



## A People-Oriented Peace Formula for the Donbass

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To cite this article: Emmanuel Dreyfus & Jean-Baptiste Jeangène Vilmer (2019) A People-Oriented Peace Formula for the Donbass, *The Washington Quarterly*, 42:2, 115-132, DOI: [10.1080/0163660X.2019.1626689](https://doi.org/10.1080/0163660X.2019.1626689)

To link to this article: <https://doi.org/10.1080/0163660X.2019.1626689>



Published online: 28 Jun 2019.



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# A People-Oriented Peace Formula for the Donbass

Ukraine's recent presidential election was, in many ways, exceptional. The first-round poll had never been so undecided. On April 21, 2019, a young newcomer, Volodymyr Zelensky, won a large victory (73.2 percent) over Petro Poroshenko, the incumbent President and a long-standing figure in Ukrainian politics. Democracy itself has been victorious: the election confirmed the steady democratization process ongoing in Ukraine. Taking place in a volatile context marked by a persisting conflict in the Donbass, a region in eastern Ukraine bordering Russia, and a further deterioration in the relationship between Moscow and Kiev, both in the religious sphere (with the Ukrainian orthodox Church splitting from its Russian counterpart last October) as well as military (with the seizure of Ukrainian vessels by the Russian navy in the Kerch strait last November), the election was competitive, well organized and in line with most of the Organization for Security and Cooperation in Europe (OSCE) standards.<sup>1</sup> In addition to the electoral process *per se*, the very fact that Poroshenko immediately accepted his defeat and congratulated his competitor for his victory is a good indicator of Ukrainian democratic consolidation.

However, the main presidential candidates' programs lacked concrete proposals for conflict resolution in the Donbass. While stopping the war was one of his top

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*The Washington Quarterly* • 42:2 pp. 115–132  
<https://doi.org/10.1080/0163660X.2019.1626689>

campaign promises, Zelensky did not propose any detailed strategy for how to do so. The recent proposition made by Andrey Bogdan, the newly-appointed head of the Ukrainian Presidential administration, to hold a referendum on the issue of the Donbass conflict resolution confirms the new impetus to make progress, although concrete solutions to implementing sustainable peace are missing. Among the numerous challenges the new authorities in Kiev will have to address, working toward an inclusive, people-oriented and sustainable solution to the conflict in the Donbass seems to be crucial. While the resolution of this conflict depends first and foremost on Moscow—its main initiator—Kiev has at its disposal a broad range of means that could pave the way to resolution of the conflict. In that regard, the European Union countries, the United States and Canada must keep their firm support behind Ukraine, as it has since the very beginning of the crisis. Now in its fifth year, the conflict in the Donbass should not remain the new “normal” as it has been for too long now.

Since start of the conflict in April 2014, some 13,000 people have been killed, among them 3,300 civilians, and 1.6 million people displaced. According to the last UN report on human rights in Ukraine, more than 1.3 million people

**Access to food, water and health-care has become a daily humanitarian issue for millions.**

living close to the contact line are at risk of water and heating stoppages, while access to food, water, and healthcare has become a daily humanitarian issue for millions of Donbass residents (home to 15 percent of the Ukrainian population before the war).<sup>2</sup> For the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “The ongoing conflict in eastern Ukraine is one of the deadliest in Europe since the Second World War.”<sup>3</sup> Even though a sharp decrease in civilian casualties

has been observed since 2018, violations to the ceasefire (formally agreed more than four years ago) continue to occur on a daily basis. Neither frozen nor protracted, the situation in eastern Ukraine is a low-intensity conflict that has not seen a paradigmatic shift for several years.

To date, there has not been any serious progress toward the conflict’s resolution and without a strong impetus coming from Kiev, Moscow and the West more broadly, the situation may remain unchanged for years to come. Both sides of the conflict and international actors involved in its resolution should seize the opportunity offered by the Ukrainian election to act collectively toward a more committed implementation of the Minsk Agreements. The daily bloodshed occurring along the frontline has to be stopped, the humanitarian crisis in eastern Ukraine has to be solved, and last but not least, the anchoring of a conflict dividing Ukraine at the EU’s borders has to be tackled.

To that end, this article explains the stalemate of the current situation by noting that until now, the status quo has been the best option for both parties to the conflict. It then warns that the status quo is harmful not only for Ukraine but also for the West, and insists that now is the time to make a change. Finally, the article outlines a six-point proposal toward a people-oriented approach to alleviating the conflict.

