration, the United States does not play a major role in these negotiations, deferring largely to the leadership of Germany, which held the OSCE Chairmanship in 2016. Germany was therefore also a key player in the “Trilateral Contact Group,” a negotiating platform that comprises the OSCE, Ukraine, and Russia.

The Minsk II Agreement, reached in early 2015 by the Normandy Format heads of state and signed by the Trilateral Contact Group, has been the primary frame-

## Minsk II Implementation Chart

Current as of November 2016.

Article	Ukraine Progress	Separatists / Russia Progress
1. Immediate ceasefire	Multiple ceasefire agreements have failed, with the majority of violations caused by joint Russian-separatist forces.	
2. Pullout of heavy weapons	Somewhat respected	Somewhat respected
3. OSCE Monitoring	Largely respected	Largely not respected
4a. Begin election dialogue	Insists on security first	Attempted to initiate
4b. Geographic identification	Completed.	n/a
5. Pardon, amnesty	Unclear. Law 1680-VII grants amnesty but only if free elections take place.	n/a
6. All-for-all prisoner exchange	Not completed.	Not completed, demand amnesty guarantee first.
7. Humanitarian relief	Largely completed. Respect for humanitarian organizations.	Unclear
8. Economic Aid	Largely Completed.	n/a
9. Russia must restore border to Ukraine after Ukraine completes Article 11	n/a	Not done; contingent on "full political regularization," i.e., "special status"
10. Pullout of "foreign armed formations," disarming of illegal armed groups.	Completed, illegal armed groups have been disbanded or absorbed into Ukraine's military.	Not completed.
11a. Constitutional Reform implementing national decentralization	Not completed, although significant moves have been made to decentralize the budget process.	n/a
11b. Permanent legislation recognizing "Special Status" of occupied territory	256-VII and 1680-VI satisfy details of Art. 11 without granting "special status" per se. These go into effect only after elections are held.	n/a
12. Elections, See art. 4a.	See 4a.	See 4a.
13. Intensify work of trilateral contact group	Mostly respected	Mostly respected.

work within which the Donbas peacebuilding process is discussed. “Minsk II” is actually the shorthand name for a document signed in Minsk, Belarus, on 12 February 2015, called the “Package of Measures for the Implementation of the Minsk Protocol,” which refers in turn to the ceasefire agreement signed in September 2014 by Russia, Ukraine, and representatives of the OSCE.

Most of the points of the Minsk II Agreement are commonsense provisions related to an immediate ceasefire, which apply both to Ukraine and to the Russian-backed separatist forces. These provisions have been implemented to varying degrees by both sides.

Point 1 of Minsk II requires that an “immediate and full” ceasefire begin February 15, 2015. Signed documents notwithstanding, the war continued in full force until September 2015, when a side agreement was negotiated within the Trilateral Contact Group.

It is in the interest of both sides to appear to be implementing the ceasefire provisions. While Ukraine does not have military plans to retake the territory of the Donetsk and Luhansk People’s Republics (DNR and LNR), official Russian so-called “curators” of the occupied territories are struggling to both maintain enthusiasm for the movement while at the same time strategically holding back over-eager militia members desperate to fight Ukraine.<sup>25</sup> According to the International Crisis Group, Russian military officers, depending on the strategy chosen, sometimes mete out severe punishments for those separatist militia members who break the ceasefire.<sup>26</sup> Likewise, Ukraine has imposed a 45-minute waiting period before soldiers are permitted to return fire, during which they are required to inform both the OSCE and military headquarters, according at least to sources within Ukraine’s Parliament.

Ceasefire violations have been steadily increasing since January 2016. June 2016 saw 69 civilian

casualties, double the number from the previous month, and the largest number since the post-Minsk peak of the war in August 2015.<sup>27</sup> Over the winter 2015–2016, nearly all of the of the very few civilian casualties were caused by unexploded ordnance, such

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as landmines. However, the UN has reported that as a consequence of the dramatic increase in violence, more than half of the summer’s civilian casualties were directly the result of “mortar fire, cannons, howitzers, and tanks.”

The withdrawal of heavy weapons, required by Point 2 of Minsk II, has been somewhat completed by both sides, although what were occasional violations are becoming more regular. The OSCE report from 12 March 2016, for example, states that the monitoring mission observed a T-64 tank near government-controlled Berezhov, and 82mm mortars, which were camouflaged with tree branches, near DNR-Russian controlled Oleksandrivka.<sup>28</sup> They also saw a 152mm self-propelled howitzer near separatist-held Ternove, within the heavy-weapon “withdrawal zone.” In general, however, both sides have largely withdrawn their heavy weapons to official OSCE-designated holding sites, which the Special Monitoring Mission (SMM) regularly inspects.<sup>29</sup>

25 The social media pages of those involved in the conflict continue to report increasing numbers of desertions from combined Russian-separatist forces and local militias. Many of the volunteers who have come from Russia are disappointed with the degree of inactivity.