## The Current Stalemate

From a security standpoint, the conflict has not seen dramatic evolutions since the last major combat between Ukrainian army and separatist fighters that occurred during the battle of Debaltseve in January-February 2015. This battle led to the adoption of the Minsk II Agreement, which had the immediate goal to stop the heavy fighting and to prevent further victims among Ukrainian armed forces. The majority of the 13,000 total victims died before the Minsk II Agreement. Since then, the conflict has had three main characteristics.

First, its intensity is constant: while no major offensives have been carried out by either side, continued exchanges of fire occur on a daily basis. These exchanges, generally located in hot spots along the front line, account for the majority of ceasefire violations. Since 2017, the number of violations has been constant, at 800 per day on average. The OSCE Special Monitoring Mission (SMM) recorded 7,000 violations per week between May 6 and 19, 2019.<sup>4</sup> Apart from these daily violations, several major provisions related to the security aspects of the Minsk Agreements—such as the withdrawal of heavy weaponry from the frontline area—are not being fully implemented.

Second, lethal threat remains in spite of declining violence: the number of victims has decreased, with 221 killed and 699 wounded in 2018, as opposed to 383 killed and 1,440 wounded in 2017. However, in addition to the continuing artillery fires and shelling, unexploded devices and mines concealed in vast areas continue to pose a permanent threat to almost 2 million people.<sup>5</sup> In 2018, there have been 225 civilian casualties (43 deaths and 182 injuries), including 39 children.<sup>6</sup> More than 40 percent of them have been caused by unexploded devices and landmines.

Third, the humanitarian situation has worsened. Although substantial improvements have been made, residents from rebel-controlled territories seeking pensions (€40-80 a month) and social benefits still have to wait for hours to cross the frontline and reach government-controlled areas. This is partially because there are just 5 official crossing points along the frontline for about 1.1 million people crossing each month. Since December 2018, around 20 elderly people died from heart-related complications while they were waiting

to cross the contact line.<sup>7</sup> In the entire Donbass region, more than 4 million people are in need of humanitarian assistance.<sup>8</sup> The war has also had the consequence of escalating the spread of HIV in the country, which already had the highest prevalence in Europe; the eastern Ukrainian cities of Donetsk and Luhansk now have the biggest HIV epidemic in Ukraine.<sup>9</sup> While many hospitals and medical facilities have been destroyed (one third in the Donbass region),<sup>10</sup> prevention and access to certain treatments, particularly to anti-HIV and anti-tuberculosis medicines, has dropped.

On the diplomatic level, the three discussion formats are at a standstill. The Normandy Four (N4: Ukraine, Russia, Germany, France) lack a political impetus since the last heads of states and government summit held in October 2016 in Berlin. There are regular meetings at the level of ministers of Foreign Affairs, of diplomatic advisers and of political directors, which occasionally bring positive achievements, but overall no progress has been made on the issue of political transition. The Trilateral Contact Group (TCG, with representatives

**The status quo is ultimately dangerous for Ukraine and the West.**

from Ukraine, Russia and the OSCE) meets every two weeks in Minsk, without results. And the “Volker-Surkov” channel (between U.S. Special Representative for Ukraine Negotiations Kurt Volker and his Russian counterpart Vladislav Surkov) has also not been productive.

Are these talks worth continuing? Optimistically, one could say that they have the advantage of keeping Russia busy and maintaining investment in the Minsk process. Though not bringing the expected results as of yet, these discussions could theoretically bring about positive outcomes. On the other hand, these discussions could be seen as a way to maintain and justify inaction on both sides. Moreover, the status quo is ultimately dangerous for Ukraine and the West.

### **Silent Deterioration of the Status Quo**

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A primary driver of the continued stalemate is that maintaining the status quo of the low-intensity conflict has been the preferred option for both sides for a number of reasons. For Kiev, behind the principled consensus on territorial integrity, the conflict helps consolidate unity and a Ukrainian identity in the rest of the country, boosts patriotism, keeps Ukraine on the international agenda (which attracts attention and assistance from Western countries), justifies the sanctions against Russia and, occasionally, explains the slowness or failure of some reforms. Many Ukrainians feel reluctant about reintegration of the Donbass,

which would be both politically and economically costly. As the bastion of pro-Russia former President Viktor Yanukovich's party, the Donbass is sometimes perceived as an obstacle on the road toward "Ukrainization," and its population (and IDPs) as potential traitors.

In the long term, reintegration would indeed affect the political balance in the country by injecting around 25 pro-Russian MPs in the Rada, Ukraine's Parliament, and thus weakening rapprochement with the EU and NATO, a core objective of Ukrainian authorities since 2014. Keep in mind, one of Moscow's initial plans was to transform Ukraine into a federation in which the Donbass would be used as a Trojan horse to promote Russian interests and block any substantial rapprochement between Kiev and the West. The Donbass reconstruction would also come at a huge cost to the Ukrainian budget. For all these reasons, and despite the requisite reintegration rhetoric—above all to be consistent with the case of Crimea, even though both are very different—Kiev did exactly the opposite in recent years. It progressively sealed the line of contact with an economic blockade since March 2017, put more constraints on the crossing points, and refused to fight the battle for hearts and minds of the Donbass population, who largely felt economically, politically, and socially abandoned by Kiev.

Moscow also had many reasons to maintain the status quo. First, Putin has domestic reasons not to renounce the conflict with Ukraine, which pleases his most radical supporters and certain circles of the ruling elites, in particular the "siloviki"—a Russian word referring to members or former members of security services holding political power—that are interested in prolonging the current situation. Second, the conflict obstructs Kiev's pivot to the West: Ukraine will not join NATO as long as it has an armed conflict on its territory that would mean, for NATO, an Article 5 contingency against Russia. Third, the Minsk Agreements are perceived to be to their advantage. Indeed, when the agreement was concluded, Russia was conducting a major offensive around Debaltseve, where Ukrainian forces suffered heavy losses and were about to suffer a significant military defeat. Therefore, Ukraine's negotiating position was very weak, while Russia's objective was to transform its military success into a diplomatic one—which it did. Fourth, Moscow quickly realized that, with Poroshenko as president, Ukraine would not make any substantial move toward implementation of the Minsk Agreement and maintain a no-concession policy.

In its broader relationship with Moscow, Kiev had taken numerous measures to reduce Russian influence in Ukraine as much as possible, including: economic sanction, suspension of direct air transport between the two countries, bans on numerous Russian media and social networks, and the split of the Ukrainian orthodox church from the Russian one last October. During the electoral campaign, Poroshenko stuck to this hardline approach, while his main rival,

Volodymyr Zelensky, defended a more open-minded position regarding the Donbass. Depending on whether this shift in Ukrainian politics will be confirmed during the next Parliamentary elections next July, Moscow could move to a more

**There is now a regrettable probability that the Donbass will become a forgotten issue.**

committed approach toward its ultimate goal—the reintegration of the Donbass to Ukraine.

While perpetuation of low-intensity conflict has become the new routine in eastern Ukraine, there is now a regrettable probability that the Donbass will share the same fate as the conflicts that broke out in the former Soviet region at the beginning of the 1990s—becoming a forgotten or secondary issue. This probability is especially high when considering the continuous decrease in casualties—a positive trend *per se*, but one that could result in

further sidelining of the conflict. Such a perspective would threaten both Ukrainian and Western interests. Forgetting the Donbass would prove dangerous for three main reasons.

First, one consequence of the status quo has been the progressive normalization of the governance of the self-proclaimed Donetsk and Luhansk People's Republics (DPR and LPR), two unrecognized proto-states in the Donbass. Shortly after their creation in 2014, when they were initially headed by local warlords backed by the Russian military, Moscow chose a second generation of Ukrainian civilian leaders, Alexander Zakharchenko in DPR (2014-2018) and Igor Plotnitsky in LPR (2014-2017), which had the double advantage of presenting a lighter Russian footprint and making the war seem purely internal. However, Russia's objective to set up a direct dialogue between Kiev and the separatist republics failed. Following a coup against Plotnitsky in November 2017 and the assassination of Zakharchenko in August 2018, they were replaced by others (Leonid Pasechnik in LPR and Denis Pushilin, a protégé of Surkov, in DPR): less charismatic, more consensual and more loyal to Moscow, they mainstreamed these self-proclaimed republics.

The organization last November of a mock parliamentary and presidential election in those territories—a provocation contrary to both the letter and the spirit of the Minsk Agreements (which indeed call for local elections, but only with Ukrainian consent and monitoring by the OSCE)—gave the new leaders an appearance of democratic legitimacy. In parallel, DPR and (to a lesser extent) LPR developed most of the attributes of quasi-states: diplomacy, a parliament, military, police and security forces, and an economy mostly based on Russian financial support, coal smuggling and various traffics (cigarettes, alcohol, etc.). According to the International Institute for Strategic Studies, the armed forces of the Donetsk and

Luhansk People's Republics represent a total amount of 35,000 fighters, trained and supervised by about 3,000 Russian servicemen.<sup>11</sup>

They could not survive without Moscow, however, and the March 2017 blockade put in place by Kiev actually had the pernicious effect of strengthening the links between Russia and the separatist "republics" even more. They receive free gas and electricity, food, medicine, weapons and munitions; they use the Russian ruble. Contrary to Kiev, Moscow also knows how to fight the battle for hearts and minds. New media appeared in occupied territories: TV channels (Novorossiia TV, First Republican channel, Oplot TV, etc.), newspapers (*Novorossiia*, *Donetskoe vremya*, *Donetsk republic*, *Golos respubliki*, etc.), not to mention websites and the use of digital platforms.