26 “Russia and the Separatists in Eastern Ukraine,” Briefing No. 79. International Crisis Group, 5 February 2016.

27 “Humanitarian Bulletin: Ukraine. Issue 11.” United Nations Office for the Coordination of Humanitarian Affairs. 30 June 2016.

28 “Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, based on information received as of 19:30hrs,” 5 February 2016. The reports of the OSCE SMM in Ukraine are found at [www.osce.org/ukraine-smm](http://www.osce.org/ukraine-smm).

29 See, for example, Daniel B. Baer, “Response to the OSCE Chief Monitor and the OSCE Special Rep in Ukraine — Statement to the Permanent Council,” 28 April 2016.

## Political Requirements of Minsk II

While both sides want to appear compliant with the ceasefire and heavy weapons provisions, this is not the case with the political provisions. Ukraine and the Russian-led separatists do not agree on the points regarding the political status of the separatist-held regions, blanket amnesty for the separatists, local elections on occupied territory, and the restoration of Ukraine's control over its border with Russia.

Regarding amnesty, Point 5 of Minsk II requires Ukraine to enact “a law that forbids persecution and punishment of persons in relation to the events” that took place in the separatist-held regions. This is highly controversial in Ukraine; nonetheless, Parliament passed and President Poroshenko subsequently signed Law 1680-VII right after the first Minsk agreement was signed, granting amnesty so broadly that it more than satisfies Point 5 of Minsk II.<sup>30</sup> Article 3 of that law says that anyone who “participated in the events” in the LDNR will not only be free from criminal investigation, but will enjoy the state's guarantee that no government institutions or their representatives can discriminate against them based on their participation in the war. After Minsk II was concluded, President Poroshenko signed Ukraine passed Law 256-VIII, which says that 1680-VII goes into effect *only after* OSCE-certified free and fair elections are held in separatist territory. Note that making amnesty conditional on fair elections does not technically violate any provisions of either Minsk agreement. The Russian-separatist representatives at the Trilateral Contact Group have made it clear that they will not return hostages until they are guaranteed amnesty, not finding the amnesty terms of 1680-VII and 256-VIII sufficient. Note that it is important for Ukraine to not amnesty those guilty of international or war crimes. The most effective way to try these crimes would be through an international tribunal rather than Ukrainian courts.

Three of the remaining political points generate the bulk of the controversy surrounding the Minsk II agreement. Point 9 says that control of the border between Russia and Ukraine should be restored to

Ukrainian control *if* Ukraine successfully implements Point 11. Point 11 requires Ukraine to (1) enact constitutional amendments permanently decentralizing power and (2) to pass laws permanently granting special status to the territory under occupation, which would entail local self-government, the right to form “people's militias,” and more. The specifications for “special status” are included in the text of Minsk II. And then there's Point 10, which mandates the “pullout of all foreign armed formations” and the “disarmament of all illegal groups.”

Public opinion in Ukraine makes it impossible to discuss a special status for the breakaway territories until free and fair local elections are held there, and the OSCE will not certify that elections were “free and fair” unless illegal armed groups and foreign armies withdraw. However, Minsk II says that border control does not need to be restored to Ukraine until *after* it decentralizes, while also requiring that local elections be held in accordance with Ukrainian law.

Minsk II requires that any Donbas elections be held “in accordance with Ukrainian law.”

These interpretations are the source of the deadlock. Passing a law governing possible future elections that prop up what Kyiv calls “terrorist regimes” would be difficult for Ukraine's elite to sell to the people, regardless of any merits this plan might have. The general fear on Ukraine's side is that if Kyiv approves of the elections in separatist-held territory, the elections would grant the separatist leaders — who would likely win any election held at their guns' points — some degree of legitimacy. Public opposition to granting even the slightest concessions to the separatists, much less elections that could possibly lead to “special status,” is driven by populists like Oleh Lyashko and his Radical Party, as well as Yulia Tymoshenko and the her Fatherland Party, both of whom stand to gain many seats in Parliament if snap elections were held today.

<sup>30</sup> The text of this law may be read at zakon.rada.gov.ua/go/1680-18.

The issue is further complicated by the fact that Minsk II requires that elections be held “in accordance with Ukrainian law.” Ukrainian election rules are well-established, the consensus is that the language in Minsk II means that the elections should be held in accordance with Ukraine’s law 256-VIII,<sup>31</sup> which requires (among many other things) that there be no restrictions on who is allowed to run for office, that pro-Ukrainian parties be admitted to the election, and that the 1.5 million internally displaced persons be allowed to vote. Naturally, the LDNR oppose this, since the enfranchisement of internally displaced persons will significantly hurt them in the polls. In reality, it is likely that both Ukraine and the Russian-backed separatists will need to compromise regarding elections.