Viewed from Moscow, this has at least two benefits: it makes it more difficult for Kiev to refuse a direct dialogue with the separatists that is indeed ineluctable, while rendering the political transition required by Minsk even less likely. And all that without having to recognize their independence (which would be an additional violation of Minsk), but potentially keeping that card for later. Just in case, Moscow facilitates issuance of Russian passports to Ukrainian citizens in occupied territories, and a decree easing the procedures for Donbass residents to get Russian citizenship was signed by Vladimir Putin right after Zelensky's April election.<sup>12</sup> What is at stake here if the status quo lasts is the threat of a "transnistrianization" or "abkhazianization" of the Donbass—that is to say, a similar fate to Transnistria (in Moldova) or Abkhazia (Georgia), two breakaway regions which both are politically, economically and military supported by Moscow. As for Abkhazia, Moscow even recognized its independence in 2008.

Second, from a homeland security perspective, prolonging the conflict in the Donbass would further facilitate the activities of organized crime that have blossomed since 2014, from cigarette smuggling to drugs, weapons and human trafficking. These criminal activities not only harm Ukrainian interests but also those of the EU. According to the Small Arms Survey, in 2017, about 3 to 5 million weapons were illegally detained in Ukraine, and the illegal arms market has grown significantly over the past few years. From 2005 onward, Brussels, through its EU Border Assistance Mission to Moldova and Ukraine (EUBAM), has already invested a lot of resources to help Chisinau and Kiev curb criminal activities flourishing around Transnistria. Should the conflict in the Donbass not be quickly resolved, it may have to invest much more in order to curb similar activities in eastern Ukraine.

Third, from an international security perspective, the continuation of an armed conflict in eastern Ukraine and its likely freezing would further threaten the security of a region already entrenched in a "strategic vacuum," being neither part of the EU nor NATO nor the Russia-led security bloc, the Collective Security Treaty Organization, and more generally the European security umbrella. The freezing

of this conflict would free Russia to increase tensions elsewhere. In that respect, this conflict should be considered in the context of how the balance of power in the wider Black Sea region has been strongly affected by Crimea's annexation.<sup>13</sup>

Now considered a military stronghold, Crimea has been militarized since March 2014 with the double objective to deter anyone willing to question this territorial gain and more generally to strengthen Russia's presence in the Black Sea region. Moscow first created an A2/AD bubble around Crimea by deploying its most sophisticated anti-aircraft missile systems (S-400) in every direction (Dzankhoi, Yevpatoria, Feodosia, Sevastopol), and anti-ship missile systems (Bastion, Bal). It also modernized its Black Sea fleet with three *Admiral Grigorovich* class frigates armed with *Kalibr* cruise missiles. The Belbek military base also received modernized fighter jets (Su-30M2 and Su-27SM). Following its 2015 maritime doctrine, Russia significantly strengthened its naval presence in the Black Sea, and in particular the Azov Sea, with a blockade of the Kerch straits and the use of the Black Sea as a logistics hub for military operations in Syria and the eastern Mediterranean. The Kerch Strait incident on November 25, 2018—in which three Ukrainian ships and 24 crew were captured (and are still detained, despite the May 25 International Tribunal for the Law of the Sea ruling that Russia must “immediately” release them)—illustrates how volatile the situation has become in the region, and how Russia is determined to demonstrate by every means, including military, its growing control on the whole Black Sea region.

Finally, forgetting the Donbass will also seriously affect Western credibility. The Minsk Agreements, which provide the underlying framework for negotiations, have been drafted and endorsed by Paris and Berlin. Delaying the conflict settlement and transforming the Minsk Agreements into a kind of never-ending negotiation process, similar to the Nagorno-Karabagh Minsk Group, would constitute a historical failure for Western diplomacy. Moreover, the perpetuation of an armed conflict in eastern Ukraine would also be at odds with the longstanding EU policy aimed at creating a stable and developed neighborhood at the EU border.

### **Now Is the Right Time for a Change**

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From the previous pages, it is clear that as long as both Russia and Ukraine have an advantage in maintaining the status quo, nothing will change. Therefore, what needs to be changed is the cost/benefit calculus. Convinced that the status quo was their best option until now, both parties are also well aware—and should be reminded—of the benefits that peace would bring: for Kiev, stability and attractiveness for foreign investments; for Moscow, money savings (the Donbass costs Moscow up to \$3 billion a year) and the lifting of some sanctions. Obviously, it all depends what “peace” means, the devil being in the details.

The 2019-20 Ukrainian electoral sequence—with the recent presidential election, the next parliamentary election in July 2019 and the local elections in October 2020 (with the possibility that they will also take place in Donetsk and Luhansk)—offers a unique opportunity to change the dynamic. Putin, who had a notoriously bad relationship with Porochenko, could show more openness toward Zelensky, who appeared more open to resuming the dialogue with Moscow than his main competitor (while simultaneously unambiguously denouncing the Kremlin’s foreign policy). However, he is not alone and his room to maneuver will be largely defined by the result of the next parliamentary elections in the summer, which will likely be tight. It may be difficult for the new president to build a strong governmental coalition.

**The 2019-20 Ukrainian electoral sequence offers a unique opportunity.**

Moscow has no exit strategy, but it has at least three reasons to look for one. First, at the bilateral level, Moscow’s ultimate goal is the reintegration of the Donbass in Ukraine, seen as one of the last remaining ways to prevent Kiev from further distancing itself from Russia. Home to approximately 3 to 3.5 million people that are essentially faithful to Russian interests, Donbass’s rebel-controlled areas are more useful to Russia inside Ukraine than in the current “neither in nor out” no man’s land. The reintegration of the Donbass would rebalance the Ukrainian political landscape after it had been strongly modified by Crimea’s annexation and the war in the Donbass, which de facto deprived around 15 percent of Ukrainian voters from taking part in the electoral process.<sup>14</sup> Seen from Moscow, a full and inclusive reintegration of the Donbass—a long, costly and energy-consuming process—would also contribute to preventing Ukrainian authorities from implementing reforms, to mitigating the current Western orientation, and to slowing down the construction of a national identity focused on the Ukrainian language, history and culture.

Second, at the international level, Moscow underestimated the cost of the annexation of Crimea and the destabilization of the Donbass in terms of sanctions and diplomatic isolation. The lifting of European sanctions linked to the Donbass could be considered, once significant progress on the Minsk process is made (other sanctions being linked to the annexation of Crimea), and Moscow could also use the reintegration of the Donbass to portray itself as a peace broker, following what it considers to be its successes in Syria. However, Europeans need to understand that their “carrot” approach on the reversibility of the sanctions is not very convincing in Moscow as long as the American “stick” remains. Without good EU-U.S. coordination on sanctions, Moscow will have no incentive to make efforts.

Third, on a domestic level, the full reintegration of the Donbass could also let Moscow rid itself of the financial burden imposed by the Donetsk and the Luhansk

self-proclaimed Republics. Supporting these two separatist entities costs Russia, with estimates varying between \$1 billion<sup>15</sup> and \$3 billion<sup>16</sup> per year, to which one could add another \$3 billion of military expenditures to make the total cost of the war in the Donbass at up to \$6 billion annually, while the Russian Federal budget continues to subsidize Crimea. Moscow knows it cannot finance the reconstruction of the Donbass alone; as in Syria, it will likely attempt to make the EU pay for it.

## **A Six-Point, People-Oriented Approach**

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In other words, existing conditions could allow a new dynamic to emerge. What is at stake is the future of Ukraine, Europe, and more broadly the West's relationship with Russia. We need to be clear about this opportunity offered by the unique 2019-2020 electoral sequence: it may very well be the last chance for conflict resolution, before the Donbass becomes one of those many post-Soviet frozen conflicts. So, what should be done? Here are six suggestions.

### **Start a New Diplomatic Sequence**

For a change to happen, Ukrainian-Russian bilateral factors will not be enough. An exogenous pressure is needed: the international community, France and Germany especially, should come in and play their part. The first step is to take the initiative of a new N4 summit of heads of states and government, something that did not happen in the last two and a half years. It could take place in Paris as soon as possible, although probably not before the summer to leave some time for the newly-elected president to set up and familiarize himself with the issue. The aim of such a summit is to give a much-needed political impetus to the negotiation process.