## National Decentralization

The second main reason why Minsk II is seen as controversial is that it requires Ukraine to enact constitutional amendments that devolve some powers to local and regional governments. Like many post-Soviet countries, Ukraine kept in place the highly centralized Soviet system of government and never adopted any meaningful degree of local self-rule. The Ukrainian people and elites have both historically recognized the need to decentralize, but since the Donbas War began, “decentralization” is mistakenly seen as a codeword for granting special status to the breakaway regions.<sup>32</sup> To be sure, the two are distinct, and Minsk II makes that clear: permanent legislation on special status is actually the second requirement of Point 11, the first being nation-wide decentralization via constitutional amendments.

The decentralization amendments proposed by President Poroshenko in July 2015 are highly controversial both inside and outside Ukraine.<sup>33</sup> The bill passed its first reading in August 2015 with 265 votes but lacks the 300 to pass the second reading and proceed to enactment as a constitutional amendment. Popular opposition to decentralization

is so great that during the first reading of the proposed constitutional amendments, massive protests erupted outside Parliament, and exploding grenades thrown by far-right radicals killed a few Ukrainian soldiers.

The proposed amendments divide local self-government into three levels, “community” (*hromada*), “district” (*raion*), and “province” (*oblast*).<sup>34</sup> The community level would regulate schools, utilities, and public safety, while the district level would be charged with running specialized schools, hospitals, and the like. The provincial government would be in charge of infrastructure, specialized hospitals, and the protection of natural resources. This commonsense division of responsibilities is sorely needed in Ukraine.

Nonetheless, it is unlikely that 300 members of parliament would vote for the bill in its present form. Apart from the unpopularity of the idea, broad loopholes in the draft amendments allow for abuse of power by the President through “prefects” he or she appoints to

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“oversee” the work of the community, district, and regional councils.<sup>35</sup> The President would have the power to unilaterally suspend the authority of the elected local bodies and appoint his or her own officials to take over. In the current version of the bill, this power is not limited — that is, nothing in the text of the bill requires the President to first get approval from Parliament or from the Cabinet of Ministers, and nothing in the text allows for Parliament or the Cabinet of Ministers to limit the President’s suspension powers in any way. In fact, the

31 The text of this law may be found at [zakon.rada.gov.ua/go/256-19](http://zakon.rada.gov.ua/go/256-19).

32 Paul Niland, “Making Sense of Minsk: Decentralization, Special Status, and Federalism.” *The Atlantic Council*, 27 January 2016.

33 Bill to Amend the Constitution by Decentralizing Power, No. 974-VIII (2016), Accessible at [w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=55812](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55812).

34 Kirill Mikhailov, “Ukraine’s decentralization and Donbas ‘special status’: what you need to know,” *Maidan PR*, 1 September 2015.

35 See, for example, Oksana Syroyid, “Opinion on the Draft Law Amending the Constitution of Ukraine,” *VoxUkraine*, 24 August 2015. See also Bill to Amend the Constitution by Decentralizing Power, No. 974-VIII.

only influence the Cabinet or Parliament might have over the “prefects” would be through impeaching the President. In addition, the right to local self-government that the proposed amendments purport to grant is not given any protection in courts: the bill gives local authorities no legal remedy, should the President choose to suspend them. Some commentators argue that President Poroshenko’s proposed decentralization amendments would *prevent* local communities from being less dependent on Kyiv. The fact that “prefects” are appointed by the President, with no accountability to Parliament or the Cabinet of Ministers, casts doubt on whether the amendments are meant to decentralize power at all.

That said, Ukraine has been able to take some important steps toward de facto decentralization. Fiscal decentralization has allowed local authorities to retain some tax revenue and have more control over regional and municipal budgeting.<sup>36</sup> Local authorities have also been given greater power over infrastructure, leading to 2.5-fold increase in the amount of roads that were paved. To a certain degree, the national government has given local governments more control over healthcare and education, leading to greater budget efficiency and more direct accountability.<sup>37</sup>

## Moving Forward

Perhaps the only middle ground that’s consistent with both Minsk II and the political realities in Ukraine is the following: Elections could be held in separatist territory without Ukraine’s control of the border but in such a way that Ukraine is satisfied that the elections were free and fair, ideally through the certification of an OSCE monitoring mission and in the absence of illegal and foreign armed groups. Ukraine might then enact constitutional amendments decentralizing power and, if it is still necessary, pass laws granting the Donbas permanent special status, in order for Ukraine to be given full control of the border with Russia.<sup>38</sup>

This plan would be very unpopular in Ukraine, in Russia, and in the occupied territories. If forced on Ukraine

prematurely, it might lead to the downfall of Ukraine’s government or to snap parliamentary elections that would put populists in charge of the country.