### **Push Kiev and Moscow to Negotiate**

A popular pipe dream is that there is an alternative to the Minsk Agreements that can be agreed upon to solve the entire issue. Let us be clear: there is no credible alternative, and there is no silver bullet. Therefore, avoiding time-consuming discussions related to a new framework of negotiations (which emerged during the Ukrainian presidential election campaign) is the second general guideline to keep in mind. Minsk has to remain the framework agreement it has been for four years, which has proved effective in preventing bloodshed since February 2015 and in bringing several results such as the agreements on the partial withdrawal of heavy weaponry as well as troops around the frontline and on the exchange of prisoners.

Thus, seeking a new negotiation format sounds more like a diversionary tactic. It isn't the Minsk Agreement that prevents the conflict from being resolved, but the lack of goodwill from both sides. Rather than searching for a magic formula that could bring a resolution to the conflict from out of the blue, the focus should be placed on pushing the conflicting sides to negotiations, compromises and political daringness. This will not be an easy task, especially when considering Russia's coercive policy against Ukraine, which came to a head last November in the Azov Sea when the Russian navy attacked several Ukrainian vessels. But this is the only way to prevent the Donbass from becoming at best a new Transnistria, and at worst a new Nagorno-Karabagh, another post-Soviet unresolved conflict opposing Armenia and Azerbaijan and characterized by continued and deadly violations to its 1994 ceasefire. In order to prevent the current situation from becoming the paradigm for decades to come, the West should continue to push Moscow and Kiev toward further diplomacy and mutual compromise while exploring any opportunities that could allow them to move forward.

**Seeking a new negotiation format sounds more like a diversionary tactic.**

### **Explore the Potential of a UN Mission**

First introduced by Kiev in early 2015, the idea of a UN Mission gained new impetus after President Putin expressed his interest during the September 2017 BRICS summit in China. Since then, numerous consultations related to the potential deployment of a UN peacekeeping mission in eastern Ukraine have been held. Needless to say, Kiev and Moscow have different views on this issue. While Kiev put an emphasis on the deployment of a UN mission in the whole area of the conflict, particularly along the Russian-Ukrainian border, Moscow's proposal is much more limited in its scope and ambitions. The Kremlin sees a UN peacekeeping mission as a way to protect the OSCE observers and their main area of deployment on the frontline between separatist-held areas and the rest of Ukrainian territory, which serves as a de facto border of the contact line. Due to these diverging interpretations, the negotiations on a UN peacekeeping mission did not bring any significant developments. Overall, it seems to be used by both parties to create a diversion from the lack of progress in the Minsk framework.

The deployment of a UN mission could contribute to stimulating the negotiation process. However, it still seems premature as, by definition, a peacekeeping mission requires peace, and there is still no peace in the Donbass. Furthermore, there is no agreement on the practical modalities (nature, mission, composition,

localization, human and financial resources, etc.) of the deployment. The Russian proposal of deployment only on the line of contact is not acceptable. To be efficient, a peacekeeping mission would have to extend to the entire territory, including the international border. The challenge would henceforth be to bring the Russian position closer to the Ukrainian one.

But one should not expect too much from a UN mission. Recent telling examples from other former Soviet countries show that such missions are not always effective at either fostering conflict settlement or preventing the resumption of hostilities. The Georgian precedent is not comparable—the UNOMIG (UN Observer Mission in Georgia) deployed in 1993 in Abkhazia after the Russian proposal was a very limited mission of 136 “observers” and not “peacekeepers.” But it is worth remembering that, in 1994, Moscow deployed its own “peacekeepers,” approximately 1,500 men, whose neutrality was questionable, and who acted as guarantors of a *de facto* separation of Abkhazia from the rest of Georgia. A decade later, the UNOMIG did not deter nor prevent the 2008 Russian intervention, and after Moscow recognized Abkhazia’s independence, the UN mission had no other option but to leave.

In any case, this proposal should not divert from the implementation of the Minsk Agreements, which is and should remain the priority. A UN peacekeeping mission should be seen as a step in the endgame, in a transition phase from war to peace consolidation.

### **Maintain Unwavering yet Demanding Support of Kiev**

Western support to Kiev has been firm from the very beginning of the crisis and has to remain so until the conflict is settled. Supporting Ukrainian authorities also means helping them take measures that are politically costly, unpopular, and uneasy to implement, but crucial for a durable conflict settlement.

First, new Ukrainian authorities should relinquish, or at least distance themselves from, hardline positions based upon the faulty assertions that Moscow is solely responsible for cease-fire violations and that the crisis will only be settled with Moscow’s departure from the Donbass. As the conflict is in its sixth year, this “no-concession policy” proved at best to be counterproductive, and at worst amplified the conflict. The Donbass blockade—started in January 2017 by activists and legalized two months later by authorities under pressure from radical factions—is a corollary of this hardline policy, which will bring nothing more than further impediments to settling the conflict and long-term reconciliation.