For these reasons, the international community should push for the separation of the political process from the security process. Indeed, the intertwining of the two processes is the source of the deadlock: Ukraine will not hold elections and make political concessions until they control the territory, and Russia and the LDNR will not hand over the border until they have “special status” and hold elections.<sup>39</sup>

The strategy used by Georgia in 2008–2010 is illustrative of how separating the political and security processes might look.<sup>40</sup> The political status of the occupied territory should be relegated to negotiations among Normandy Format foreign ministries, while other ministries negotiate a sustainable ceasefire and work to alleviate the humanitarian crisis.

## RECOMMENDATIONS

1. **The U.S. should continue to highlight the severity of the Donbas War**, especially the fact that the Donbas War has displaced 1.8 million people from their homes and killed at least 10,000. Continue to highlight the plight of the Crimean Tatars, Crimea’s indigenous Sunni Muslim population, who have been the target of systematic repression by the Russian de facto authorities.
2. **To break the deadlock in the Donbas War’s peace process, the U.S. should push for progress to be made in parallel on the security, political, and humanitarian directions.** Ukraine insists that Russia and the separatists must adhere to a sustained ceasefire before Kyiv makes any political concessions, such as amnesty for separatists and special local elections. Russian President Vladimir Putin, on the other hand,

36 Ivan Lukerya and Olena Halushka, “Ten Ways Decentralization is Changing Ukraine,” *Kyiv Post*, 7 December 2016.

37 *Ibid.*

38 Recall that Point 9 of Minsk II is contingent on the fulfillment of Point 11.

39 “Joint press conference with Prime Minister of Greece Alexis Tsipras,” press release, President of Russia, 27 May 2016. For more, please see [en.kremlin.ru/events/president/news/52024](http://en.kremlin.ru/events/president/news/52024).

40 The full text of the action plan can be found at [civil.ge/files/files/AP-en.pdf](http://civil.ge/files/files/AP-en.pdf). Also see, for example, “Tbilisi’s Action Plan for Engagement,” 7 July 2010, and “Tbilisi Unveils Draft of its S.Ossetia, Abkhaz Strategy,” 25 December 2009, both available at [www.civil.ge](http://www.civil.ge).



said that without political concessions from Ukraine, there cannot and will not be peace. The U.S. should therefore push for these processes to be parallel and not sequential, in addition to becoming more deeply engaged in the entire peace process.

3. **The U.S. must continue to demand Russia's full compliance with Minsk II, and should prioritize Russia's compliance with the security points of the agreement as a condition of sanctions relief. The U.S. should also encourage Ukraine to specify that amnesty for separatists, granted in September 2014, does not apply to international or war crimes.** The Minsk 2 agreement includes mechanisms that the government of Ukraine can use to strengthen the sovereignty and territorial integrity of the country. While Ukraine has fulfilled nearly half its Minsk II obligations, additional progress increases the likelihood the EU will remain united behind the current sanctions regime. The U.S. should help Ukraine understand that abandoning the Minsk process would likely alienate key Western allies. Ukraine should take the initiative by implementing such points as national decentralization and passing a law that would govern possible future local elections in liberated territories.
4. **The U.S. should increase levels of non-lethal military aid to Ukraine; defensive lethal weapons should be provided to Ukraine only if Russia escalates the conflict.** Note that while it is unclear whether it is in the interests of either Ukraine or the United States for the latter to actually provide lethal defensive weapons to Ukraine, it is in both parties' interest that Russia continues to believe there is a real chance the U.S. would do so.
5. **The U.S. should provide financial aid and expertise to help Ukrainian and international organizations more effectively investigate human rights violations in the occupied territories.** Urge the de facto authorities in Crimea and Donbas to comply with international human rights laws and standards.
6. **Understand that from the point of view of the Ukrainians who joined the Russian-led separatists, the war was induced by economic**

**difficulties — it is not an identity-based conflict.** Data demonstrate that the conflict does not fall along ethnic or linguistic lines; rather, economic vulnerability is a better predictor of incidents and intensity of violence. This suggests, in turn, that any resolution to the crisis will need to include significant socioeconomic components and not just political concessions.

7. **The U.S. should help Ukraine provide radio and TV broadcasting to Crimea and the Donbas.**
8. The U.S. should provide seed funding to encourage Ukraine to **develop and implement a coordinated plan to promote and bring about the successful reintegration of displaced persons** and the return of their full political and economic rights. Part of this is encouraging donors to invest in housing, infrastructure repair and job training in secure parts of Ukraine to create jobs and housing opportunities for displaced families.

*The views above are those of the majority of the production team.*

## FURTHER READING

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