Military pressure is important—the Ukrainian military has to remain credible in its capacity to respond—but it will not persuade armed factions to leave the Donbass or Moscow to relinquish control of the border to Ukraine. Should the new Ukrainian authorities stick to this hardline policy, Moscow will continue

to portray Kiev as the main obstacle to implementing the Minsk process. This could contribute to the already growing “Ukrainian fatigue” among several Western countries. Finally, by designating Moscow as the only actor responsible for the situation, this hardline position is neglecting the Donbass population itself, which should be at the core of any conflict-resolution strategy.

Moscow bears the responsibility for the initial stage of the crisis, and its influence is decisive, as demonstrated in Slaviansk and Kramatorsk where after the departure of both Russian and Russia-backed armed units in summer 2014, the reintegration of the area into Ukrainian society did not meet any serious opposition. However, after five years, the conflict has developed its own logic, and to consider Russia as a *deus ex machina* whose withdrawal could put a sudden end to the current stalemate is a simplistic assumption that will never pan out.

Here, the Georgian precedent could be useful. In 2010 and following, Georgia made a unilateral pledge to not use force to restore its territorial integrity (the president made a solemn pledge in front of the European Parliament and at the UN General Assembly). A policy of engagement with the remaining population of Abkhazia and South Ossetia, without recognizing their *de facto* authorities/Russian proxies, was launched. These policies included free healthcare and education for the inhabitants of the breakaway regions on the other side of the occupation line. They proved so successful that Moscow tried to hinder them by making it more and more difficult for locals crossing the checking points located along the administrative boundary between Abkhazia, South Ossetia and the rest of the Georgian territory.

**The Donbass population should be at the core of any resolution strategy.**

### **Be Both Firm and Open to Dialogue with Moscow**

In terms of relations with Moscow, the West should keep its united and sanctions-backed approach. Sanctions were implemented because Moscow violated international law and the territorial integrity of Ukraine, thus putting European security at stake. Accordingly, those sanctions linked to the Donbass will not be lifted before any substantial progress in the conflict is made, i.e. before Moscow has genuinely proved its goodwill. More broadly, keeping European unity and firmness is a priority, because some EU members are now openly calling for the removal of sanctions, despite the current Russian policy toward Ukraine.

In parallel with this approach, it is urgent to have a more inclusive, sustained dialogue with Moscow on Ukraine. This is both the only way to settle the Donbass crisis, as well as the only way to prevent such crises from happening again. Let us

recall here that prior to the beginning of the Maidan protest—which was initially sparked in November 2013 by the then-President of Ukraine Viktor Yanukovich’s refusal to sign the Deep and Comprehensive Free Trade Agreement (DCFTA) with Brussels—one of Moscow’s most important grievances toward the West was that Russia had not been included in any way in the negotiations on the DCFTA.

Let us not be misunderstood: Russia, as any other state, does not have any right to interfere in the foreign and strategic orientations of other independent states, including Ukraine. However, due to geographical, historical and cultural factors, Ukraine is no random country to Russia, just as Russia is no random country to Ukraine. Ignoring or neglecting this evidence leads nowhere. Any progress on the Donbass crisis settlement could thus only happen after Moscow considers its interests are being satisfied, or at the very least taken into consideration. For this reason, any serious breakthrough in the conflict settlement will have to be seen by Moscow as being inspired, or at least co-inspired, by Russia.

#### **Encourage a People-Oriented Approach**

The war in eastern Ukraine is not only about geopolitics and grand strategy; it is foremost about the millions of Ukrainian citizens whose daily lives have been severely impacted by the five years of conflict. While Kiev has no major options to pressure Moscow, it could do much more for the Donbass population by setting up a more resolutely inclusive policy.

As mentioned earlier, ideas could be found in Georgia’s engagement policy with the populations of Abkhazia/South Ossetia. The confidence-building measures that have been progressively implemented between Chisinau and the so-called Trans-

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nistrian authorities under the auspices of the OSCE and the EU could also offer interesting guidelines. While on the top political level, no dramatic changes have occurred since the conclusion of a ceasefire agreement between Chisinau and Tiraspol in 1992, numerous technical measures implemented, thanks to the mediation of Brussels and the OSCE, did ease the dialogue and the contacts between the two sides of the Dniester River in various domains, in particular the economy. As a result, the Transnistrian economy, as well as the rest of the Moldovan

economy, became primarily oriented toward the EU, while a sharp decrease in criminal activities has been observed.

Even if the Donbass is not Transnistria, everyone genuinely interested in conflict resolution should rather follow this example instead of sticking to a hardline

policy promoting isolation of the Donbass from the rest of Ukraine. Among the most immediate measures that could be envisaged, lifting the economic blockade appears critical. In addition to bringing immediate benefits to the local population, such a step would logically reduce the economic integration of the Donbass to Russia, and thus create better conditions for the full reintegration of the Donbass into Ukraine.

Apart from the economic sphere, the various confidence-building measures introduced between Chisinau and Tiraspol—such as the resumption of railway traffic or recognition by the Moldovan authorities of the diplomas issued by Transnistrian universities—brought positive contributions in the everyday contacts of the two sides of the Dniester. These measures, primarily benefiting the local population, could be seen as a template to be partially followed when looking for practical steps toward conflict resolution in the Donbass.

In the same spirit, Transnistria for the first time got the chance to be represented at the Moldovan Parliament following the February 2019 Moldovan parliamentary election. Enhancing the conditions for Ukrainian citizens living in the separatist-controlled areas of the Donbass to take part in all types of Ukrainian elections could also contribute to reducing their alienation from the rest of Ukraine, and therefore pave the way for an optimal Donbass reintegration to Ukraine.

With regard to the fate of the people who “collaborated” with the separatist “authorities,” as world-renowned researcher of the Donbass conflict, Serhiy Kudelia, suggested, Kiev should also give more explicit guarantees to the separatist fighters and to the many thousands of people (teachers, doctors, civil servants from law enforcement agencies and other administrations) who are de facto hired by the Donetsk and Lugansk Republic.<sup>17</sup> In the case of reintegration, what would happen to these people? Would they be prosecuted or fired due to collaborating with “terrorist structures”? Would they be able to keep their positions? More generally, post-conflict justice and reconciliation should be discussed now. Would a Truth and Reconciliation Commission be an option?<sup>18</sup>

Another important issue is the economic incentives Kiev will have to propose to this segment of the population of the Donbass, particularly the ones who joined the separatist armed forces. As highlighted by the Razumkov center,<sup>19</sup> in a local context characterized by a high unemployment rate and a precarious economic situation, comparatively high salaries is an important motive for joining the militias group.

Another crucial dimension is the informational sphere. While looking to reintegrate the Donbass, Kiev must also be able to provide not only accessible but competitive media outlets in the region—because Russia does, and does it well. In this regard, we should welcome the Ukrainian authorities’ decision last summer to adopt the Donbass informational reintegration strategy.<sup>20</sup>

Finally, Ukrainian authorities are engaged in a decommunization process, often associated with de-Russification, and in the creation of Ukrainian statehood

primarily based on Ukrainian identity, language and culture. Within Ukraine itself, this “Ukrainization” process is sometimes viewed as being too biased, favoring some aspects of contemporary Ukraine and neglecting others. In line with this process, a nationwide debate on the future and position of the Donbass within Ukraine should be launched. More specifically, Kiev should implement a bottom-up approach, gathering citizens from all over Ukraine in a manner that would benefit this nation-building project. Such an initiative would positively contribute to conflict resolution. Further, by engaging Ukrainian citizens through a bottom-up approach, it would also constitute a new illustration of Ukraine’s democracy entrenchment, already illustrated by the last presidential election.

### **Focus on the People**

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In the Donbass, the conflict is not between people on religious, ethnic or linguistic grounds. In that way, the conflict in Eastern Ukraine is closer to the Transnistrian situation than to the one in Cyprus or in Northern Ireland. Rather than demarcating two different groups, the frontline is mostly dividing families and friends. For this very reason, the implementation of confidence-building measures could be relatively easy, at least easier than in a conflict where mutual distrust is deeply entrenched. To the contrary, neglecting the grassroots dynamic and further alienating the Donbass population is a very dangerous trend that could create antagonism which did not exist before the conflict and thus jeopardize potential resolution. This has to be kept in mind, especially regarding the youth of the Donbass, whose education system is currently being built following the Russian model.

Therefore, Kiev has a double incentive to accelerate the pace of domestic reforms in terms of transparency, accountability and good governance. On one hand, it would help revive the interest of the West, currently facing not only “Ukraine fatigue” but also the widespread idea, prejudiced or not, that Kiev is not doing enough to fight corruption. On the other hand, it would increase the added value and attractiveness of Ukraine to the population of the Donbass, compared to the Russian model of society. Overall, winning the hearts and minds of the Donbass population is key to Ukraine’s future.

### **Notes**

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